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1947.

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SESSION 1947

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

FRIDAY, MARCH 28, 1947

WITNESSES:

Hon. C. W. G. Gibson, Secretary of State,
Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

ORDER OF REFERENCE

MONDAY, 24th March, 1947.

Resolved,—That a Special Committee consisting of Messrs.: Beaudry, Bertrand (*Prescott*), Brooks, Cote (*Verdun*), Fair, Fournier (*Maisonneuve-Rosemont*), Gariepy, Gladstone, Hackett, Hazen, Kirk, Lockhart MacInnis, MacNicol, Marier, Marquis, McKay, Murphy, Mutch, Richard (*Gloucester*), Ross (*Hamilton East*), Sinclair (*Vancouver North*), Sinclair (*Ontario*), Stirling, Zaplitny, be appointed to study the several amendments to the Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, to study the said Act, to suggest to the House such amendments, as the committee may deem advisable, and report from time to time, with power to send for persons, papers and records and to print the proceedings and that the provisions of Section 1 of Standing Order 65 be waived in respect of this committee.

ATTEST:

ARTHUR BEAUCHESNE,
Clerk of the House.

REPORT TO THE HOUSE

FRIDAY, 28th March, 1947.

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

FIRST REPORT

Your Committee recommends:

1. That its quorum be reduced to ten members and that section 3 of Standing Order 65 be suspended in relation thereto;

2. That it be authorized to sit while the House is sitting.

All of which is respectfully submitted.

P. E. COTE,
Chairman.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, Room 429,

FRIDAY, March 28, 1947.

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

Members present: Messrs. Bertrand (*Prescott*), Coté (*Verdun*), Fair, Fournier (*Maisonneuve-Rosemont*), Gariépy, MacInnis, Marier, Marquis, McKay, Mutch, Richard (*Gloucester*), Sinclair (*Vancouver North*), Stirling, Zaplitny.

In attendance: Hon. C. W. G. Gibson, Secretary of State; Mr. Jules Castonguay, Chief Electoral Officer.

The Clerk of the Committee invited nomination for the post of Chairman. Whereupon Mr. Mutch moved, seconded by Mr. Marquis, that Mr. P. E. Coté (*Verdun*), be elected Chairman. And the question having been put on the said motion it was unanimously agreed to.

Mr. Coté took the Chair and thanked the members for the honour they had just bestowed upon him. He then read the Order of Reference.

On motion of Mr. Marier,

Resolved, that the committee request that the quorum be 10 members and that section 3 of Standing Order 65 be suspended in relation thereto.

On motion of Mr. Marquis,

Resolved, that leave be sought to sit while the House is sitting.

On motion of Mr. Stirling,

Resolved, that under the authority granted under the terms of the Order of Reference, 500 copies in English and 200 copies in French of the Minutes of Proceedings and Evidence of the Committee be printed from day to day.

Mr. Bertrand (*Prescott*) proposed that a number of copies of the Minutes of Proceedings and Evidence be distributed to every Returning Officer. After some discussion it was agreed that this matter might better be left in the hands of the Chief Electoral Officer.

On motion of Mr. Mutch, it was agreed that a steering sub-Committee, consisting of the Chairman and four other members, be appointed, the names of the latter to be announced by the Chairman at the next meeting.

Hon. C. W. G. Gibson, Secretary of State, addressed the Committee briefly.

Mr. Jules Castonguay, Chief Electoral Officer, was called. The witness was questioned at length and retired.

Arising out of a statement made by Mr. Castonguay, on motion of Mr. Marquis, it was unanimously agreed that the Chief Electoral Officer consult with the heads of the various branches of the Permanent Force with a view of finding ways and means whereby the vote of the members of the Forces could best be taken and at a later date Mr. Castonguay would submit concrete proposals for the consideration of the Committee.

Mr. Jules Castonguay tabled a number of communications he had received each containing proposed changes to the Dominion Elections Act, 1938. These were in turn referred to the Steering sub-committee with instructions to report thereon.

At 12.05 o'clock p.m., on motion of Mr. Mutch, the Committee adjourned to meet again at the Call of the Chair.

ANTOINE CHASSE,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,

March 28, 1947.

The Special Committee on the Dominion Elections Act met this day at 11.00 a.m. The Chairman, Mr. P. E. Cote, presided.

The Chairman: Gentlemen, as you might expect, my first word will be one of thanks to the mover and seconder, and to each member of the committee for the honour which they have bestowed upon me in asking me to preside over the work of this committee. You may rest assured that I shall give my best endeavour to presiding over the deliberations of the committee with impartiality and with the most friendly regard for all concerned, with the hope that this committee will achieve the work which has been entrusted to it in a relatively short time.

Moved by Mr. Marier, seconded by Mr. McKay, that the quorum of the committee be reduced to ten members.

It was moved by Mr. Marquis that the committee ask the House for leave to sit while the House is sitting.

Motion agreed to.

It was moved by Mr. Stirling that 500 copies in English and 200 copies in French of the minutes and proceedings of the committee be printed.

Motion agreed to.

The Chairman: Now, gentlemen, if you will give me your attention, I will read the order of reference which we have before us:—

> On motion of Hon. Mr. Gibson (Hamilton West), it was resolved,—
>
> That a Special Committee consisting of.... be appointed to study the several amendments to the Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, to study the said Act, to suggest to the House such amendments, as the committee may deem advisable, and report from time to time, with power to send for persons, papers and records and to print the proceedings and that the provisions of Section 1 of the Standing Order 65 be waived in respect of this committee.

Before we proceed with a discussion of this order of reference I should like to submit to you the advisability of setting up a steering committee. We might need it some time for the purpose of assisting in determining the order of our procedure and it might prove useful for instance to take care of correspondence which undoubtedly will be addressed to the committee.

Mr. MacInnis: Mr. Chairman, I would move that we accept your suggestion and that a steering committee of five members, including the Chairman, be appointed.

Motion agreed to.

The Chairman: Now, gentlemen, you have before you a copy of election instructions containing the Dominion Elections Act, 1938, and also a draft of the amendments to the Dominion Elections Act, 1938.

Before we proceed any further I wish to invite the Hon. Mr. Gibson, Secretary of State, to give us a few words in the way of a general outline of the work which has been entrusted to this committee. I understand that he has another engagement so I'll ask him if he will kindly address us at this time.

Hon. Mr. Gibson: Mr. Chairman, and gentlemen, as you know I am not a member of this committee, but the electoral office comes under the Department of the Secretary of State and consequently I am in charge of the legislation that goes through.

As you know, the Chief Electoral Officer is not appointed under the Civil Service Commission. He is appointed by parliament; and in presenting amendments to the Elections Act we do not present them in the form of a government bill, we refer them to members of parliament with the suggestions that have been made by the Chief Electoral Officer from his experience throughout the years, for consideration by parliament; and the report from this committee will then take the form of a bill which I will be called upon to steer through the House. And right here I want to thank all the members in advance for the time you will be putting in on this work. It is important work, and I can now state that the Chief Electoral Officer will be at your disposal at all times to assist in any way possible. The work of the committee is important. Some of the amendments that are proposed are more or less routine. For instance, the provisions that were brought in to take care of the soldiers' vote are no longer necessary; that and other similar matters will undoubtedly be brought up during the course of proceedings. The Elections Act was given quite a thorough going-over at the 1936-39 sessions when Mr. Butcher was down here before the committee. Those members of the committee who did not happen to be present at that time might well look over the reports of that committee so that as far as possible we may avoid a repetition of things that were done at that time.

I can assure you that any cooperation my department can give we will be only too pleased to extend, and we shall be glad to have you call upon us.

The Chairman: I wish to thank the honourable minister in your name, gentlemen, for having come here this morning and wished us success in our work.

Now, gentlemen, I have consulted the Chief Electoral Officer, and he tells me there is nothing he can add at this time to the explanatory notes which appear in the leaflet which you have before you and which contains the draft amendments to the Election Act. It may be preferable for you to have an opportunity to go over these amendments before we start discussing them. If that is your desire we could adjourn.

Mr. Mutch: Before we adjourn, Mr. Chairman, it might be of convenience to the committee to have the list of communications which you have mentioned printed in this morning's report. I presume those communications will be referred to the steering committee, and for the information of the committee generally I think we should print a list of those communications.

Mr. Sinclair: What good will that do?

Mr. Mutch: It is an indication of what communications have been before the committee. I have no deep conviction on the matter. It is an indirect way of acknowledging to these people what they desire to have done; and a list of twenty names of organizations or persons is neither an expense nor an inconvenience if it is of any value.

The Chairman: May I say, Mr. Mutch, that we might have the list included in the steering committee's report to the main committee. The steering committee will acknowledge receipt of any communications which we shall receive following this meeting and they will give the view of the steering committee on what should be done with those communications.

Mr. Mutch: That will be satisfactory.

The Chairman: The Chief Electoral Officer, Mr. Castonguay, has a word to say to the committee.

Mr. CASTONGUAY: The amendments in this draft number close to fifty. Nearly every one of them has already been recommended to the House in my report to the Speaker after the last general election. Apart from these amendments, I have half a dozen more which have occurred to me lately and which I should like to submit to the committee at the first opportunity. I have prepared these suggested draft amendments myself, and have taken some pains in inserting explanatory notes in each case. I think you will have no difficulty in following me. But in order to understand the draft amendments a person has to have before him the Dominion Elections Act, because there are references to the repeal of many provisions of the Dominion Elections Act, and most of those repeals are in connection with the War Service Voting Regulations which were passed in 1944.

Mr. MARQUIS: Would Mr. Castonguay tell us whether the proposed amendments are in the leaflet which we have already received or whether we will be given some copies of these proposed amendments to which he has referred?

Mr. CASTONGUAY: If the committee wishes I shall prepare and have mimeographed the proposed amendments. Some of them have been suggested by the ex-officio revising officer who is acting in Montreal-Cartier now, and others have lately occurred to me. For instance, in 1944 the committee decided that the hours of the day should be whatever time is lawfully in effect in the district, but that will not work now; we have to go back to standard time because if we leave the provision as it is there will be confusion. For example, in Pontiac at the last by-election the polls in one section were on fast time and in another section they were on slow time, so I had to give a direction that the polls close at the same hour. By virtue of the powers given me under the Act these directives had the effect of having the polls in Val D'Or, Noranda and Rouyn kept open an hour longer than at the other polls. This suggestion is not in this book, and I am purposing to revert to standard time in order that all the polls in the province will open and close at the same hour. I have one or two other amendments which I will ask the committee to concur because as I consider that they are absolutely necessary.

Mr. MARQUIS: We shall receive mimeographed copies of them later on?

Mr. CASTONGUAY: Yes. There are some amendments which appear to me to be necessary but of which I have refrained from preparing drafts because I want to get some idea from the committee as to the procedure which they prefer. I refer particularly to the taking of votes of the members of the permanent forces. Prior to 1939 the members of the permanent forces were few in number and they voted wherever they happened to be stationed, but now with large forces stationed in one particular electoral district, it seems to me that the votes of those forces should not be applied to that particular electoral district but rather to the district where the members of those forces resided prior to enlistment. Why should a place like Rockcliffe, which is a big air base and might contain as many as 5,000 airmen, have all those men vote in the county of Russell? I do not think it is fair that those 5,000 airmen's votes should be applied to Russell. The same applies to Victoria, Halifax and a number of other places in Canada.

I am not ready to prepare a draft on this matter now because there are three or four methods of taking the votes. In England members of the merchant marine and the armed forces can vote by proxy. In Australia they have what is called the postal vote. Without having given the matter a great deal of thought it seems to me that the regulations passed for the taking of the soldier vote at the last election might be amended to apply to the taking of the vote of the members of the permanent forces, attributing such votes to the electoral districts where the members of those forces resided prior to enlistment.

Mr. **Marquis**: Would it not be convenient to contact the law clerk and have him prepare a draft to be placed before us in order that we may have something to discuss? It is very difficult for the committee to prepare a draft here. If we have a draft before us we can amend it or change it, but we should have something to discuss. It might be possible to ask the law clerk to prepare a draft which would be useful to the members of the committee.

Mr. **Castonguay**: If the committee will allow me, I will prepare a draft of the regulations which I think will be workable. It will be based almost entirely on the regulations used at the 1945 election for the taking of the votes of soldiers; but to prepare these regulations I must consult the headquarters of the three services. I did not consult them because I did not think it was permissible for me to do so until I received a direction from this committee. Otherwise they might have thought that I was exceeding my authority in asking for the number of men stationed in various parts of Canada.

Mr. **Marquis**: Mr. Chairman, I think this is the time to put a motion which will authorize Mr. Castonguay to consult with the three services so that he will be able to prepare a draft for this committee.

Mr. **Bertrand**: In this regard I believe that the armed forces should be allowed to give their views to this committee before we come to any conclusion. The Chief Electoral Officer has had a large experience in conducting elections, and I can understand his difficulty in not wishing to take this upon himself. He did not wish to take upon himself the making of any specific regulations for this committee, and that must be noted. Would it not be well in matters as delicate as the one that has just been brought to the attention of this committee that the forces should have representatives here to give their opinion; probably that would give us an indication as to how we should proceed.

Mr. **Mutch**: If the committee agree I will move that the chairman and the steering committee consider the time and method of hearing representatives from the armed services. The steering committee can represent us in that regard and make arrangements to have these people heard.

Mr. **MacInnis**: Mr. Chairman, I think we are getting a little in advance of ourselves. I do not believe we need go that far at present. We have before us the draft amendments, and the Chief Electoral Officer has indicated that he has further amendments to offer. When we have dealt with those and when we have received these further amendments from the Chief Electoral Officer we will be guided, I believe, by the substance of those amendments and the suggestions of the Chief Electoral Officer in regard to them. I believe that any instructions to the steering committee would complicate the situation; and I believe we should wait until we have reached the stage where such instructions are required. I have had considerable to do with the Chief Electoral Officer and I have the utmost confidence that, arising out of his experience and his understanding of what is necessary in a case of this kind, he will guide us in the right way even if we were not inclined that way ourselves.

Mr. **Marquis**: Mr. Castonguay has said that he will have some other amendments to put before the committee, but we have no draft of those amendments yet. My suggestion was that a draft be prepared, and that representatives would come here and we would hear them, and then we would have something to discuss. That does not mean that those amendments should be adopted, but we should have some amendments prepared. My experience with committees is not great, but I suggest that some draft of these other matters be prepared by the Chief Electoral Officer.

Mr. RICHARD: It seems to me that we should proceed from the general to the specific. We are to study the Elections Act in the interest of the general public, and if we have to deal with specific classes, such as soldiers, let us come to that after we have made a general study. I do not believe we should consider these specific classes of individuals now to the extent of directing the Chief Electoral Officer to bring in amendments. He must be directed along certain lines, but we have not decided where we are going. If we are going to direct him to draft amendments, we must tell him that we want amendments drawn so that these soldiers will vote in such a way and in such a place, and we have not decided on that yet. After we have made our decision we can ask for suggested drafts. Let us make a general study of the subject first and then make a specific study afterwards.

The CHAIRMAN: Gentlemen, I am not clear on what you want. I would assume that it would be better for us in starting our work to have the complete material by way of amendments or suggestions for amendments which the Chief Electoral Officer may have to make. Now, I understand him to say that this leaflet which we have before us is not complete; that there are additional amendments which he thinks he should submit to the committee. If he needs our instructions for consulting with the three armed services I do not see any harm in giving him that direction so that he will be in a position to complete the draft amendments that he has already submitted to the committee, so that when we start to study the Elections Act we shall have a full list of the amendments which should be considered by this committee. As we go along, section by section, we shall be in a position to consider Mr. Castonguay's suggestions in our discussions.

Mr. MACINNIS: Under the circumstances mentioned by the chairman, I think the thing to do is to tell Mr. Castonguay to go ahead and prepare his proposals, and that he has a free hand to consult whomever he likes.

Mr. MARQUIS: That is my point.

Mr. MACINNIS: If necessary I am prepared to make a motion in that regard.

The CHAIRMAN: We have a motion from Mr. Marquis.

Mr. MARQUIS: You may change it, but that is my point. We already have a leaflet containing amendments, but there are some other amendments, and I should like to have them before us so that we may discuss them.

The CHAIRMAN: Are you prepared to change your motion to meet Mr. MacInnis' suggestion?

Mr. MARQUIS: Yes.

The CHAIRMAN: Is this motion agreeable to the members of the committee? Carried.

I think it would be well if we knew when the Chief Electoral Officer could come before us with these additional amendments?

Mr. CASTONGUAY: The machinery for taking the vote of the members of the permanent forces cannot be explained in a few words, but I do not think I shall have any difficulty in having a draft prepared and ready for submission to the committee after the Easter recess.

The CHAIRMAN: Is there any suggestion that we should meet before the Easter recess?

Mr. MUTCH: I move that we meet at the call of the chair after the Easter recess.

Carried.

The committee adjourned to meet at the call of the chair.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

TUESDAY, APRIL 22, 1947.
THURSDAY, APRIL 24, 1947.

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

ORDERS OF REFERENCE

TUESDAY, 1st April, 1947.

Ordered,—That the quorum of the said Committee be reduced to ten members, and that Section 3 of Standing Order 65 be suspended in relation thereto.

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

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

TUESDAY, 15th April, 1947.

Ordered,—That the name of Mr. Richard (*Ottawa East*) be substituted for that of Mr. Ross (*Hamilton East*) on the said Committee.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

MINUTES OF PROCEEDINGS

House of Commons, Room 429,

Tuesday, April 22, 1947.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4 o'clock p.m. Mr. P. E. Coté, Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Brooks, Coté (*Verdun*), Fair, Gariépy, Gladstone, Lockhart, MacInnis, MacNicol, Marquis, McKay, Murphy, Mutch, Sinclair (*Ontario*), Stirling, Zaplitny.

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

The Chairman announced the names of the members to act with himself on the steering sub-committee in conformity with the resolution passed at the previous meeting on Friday, March 28, 1947, as follows: Messrs. Fair, McKay, Mutch and Stirling.

The Clerk read the First Report of the Steering sub-committee as follows:

The steering sub-committee composed of the Chairman, Mr. Coté, and Messrs. Fair, McKay, Mutch and Stirling, met on Friday, April 18th, 1947.

The following communications were examined:

1. The Ontario Municipal Association, including resolutions from:
    (*a*) City of Kitchener.
    (*b*) City of Windsor.
    (*c*) City of Hamilton.
    (*d*) City of Fort William.
    (*e*) City of Port Arthur.
    (*f*) City of Sudbury.
   Re "Polling Hours"—(Section 31 of the Dominion Elections Act, 1938).

2. The Hamilton Chamber of Commerce, Hamilton, Ont.
   Re "Extra Time off for Voting"—(Section 31).

3. Miss E. Kendall—8 Corby Avenue, Fairbank, Toronto.
   Re "Poll Tax"
    "Use of Schools for Polling Stations" (Section 31).
    "Polling Hours" (Section 31).
    "Extra Time off for Voting" (Section 31).

4. Grand Valley Hydro Electric System, by A. Menary, Secretary-Treasurer.
   Re "Preparation of List of Municipal Officers."

5. Elsie A. McMillan, Gadsby, Alberta.
   Re "Variance of names on List"—(Section 41).
    "Vouching of Rural Electors"—(Section 46).

6. Dewar Ferguson, President, South Parkdale Club—Labour-Progressive Party.
   Re "Registration Booths"—(Section 47).

7. A. E. Charron, 934 Demontigny East—Montreal, P.Q.
   Re "Form of Ballot Paper"—(Section 28).

8. J. Leonard O'Brien, South Nelson, N.B.
   Re "Form of Ballot Paper"—(Section 28).

9. N. E. Thomas, 1070 Bleury Street, Montreal, P.Q.
   Re "Enumerators' Notification Card"—(Section 17).
10. W. R. Tomlinson, ex-M.P. for Bruce, Ont.
    Re "Selection, appointment and payment of constables". (Section 48(10)).
11. C.29697 CMS Dillon, T. F.—Gananoque, Ont.
    Re "Voting System".
12. Stanley Zernit—428 Markham St., Toronto, Ont.
    Re "Voting System".
13. G. W. Butchart, Owen Sound, Ont.
    Re "Initialling ballots by D. R. O." (Section 45 (6)).
14. B.C. Federation of Labour (C.C.L.), Vancouver, B.C.
    Re "Polling Day to be declared holiday" (Section 47).
    "Polls in Hospitals" (Section 11).
    "Lowering of Voting Age" (Section 14).
15. City of Niagara Falls, Ontario.
    Re "Polling divisions to conform to Municipal and Provincial polls". (Section 11).
16. A. E. Robinson, M.P., for Bruce, Ontario.
    Re "Voting for Mariners" (Sections 94-97).
17. Miss Louise Lucas, Mazenod, Sask.
    Re "Summary of Election Expenses" (Section 63 (5)).
    "Recall".
18. Canadian Corps Association, 24 King St., West, Toronto, Ont.
    Re "Fingerprinting and Identification".
    "Broadening of Franchise" (Section 14).
    "Preparation of List" (Section 17).
19. Wilson M. Southam, The Ottawa Citizen, Ottawa, Ont.
20. Roy S. Macdonald, Toronto, Ont.
21. T. G. Smoothy, Wauchope, Sask.
    Re "Designating letters of political affiliations" (Sections 21 and 28).
22. C. V. Charters, Managing Director, Canadian Weekly Newspapers Association, Brampton, Ontario.
    Re "Summary of Election Expenses"—(Section 63 (5)).
23. The Ottawa *Citizen*—Editorials.
    re "Transferable Voting System".
    "Alternative Voting System".
    "Point Voting System".
    "Appointment of D.R.O. and Poll Clerks" (Section 26).
    "Designating Letters of Political Affiliations"—(Sections 21 and 28).
    "Voting of members of the Permanent Forces".

Your subcommittee also examined a communication from Mr. Wilson M. Southam, of the Ottawa *Citizen,* to the Chairman, enclosing an editorial from that newspaper suggesting that the Committee consider the advisability and practicability of an independently-constituted commission on Redistribution. Your subcommittee is of the opinion that this is not possible under the terms of the Order of Reference. The Chairman has informed the subcommittee that he would write to Mr. Southam accordingly.

The subcommittee, after due deliberation, recommends that in conformity with the Order of Reference the Committee might well proceed with a study of the entire Act, and as each Section is called, all recommendations pertaining thereto, be then considered.

Further, the sub-committee recommends that the Committee examine the draft regulations for the taking of the votes of Defence Service electors at a general election, as suggested by the Chief Electoral Officer.

It was suggested and unanimously agreed that the next meeting of the Committee be held at 4 o'clock p.m., Tuesday, April 22, 1947.

The Committee, thereafter, proceeded with a study of the Dominion Elections Act, 1938, and as each section was reached the various amendments suggested were considered.

Mr. Jules Castonguay, Chief Electoral Officer, was called.

At six o'clock p.m., the Committee adjourned to meet again at 4 o'clock p.m., Thursday, April 24, 1947.

HOUSE OF COMMONS, Room 429, Thursday, April 24, 1947.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4 o'clock p.m. Mr. Côté, Chairman, presided.

Members present: Messrs. Brooks, Côté (*Verdun*), Fair, Gariépy, Gladstone, Hazen, Lockhart, Marier, Marquis, McKay, Murphy, Mutch, Richard (*Gloucester*), Sinclair (*Ontario*), Stirling, Zaplitny.

In attendance: Mr. Jules Castonguay, Chief Electoral Officer; Mr. A. A. Fraser, Joint Law Clerk of the House of Commons.

Mr. Castonguay filed a statement, requested by the Committee, concerning the voting age in effect in the various Canadian Provinces and in other countries. It was agreed that the statement be printed in to-day's report of proceedings and evidence, as Appendix "A".

The Committee resumed the adjourned study of the Dominion Elections Act, 1938, and considered the proposed amendments thereto.

Mr. Castonguay was recalled.

At six o'clock p.m., the Committee adjourned to meet again at 4 o'clock p.m., on Tuesday, April 29, 1947.

ANTOINE CHASSE,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,

April 22, 1947

The Special Committee on the Dominion Elections Act met this day at 4 p.m. The Chairman, Mr. P. E. Cote, presided.

The Chairman: Under the authority which was granted to the chairman at the last meeting I invited four members of the committee to act with the chairman on the steering committee, Messrs. McKay, Stirling, Fair and Mutch. A meeting of the steering committee took place last week. I will ask the clerk to read you the report of that committee.

The clerk read the report of the steering committee to be found in the minutes of proceedings.

The Chairman: Gentlemen, before I ask you to vote on this report I will ask the clerk to read a legal opinion which I requested from the law officers of the Crown concerning the suggestion contained in the letter from Mr. Southam, and which concerns the stand taken by your steering committee on this point.

The Clerk:

> Ottawa, April 21, 1947
>
> Dear Sir: The clerk of your committee has asked us for an opinion as to the competency of the committee under its present order of reference to consider the question of redistribution by an independent commission as suggested in the letter and editorial attached hereto.
>
> We are clearly of opinion that it is not competent for your committee under its present order of reference to consider this matter which does not fall within the scope and title of the Dominion Elections Act, 1938, which is the committee's order of reference. Furthermore, there is presently a House of Commons committee to which has been referred the question of redistribution which in itself would preclude your committee from dealing with the same matter without express instructions from the House.
>
> Yours very truly,
>
> OLLIVIER & FRASER,
> *Joint Law Clerks.*
>
> P. Cote, Esq., M.P.
> Special Committee on
> Dominion Elections Act, 1938,
> House of Commons,
> Ottawa, Ont.

The Chairman: Is there any member wishes to express an opinion on this report before it is put to a vote? Is the report carried?

Carried.

As recommended by the steering committee, gentlemen, I shall proceed to call the sections of the Dominion Elections Act. As we proceed I shall indicate when the chief electoral officer has any recommendation already tabled pertaining to the section which I have called, but you will understand that you are absolutely free to take up any section at all, whether or not an amendment has been recommended by the chief electoral officer, as it is called. The Dominion Elections Act, 1938. Section 1, short title.

Mr. MacInnis: It has to be changed to 1947, does it not?

The Chairman: As we are required to consider amending the Act only, and as the final recommendation which will be submitted to the House by this committee will not be an entirely new Act I do not think that it would be proper to change the date mentioned in the short title.

Hon. Mr. Stirling: After we have completed our work there will appear opposite on the left, 1947, chapter so-and-so, but it will still be the 1938 Act.

The Chairman: It will still be the 1938 Dominion Elections Act.

Carried.

Section 2, Interpretation. In this section there is an amendment suggested by the chief electoral officer as to sub-section 14, as you will notice in the second list of draft amendments submitted to you in mimeographed form.

Mr. Marquis: It is not in printed form?

Jules Castonguay, Chief Electoral Officer, called.

The Witness: It is a supplementary list.

The Chairman: The suggested amendment reads as follows:—

> Subsection 14 of section 2 of the said Act is repealed and the following substituted therefor:—
>
> (14) Hours of the day and all other references to time appearing in this Act relate to standard time.

By Mr. MacNicol:

Q. Why was that not in there before?—A. It was inserted when the Act was enacted in 1938; it read exactly as it is now suggested, but in the amendments to the Act passed in 1944, in view of the fact, I suppose, that daylight saving time was in effect the year around it was changed to read as shown in the book of Election Instructions. After the amendment it read:

> (14) Hours of the day and all other references to time in this Act relate to whatever time is lawfully in effect in an electoral district during a Dominion election.

With parts of provinces, and even parts of electoral districts, on daylight saving and standard time, difficulties are encountered at an election because the polls do not close at the same hour. I think it is desirable that all the polls should close at the same hour.

Q. Of course, there is some other section has reference to the closing of polls in the maritimes and the far western provinces?—A. That is section 107. It prohibits in British Columbia the broadcasting of results in Nova Scotia, Quebec and Ontario before the polls close in British Columbia.

By Mr. MacInnis:

Q. If this carried it would provide that regardless of what the time may be, whether there is daylight saving time in any municipality or in any province, that during an election the election hours shall be based on standard time?—A. That is what it is. The hours will be the same as they were prior to 1940.

Mr. MUTCH: Prior to 1939 we did not have as many complications with daylight saving time as we have at the present time. In my own province the city of Winnipeg and one suburb will go on daylight saving time on the 27th of this month. Six other suburbs have given no such indication of their intentions, and no other part of the province. You would have a perfectly devilish arrangement to get people off from work if you had a variation. However, I suppose that is inescapable.

Mr. MACNICOL: We are in favour of this change.

Hon. Mr. STIRLING: After Mr. MacInnis' remark may I ask does this mean that if British Columbia went on daylight saving time the polls would be open from 9 until 7 local time?

Mr. MACINNIS: Yes.

By Hon. Mr. Stirling:

Q. It would be 9 until 7 and not 8 until 6?—A. It would be one hour later in places observing daylight saving time.

The CHAIRMAN: Is the subsection carried?

Carried.

Another amendment has been recommended to subsection 15(*d*) of the said section 2. I quote as follows from the supplementary list of draft amendments of the chief electoral officer.

> Clause (*d*) of subsection 15 of section 2 of the said Act is repealed and the following substituted therefor:
>
> (*d*) in relation to the electoral district of Yukon-Mackenzie river the judge exercising from time to time the jurisdiction of the judge of the territorial court of the Yukon Territory, and—

Mr. MACNICOL: I have no objection to that.

The CHAIRMAN: Is this clause (*d*) carried, as amended?

Mr. GARIEPY: What is the change?

Mr. MACINNIS: It includes the Mackenzie river district.

By Hon. Mr. Stirling:

Q. There will be no territorial court in Mackenzie then?—A. This amendment would mean that if a recount was requested or demanded in the electoral district of Yukon-Mackenzie river the application for the recount would have to be made to the judge of the Territorial court of the Yukon Territory.

Q. Is that territorial court empowered to take care of Mackenzie?—A. With this amendment it would be. Before it only applied to the Yukon territory.

Q. I see that all right, but the large part of it would pick out one and leave out the other.—A. The only instance upon which a judge may be called upon to act would be in the case of a recount. There are no urban polling divisions in the proposed electoral district of Yukon-Mackenzie River.

Mr. MARQUIS: Is the Mackenzie territory included in the Yukon?

Mr. MACINNIS: It will be. That is the assumption.

The CHAIRMAN: Is clause D carried?

Mr. LOCKHART: What is the reason for the substitution of the words "Mackenzie river"? I did not catch the witness' words very clearly. The amendment includes the words "Mackenzie valley" or something like that.

The CHAIRMAN: The words "Yukon-Mackenzie river" are being substituted for "Yukon".

Mr. LOCKHART: What is the reason for the substitution of the words "Mackenzie river"?

The CHAIRMAN: I assume the redistribution committee is making the change.

Mr. LOCKHART: Which has not reported yet.

The CHAIRMAN: Which has not reported yet.

Mr. BERTRAND: We have not either.

Mr. MUTCH: In the event of that happening it is to provide that they will have the chance for a recount if they want it.

Mr. LOCKHART: In other words, we are assuming that there will be a change in that respect.

The CHAIRMAN: If I am not mistaken I believe the House gave a special directive to the committee on that particular point. We assume that directive will be followed, and that the new Yukon electoral division will include the Mackenzie River District.

Mr. LOCKHART: As a matter of information I wanted to get it clear.

The WITNESS: If there is no change the amendment is not necessary.

Carried.

The CHAIRMAN: Another amendment has been submitted by the chief electoral officer to subsection 31 of section 2. It reads as follows:—

> Subsection 31 of section 2 of the said Act is repealed and the following substituted therefor:—
>
> (31) "province" means any province in the Dominion of Canada and includes the electoral district of Yukon-Mackenzie river.

Is subsection 31 carried as amended?

Carried.

Mr. MACNICOL: In the event that the other committee does not direct that the Yukon-Mackenzie river district be one seat this will have no effect on that?

The WITNESS: You will have to revert back as you were.

The CHAIRMAN: This will have to be revised by the committee. Is the whole section 2 carried?

Carried.

Mr. LOCKHART: Mr. Chairman, before you pass on to the next section of the Act I believe some mention was made of a letter from Mr. Robinson having to do with voting for mariners. I happen to come from the Welland ship canal area where there are a great many sailors. Subsection 1 of section 2 deals with advance poll. There is friction as to the sailors being unable to vote because maybe they are at the head of the lakes when the advance poll is set up. In some constituencies there are no advance polls set up to take care of this type of man. Is there provision anywhere in the Election Act whereby these men can vote?

Mr. MARQUIS: We will have to deal with that in section 94.

The CHAIRMAN: That will be called when we discuss sections 94 to 97 of the Act.

Mr. LOCKHART: I see.

The CHAIRMAN: You will be in order then.

Mr. LOCKHART: I saw the words "advance poll" in subsection 1, and I thought it might raise the point.

Mr. MUTCH: If we want to change it, and some of us do, we will have to do it on sections 94 to 97.

Carried.

The CHAIRMAN: Section 3, the chief electoral officer and his staff; shall the section carry?

Carried.

Section 4?

Carried.

Section 5?

Carried.

Section 6?

Carried.

Section 7?

Carried.

Section 8?

Mr. MACNICOL: Just a moment, in the event of the ridings in the Yukon and Mackenzie River district being put together to make one seat, has the returning officer any suggestion to make about the length of time that would be necessary in that case to have the writ issued prior to the election date?

The WITNESS: With air travel, it is expected that an election can be held in two weeks' time.

Mr. MUTCH: The date of the return of the writ is made in the order in council anyway, it is not mandatory.

The WITNESS: The date for the return of the writ is fixed in the order in council to determine the life of the ensuing parliament. I have often seen writs coming in a month or two months after that date and it has not caused any difficulty.

With regard to section 8, I have a suggestion to make. As it stands now, it provides for the appointment of returning officers to replace those who die or resign, but the section does not provide for the appointment of returning officers in newly created electoral districts such as we will have after the proposed redistribution comes into force. I wish to suggest an amendment in the following terms.

The CHAIRMAN: On the sixth line of subsection (1) of section 8, that section be amended as follows:—

> He may also thereafter appoint from time to time a returning officer for any electoral district created by a representation Act and a new returning officer—

Then, continue as the section now reads.

Mr. MACINNIS: I may not be grasping the whole section properly, but is not that amendment very simply made by changing the second last word in that section from, "become" to "is".

> He may also thereafter appoint from time to time a new returning officer for any electoral district in which the office of returning officer, within the meaning of the next following subsection, is vacant.

Mr. MARQUIS: There will be a difficulty of interpretation because it is not a vacancy; the office does not exist. It will be a new office.

Mr. ZAPLITNY: You will run into trouble under subsection (2) because it provides there is only a vacancy when the returning officer dies or retires from office.

Mr. MUTCH: Would it not be easier to handle it by having a new subsection (*f*) stating, "or on the creation of a new constituency"? This would leave the first one the way it is. It seems to me it would be simpler. After subsection (*e*) you would have a subsection (*f*), "Or on the creation of a new constituency".

I see it would not be feasible because the section commences by saying, "the Governor in Council may remove from office—". I did not see that when I made my suggestion.

The CHAIRMAN: Would the committee wish me to read again that subsection (1) as amended by the chief electoral officer? I am commencing at the fifth line of subsection (1),

> He may also thereafter appoint from time to time a returning officer for any electoral district created by a representation Act and a new returning officer for any electoral district in which the office of returning officer shall, within the meaning of the next following subsection, become vacant.

Mr. GARIEPY: That is perfect.

The CHAIRMAN: Will this subsection as amended carry?
Carried.

Shall the whole of section 8 carry?
Carried.

Section 9?
Carried.

Section 10?
Carried.

Section 11: On this section a recommendation has been received from Mr. Roy S. MacDonald, Toronto, addressed to the Honourable Mr. St. Laurent, which reads as follows:—

> Please consider changing election Act so that each candidate's party affiliation appears on ballot thereby preventing candidate receiving votes not intended for the party they represent stop Also provide convenient means for votes of bed patients and shut-ins.

Mr. MUTCH: Part of that has no application to this section, but, on that point, is there anything to prevent the establishment of a split poll if the returning officer agrees, in a sanatorium or hospital?

The WITNESS: It is possible, under the Act, to establish a poll in a hospital, but there is no authority in the Act to permit a deputy returning officer going from room to room to take the vote of bed ridden patients. If a hospital was laid out as a separate polling division and it had a sufficient number of electors, say 300 or 400, it would be quite possible under the Act, to divide the list for the taking of a vote and establish two polling stations in that hospital.

Mr. MUTCH: I have, for example, in mind one of these hospitals. It is an isolation hospital in my own riding. It has been a poll since the hospital was built. There would be around 155 to 156 voters. I inherited that poll and it is still there. It was for this reason I asked the question.

The WITNESS: In my instructions to returning officers they are told to lay out hospitals with a substantial number of permanent patients as separate polling divisions.

By Mr. Mutch:

Q. Sanatoria, for example?—A. It is not every hospital that can have a poll. For example, take a person from Ottawa East who goes to a hospital in Ottawa West. He is only there temporarily. His right to vote is at his ordinary place of residence. For example, consider the Civic Hospital, there are very few permanent patients in that institution. They are all what you might call transient patients. However, in an institution such as you mentioned, the patients might be considered as permanent.

Q. My point is, in the Act as it is presently written, it has been possible where a returning officer takes the trouble to either establish a poll without violating the Act, or in some instances, to split a poll?—A. Once a poll is established it can be split and instructions for the laying out of hospitals as separate polling divisions have been in the book for 25 years.

By Mr. MacInnis:

Q. Obviously, persons who could vote in such polling divisions would only be persons registered in those polling divisions?—A. He would have to have his ordinary residence there.

By Mr. Mutch:

Q. I think this is important. In the case of a sanatorium, I have one in my riding, patients have been there for two years. They are enumerated when enumeration time comes along and if they are British subjects and have the ordinary residence as patients in that hospital for three months, they are entitled to vote. Am I not correct in that?—A. No, not three months. There is no special statutory provision on the subject. It is a question of opinion. I have had on many occasions to make a ruling on this subject. You take a hospital for tubercular patients. I have been asked to rule how long a patient has to be a resident in a sanatorium before being entitled to vote. I have finally concluded that a patient has to be there for at least a year.

By Mr. MacInnis:

Q. That would depend on the definition or interpretation of "residence", would it not? Under the ordinary interpretation I do not think a patient in a hospital would ever be eligible?—A. In sanatoria, I take it for granted a certain percentage of the patients who go in there are going to their last residing place.

Mr. Mutch: It is a sanatorium of which I am thinking. I know, personally, in the neighbourhood of 100 patients in the hospital who have been there for two or three years.

Mr. Fair: In the case of a TB hospital, with the present treatment, I do not think it would be correct to say that these people are going there to die because if treatment is taken in time, with the present scientific discoveries, a very large percentage get out, go home and live a normal life.

Mr. Marquis: This is only a percentage.

The Witness: I did not say 100 per cent, but a certain percentage.

By Mr. Bertrand:

Q. A year's residence should be considered normal?—A. A year's residence has been ruled upon as sufficient.

By Mr. Mutch:

Q. Is it not a fact that a Canadian citizen who moves about, but who has been a year in Canada and three months in the polling division prior to registration is entitled to vote in that poll?—A. Not three months; any British subject, twenty-one years of age, who has resided in Canada for one year prior to the polling day and who resided in the polling division on the date of the issuance of the writ, which usually takes place sixty days before the voting, is entitled to vote.

By Mr. MacNicol:

Q. What about the patients in the Sunnybrook Hospital?—A. What is the character of that hospital, sir?

Q. A soldier's hospital.—A. Well, so far as the soldiers are concerned, I have, in draft form, suggested regulations for the taking of the vote of the permanent service. I have made recommendations that, in the case of ex-servicemen who are in hospitals, who served in the first or second Great War—

Mr. McKay: I think there is something in this discussion which is worthy of careful consideration. The fact remains that these people who are inmates of these institutions, such as tubercular sanitoria, are not going to vote because they are incarcerated, if I may use that term, within that institution. The fact remains, too, they could not vote elsewhere. There is no possibility of walking away from there so they are deprived of the vote. You mentioned the fact that if a patient was resident in that institution for one year, he would be eligible, in your opinion, for a vote. It seems to me there is not the same qualification for other people. They come to this country, and, so long as they are British subjects of the full age of twenty-one years, they can vote. Why do we specifically suggest that these patients have to have other resident qualifications?

It is true they might be recorded in another voter's list, I do not question that. However, the fact remains they are not at their homes and they are going to be deprived of the vote. This affects many thousands across the country.

The Witness: I came to that conclusion after having discussed the matter with people who have knowledge of the subject. There are patients who go there for a month or two and then they go away, but once a patient has been there for a year, he generally remains to take the treatments for a longer period. If you take patients who are in hospitals on the first week, the first month or two months and give them a vote and they then go to their homes, I do not think you are acting in a fair way towards the electoral district in which that hospital is situated.

Mr. Brooks: There might be colonization of the hospital for voting purposes.

Mr. Mutch: Just now, they would have to have more beds, but there have been times when it could happen.

Mr. Fair: Might I just ask a question regarding military hospitals? Would the patients vote for the candidate in the electoral district in which the hospital is located or would the patient vote for the candidate in the constituency from which he came?

The Chairman: I will call your attention, Mr. Brooks, to the fact there is provision in the amendment suggested to the present regulations for the taking of soldiers' votes. According to our order of procedure this will be dealt with under our second item. There are special regulations concerning soldiers' votes.

Before we proceed further and this section is carried, I wish to bring to your attention a communication which has some bearing on this section. It has been received from the city of Niagara Falls and it reads as follows:—

> Whereas in the past considerable confusion has arisen because of the fact polling subdivisions for federal and provincial elections are different from those used in municipal elections, and
>
> Whereas it is felt that some action should be taken to provide uniformity in the polling subdivision:
>
> Therefore be it resolved that the council of the city of Niagara Falls requests the dominion and provincial governments to amend the Elections Act or Acts to provide that the polling subdivisions used in the federal or provincial elections shall be the same as those used in municipal elections and the seal of the corporation be hereto affixed.

Mr. MARQUIS: We have no jurisdiction if we pass an Act to decide that we would have the same polling division. They might pass other regulations and decide in another way.

Mr. MACNICOL: In Toronto the municipal polls are the voting polls.

Mr. MARQUIS: We have to adopt regulations then in order to concur with our law.

The CHAIRMAN: What I see in this resolution is that in the municipal elections the polling booths are situated in the schools. I suppose that this resolution calls for establishing our polling booths in the public schools the same as in the municipal elections.

Mr. MUTCH: There is a reason with respect to limiting the polls as nearly as possible to 350, and I think it is indicated in the Act that the polling place in a federal election must be within the boundaries of the poll itself.

The WITNESS: That is correct, with a few exceptions.

Mr. MUTCH: There are considerations under which the returning officer may, with your approval, create polling places outside or adjacent to the actual poll, and I think there are two reasons. I am not unaware of the inconvenience which sometimes happens—people vote more often in municipal elections than in federal elections—when they get a notice to vote and they trot up to the school where they have always voted and find that they should vote in the house around the corner. I think the committee should think seriously before we abandon the practice or necessity wherever feasible of having the polling places within the limits of the poll itself. I can appreciate the inconvenience that some of the city people have been put to. I saw a few indignant electors on last election day myself—people who had gone long distances to the nearest school to vote and then found that they were not allowed to vote there, and they were naturally annoyed, and they probably went home and didn't vote at all. I think those are the minority of cases, but I would regret abandoning or even suggesting the abandonment of the practice of keeping the poll within the boundaries of the polling divisions.

Mr. MACNICOL: The sheet received from the returning officer tells the voter where he votes.

The WITNESS: Of course, the use of the school is an easy matter in the provincial election or municipal elections, but the dominion has no authority over schools.

Mr. MUTCH: If we made the regulation we would be probably told by some city councillor that we could not use the school.

The WITNESS: Unless polling day was declared a holiday.

Mr. MARQUIS: I think in Quebec city particularly we are not allowed to have a polling division in the schools; it is prohibited by the school board.

The WITNESS: Some school boards.

Mr. MACNICOL: There is no recommendation to the chief returning officer to change it, is there?

The CHAIRMAN: No, there is no recommendation. Shall section 11 carry?

Carried.

Section 12 carried.

Now let us take section 13. There is here a recommendation which will be found in the mimeographed amendemnts as suggested by the chief electoral officer.

The WITNESS: My suggestion with regard to section 13 is to do away with the furnishing to the deputy returning officers and the enumerators of excerpts of the Act. The instructions that are now being issued to those two classes of election officers appear to be complete enough to permit them to carry out their own work without referring to the statute. The book of instructions issued to the deputy returning officers in connection with the last election contained 100 pages. Out of those 100 pages about 60 were statutes and 40 were instructions. Of course, the instructions repeat what is in the statutes. I dare say they were arranged in a better chronologial order to enable the election officer to carry out his duties. If he wandered all over the Act to find the provision dealing with his duties he might be confused. I think it would be less confusing if the deputy returning officer and the enumerators had before them in the performance of their duties a book of instructions only, and without excerpts from the Act. I am satisfied that the book of instruetions now issued covers every operation that they would be called upon to make. It would also be a saving of paper, and at the same time it will be less confusing to the election officer.

Now, for the pending vote under the Canada Temperance Act in the county of Peel I have issued special books of instructions. Of course, it is difficult to put statutory provisions in this case becaues the vote is held under two Acts. I feel confident that the election officers in Peel county will have no difficulties in performing their duties.

Mr. MUTCH: You would be surprised how many went to the paper salvage without having even been unwrapped.

Mr. McKAY: I think it is a good suggestion that they should be provided with one book of instructions and the other of the Election Act as suggested by Mr. Castonguay. It is a simpler method than they had in the past.

The CHAIRMAN: Would you like me to read the draft amendment? It appears in the mimeographed copy of the amendments, clause (*a*), subsection 1, section 13, as amended. Shall it carry?

Hon. Mr. STIRLING: I thought you said you were going to read it.

The CHAIRMAN: Very well, I will read it:—

> Clause (*a*) such sufficiently indexed copies of this Act, and such instructions prepared by him, as are required for the proper conduct of the election by the returning officer and to enable him to supply to each election officer a copy of such instructions, as such officer may have occasion to consult or observe in the performance of his duties;

Mr. MACNICOL: What is the amendment to that?

Hon. Mr. STIRLING: I do not follow what the change is because this mimeographed copy says, "such sufficiently indexed copies of this Act..." This is from Mr. Castonguay, I take it: he proposes there should not be copies of the Act handed out and also copies of the instructions.

The WITNESS: For the returning officers and the revising officers in any urban polling division the statute would be supplied to them in full—that is for the returning officers—but for the deputy returning officers and the enumerators I am recommending that they be furnished only with the instructions.

Hon. Mr. STIRLING: The returning officer will continue to get the statute and the instructions but the enumerators and the deputy returning officers will only get the instructions; is that it?

The WITNESS: The returning officer will continue to get a copy of the election instructions complete with an up-to-date consolidation of the Act.

Hon. Mr. STIRLING: And the other people—the deputy returning officers and the enumerators will only get the instructions?

The WITNESS: That is it. I might tell the committee that I have made a change in these instructions that I think will make it easier for the deputy returning officers and the enumerators to proceed. I have taken some trouble in printing a diary of their duties which covers two pages. Up until now this diary has been put at the end of the book or in the middle of the book and I found that many of those officers did not read it, so now I am putting it on the first and second pages.

The CHAIRMAN: Shall the amendment carry?

Carried.

Shall section 13 carry?

Carried.

Section 14:

Mr. FAIR: Under section 14—

The CHAIRMAN: Will you just permit me to refer the committee to a suggested amendment which appears in the printed leaflet of amendments by the chief electoral officer? It is the first section which appears on page 1.

Mr. ZAPLITNY: What is the effect of that part of the amendment?

The WITNESS: In the old provision there were two dates. It was stated in the old provision that the name of an elector should be registered at the time of the preparation and revision of the list of the electors, and in the body of this section as one of the clauses it is stated that in order to be qualified, he had to be ordinarily resident in the electoral district on the date of the issue of the writ. These were two different dates, and that caused confusion among the enumerators and the deputy returning officers. Now, the purpose of this amendment is to simplify the provision by stating only one date which is the qualifying date, and which is the date of issue of the writ.

The other amendment that I am suggesting here refers to the Citizenship Act. I find it necessary to suggest with regard to the specification of a British subject that it should be stated in that provision that a person had to be a Canadian citizen or a British subject.

The CHAIRMAN: There are also amendments further on in the same section to subsection 2, clause (*a*), (1) and (*n*), which also appear in the printed draft of the amendments before you.

Mr. MUTCH: I would like to ask Mr. Castonguay a question with respect to 14 (1) (*d*): "at a by-election only, continues to be ordinarily resident in such polling division until polling day thereat."

What happens to a person who has been living at a previous address and is properly qualified and a week or two before the by-election moves to another area?

The WITNESS: That means ordinarily resident in any other electoral district and therefore he loses connection with his former ordinary residence.

Mr. MUTCH: Tell me, if he lives in a city how he gets on the list in the other district?

The WITNESS: In a by-election there is no other electoral district.

By Mr. Mutch:

Q. No other polling division?—A. There is no other election going on.

Q. There is another polling division.—A. Yes in another polling division.

Q. How? He cannot be sworn in an urban poll, can he? And he is not on the list. I have no doubt you have an explanation, but I have not got it yet. Here is a case of someone who was on the list at a general election. Suppose a member dies or retires or is put in jail and you have a by-election three months later and, perhaps, a week before the by-election this man moves into another polling division in the same constituency; as I read this he will be disenfranchised if there is an urban election?—A. It might be possible for him to come back to vote if he is in the same electoral district.

Q. He can come back?—A. He can come back to vote.

Q. There is a new point there, "continues to be ordinarily resident until polling day." I wondered if he could come back.

The CHAIRMAN: There are suggestions which have been received under section 14, subsection 1. The first is from the British Columbia Federation of Labour and reads as follows:—

> Whereas: Young people of eighteen have filled with responsibility and merit the duties of citizenship that have fallen upon their shoulders in the armed forces, factories, universities and the farm front, during the past six years that our country has been at war;
>
> And whereas: The extension and enrichment of Canadian democracy is recognized as one of the first fruits of this victorious war over fascism;
>
> And whereas: The Federal government has rightly accorded full status of citizenship to members of the armed forces, regardless of age, a right which should be maintained on return to civil life, and not lost to those under the present voting age;
>
> And whereas: The Alberta government has already shown the way by extending the vote to the 19-year olds in that province;
>
> Therefore be it resolved: That the B.C. Federation of Labour endorse youth's struggle for political emancipation, and assist them wherever possible to achieve their rightful aim—a vote at the age of 18.

On the same subject we have a communication from the Canadian Corps Association, Toronto. This communcation brings forward several recommendations, one of which relates to this section under study. I quote:—

> That this Association recommends that a simple form of statutory machinery be set up so that upon production of a special identification card, the franchise may be exercised by every Canadian citizen including all service men and women, wherever located, and regardless of age, as well as all absentee civilians.

Is there any discussion on this?

Mr. MACNICOL: Soldiers all have votes anyway whether they are 17, 18, or whatever age they are. The war has now been over for two years. That would bring anyone who was 19 up to 21. I do not suppose this committee even has the authority to discuss that.

The CHAIRMAN: If you will allow me, the point raised is that as far as the soldiers' vote is concerned there are special provisions which will be studied later on along the lines of the suggestions made by the chief electoral officer, but section 14, subsection 1 states that the elector has to be of the full age of 21 years. Recommendations have been submitted to us to lower that age to 18 years.

Mr. FAIR: How many requests have you had altogether in connection with that?

The CHAIRMAN: Two.

Mr. BROOKS: I do not think there is any general request across the country for youths of 18 years of age to be given the franchise. I have never heard of any great demand for that in my part of the country. Most of these boys are in school. The girls are away. During an election it would be a very difficult matter to bring them back for election purposes. Frankly I do not think they expect it or wish it.

Mr. MCKAY: I am not quite in agreement with that for the simple reason that when a man goes in uniform—

Mr. BROOKS: I am not speaking about men in uniform.

Mr. McKay: I agree, but wait until I finish. When a man goes into uniform immediately we give him the right to vote. If he is 18 years of age at that time he is qualified to become an elector in the dominion elections. It seems to me that if he is good enough to fight for his country and vote when he is in uniform he should also be good enough at any other time to vote in a federal election. I might add, too, that in the province of Saskatchewan we have extended the franchise to include young people of the age of 18 who now vote in provincial elections. I see no reason in the world why we cannot extend this. I would be prepared to move a motion at this time and open it for further discussion. I want to make it very clear I am in favour of the extension of section 14, subsection 1 (*a*). I would ask that "21 years" be deleted from this particular subsection and that "age of 18 years" be substituted therefor.

Mr. Mutch: Do you want to put the motion first?

The Chairman: Let me read the motion first. Would you repeat your motion, Mr. McKay?

Mr. McKay: I do not know how clear it was.

The Chairman: Would you send me a copy of it, please?

Mr. McKay: What I said was that I was prepared to move that we delete the words "21 years" from section 14, subsection 1 (*a*) and substitute therefor "18 years". That is all that would have to be done.

Mr. Mutch: Speaking to the motion I begin where Mr. McKay began by making a correction in his assumption with respect to the soldier voter. I know that we are going to deal with it separately. The provision of the Act during wartime was that a soldier who enlisted for active service and was on active service was provided with the facilities for voting. It could happen and it did happen that soldiers who were discharged for various reasons before they reached the age of 21 years were disqualified from voting because they had been discharged from the service. There was a rider to that qualifying clause which stipulated they must be in service at the time the vote took place.

Mr. MacNicol: Active service.

Mr. Mutch: Active service. They were not being denied something which was their right as a civilian, but what was merely felt to be rather incidental to their service. I am not arguing at the moment the rightness or wrongness of that, but that was the situation.

Mr. MacNicol: May I ask a question? Would a man who enlisted, but not for active service, at 19 years of age have the right to vote?

Mr. Mutch: Some of you will correct me if I am wrong, but I believe if you were in the service, whether you volunteered or whether you were drafted, you were eligible for service and therefore entitled to the vote.

The Witness: That is quite right, but there was a subsequent amendment to the regulations which permitted an honourably discharged soldier under 21 years of age to vote as a war service elector.

By Mr. Mutch:

Q. That is not in the Act? That was a regulation which was made on the eve of the last election?—A. On the eve of the last election.

Mr. Mutch: Passing then to the subject matter of the motion I will say at once I am not in favour personally of lowering the voting age to 18 years. I am not opposed to it because I think that the youth of this country are not well developed and responsible. They demonstrated that in the war, in war work and other matters, but I am opposed to it specifically at this time because I do not believe that we are ready for it. I do not know whether or not it will ever be feasible, but I do not think at the present moment we are ready for it.

I am certain there is no general demand for it. I do not think there is a demand from youth itself except where it has been fomented and agitated. Generally speaking I am of the opinion that such an amendment would not be well regarded by the people of this country itself. I have had a good deal of experience teaching, in the service and in public life with young people generally. I served an apprenticeship politically as well as otherwise during those years from 18 to 21. In no case does it deny the youth of 18 more than one vote because between 18 and 21 there is only a period of three years and the average of general elections is every four years. I do not think you are working any hardship on them by leaving it the way it is. I do not want to elaborate particularly. I am against it, and that is my view.

Mr. MURPHY: Am I to understand that we will discuss the right of the ex-veteran, so to speak, in another section? This particular section only deals with general principles?

Mr. MARQUIS: It is for civilians.

The CHAIRMAN: From what the chief electoral officer tells me the ex-serviceman who has returned to civilian life, who is not under medical care in a military hospital, falls under the disposition of the general law which we are now studying. The special regulations, which are to be submitted to this committee after our study of the Election Act is completed, only concern those who are actually in the defence forces, or in a military hospital.

Mr. MURPHY: Let us clarify this. I may be a bit confused. As I understand the last interpretation this section deals with anyone who has the qualifications to vote, whether or not he is an ex-serviceman, so that under this section we are dealing with now ex-servicemen who are not yet 21 would come under this.

Mr. MUTCH: Except for one thing.

Mr. MURPHY: I understand that is the interpretation.

Mr. MUTCH: You are quite right, but it is perhaps up to us to make an exception for him at a later date.

Mr. MARQUIS: If this amendment were carried there would be no use in discussing the age of the ex-servicemen at all. Do you not think that the matter should stand?

Mr. MURPHY: That is the point that I was raising because I think it is very important. In the remarks Colonel Brooks made a few moments ago I think he had reference only to those who were under 21, but not veterans. If we are to consider this section in its relation to the ex-serviceman I think there should be more discussion on it because personally I believe there is no reason why a man who has donned a uniform and who is not 21 at election time should be deprived of his vote.

Mr. MARQUIS: Why do we not let this stand? When the matter of the age of veterans for voting is brought before the committee we may discuss the amendment of the hon. member then.

The CHAIRMAN: I will try to make my explanation of a few moments ago clearer. With regard to the soldiers' vote we shall have to consider special regulations submitted by the chief electoral officer at a future stage. Those special regulations only provide for the vote of a man in uniform or in a military hospital, and that is all. That is to say, a returned man who has been discharged and who has no more connection at all with the services, or with the Department of Veterans Affairs if he is in a military hospital, falls under the provisions of the Dominion Election Act which we are studying. If he is 20 years of age he will have no right to vote.

Mr. MUTCH: Did Mr. Castonguay not say a few moments ago in answer to me that in the election of June, 1945, a special regulation was put into effect to permit an honorably discharged soldier, no matter what his age, to vote in the election?

The CHAIRMAN: You are right.

By Mr. Mutch:

Q. Has that order in council gone with the other 6,000? Has that provision gone? If it has then I think the question is should we not in this clause protect those chaps in case there are still some of them under 21 at the next election.—A. The regulations themselves only apply at an election held during the last war and six months thereafter. I presume that any orders in council that have provided additions to those regulations have the same length of life.

Mr. MUTCH: Then I think we should let this stand because clearly there is a possibility that some soldier who was only 17 or 18 when he was discharged will not be able to vote at the next election. There is a possibility we will have an election before he is 21, and he ought to have a vote.

Mr. MURPHY: I agree with that. It should be allowed to stand. I am quite satisfied that most of the members of this committee feel that a veteran who served and wore a uniform should be entitled to vote.

Mr. FAIR: I would suggest that this be allowed to stand. Then the chief electoral officer can take into consideration some provision whereby any man or woman who has been in the services, who has worn a uniform, will be given the right to vote at the next election.

Mr. GLADSTONE: Could we not provide for it by simply making an addition at the end of the section making it subject to the provisions in a section respecting soldiers?

Mr. MARQUIS: If you have to discuss the whole matter I think we would be better off to let the whole section stand. When it comes before the committee we will be able to discuss the whole question as to civilians and soldiers. If the committee was of the opinion that the vote should be given to any person in this country, civilian or soldier, there would be nothing to be gained by discussing the rights of veterans at all because they would be on the same level. They would have the same rights. It is for that reason I suggest that the whole section stand because it is probable there will be very lengthy discussion on that point. I think it would be more convenient to wait and in due time discuss the whole matter.

Mr. MCKAY: Mr. Chairman, if it is definitely understood there will be another opportunity to bring up this matter I am quite prepared to let it stand.

Mr. MARQUIS: The section should stand and the whole matter will be discussed later on.

Mr. MUTCH: Your amendment stands with the section.

Mr. GARIEPY: I think instructions should be given to have an amendment prepared that protects soldiers who have left the service and have not reached the age of 21. If your motion fails then we will be able to consider it.

Mr. MACNICOL: May I suggest that the chief electoral officer make some inquiry in the interim as to where a voting age of less than 21 years is in operation. We do not want to enter into a contest as to whether the voting age should be lowered to 19, 18, 17, 16 or 15. Surely to goodness we can keep the matter above any such contest as that. We have had two suggestions here to-day to the effect that one province allows voting at 18 years of age, and another province at 19 years of age. Possibly we will have another province telling us they are allowed to vote at 16 years of age. We do not want to get into a contest such as is going on with old age pensions. I am going to ask the chief electoral officer to find out in the meantime if any state in the American union allows their youth of less than 21 years of age to vote, and if so, what states and at what ages, and also the same information as to any part of the British Empire that does the same thing. We cannot get into a contest.

Mr. MURPHY: Would you agree that it would be a good idea for the chief electoral officer to bring in a proposed amendment to take care of the veteran?

Mr. MACNICOL: Absolutely; he above all others should have the vote.

Mr. MURPHY: Would it be agreeable to have that done without any further motion?

Hon. Mr. STIRLING: May I ask Mr. Murphy whether he is speaking of the returned man who saw active service or everybody in uniform, male and female, in the three services?

Mr. MURPHY: I am referring to the ex-veteran. I think I made it explicit that it included anyone who was in the services.

Hon. Mr. STIRLING: Do you mean in active service, sea, air, land, in active service?

Mr. MURPHY: That is it.

Mr. MUTCH: I would object to that limitation.

Mr. FAIR: I would, too.

Mr. MUTCH: Unless it embraces everyone who either volunteered or was called for service. It is a little late in the day to discriminate against the man who after all did all that his country demanded of him. I object to being anybody else's conscience.

Mr. MURPHY: I want to make my position perfectly clear. I do not wish to exclude anyone.

Mr. MUTCH: That is what I hoped.

Mr. MURPHY: It is anyone who was in the services.

Hon. Mr. STIRLING: Does that mean anyone wearing a uniform?

Mr. MURPHY: I would think so.

Mr. FAIR: Who has worn a uniform.

Mr. ZAPLITNY: In order to regularize the amendment, I do not believe it has been seconded. I wish to second Mr. McKay's amendment.

The CHAIRMAN: I understand that in committee there is no need for a seconder.

Mr. ZAPLITNY: I was going to add to that that it appears that a good deal of the discussion could be avoided if this amendment were to be considered on its merits. If it carried it would do away with all other provisions that seem to be necessary to provide for ex-servicemen. If it did not carry then we could revert to the other discussion which has to do with a particular class of voter. Therefore I would say if we are going to discuss anything we should be discussing this amendment and come to a decision on it. Then we can go on with the other discussion.

The CHAIRMAN: In order to keep orderly procedure I wonder whether it would not be well for Mr. Mutch to submit his suggestion by way of an amendment to the motion of Mr. McKay. What is the wish of the committee?

Mr. MUTCH: Any amendment I would move unfortunately would be a negation and you would have to reject it. I think at some stage the committee will either have to approve or reject the amendment, but because we have not given it all the consideration it should have I supported Mr. Marquis' suggestion that we let this stand.

The CHAIRMAN: Is it agreeable to let this section stand for the time being? Stand.

By Hon. Mr. Stirling:

Q. Do we understand that the chief electoral officer is going to put some words together with regard to the application of this clause to the ex-serviceman? Is that so?—A. I did not understand very clearly the request that has been made. I want to get further information on the subject. You desire to give the right to vote to ex-servicemen who served overseas or who have enlisted since V-E day and have been discharged since their enlistment. I feel sure any servicemen who served overseas before V-E day will be twenty-one before the next election rolls around.

Mr. MUTCH: That is quite likely provided the next election does not come for the next two years. I do not think, Mr. Castonguay, it was the intention of anyone on the committee to concern themselves with anyone whose enlistment took place after V-J day. Afetr that, it is a professional enlistment, but at that time it was a service enlistment. I understood it was the intention of the committee to suggest that a proviso be put in so that if, through some combination of circumstances, we had an election this fall or next year, those boys who were only 17 or 18 when they were discharged and who would not be 21 in 1948, would have an opportunity to vote. After 1948, I think the committee would have no fear, but up to 1948 there is a possibility, the way the Act presently reads and if Mr. McKay's amendment doest not carry, the boys who served in the war would not be able to vote in an election in 1947 or 1948 because they would not be 21 years of age. The committee hoped to obviate that possibility.

The WITNESS: That is, for those who were in the service at the time of V-J Day.

By Mr. Mutch;

Q. I think if they enlisted prior to V-J day they enlisted during a period of war. I speak for myself, but I do not anticipate anyone is concerning himself with those enlistments in the regular forces which have taken place since then?—A. So, what is desired is a provision to permit those under 21 years of age who were in the service prior to V-J day, to vote.

Mr. McKAY: I assume from that you would not extend the privilege to any man who is a member of the permanent force today who is 18 or 19 years of age?

Mr. MUTCH: I have not given any consideration to them specifically. However, I think that is a profession and I see no reason why they should be treated differently from any other profession.

By Mr. MacNicol:

Q. Will Mr. Castonguay be able to obtain the information which I requested, namely, all the other states, or provinces or countries which allow persons under 21 years of age to vote and what that age is, 16, 17 and so on?—A. Any other country outside of the British Empire and the United States.

By Mr. McKay:

Q. The British Commonwealth?—A. All right.

The CHAIRMAN: Section 15?

Mr. FAIR: Might we not proceed with the other amendments in section (*k*)? There is nothing contentious in them. Perhaps we could just deal with them and leave subsection (*a*) stand.

The Chairman: As it is now I will allow the whole of section 14 to stand.

Section 15?

Carried.

Section 16?

The Witness: With reference to section 16, there is another question of principle which I desire to submit to the committee. This concerns the right of the wives and dependents of the members of the permanent force to vote. I made some enquiries on the subject and from the information that I received from the various forces, I find over 50 per cent of the personnel is married. In nearly every case these women are stationed with their husbands, away from home. I think some legislation will be required to give those women a vote. They cannot vote as service electors.

Mr. Marquis: You mean the right to vote at the same place as their husbands?

By Hon. Mr. Stirling:

Q. Would not this come into the presentation you have made with regard to the service personnel?—A. You cannot bring in the wives.

Q. Why not?—A. The wives are civilian electors. This amendment I had in mind for section 16, subsection (7) (*b*) reads as follows:—

> For the purpose of this Act, a person who is a wife or dependent of a member of the naval, military or air forces of Canada, shall be deemed to be ordinarily resident on the date of the issue of the writs ordering a general election in the polling division in which that person is occupying residence or quarters during the course and as a result of the service performed by such member in such forces. Such person, wife or dependent shall, if otherwise qualified as an elector, be entitled to have his or her name included in the list of electors prepared for such polling division and shall be qualified to vote therein at the said general election. This subsection shall not be applicable for a by-election.

Q. If, at the issuance of the writ, the wife of that sailor or airman is at such and such a spot, her name will go on that list, will it not?—A. Well, of course, at the last election I was asked on several occasions to rule whether the wife of a member of the forces stationed away from home was qualified to vote. I took it upon myself to rule that she was. In doing that I based my ruling on one section of the Act which says if a person is away from home following his or her ordinary gainful occupation, that person may vote away from home. I presumed that a wife, in living with her husband away from home, was following her gainful occupation. It was a very scanty provision on which to rule, and I should like to have the support of the committee and of parliament. I am not anxious to make the same ruling with regard to the permanent Forces because I know there are at least 20,000 of these women who may be stationed at half a dozen places in Canada. To give them the right to vote might affect the result of an election and I would not care to take such responsibility upon myself. I should like parliament to legislate on the matter.

Q. Where was the woman when the writ was issued?—A. At her ordinary residence, but she has no connection with the place. She is staying with her husband.

Q. You mean she may be paying a visit there?—A. She may be there for only a few days.

By Mr. Mutch:

Q. You were faced with that situation during the war, but it does not apply during the ordinary course of events. During the war we had people galloping up and down this country taking courses and giving them. Ordinarily the soldiers who are occupying married quarters in a permanent establishment if they are sent to camp in the summer for two months or if they are sent to Kingston for a course, they do not ordinarily take their wives with them. In the first place, they cannot afford it and in the second place, they occupy permanent married quarters. At the present moment, this is not the case because married quarters are not available, but that is the normal situation and will be the situation again. The situation you faced during the war is not likely to be repeated.—A. Those people were more temporary then than they are now, but, nevertheless, I think some legislation should be passed to settle the question.

Mr. BROOKS: I remember a situation very well. There was a large camp at Sussex in my constituency, and there were a great many wives from Alberta, British Columbia and all across the country at that point. I remember you allowed them to vote and they voted.

Mr. MACNICOL: Where were their votes counted?

Mr. BROOKS: In my electoral district.

Mr. MACNICOL: Not back home, from where they came?

Mr. BROOKS: Some of them were.

Hon. Mr. STIRLING: Were they there for a week or a visit or what?

Mr. BROOKS: No, they were there keeping house.

Hon. Mr. STIRLING: At the issue of the writ, if one of those wives was paying a visit to the place where her husband was serving, she would not be at home and consequently could not go on the list at her home. The only list on which she could go would be on the list for the place where she was.

The WITNESS: She would be temporarily away from home and temporary absence does not deprive a person of the right to have her name put on the voters' list.

By Mr. MacNicol:

Q. But the daughter or son at home might put her name on the list at home?—A. I ruled that way because I thought the spirit of the Act was, at a general election, to give each person a vote. If I had ruled the other way, I would have deprived them of a right which was unwritten, of course, but which was within the spirit of the Act.

The CHAIRMAN: Before any action is taken on this suggested amendment, I would draw the attention of the committee to the amendment of a previous subsection which is submitted in the printed leaflet supplied by Mr. Castonguay. This is an addition after subsection (6) of section 16 and would become subsection (6) (*a*):—

> Notwithstanding anything to the contrary in this Act contained, a person who, at a general election only, is, on the date of the issue of the writs, duly registered as a student at a recognized educational institution, shall be deemed to be ordinarily resident in the polling division in which he resides while in attendance at such institution, and shall, if otherwise qualified as an elector, be entitled to have his name included in the list of electors prepared for such polling division and be qualified to vote at such election in the polling station established for such polling division.

I would suggest we consider this amendment before taking any action on it.

Mr. MACNICOL: It is quite all right, providing you make it plain that he cannot put his name on the list at home. He cannot vote in both places.

The WITNESS: There is a general provision in the Act which prohibits a person from voting more than once at a general election.

Mr. MUTCH: Under the terms of the Act you could be legally placed on the list where you ordinarily reside, at your own home. A student's mother or father could put him on and he could, if he wished, vote at either place. It is not necessary that this proviso carry. As a matter of fact, he could vote both places.

The CHAIRMAN: This, gentlemen, is intended to replace paragraph (*c*) of subsection (6) of section 16. It is, therefore, advocated that clause (*c*) should be repealed and the amendment which I have just read would follow immediately after subsection (6) and be subsection (6) (*a*).

Mr. MACNICOL: Supposing the college is in a town called XX and at that college there are perhaps 500 students from all over Canada. The enumerators come along and enroll these students who are over whatever age is set, whether it be 16, 17, 18 or 21. These young students all over the country have a very powerful effect on who is going to represent that riding, yet they might never come back to that place after they leave college.

Mr. GLADSTONE: Make it a little more specific and take Toronto University. If you lower the age to 18 years you might have 5,000 students voting in a rather limited area.

Mr. MUTCH: I do not think that matters. They could express themselves just as well in a Toronto riding as in any other, but perhaps more futilely. The only difficulty I see is this; I have a university in my own riding. Most of the students at that university are within easy driving distance of their own homes. I am not suggesting there is one student in the university who would do it but, at least, it presents an opportunity for impersonation. However, we do not do that out in the west.

Mr. MACNICOL: We do not do it in Toronto either.

The WITNESS: This is not a new provision. It has been on the statute book since 1929. It was inserted at that time in such a way that it was not intelligible. It was enacted as clause (*c*) of subsection (6) of section 16. It was a more restrictive measure than the provision which is proposed. It reads:—

> Being a pupil he is, and, for at least seven of the preceding twelve months has been registered as a pupil and has been in actual and regular attendance at an educational institution situate in the electoral district to which he has removed.

The intention of the clause is there, but, in practice, it could not work. It should never have been inserted as a clause to subsection (6). In the draft suggestion which is now before the committee I have been asked to broaden out the provision in order to enable returned soldiers who are attending university to vote at the university.

By Mr. Brooks:

Q. May I ask Mr. Castonguay this question? Does that give a student at the university the option of voting either in the constituency in which the university is located or in his own home constituency?—A. Well, if it is not stipulated in the provision I think that they could elect to vote either at the university or at home.

Mr. BROOKS: Of course, that might lend itself to manipulation. They might say, "Your vote is not needed at home; you had better vote at the university where it is needed more for your party", and so on.

The CHAIRMAN: May I say something on that? Commenting on your point, Mr. Brooks, the suggested amendment of Mr. Castonguay clearly stipulates that that student—and I quote—"shall be deemed to be ordinarily resident in the polling division in which he resides while in attendance at such institution." Personally I should think he is not left with any option. If he is deemed to be ordinarily resident in the polling division where he resides while attending university that will be the only place where he will be qualified to vote.

Mr. MacNicol: Take a residential school such as the University of Toronto where there may be four or five thousand students registered. They would have a very great influence on the riding in which that residential school is located.

Hon. Mr. Stirling: You cannot send them home.

Mr. Zaplitny: On that point, as a matter of principle, do you see any reason why the university student should not exercise his influence in Toronto regardless of where he comes from? He is first of all a Canadian citizen, and there should be no difference whether he votes in Toronto, Vancouver or Winnipeg as far as his influence is concerned. It may influence the result of an election, but that is inevitable.

Mr. Mutch: A university student is more likely to use his vote in Toronto than he would be in Winnipeg.

Mr. Murphy: There is one point I should like to have cleared up with respect to this matter. If he is deemed to be ordinarily resident in the polling division in which he resides while in attendance at such institution does that prevent his parents from putting him on the list at his home?

The Witness: I do not think it does.

Mr. Murphy: The way it is there I would interpret it that if he wants to register he must register at the university, and that his parents could not put him on the list at home because he is deemed to be ordinarily resident in the polling division where he resides while in attendance at that institution. I would interpret that as meaning that his parents could not put him on the list at home.

Hon. Mr. Stirling: Could not put him on the list.

Mr. Murphy: Could not put him on the list at home.

Mr. Mutch: Elsewhere in the Act, unless we change it, it does say if that is his regular home and he is away temporarily at university he may be put on the list at home. There is a contradiction there unless it is changed.

Mr. Murphy: This is specific. It covers students attending educational institutions. I do not know how you are going to get around it in order to permit his parents to register him so that he would have a vote in his home riding.

Mr. MacNicol: His parents would register him because naturally they would want his vote at home.

Mr. Murphy: I say according to that paragraph his parents would be prohibited from registering him.

Mr. MacNicol: Take, for instance, the college at Port Hope. There are 500 or 600 young students there from all over Canada. They come into the riding of Durham. I do not believe they should be allowed to cast their votes as to who should represent Durham holus bolus against the old residents who have been there for 50 or 60 years. I cannot follow that argument at all. I agree they should have a vote somewhere, but it should not be where they are residing temporarily as against people who have farmed there all their lives in the riding, who cut down the forests, and so forth.

Hon. Mr. Stirling: Are the students at Port Hope of university age?

Mr. MacNicol: Yes, they are.

Hon. Mr. Stirling: Are they not below 21?

Mr. MacNicol: No, there are many of them there who are 21 years of age. They are finishing their education. I am only taking that as an example of what may be true anywhere at any school. Perhaps I should not have mentioned the school. I am perfectly in accord with everybody having a vote, but I think that their vote should be expressed as much as possible where they have an influence, where they were raised, but I cannot picture that 3,000 or 4,000 students who are not going to remain there at all should fill up a riding when they have no interest in that riding.

Mr. MURPHY: If I may follow that up briefly,I believe it was Mr. MacNicol who made a strong point a moment ago that you might have 4,000 or 5,000 votes in that particular riding by voters who might not be there a month after the election. In the past we have had an influx in certain areas of what you might call transient voters which affected the results of an election. Those people who caused that particular result were not in that riding a month after the election. They were scattered all over Canada. The same thing is going to apply here if we restrict the registration of that student to the riding in which the institution is. I do not think it is fundamentally our idea on the principles involved in the franchise. I think the point that has been emphasized here is that there should not be any objection by anybody to having the student registered by his parents, and this section is going to prohibit that very idea being carried out.

Hon. Mr. STIRLING: Let us follow Mr. Murphy's point a little further. If they are at college they will probably not be able to vote at home. If they are on the home list then do they lose their vote if they are of voting age?

Mr. MURPHY: The point I started out with was that if this section remains as it is my interpretation of the section is that his parents cannot put him on the list at home. I think the chairman called our attention to that when he first read the section.

The CHAIRMAN: That was my view. Perhaps I should not have expressed any personal opinion on it, but that was the interpretation I gave to it at first sight, that no option was left by the amendment as suggested for registration by the parents at home, but that it would have to be in the polling division where the school is located.

Mr. BROOKS: I asked Mr. Castonguay if they would have the option, and he was of the opinion they would, but on the point Mr. Murphy has raised now we have constituencies all across Canada. The members here are supposed to represent the people of those constituencies, not people who come in from outside, as Mr. Murphy says, and who may leave a month afterwards. The principle is that we are representing the people of our constituency. I think that is a principle we should stick to very carefully and not, as Mr. MacNicol has said, allow 5,000 or 6,000 people to come in from outside and decide who will represent that constituency. It defeats entirely the whole principle of what a constituency is set up for.

Mr. MURPHY: Let us take one riding. What happens in one riding may happen in some other riding. It is not fair to the riding. For example, let me refer to a construction project. We had a provincial election in 1943 although we did not have a dominion election at the same time. We had some 4,000 or 5,000 temporary employees building a huge industry who came from all over Canada. The turnover was rapid. They supported a certain candidate who was not really representative of that riding. Those three, four or five thousand people were not in the riding two months after the election. You are going to have the same thing here with respect to the students.

Hon. Mr. STIRLING: How would you have corrected that situation? I realize it is a grave problem, but if those people who came into the riding had been enumerated in their homes, they probably would not have travelled to their homes to vote and they would have been disenfranchised, would they not?

By Mr. Fair:

Q. As chief electoral officer, could you tell us whether many requests have been made to have the section as it stands at present changed?—A. It is not a question of requests, I inserted this provision in view of the fact that it had been in the statute ever since 1929. It was enacted in 1929, it was re-enacted in 1938, but the terms in which it was enacted and re-enacted were not comprehensive and the provision was not intelligible. It was for that reason I suggested the amendment. There have not been any requests of which I am aware to give these students the right to vote, but, at the last election, it caused a lot of discussion. The manner in which the provision was framed was not understood and I had to issue a circular letter to state what the situation was.

By Mr. Murphy:

Q. I wonder whether, to clarify the matter, the officer present could tell us if you were to change the word "shall" in the fifth line to "may—may be deemed to be ordinarily resident," would not that give an option in connection with registration for voting purposes? Then, the student could either be registered at his home or he could register at the university.

Mr. MacNicol: Yes, because the election might not take place while the university was in session.

Mr. Mutch: Actually, in the general election of 1945 enumeration took place at the university just at the period when they were concluding convocation. There would not have been anybody at the university at all, in my riding, except for the fact that we had summer courses running for the veterans. There was a very limited registration anyway. However, had the election taken place six weeks earlier, the students all might have been registered at the university and yet be away home at the time of the election and not have a vote at all.

I am interested in finding out whether Mr. Castonguay can give us the authority for his belief that his proposed amendment does not prohibit parents from registering students. What is the authority for that, Mr. Castonguay?

The Witness: Take the case of a student, we will say, from Kingston, who comes to Ottawa university and has his name put on the list at the university on the strength of this provision. That same student on polling day happens to be in his own polling division and his name has been included on the list. Well, I do not think you could stop that person from voting in Kingston. I think the way to stop such a person from voting is by putting an oath before him which he cannot take. He could take the oath of qualification in Kingston.

By Mr. Mutch:

Q. We should like to know exactly by what authority, the student having elected in this way, his parents are permitted to put his name on the list. I grant you he is on the list.—A. There is no authority and he does not appear to have made any election, but this would give him the privilege of being included in the Ottawa list.

Q. It would not, in your view, exclude him from being on the Kingston list?—A. I do not think it would.

By Mr. Brooks:

Q. Could he not be challenged as to whether he voted before?—A. Yes, but the oath would not stop him from voting because we all know that a student from Kingston whose parents pay his tuition in Ottawa is ordinarily resident with his parents. The basis of the oath which would be put before him would be the oath of ordinary residence. He could legally take that oath.

The CHAIRMAN: Gentlemen, in view of the contradictory interpretation which is being given to the draft amendment, would it be your desire to submit the draft to the law officers?

Mr. MURPHY: I wonder if we could get an interpretation of that section substituting the word "may" for the word "shall"?

Mr. ZAPLITNY: There is one other difficulty in that connection. If the word "may" were accepted as meaning "may" then it would leave it wide open for the various returning officers to interpret the Act as they pleased or to exercise an option which is rather an unusual thing to do.

Mr. MURPHY: I doubt if any returning officer would interpret "may" as "shall".

Mr. MUTCH: I am afraid there would be a lawyer standing at the returning officer's elbow.

Hon. Mr. STIRLING: Would not the word "may" result in the name being on both lists?

Mr. MURPHY: Yes, it could be on both lists, but I was ensuring the student a vote by reason of the fact his parents would have the privilege of putting him on his home list and, if school was not in session, he at least would have a vote at home.

Hon. Mr. STIRLING: But having the name on two lists is a direct suggestion of impersonation. It strengthens the danger of impersonation if the name is properly on two lists.

Mr. LOCKHART: Because of the ambiguity in this whole situation, could Mr. Castonguay not study the opinions of this committee—I am just throwing this out as a suggestion—but everyone here desires to see these students, if eligible, cast a vote. We all feel that way, I think. I do not think there would be any objection to that. Now then, Mr. Castonguay, having heard the expressions of opinion here and the resultant difficulties which he has attempted to cover in his amendment, could he not discuss the matter with the law officers? We could let the section stand and he could discuss it with the law officers and perhaps propose something to meet the requirements, having in mind the fact that we all want the student to have a vote. However, we do not want these names to be on two lists. I am wondering if we could let the section stand and have Mr. Castonguoy do that? It is nearly six o'clock anyway.

The CHAIRMAN: Before we adjourn, gentlemen, I should like to have your views with regard to our next meeting. The steering committee took it upon itself to hold this meeting in the afternoon at four o'clock while the House is in session. Is this principle acceptable now in view of the fact there is a large number of committees sitting in the morning?

Mr. MACNICOL: There are so many committees meeting to-day I find that I am unable to be in the House at all. The Indian committee is meeting twice every day now and there seems to be no liason between the chairmen of the various committees to arrange sitting hours so a man can spend some time in the House.

The CHAIRMAN: The committee will adjourn, to meet Thursday at four o'clock.

The committee adjourned at 6 p.m. to meet again on Thursday, April 24, 1947, at 4 p.m.

MINUTES OF EVIDENCE

House of Commons,

April 24, 1947.

The Special Committee on the Dominion Elections Act met this day at 4 p.m. The Chairman, Mr. P. E. Cote, presided.

The **Chairman**: Order please, gentlemen. Before we continue our discussion on section 16, I should like to ask the leave of the committee to table an answer from Mr. Castonguay to a question which was put to him by Mr. MacNicol at the last meeting. Mr. MacNicol asked Mr. Castonguay to obtain certain information, namely:

> All the other states, or provinces or countries which allow persons under twenty-one years of age to vote and what that age is, 16, 17 and so on?

I will now table Mr. Castonguays' answer, which can be printed in the report of to-day's meeting for the consideration of the committee.

Mr. **Murphy**: What is the report?

The **Chairman**: I should not like to have the discussion reopened on section 14 which has been allowed to stand, but to enable the members to consider this answer during the interval between now and such time as we revert to section 14, I thought it would be advisable to have the answer printed to-day rather than to permit it to stand until we again take up section 14.

This answer contains a rather extensive list of the countries in which the voting age runs from 18 to 25 years. This will be printed as an appendix to to-day's report.

The section with which we were dealing last Tuesday was section 16 of the Dominion Elections Act. I have contacted the law officers of the House of Commons with regard to the interpretation of the draft amendment which was submitted to you at the last meeting and which concerns the addition of subsection (6) (*a*) to section 16. I have also asked the law clerk to prepare a draft amendment which would provide for dual residence on the part of students, giving the student the option of voting either at the university or his place of ordinary residence.

I will read this draft amendment, subsection (6) (*a*).

Mr. **Mutch**: I think you had better point out that this subsection 6A replaces clause 6A appearing in the printed amendments.

The **Chairman**: This subsection 6A replaces the amendment suggested by Mr. Castonguay. I quote:—

> Notwithstanding anything to the contrary in this Act contained, a person who, at a general election is, on the date of the issue of writs, duly registered and in attendance as a student at a recognized educational institution and for such purpose resides in a polling division other than that in which he ordinarily resides is, if otherwise qualified as an elector, entitled to have his name entered on the list of electors prepared for the polling division where he resides at the date of the issue of the writs and to vote therein.

This is the meaning of the amendment suggested by Mr. Castonguay as expresed by the law officers.

The other amendment which was placed before you concerns the setting up of dual residence on behalf of the student. It reads as follows:—

> For the purposes of a general election, notwithstanding any provision of this Act to the contrary, where a person is on the date of the issue of the writs therefor duly registered and in attendance at a recognized educational institution, and for such purpose resides in a polling division other than that in which he ordinarily resides is, if otherwise qualified as an elector, entitled to have his name entered on the list for the polling division in which he ordinarily resides and the list for the polling divisions where he resides at the date of the issue of the writs and to vote in either one of such polling divisions as he may elect.

Our discussion will be on the principle involved.

Mr. Mutch: Does that mean he may elect to vote in either polling division or that he may elect to be enumerated in either polling division?

The Chairman: I would relate that to the word, "vote" in the latter part of the sentence.

Hon. Mr. Stirling: Are these alternative amendments?

The Chairman: Depending upon the principle which will be adopted by the committee.

Hon. Mr. Stirling: Instead of subsection 6A as printed in the amendment, one or the other of these amendments is suggested?

Mr. Marquis: A student will have the right to be enumerated in both polling divisions. He will be on the two lists.

Mr. Marier: The danger will be that he can vote in two places.

Hon. Mr. Stirling: There is danger of impersonation which is very serious.

Jules Castonguay, Chief Electoral Officer, recalled:

By Mr. Mutch:

Q. I should like to ask Mr. Castonguay who has had a long experience in these matters, whether he considers the danger of impersonation great?—A. Of course, it all depends on the distance.

Q. Depends upon what?—A. It all depends on where the university is situated and where his home is situated. If he lives several hundred miles from the university, the danger is very small.

Mr. Marquis: But, if he lives in Montreal and he is registered at McGill University, he may go and vote in the constituency of my friend Mr. Marier.

Mr. Marier: It was for that reason I called your attention to the matter. For example, at Ste. Anne de Bellevue hospital there were about 1,200 soldiers, many of whom were registered both at the hospital and in their ordinary place of residence in Montreal. Many of them were in my constituency. They were registered at the hospital, and, moreover, they were registered in the various municipalities in which they formerly resided. Some of them tried to vote twice.

By Mr. Mutch:

Q. Mr. Chairman, it seems to me Mr. Castonguay's answer, "Depending on the distance", would seem to imply that, in his opinion, dual registration would, if the distance permitted, lend itself to impersonation?—A. Some person might be tempted to do so.

By Hon. Mr. Stirling:

Q. The student's ordinary residence and the university may be a thousand miles apart, but in the polling division in which he does not vote, there is every possibility of a wrongdoer impersonating that student?—A. I do not think there is any danger in a rural polling division.

Mr. MARQUIS: Mr. Chairman, do you not think it would be preferable to stipulate that, if a student registers in a polling division, he should not be registered in another polling division and that a certificate should be sent to the place in which he lived in order to ensure he is not registered in two places at the same time? When a student registers, for example, he should say that he comes from a certain place and the returning officer should send a certificate to that place in order to make sure he is registered at only one place. However, he would have a choice as to which place he is registered.

Mr. HAZEN: I agree with you, I do not think his name should be registered on two lists. It should only be registered on one list, but he should have the right to change places upon making application to the deputy returning officer.

By Mr. Mutch:

Q. Mr. Castonguay should know better than I, but I am under the impression that clause (*c*) as presently contained in the Act, has not worked any undue hardship upon anyone. I am a bit loath to amend it at all.

> Being a pupil he is, and, for at least seven of the preceding twelve months has been registered as a pupil and has been in actual and regular attendance at an educational institution situate in the electoral district to which he has removed.

—A. In reading clause (*c*) I should like to ask you to read the preamble first. If you do that, and then follow with clause (*c*) you will find that the preamble and clause (*c*) conflict.

Q. It does not what?—A. It is conflicting, it is not intelligible. The preamble to clause (*c*) which commences in subsection (6), reads as follows:—

> For the purpose of a general election, any of the following persons who, in the interval between the date of the issue of the writ of election and polling day, changes his place of ordinary residence from one electoral district to another, shall, if otherwise qualified, be entitled, if he so elects, to be included in the list of electors for the polling division in which he is ordinarily resident at the time of his application, and to vote at the polling station established therein provided that—

Then, continue with clause (*c*) which reads as follows:—

> Being a pupil he is, and, for at least seven of the preceding twelve months, has been registered as a pupil and has been in actual and regular attendance at an educational institution situate in the electoral district to which he has removed.

I submit that this clause should not have been inserted in subsection 6. Clauses (*a*) and (*b*) fit in all right, but clause (*c*) does not fit at all.

Mr. MUTCH: In actual practice or generally speaking?

Mr. GARIEPY: What page are you referring to?

The WITNESS: Page 208. In general practice this is the situation. If the election comes after the close of the university term the students have gone away, after having completed the seven months' residence at the university. Most of these students have returned home, where they will vote. If, under the present Act, the election comes during the middle of the university term it is possible that they would be disenfranchised.

What I am trying to demonstrate is that the present clause (*c*), when read with the preamble of subsection 6, is not intelligible. During both the general elections of 1940 and of 1945. I had to issue a circular letter stating that this clause (*c*) had no effect whatsoever, and that it did not give the students the right to vote at the university.

Mr. MARQUIS: The preamble says "between the time of the election and the polling date," and if it does not come in that interval it does not apply at all.

The WITNESS: It only applies in a very, very few cases.

Mr. MUTCH: The term is only six or seven months and your complaint is that it excludes the students from voting. But has it worked any hardship? The percentage of students in the past who were of voting age was very small and it is only high to-day because the universities are full of veterans.

Teh WITNESS: It did not work any hardship in 1945 because the election took place on June 11, when the universities were closed. In 1940 the general election took place on the 26th of March and it did cause hardships, but from what I have heard the students voted anyway, notwithstanding the ambiguity of the provision.

Mr. MUTCH: I do not think there is any doubt about that.

Hon. Mr. STIRLING: Mr. Chairman, I think we want to arrive at this: If words can be found, we want to put it so that the student should be able to vote, whether he goes on the list at his home or at his educational centre.

Mr. MUTCH: But not both.

Hon. Mr. STIRLING: But not both.

The WITNESS: Yes.

Mr .GLADSTONE: Might I inquire if it suggested this apply to teachers?

Mr. MARIER: That is paragraph (*b*)?

Mr. GLADSTONE: During midsummer. What about teachers during midsummer?

Mr. MUTCH: They are in the same position as anyone else who is away on holiday. It has been so long since we have had holidays you have forgotten.

Mr. ZAPLITNY: Mr. Chairman, it seems to me the bone of contention is whether you should permit a student to be registered in two places. Personally I do not see any particular harm if that should happen because in actual practice it does happen quite often. A person may move from one constituency to another and at the new place they do not know whether he is or is not on the list at the previous place and they put his name down. We are worried about whether a student might vote in two places, but there is a definite provision in the Act that no person may vote twice, and since we have that safeguard I feel it is enough.

Mr. MUTCH: That is about as good a safeguard as the Ten Commandments.

Mr. ZAPLITNY: Well, as long as a person does not vote twice there is no harm in him being registered in two places as a safeguard that he does not lose his vote. I think it is quite in order to have his name in two places. I do not think there is any particular harm there.

Hon. Mr. STIRLING: How could you prove that he did not vote in two places?

Mr. ZAPLITNY: In the first place if he is asked, he has to take an oath.

Mr. MARQUIS: If the registrar is very enthusiastic.

Mr. ZAPLITNY: If he does vote twice he is contravening the law. I think, inasmuch as we have the elementary law that he must not vote twice, it is enough. There is no excuse for breaking that law.

Mr. GLADSTONE: You live in Dauphin, and not in a large city or you might not say that.

Mr. HAZEN: Would it be possible to amend section 43 which I see provides for a transfer certificate at any time. It says, and I am reading from page 71, "At any time after the close of nominations and before the opening of the poll on polling day, the returning officer or the election clerk may be called upon to issue transfer certificates".

The WITNESS: Only in an electoral district, not between electoral districts.

Mr. HAZEN: Could we not amend that to bring in students?

The WITNESS: It would be bound to cause difficulty. This section 43, which deals with transfer certificates, is all right as long as a person resides and is qualified to vote in that electoral district. I do not think your suggestion would help us.

Mr. MARQUIS: Mr. Chairman, I submit that we should amend the section in order to permit these pupils to register at one place or to have the option of registering either at their ordinary residence or at the institution at which they are studying. I do not think it would be very difficult to have a section drafted by the legal officers in order to express that view. You see, now, they have a duality of residence, a duality of registration. I submit they should have the option as to registration and be registered at only one place instead of two in order to avoid impersonation or anything of the kind. It would not be harder to give the option at the time of the registration instead of the time of the vote.

Mr. MARLER: But you will not prevent dual registration any more than you can prevent the vote.

Mr. MARQUIS: We could if we made a provision that a certificate should be sent to the returning officer of their own registering place and vice versa.

Mr. MUTCH: This second amendment which you read, Mr. Chairman, that does not, as I understand it, provide for dual registration.

The CHAIRMAN: The first one which I have read does not permit for dual registration; the second does.

Mr. MUTCH: If we agree to accept the second one which does, we might add, if Mr. Castonguay says it can be done, a stipulation that a certificate should be issued indicating that election. Could that be added without confusion?

The WITNESS: I think you would complicate the election machinery a good deal as there are always thousands of students attending universities and the enumeration takes place in all polling divisions on the forty-ninth day before polling day. The certificates would have to be issued during or immediately after enumeration. When these certificates reached the other electoral district, the enumeration would be completed.

Mr. MUTCH: All right. I move then that the amendment which prohibits dual registration, the one which you have read, Mr. Chairman, be adopted.

Mr. MURPHY: Mr. Chairman, before you put the motion, there is a point I would like to bring up which I think should be clarified. As I understand the interpretation of these two proposed amendments or changes, one permits the registration by the student at, we will say, the university poll and the other permits dual registration; is that it?

The CHAIRMAN: That is right.

Mr. MURPHY: The other point I was going to raise is equally important; and that is to provide for his being able to vote at the place where he is ordinarily resident, his home. Now, one of these provides for his voting at the university residence, and the other gives him two places, but neither gives him the right to be put on the list at his home; is not that right?

The CHAIRMAN: No. The first one as I understand it gives the student the option of registering at the university polling division but does not exclude the possibility of his choosing registration at his family or residential polling division.

Mr. MUTCH: But not both.

The CHAIRMAN: Not both.

Mr. LOCKHART: Mr. Chairman, could Mr. Castonguay suggest some way by which impersonation could be avoided or overcome? If he would give the option of registration at either place, is there some other way by which it could be prevented. You see, it might be possible to vote twice if he were registered in both places.

The WITNESS: It seems to me that the only way you can prevent a person from voting in both places is to have him challenged at the polling station.

Mr. McKAY: Would there be any objection to the issue of a certificate by the deputy returning officer if a person is qualified as a student to vote, and in that way prevent his being on two lists? I think he should be given an opportunity of getting a certificate that would qualify him at either one, as he elects.

Hon. Mr. STIRLING: That is in accordance with the other section which Mr. Hazen read.

Mr. MARQUIS: Yes.

The CHAIRMAN: Yes.

Mr. MUTCH: When I moved the adoption of the first amendment I asked Mr. Castonguay if it would be possible to issue a certificate in that case. Quite frankly I cannot see that any hardship is put on the student at all. He chooses on or after the date on which the enumeration is made. He is told he may have a vote at the university or at his home and at that time the date of the election is known because the writs have issued and he has a choice of voting in either place; which is a consideration not given to the ordinary citizen, and there is no hardship to him. As I see it, all it amounts to is that he makes an election as to where he is going to vote. I do not see any reason why he should change his mind as to where he is going to vote afterwards. In my view, if the amendment means what I think it does, and as we understand from the law officers of the Crown it does, the student is asked at the time the list is prepared where he wants to vote. Having elected where he wishes to vote, that ends it.

Mr. HAZEN: Which amendment is that? That is not the way I read it.

Mr. MUTCH: That is the way it is represented to us.

The CHAIRMAN: To help the discussion I am going to read these two amendments so that the purport of the amendments may be clearly before you.

Mr. GLADSTONE: Will you designate these as No. 1 and No. 2?

The CHAIRMAN: The amendment which I read in the first place is amendment No. 1, and it is as follows—

Hon. Mr. STIRLING: Is that the slightly longer one, or is it the shorter one?

The CHAIRMAN: It is the shorter one.

Hon. Mr. STIRLING: The shorter one is No. 1?

The CHAIRMAN: That is No. 1, and it concluded as follows:—

> is entitled to have his name entered on the list of electors prepared for the polling division where he resides at the date of the issue of the writs and to vote therein.

That means he will be entitled to vote at the university poll if he happens to be living within the boundaries of that poll at the time of the issue of the writ.

Mr. MARQUIS: And he will be obliged to vote there.

The CHAIRMAN: Amendment No. 2 concludes as follows:—

> is entitled to have his name entered on the list for the polling division in which he ordinarily resides and the list for the polling division where he resides at the date of the issue of the writ and to vote in either one of such polling divisions as he may elect.

Mr. MURPHY: That is the very point I raised a moment ago. There is no provision there, if we adopt this shorter one, of having the student registered at his ordinary residence at all. To clarify this discussion we will take the poll at the university and we will call that No. 1; then we will take the poll at his ordinary residence, his home, and call that No. 2; let's keep them separate and distinct. I think there has been some misapprehension possibly by some members of the committee. We all agree the student is entitled to vote, and I think that many of us are of the opinion that the place for such student to vote is at his home. Now, if we adopt this No. 1 amendment which is proposed the student is going to be deprived of his vote unless he votes at the university poll.

Mr. MUTCH: May I interrupt and ask a question to clear my mind? My understanding is that that is not the case; rather that when the writs have issued and the election date has been fixed he still has a choice.

Mr. MURPHY: Oh, I see.

Mr. MUTCH: Under the Act as it stands at present he is deprived of the opportunity of voting at his residence. Here he is given a chance if he finds he cannot get home of voting at the university poll. That is my understanding of that proposed amendment. If that is not correct I do not want to move it. That is what the chairman said.

Mr. MARQUIS: I do not think the amendment means that.

Mr. HAZEN: Have you a copy of it there?

Mr. MARIER: This is No. 1 (passing over a typed form).

Mr. MUTCH: That is the one I had in mind.

Mr. MURPHY: I submit that the proposed amendment is subject to a different interpretation.

The CHAIRMAN: Order.

Mr. HAZEN: It fixes his place of residence for voting purposes.

The CHAIRMAN: For the benefit of members of the committee I thought it would be appropriate if we had Mr. Fraser, Joint Law Clerk, who drafted these two amendments, come before the committee now and give us his comments.

Mr. MURPHY: Is he coming in now, Mr. Chairman?

The CHAIRMAN: Yes.

Mr. MURPHY: I am glad of that because I think that the explanation Mr. Castonguay gave a few moments ago does not conform with my interpretation of this amendment. I am quite prepared to await his arrival.

Mr. MUTCH: If you are right I will withdraw my motion.

Mr. MURPHY: Yes.

Mr. RICHARD (*Gloucester*): Is he considered to be residing at a place because he happens to be a student attending school there?

The CHAIRMAN: Yes.

Mr. MARQUIS: If you take the amendment as it stands I submit that it means that he is entitled to have his name added on the list of electors at the polling division where he ordinarily resides, and that means at the university;

it entitles him to have his name registered at the university polling division. That being so, he would not be in a position to have his name registered elsewhere. I think there is no option in this clause.

Mr. Mutch: That is better than the other one, but it is not quite good enough.

The Chairman: I think it would be in order if we were to adjourn for a few minutes and await the arrival of Mr. Fraser.

Mr. Lockhart: Before you adjourn I should like to have one point cleared up by asking Mr. Castonguay a question.

By Mr. Lockhart:

Q. At the time the student registers or elects to cast his vote, whether it is at home or at the university, did I understand Mr. Castonguay to say it would complicate the machinery if he were to be granted a certificate of some kind, a special student's certificate, which he could use at either place? Would that tangle the machinery? I did not catch his answer.—A. In a large university I suppose the only person who could sign such certificates would be the returning officer. If there were two or three thousand students or even a thousand students it would be quite a task. In the conduct of an election the returning officer has a lot of work on his hands. If he is required to sign certificates by the thousand it would be even more difficult.

Mr. Mutch: Even if it succeeded while it would keep the student honest, if that were necessary—and I do not thing it is—it would not prevent other people impersonating him.

Mr. Hazen: I still do not see why he could not get a transfer certificate similar to form 40 on page 314.

The Chairman: Mr. Fraser, Joint Law Clerk of the House of Commons is with us now. I would ask him to comment on the remarks Mr. Murphy wishes to make on the two draft amendments which were prepared by Mr. Fraser. We have noted the first one as amendment No. 1 and it deals with the alternative left to the student to register at the university poll or leave his registration at his home poll. Amendment No. 2 entitles him to be registered in both places as the same time.

Mr. Murphy: Mr. Fraser, I will try to be as simple as I can because it has to be a simple answer so that I, at least, can understand it. We have agreed among ourselves to designate the university poll as "university" and the other one as the "home" poll for simplification. If a student is going to university and registers under what we have called amendment No. 1 he registers at the university and votes at that university poll. Under the other one, which we have called No. 2, he is entitled to be registered and to vote at either the university or at his home poll. As I see it there is no provision here permitting the student to register only at his home poll. Some of the members of this committee feel that maybe the proper place to exercise his franchise is at his home poll. For that reason we think there might be an alternative provision. Unless your interpretation of this is different from ours it would not permit him to register at home while he is attending university. There are three points to clear up.

Mr. Fraser: Mr. Murphy, in that event, assuming the student registers in his home poll, is it your idea that should confine him to voting at the poll?

Mr. Murphy: Yes, I would think so.

Mr. Fraser: So that a student would find himself in the position that, being in attendance at university on polling day and having registered in his home poll and not being able to get home to vote, he would be disenfranchised.

Mr. Marquis: I have an amendment I should like to read.

The Chairman: Would you permit Mr. Fraser to complete his answer, please?

Mr. Mutch: May I ask a question? The first amendment, the short one, says that he may, notwithstanding his residence at the home poll, if he is at university at the date of the writ, elect to vote at the university. I understand that amendment to mean he may elect to vote at the university. Would that election exclude him from any possibility of his voting in his home poll?

Mr. Fraser: Yes.

Mr. Mutch: But he is not obliged to? If he is resident at the university on the date the writs are issued he may elect to vote at the university? He need not elect?

Mr. Fraser: In the first place he would have to be registered; he would have to be on the polling list for that university polling.

Mr. Mutch: He would have to be on it or he may elect? Does it not give him the choice to be on either one or the other?

Mr. Fraser: No, there would be no point in having a choice if he was tied down to voting at one.

Mr. Mutch: May I urge that there may be a point here. You have an election and the writs are issued at a certain date with the election to follow six weeks later. In the interval the university closes and the boy goes home. That has happened. You say he may elect. You know the election date when the writs are issued. It seems to me there is a point there.

Mr. Murphy: I wish you would have Mr. Fraser complete his answer. Then we will have a complete understanding.

Mr. Fraser: I think the proposition of election to double registration and election to vote at one of either of two polls would cover the situation in respect to university students no matter what circumstances may arise. What I mean is he would have an opportunity to vote some place. He would not be disenfranchised. Any other proposition that I have considered—and I have not given it any too much consideration—would endanger some university student from being denied his right to vote at an election, unless Mr. Castonguay, who is more familiar with this, can point to some danger in double registration.

The Chairman: I would suggest that the witness take each of the two amendments.

Mr. Murphy: I think it is perfectly clear. The interpretation is perfectly clear. Under the longer amendment Mr. Fraser has explained that the only way for the student to be sure of his vote is to have dual registration.

Mr. Mutch: And a dual vote.

Mr. Murphy: Just a minute. That is his interpretation, and I agree.

Mr. Fraser: That was the design, anyway.

Mr. Murphy: The other amendment only provides for the vote of the student while attending university at the university poll?

Mr. Fraser: Yes.

Mr. Murphy: That being clear the student is going to be deprived of a vote under the first of these provisions, the short one, if he must register at the university poll and is not there at the time of the election. We are faced with one simple problem, impersonation, and I for one am not a bit alarmed about that.

Mr. Marquis: Mr. Chairman, if you will allow me, I would suggest that No. 1 should be amended to read as follows. Mr. Fraser will tell us if it is workable.

Mr. HAZEN: Is that the shorter one?

Mr. MARQUIS: Yes. As it reads in the amendment suggested by Mr. Fraser it says:—

> If otherwise qualified as an elector entitled to have his name entered on the list of electors prepared for the polling division where he resides.

I would suggest that should be amended by adding these words:

> Or on the list for the polling division in which he ordinarily resides, and to vote only in the polling division where he has elected to be registered.

Mr. FRASER: It may amount to the same thing as the other amendment.

Mr. MARQUIS: But in the other amendment it is not clearly stipulated that he has the right to vote in one place only?

Mr. FRASER: Oh yes, "and to vote in either one".

Mr. MUTCH: Speaking to that short amendment which has just been suggested by my friend, frankly I cannot see how any university student who elects to vote at the university, provided he has any power of election—and that is the thing that is important—will be disenfranchised because it says "at the date of the writ." At the time of the writ the date of the election is known. University terms are fixed. He knows positively before he elects to vote in the university poll whether or not he is going to be there when there is an election.

Mr. FRASER: University terms are not fixed to that extent.

Mr. HAZEN: Would it not be possible to amend the shorter one by adding a clause to provide that a student who has been so registered may, on application to the deputy returning officer, obtain a certificate of transfer entitling him to vote at the place where he ordinarily resides when he is not attending such educational institution, or something like that. That would give him an option. Instead of voting at the university poll if he wants to go to his home town and vote he can apply and get a certificate such as form No. 40.

Mr. RICHARD: Has he not that right now?

Mr. HAZEN: No, there is form 40.

Mr. MARQUIS: Mr. Chairman, may I say that the amendment I suggested is not the same as the amendment, No. 2, because in the amendment No. 2 the student has the right to register at both places, and I suggest that he register in one or the other; he has not the choice on the list for the polling division in which he ordinarily resides; he has to elect where he should register. This is the suggestion I intend to make.

The CHAIRMAN: According to the short amendment, No. 1—

Mr. MARQUIS: We would have to add after "he resides" at the end of the amendment and before "at the date of issue of the writs" the words, "or on the list for the polling division in which he ordinarily resides and to vote in either one of such polling divisions as he may elect."

The CHAIRMAN: Will you please allow me to make this point? I heard an interpretation of the word "entitled" in the short amendment, No. 1, by, I think, Mr. Murphy, as meaning that the student must register at the university poll. I would like to have Mr. Fraser's view on this. I take it that according to the short amendment he is entitled to have his name entered on the list of the university poll but he may not exercise that choice which he has. If he does not exercise that choice he will have only one alternative left and that will be to appear on his home poll list and vote there in due course.

Mr. MUTCH: Which he has the fundamental right to do and which this amendment does not touch.

The CHAIRMAN: Right. I would like to have the comments of Mr. Fraser on this interpretation.

Mr. **Fraser**: I think, Mr. Chairman, you are correct. The word "entitle" in its ordinary grammatical meaning would bear out what you say. Whether it has some peculiar meaning within this Act, Mr. Castonguay could illustrate better than I could; but entitlement has no obligatory sense.

Mr. **Mutch**: It does not touch his fundamental right to be registered in the home of his parents.

Mr. **Fraser**: Quite.

Mr. **Mutch**: Then he has an alternative.

Mr. **Fraser**: Either as regards registration or to vote entitlement.

Mr. **Mutch**: No, he may not be entitled to vote both places unless he gets on both lists.

Mr. **Fraser**: That is true.

Mr. **Murphy**: What is to prevent the student under that interpretation to elect to have his name placed on the list at the university poll and at the same time have his parents put his name on the list where he ordinarily resides? There is nothing, Mr. Fraser, is there?

Mr. **Fraser**: That is a physical possibility. Of course, that might well happen.

Mr. **Murphy**: I would suggest, Mr. Chairman, to you—

Mr. **Fraser**: Let us follow that to its logical conclusion, Mr. Murphy: that does not entitle him to two votes.

Mr. **Murphy**: No, I know that and we all know that. I wonder if I can have you accept the suggestion. There has been a good deal of discussion on this and there may be a good deal more later on until we get it clarified: and might I respectfully suggest that Mr. Fraser and Mr. Castonguay do the work for us and bring in an interpretation that will clarify any doubt in our minds. I think now after having heard the argument they will bring in something in the way of an amendment that will be satisfactory to the committee.

Mr. **Mutch**: I withdraw my motion until we get their interpretation.

The **Chairman**: To make the question involved clear, do I understand that the shorter amendment which we have labelled No. 1 would be satisfactory to the committee if there were a proviso added to it which would preclude the registration of the student at home in a case of his choosing to be registered at the university poll? Would that be the meaning or the wish of the committee on which Mr. Fraser and Mr. Castonguay could agree to submit a new draft containing that proviso?

Mr. **Zaplitny**: I may say, speaking for myself, that it would not suit my wishes, because it is apparent that if the student is to have an opportunity of voting he has to be sure of not being disenfranchised, he must have his name registered on both lists, otherwise there is no guarantee that he will get a vote.

The **Chairman**: Mr. Mutch has raised an interesting point during the discussion. He said that there is not much delay between the issue of the writ and the polling day, so that when the writ is issued the ordinary student should know where he will be on polling day and he should be able to make his choice.

Mr. **Mutch**: I think, Mr. Chairman, that you have expressed my view and the view of the committee. I am concerned that the student should vote, but I am not concerned that he should be afforded privileges such as a dual vote which is not afforded other people. If he is to be allowed to be on two lists properly then I think you are inviting something which I do not think is desirable. I am not suggesting that the student would abuse this privilege; I am suggesting that others might. It is my view and the view which you have expressed that what the committee seeks to do is to make sure that the student gets a vote by allowing him to register where he knows he will be on election day, at home or at the university; beyond that I do not think the committee should be prepared to go.

Mr. ZAPLITNY: There is a practical difficulty because there is no assurance that the student will know where he will be on election day.

Mr. MUTCH: None of us knows that. I am not attempting to set them up as a special group of citizens. We are only trying to see that the students get the privileges that ordinary citizens get.

Mr. ZAPLITNY: That is what I am trying to do too.

Mr. MUTCH: If I want to go to Vancouver for my holidays I cannot get on the list there because I happen to be there on election day.

Mr ZAPLITNY: He is in a different position in that he may register at the university and he may not complete the term there. It is possible that he may remain there after the university term is over. On the other hand he may be home before the university term is over. He may be at the university after the term is over doing some special work. I think there is something in that.

Mr. MARQUIS: Mr. Chairman, I suggest that the amendment drafted should follow the line that the student should register in the polling division of the college or university or at the residence where he ordinarily lives; that he may elect or choose the place where he wants to register at that time and vote in one place only—the place where he should be registered.

Mr. MARIER: Give the student an opportunity to make a choice, but after he makes that choice he will have to vote at the place that he has chosen.

Mr. FAIR: I can see another difficulty and that is in the case of the enumerator going after the students. He will be chasing all over cities like Toronto and Montreal to find a student. There may be other difficulties there because in some cases the enumerator does not see the voters' list at the time of enumeration.

Mr. MURPHY: This point must be clarified. Speaking to this proposed amendment, I would say it does not prevent a student's parents from putting him on the list at home. Am I right in that, Mr. Fraser?

Mr. FRASER: That is quite right. You will have to meet that situation, no matter what you do.

Mr. MURPHY: This amendment does not solve the problem at all. Giving the student an opportunity to make his choice does not solve this problem because when you give the student an opportunity of electing, it does not prevent his parents from putting him on the list at home.

The CHAIRMAN: There is no more force preventing the parents from doing that than there is preventing the ordinary head of a family declaring five voters in his home rather than two.

Mr. MURPHY: Am I right in my interpretation?

The WITNESS: You are quite right.

Mr. McKAY: By accepting the second amendment, we are just legalizing something which is happening at present. The parents of a student who is living at a certain place are almost certain to put him on the voter's list at home. On the other hand, if he is attending university and is boarding some place, the enumerators are certain to put his name on the list for that place. Therefore, we are doing it now. This is simply legalizing something we are already doing.

The CHAIRMAN: To bring some order into the discussion, I think it would be advisable to put a question to the committee as follows: Is the committee in favour of dual registration for a student attending a university? May we have the views of the committee on this question?

Mr. Mutch: Take a vote.

Mr. Murphy: You cannot prevent it.

Mr. Marquis: I should like to have the opinion of Mr. Castonguay as to the possibility of having only one registration by asking a student to make a choice, giving him an option.

The Witness: The idea of making a choice is easier said than done. Supposing a student is at the university and he elects to vote at the university, there is nothing to prevent his parents from putting his name on the list. Once that name is on the list, how are you going to get it struck off. If the student presents himself on polling day at his home polling division, he could take any oath which may be presented to him and vote, whether he has elected or not, unless the Act is framed in such a way to prevent this from being done and provides for the striking out of the names of students who have been enumerated as the university. Special machinery would have to be provided in the Act.

Then, there is another difficulty. In a rural polling division, it is not necessary for a person to have his name on the list to vote. A student who is attending Kingston university and who lives in Lanark can go to Lanark on polling day, take an oath and vote upon being vouched for. In an urban polling division if a student is only allowed to vote where he elects, then there must be machinery in the Act for striking his name off the list at the other place.

By Mr. Mutch:

Q. What is the clause in the Act which permits his parents to put him on the list in his absence.—A. The enumerators go from door to door. They do not contact every elector. They ask the head of a household or one who appears to have necessary knowledge as to how many persons there are in the household over twenty-one years of age.

Q. You are not suggesting the average parent would register a son who is at university if that parent knew such a thing was wrong?—A. No, but I do not think there would be a chance for the parents to find out where the student had elected to be enumerated because the enumerators would be making their rounds at the same time in both polling divisions.

Mr. Marquis: Mr. Castonguay, I understand there is a revision of the list and when that revision time comes would it not be possible to have a certificate sent by the returning officer to the polling division in which the student ordinarily resides and thus have his name struck off that list?

Mr. Marler: But there is no revision in the rural districts.

The Witness: You will have to provide special machinery in the Act for striking that name off.

Mr. Marquis: In the cities, I think it would be important to do that.

Mr. Gladstone: I suggest this item stand until Mr. Castonguay and Mr. Fraser can make a further study of it.

The Chairman: Mr. Fraser and Mr. Castonguay would be interested in knowing the views of the committee on the subject so they would have material upon which to work. It was for that purpose I submitted the question to the committee. If it is the wish of the committee to pronounce itself on that basic principle which I have raised, then Mr. Fraser and Mr. Castonguay would be in a better position to draft a new amendment.

Mr. Gladstone: If there is a possibility of dual registration, we would want to know what safeguard might be established before we could vote intelligently on the matter.

The Chairman: If you will allow me to make a statement, I would suggest that this difficulty is not peculiar to the student. Dual registration may take place with any other type of elector. You have to rely on the honesty of the elector and his fear of sanctions or penalties. We should consider the problem from that standpoint. Is the committee willing to give its views on the propriety of allowing a student to be registered at two places at the same time, or would you prefer to let this matter stand?

Mr. MUTCH: Speaking for myself, I am not in favour of anyone being legally on two lists, neither a student nor anyone else.

Mr. LOCKHART: Mr. Chairman, we cannot take away the student's opportunity to vote in either place. I do not see how you can possibly do it. You cannot take away from the student the opportunity of having, under certain circumstances, his privilege of voting restored either at his home or at the university. The consequence is, I think, that being admitted—I do not think anyone would attempt to take that opportunity away from the student—I think Mr. Castonguay and Mr. Fraser could get together and safeguard the position as best they can. Otherwise, as you have said, you have to depend on the honesty and integrity of the individual.

Mr. ZAPLITNY: May I just point out that the Act already contains a safeguard in sections 68 and 69 which provide a definition of corrupt practices. Clause (*b*) states:—

> Having voted once at such election, applies at the same election for another ballot paper—

is guilty of a corrupt practice. I think that is clear enough.

Hon. Mr. STIRLING: If an impersonation has taken place, who are you going to convict.

Mr. ZAPLITNY: The person who applied for the second ballot.

Hon. Mr. STIRLING: But, you do not know about it on polling day, you do not know he has voted at the university.

Mr. ZAPLITNY: It is for that reason the scrutineers are there.

Hon. Mr. STIRLING: The answer is that it happens at every election.

Mr. MUTCH: It is not the student himself of whom we are afraid, it is the other fellow. The mere fact that the student is on the list in two places creates the opportunity for the politically corrupt to exercise the franchise which the student does not, and it is done in every election.

Mr. BERTRAND: You can say the same thing about any person whose name is on the list and whom you know is not going to vote. Someone could impersonate that person.

Mr. MARQUIS: But you should not legalize the situation.

The CHAIRMAN: The situation being as it is, I would suggest we allow this section to stand. There is another reason for adopting this course which is that we have other amendments suggested by the chief electoral officer which are of the same type. Therefore, we might just as well allow this subsection (6) (*a*) to stand and pass on to subsection (7). The proposed amendment will be found in the printed draft amendments on page 2.

I read: "Subsection 7 of section 16 of the said Act is repealed and the following substituted therefor: 'No person shall, for the purpose of this Act, be deemed to be ordinarily resident, on the date of the issue of the writ ordering an election, in residential quarters which are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive, unless, at a general election only, such person has no residential quarters in any other electoral district to which, on the date of the issue of such writ, he might at will remove'."

Before I proceed with the discussion, Mr. Fraser would suggest that in the first line the words "for the purpose of this Act" be deleted and further down at line 7, that the word "only" be deleted for the purpose of clarification.

Mr. MUTCH: The nearest summer camp to the city of Winnipeg is about sixty-one miles away, to which some 14,000 people usually go for the summer, and here again many of those people do not maintain residences while they are away. Is there any possibility, Mr. Fraser, under this amendment, that these people, if they have maintained their quarters at home but are unable to get back or cannot stand the expense of getting back, are going to be disenfranchised?

Mr. MURPHY: Will you repeat that?

Mr. MUTCH: I pointed out, large numbers of residents of the city from which I come are required to go at least sixty miles to a summer camp. Some of those people do not maintain their residences in the city until they come back; they take a chance on being able to get something in the fall. They cannot afford to do otherwise. I am now asking the chairman if this clause makes it clear that provided they have given up their residences in the city while away for the summer holidays, they are permitted to vote where they are?

Mr. BROOKS: What is the difference between people who have given up their residences and those who have not?

Mr. MUTCH: That is what I want to know, Mr. Brooks. This seems to make a difference.

The CHAIRMAN: Would you comment on that, Mr. Castonguay?

The WITNESS: I think a person in the circumstances which you have outlined, who has given up his home to go any distance to another electoral district, to live in a summer residence, and who is there at the date of the issue of the writ would have no difficulty in voting at the place of his summer residence. It would only bar those who have residences in the city to which they could readily move and which are their ordinary place of residence. It would deprive those people from voting at their summer residence. This provision was in the statute before. There was only a slight change made to it and it has been in the statute now since 1925 or 1926 and it has worked very satisfactorily.

Mr. MUTCH: In a summer election it does result in the disenfranchisement of thousands of women.

The WITNESS: It disenfranchises those who have two homes, a summer home and a city home. Those who have broken up their city home and have gone to the country are in a different position, as they may vote at their summer residence.

Mr. MUTCH: And that is provided for.

Mr. RICHARD *(Gloucester)*: You say "Only occupied during the summer months." How are you going to tell whether I will be there in the winter or not?

The WITNESS: If you occupy a house during the winter months you are considered as being ordinarily resident therein.

Mr. RICHARD *(Gloucester)*: Supposing a newcomer comes to a summer residence and the place may not have been occupied during the previous winter, is he to be disenfranchised?

The WITNESS: The elector will be responsible for his vote. If he is challenged at the polling booth he can take the oath and if he is qualified you cannot stop him from voting.

Mr. MARIER: What happens is this. If the enumerator would not put his name down because he says to the man, "You are not living here," the man could then apply for revision in the rural district. In the rural district he can swear he was resident and had no other residence, so there is not much difference.

Mr. MUTCH: There are not very many summer homes in the rural districts.

Mr. MURPHY: As I understand the question that you raised, Mr. Richard, it is this. A man takes residence, we will say in a summer resort, which residence was not occupied during the winter months before, as you specified on this particular occasion, and the man remained there during the winter months. If I am wrong please correct me. As I understand it his residence would be that summer house. That is his permanent residence and that is where he would be entitled to vote. He becomes really a permanent resident there. He has no other place to go. The question raised was very fine. A summer home, more or less being converted to permanent quarters, being occupied by a man in the summer would qualify him because he might not have any place else to go. He must have his name placed somewhere, and that is the only logical place for it to go. He becomes a resident of that area whether it is a summer residence or not.

Mr. BROOKS: He only has to stay one week then to become qualified.

Mr. RICHARD (*Gloucester*): He does not have to stay there himself according to the Act, as long as it is occupied by somebody else.

The CHAIRMAN: Before we go any further, gentlemen, on a point of procedure, I would ask the members who wish to speak to stand, as some are doing. This will help to keep order and will be of great assistance to the official reporters.

Mr. MUTCH: Hear, hear. Mr. Chairman, I accept the invitation. I raised this point in the first instance because of the abnormal living conditions at the present time. There are thousands of people in the Dominion of Canada who are living in shared quarters, in two or three rooms upstairs, with their parents or something like that. Hundreds of young soldiers are living upstairs in their parent's houses. If that soldier can, and if he is lucky enough, he takes a cottage for the summer. Is it to be held that he has abandoned his home in the city or is to be held that he maintains his residence in the city? And where would he and his wife vote? Most of them are quite anxious about this. I am not just trying to stir up impossibilities. This is something which, in the city from which I come, would touch upwards of 30,000 votes in a midsummer election. I can conceive of interesting possibilities. If someone were to instruct the enumerators, I do not mean improperly, but instruct them with the best intention in the world as to the interpretation of this section, I am sure I do not know what would be the effect on Victoria Beach, Grand Beach, Winnipeg Beach, or in South Centre.

Hon. Mr. STIRLING: If he has his upstairs quarters he is not entitled to vote there, Mr. Mutch, but if he has given them up he is entitled to vote.

Mr. MUTCH: All he has to do is to say he is not going back there, and obviously he is not paying in both places.

Hon. Mr. STIRLING: If he is not paying he has been evicted.

The WITNESS: I think the Act is very clear on that point. It says,—

Mr. MARIER: "Unless it is a general election".

The WITNESS: "Unless at a general election, such person has no residential quarters in any other electoral district to which, on the date of the issue of such writ, he might at will remove". Well, the person you mentioned Mr. Mutch, would have some place to remove at will.

Mr. MUTCH: He is not paying in his absence and he cannot compel re-entry into that place.

The WITNESS: The place would be there for him to move back into.

Mr. MUTCH: Well, I might be the owner of the shared quarters and I would not take him back.

The CHAIRMAN: Is subsection 7 carried as amended?

Carried.

The CHAIRMAN: On the same page of the printed draft amendment, the chief electoral officer has suggested the addition of subsection 7 (*a*) immediately after subsection 7, which reads as follows: "Except as provided in subsection 8 of this section, a person shall, for the purpose of this Act, be deemed to be ordinarily resident, on the date of the issue of the writ for a general election, in a polling division in which he is temporarily residing while temporarily employed in the pursuit of his ordinary gainful occupation, and be entitled to have his name included in the list of electors prepared for such polling division and be qualified to vote therein at the said general election, provided that such person is otherwise qualified as an elector. Such person shall not, however, be entitled to vote in such polling division unless on polling day he is still temporarily residing therein while temporarily employed in the pursuit of his ordinary gainful occupation. This provision shall not be applicable at a by-election".

Mr. MARQUIS: What about the words "for the purpose of this Act"? I think they are not useful at all because we have deleted the other subsection and it is clear that it is related to the present Act.

The WITNESS: I have no objection to taking that out.

Mr. MARQUIS: I move that those words be deleted.

Mr. MUTCH: That is in the second last line?

The WITNESS: The second last line, it applies to this subsection.

Mr. MURPHY: Mr. Chairman, that is carried, I take it?

The CHAIRMAN: Do you wish to speak to this suggestion?

Mr. MURPHY: Yes. Take subsection (8); under the provision as it stands at the moment any person—

The CHAIRMAN: We are not on subsection (8), we are on subsection 7(*a*).

Mr. MUTCH: But there is a reference in it to subsection (8).

Mr. MURPHY: On subsection 7(*a*), is that to be substituted for subsection 8?

The WITNESS: No.

Mr. MARIER: Yes.

The CHAIRMAN: There is no subdivision meant there. I understand that by repealing section 7 of the Act we have repealed a proviso which refers to precisely the subject matter of subsection 7 (*a*) which is now before the committee. The purpose of the change is clarification, as I understand it.

The WITNESS: It is to enable temporary and seasonal workers to vote in a polling division other than their own, in which they are temporarily employed during the time of an election.

Mr. MURPHY: That is the one to which I had reference; but is not subsection 7 (*a*) a revision of section 8?

The CHAIRMAN: It replaces subsection 7, clause (*a*) I would take it.

The WITNESS: Yes.

Mr. MURPHY: The reason I mention that is that on the margin here it says "temporary vote—workers"; and on the margin of 8 it refers to "temporarily engaged in public works".

The WITNESS: That is not the same, sir.

Mr. MUTCH: Subsection 7 (*a*) is qualified by subsection (8).

Mr. MURPHY: And you are now discussing subsection 7(*a*).

THE WITNESS: Yes.

Mr. MURPHY: Mr. Chairman, I think this is one section which requires some consideration on principle. I think the other day when we were in committee considerable time was taken up, or that particular emphasis was laid on the fact that those who are permanently resident in a riding should be the ones who have representation of their choice; and I think we then had in mind that we might have temporary workers in any one riding who would vote maybe one way, and then six weeks go by and we find after the election that a member has been elected who does not ordinarily represent the views of that riding. Now, in order to be specific we had, as I stated the other day, temporary workers in a certain riding who elected a candidate and because of their presence there as revealed by the election since the candidate elected did not represent the views of the riding. I have not given this section very great thought as yet but I think there is a principle involved which requires some consideration. I would hate to see two or three thousand temporary workers go into one riding; for purposes of illustration we will say they were Labour-Progressive, and turn a Liberal or a Progressive-Conservative, or a C.C.F., or a Social Credit riding into a Labour-Progressive riding because of their presence there at the time of the election.

Mr. MUTCH: Mr. Chairman, might I point out again that this section, not in any way detracting from what Mr. Murphy has said, refers, as I pointed out the other day, only to persons temporarily residing there while temporarily employed in their ordinary gainful occupation. I am concerned not only from the point of view suggested by Mr. Murphy, which is an important one, but it is possible that a man might be working on public or private projects in a constituency and they might qualify under this amendment to vote and by the simple expedient of playing the mob, any considerable number of them whose political views might be different from that of their employers—might be disqualified from voting anywhere.

The WITNESS: They could vote in their own polling division.

Mr. MUTCH: That depends on where it is. Good Lord!, it is too short:—

> Such person shall not, however, be entitled to vote in such polling division unless on polling day he is still temporarily residing therein while temporarily employed in the pursuit of his ordinary gainful occupation.

He could be disfranchised by firing him the night before the election, and he would not have time to get back home. Isn't that correct?

The WITNESS: I hardly think that that would happen.

Mr. MARIER: Mr. Chairman, we are still in the same position that we were with the students. You may have five, ten, fifteen or any number who are brought in there and they could be registered. Let us take the case of a place like Dorval. You could take any number of workers in there and they could be registered at Dorval because they are temporary workers doing some work there; and being occupied in their "ordinary gainful occupation" they would have the right to vote. If they are not there at polling time they will vote at home where they will be entitled to vote by residence. They are in the same situation as with the students, there is the possibility of their being registered at two places. That is a matter which gives me concern.

Mr. MARQUIS: Don't you think there is the danger that some of the very powerful organizations might hire two thousand or three thousand people during the time of an election to control the choice of a member for a riding?

Mr. ZAPLITNY: Mr. Chairman, may I point out to the committee that I think a simple amendment could be made in line 12 of subsection 7 (*a*). I would move that the words "polling day" be deleted, and that the words "the date on which the election writ is issued" be substituted therefor. In that way you will do away with the possibility of firing people on the day before the election and at the same time will do away with the possibility of hiring workers just to have them there on the day of election.

Hon. Mr. STIRLING: Mr. Chairman, surely if on the date of the issue of the writ he is not there he will not get on that list.

Mr. MARQUIS: The danger is in giving him the right to vote in a rural constituency.

Hon. Mr. STIRLING: Mr. Chairman, I wish you would explain for us why subsection 7 (a) and subsection 8 are required. They both seem to me to deal with workers who are temporarily in a certain place.

The WITNESS: Subsection 8 prohibits persons working on public works, and they are excepted from this provision. Except for those who are working on public works a person is entitled to have his name on the list and to vote in the polling division. This subsection does not extend to persons employed on public works.

Mr. HAZEN: Might I ask why this provision should not be applicable at a by-election?

The WITNESS: I do not think it is fair that temporary workers such as those who are mentioned in this provision should be entitled to vote at a by-election. We will take a local case; supposing fifty, sixty or a hundred men went from Ottawa to Maniwaki to work temporarily; and if there was a by-election called while they are working at Maniwaki; I do not think those men should be entitled to vote there. They would have no right to vote in Maniwaki if they were not so temporarily employed.

Mr. MUTCH: Do you see any danger in that?

Mr. MARQUIS: Mr. Chairman, I think that the amendment submitted by Mr. Zaplitny is not necessary because you specify at the beginning of the section that they should be there at the time of the issue of the writ. There is no difficulty on that point.

Mr. ZAPLITNY: I believe what the hon. member says is quite correct. I had not related that to the first part.

Mr. MUTCH: I cannot understand why they insert the words, "is still temporarily residing therein at polling day".

Mr. MARQUIS: Continuation of residence.

Mr. MUTCH: Provided he was qualified at the time his name was put on the list, why do you put in the qualification he must stay there until election day?

Mr. MARQUIS: Because there is a probability he will vote elsewhere.

The WITNESS: If he is no longer employed he may go back home and vote.

Mr. MUTCH: That is inviting people to send him back home so he cannot vote. He certainly is not going to be on both lists, I hope.

Mr. FAIR: I think the section was put in when the Act was revised back in 1936, 1937 and 1938 to prevent large contractors bringing in a bunch of men, and possibly feeding them and paying them wages for the time necessary to gain the right to vote in that district. I think that would also apply to government contract work.

The WITNESS: A government contractor building a dam or any other public work.

Mr. FAIR: Section 8 covers public work. If you remember when the Act was revised there was quite a lot of discussion on that particular point.

The WITNESS: There was, but the date of the issue of the writ, which is the critical date for qualification as an elector for these people, is not one that is generally known. It is a date that is fixed by the government in ordering an election. I do not think there is any great danger that any corporations or individuals will colonize an electoral district with a lot of people with a view to having them vote at the next election because they may have to keep those men there several months before the writs are issued. The date of the issue of the writ is always a very uncertain date.

Mr. FAIR: That was the argument brought out at the time the Act was revised before. I remember it quite distinctly.

Mr. MARQUIS: Carried.

The CHAIRMAN: Is subsection 7(*a*) as amended carried?

Carried.

There is a further amendment which was suggested by the chief electoral officer under the same section 16 which he read to the committee at the last meeting and which does not appear in the printed transcript. It reads:—

> 7B. For the purpose of this Act, a person who is the wife or dependent of a member of naval, military or air forces of Canada, shall be deemed to be ordinarily resident on the date of the issue of the writs ordering a general election in the polling division in which such person is occupying residential quarters during the course and as a result of the service performed by such member in such forces. Such person (wife or dependent) shall, if otherwise qualified as an elector, be intitled to have his or her name included on the list of electors prepared for such polling division and shall be qualified to vote therein at the said general election. This subsection shall not be applicable at a by-election.

As you will recall a certain amount of discussion has already taken place on this proposed amendment, but I did not allow the subsection to be carried before we had dealt with the amendments on previous subsection which were suggested.

Mr. MARQUIS: If you have no objection I would suggest that the words "for the purpose of this Act" should be deleted.

The CHAIRMAN: Is the amendment agreeable to the committee?

Carried.

The rest of section 16 will stand.

Mr. MARQUIS: 6A stands?

The CHAIRMAN: The rest of the section will stand. On section 17 I will refer the committee to the second list of draft amendments at the bottom of page 1.

> Subsection 8 of section 17 of the said Act is amended by substituting the word "thirty" for the word "fifteen" in the third line thereof.

By Mr. Mutch:

Q. Thirty copies of the preliminary list?—A. Yes, the cost will be negligible.

The CHAIRMAN: Subsection 8 of section 17 will be found on page 211. Is the amendment carried?

By Hon. Mr. Stirling:

Q. Why do you want thirty copies?—A. In the interval between general elections I am often asked by various organizations, candidates and members of parliament, for copies of the lists for a particular riding. Since 1940, for instance, copies of these lists were required for national registration. They were again required for the dominion plebiscite, and on several occasions copies of the lists were issued for the victory loans campaigns and other purposes. The fifteen copies now allowed by the Act are hardly sufficient. I have had to cut down on requests on several occasions. I might add that the extra fifteen copies would cost practically nothing.

Carried.

The CHAIRMAN: In the same section there is another amendment to subsection 11 of section 17.

> Subsection 11 of section 17 of the said Act is amended by substituting the word "thirty" for the word "fifteen" in the third line thereof.

Is the amendment carried?

Carried.

In the first list of draft amendments at page 3 there is this amendment:

> The said Act is further amended by inserting therein immediately after subsection 14 of section 17 thereof the following subsection:—
>
> (14A) Whenever, after the list of electors for an urban polling division has been reprinted, it is discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn application has been made by an agent pursuant to Rule (33) of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the finally revised list of electors, the returning officer shall, on application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets that such an omission has actually been made, issue to such elector a certificate in form No. 18A, entitling him to vote at the polling station for which his name should have appeared on the finally revised list. The returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to their representatives, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate.

Is the amendment carried?

Mr. MARIER: Just a minute. I do not believe there is any provision in the law as to some other people who may be left off in the same way. Suppose the first list has been prepared and a person has his name on the list and it is reprinted and the name does not appear. It is not a case which has been brought before the revising officer. It is a case where the person has his name on the first list but it has not been included in the reprinted list. What would happen in that case? There should be an amendment covering the same case unless there is already something in the law. I do not know.

The WITNESS: Subsection 18 of section 17 stipulates that in an urban polling division a person to whom has been issued an enumerators' notice, and whose name has thereafter been omitted from either the preliminary list or finally revised list, can apply in person to the returning officer and secure a a similar certificte.

Mr. MARIER: I am satisfied.

The WITNESS: There was no provision in the Act to correct mistakes made by revising officers. That is the reason why I made the suggestion. I can tell the committee that in urban electoral districts of moderate size the number of applications for such certificates never amount to more than five or six, but I think the provision is necessary to give satisfaction to all concerned.

The Chairman: Is the amendment carried?

Carried.

A further amendment suggested under the same section 17 will be found also at page 3 of the first list of draft amendments.

> The said Act is further amended by inserting therein immediately after subsection 15 of section 17 thereof, the following subsection:—
>
> (15A) Before any account relating to the printing of the list of electors is taxed and paid by the Auditor General:—
>
> (*a*) the printer shall transmit to the Auditor General, through the returning officer, an affidavit in form No. 9A setting forth that he has not, nor has anyone for him and on his behalf, paid, agreed or promised to pay, given or promised to give, any monetary or other reward to the returning officer, or to any person on the latter's behalf, or to any person whatsoever, as consideration for the granting of an order of any kind for the printing of such lists of electors, and
>
> (*b*) the returning officer shall transmit to the Auditor General an affidavit in form No. 9B setting forth that he has not, nor has any person for him and on his behalf, received or requested, demanded, accepted or agreed to accept, any monetary or other reward from any person whatsoever, as consideration for the granting of an order of any kind for the printing of the lists of electors for his electoral district.

Mr. Brooks: What is the necessity of that, Mr. Chairman? I do not see why that should be necessary. The government usually selects the printer, does it not? Why should it be necessary to state that the printer is not to receive any compensation for the printing of the lists?

Mr. Mutch: It is particularly unnecessary, it seems to me, in the second part, unless there has been some suggestion that returning officers have been putting the screws on the printers. That is what it implies. Have there been any complaints?

The Witness: The experience of the 1940 election shows that such a provision is absolutely necessary. There were some abuses reported to me—not specifically, but it appears that on several occasions commissions were asked and commissions were paid by printers to different people.

Mr. Mutch: There is no protection here. This is a suggestion that the returning officers have been doing it.

The Witness: The returning officer is the person who gives the order. He selects his own printer. This difficulty did not occur at the 1945 election because the printing establishments were so busy that they did not care whether they printed the lists or not.

The Chairman: Shall this section carry?

Carried.

The Chairman: Gentlemen, among the communications which have been received and were tabled at the last meeting there were three which have some bearing on this section 17. Among the resolutions conveyed by the Canadian Corps Association, dated March 1, 1944, is the following:—

> That this association believes that the present system of preparing voters lists and recording votes in electoral sub-divisions should, so far as not inconsistent with the above recommendations, be retained, and, if possible, simplified.

Mr. N. E. Thomas wrote on the 12th of June, 1945, as follows:—

> I know that you have your own troubles, ...

This letter is addressed to Mr. Castonguay.

> ...but this is one that you can pick up at your convenience. After I have resided for twenty years at 4002 Marcil Avenue, which is in the Mount Royal ward, neither my wife, my daughter nor myself were permitted to vote in yesterday's election, owing to our name being omitted from the list. I took the matter up with Brodie Snyder, regarding the item that appeared yesterday morning in the *Gazette*, and he told me it was absolutely impossible to have my name included, the reason being that the enumerator called at the house and nobody was present. It seems to me that if a little common sense were used on the part of the enumerator they could easily see that the house was occupied, and what is more the neighbours would have been glad to give any necessary information. I suggested to Mr. Snyder that in a case like this why could not the enumerator leave a form in the mail box, that they had called, telling the resident when they would call back again, or refer them to the registrar's office. This is the general practice with the Dyers, Cleaners and the like in large cities and I am sure it would accomplish its purpose with practically no extra cost, as sheets could be included in the enumerator's book with notice to this effect, say ten to a page, perforated, or, as the enumerator is paid so much a name, he could have a rubber stamp made, or typewritten notices.

The WITNESS: With regard to this suggestion, I think it has a good deal of merit, and I have included in my draft amendment a suggestion in one of the rules of schedule A to the effect that after the enumerators had made one or two unsuccessful calls at the dwelling place he should be required to leave a notification card on which it shall be stated the day and hour of their next visit, and on that notification card there should also be given the names of the two enumerators, their telephone numbers and their addresses.

The CHAIRMAN: Discussion at this time would not be necessary?

The WITNESS: No, not until later on.

The CHAIRMAN: Gentlemen, I would call your attention to a letter I have here from Mr. A. Menary, dated the 22nd of July, 1943, and addressed to Mr. Castonguay. It comes from Grand Valley, Ontario, and it reads as follows:—

> Was reading in the paper about the trouble of Voters listed in Quebec and Toronto. The only way it can be corrected is to have the Municipal Clerks do the work for both the dominion and provincial elections and pay them a fair amount for their work.

I would ask Mr. Castonguay to comment on this letter.

The WITNESS: The system that has been suggested refers more to a permanent list than to a list prepared on the eve of an election. Municipal clerks, of course, could compile a list all right, but in many thousands of polling divisions there are no municipal clerks available and I think our system of enumeration gives as much satisfaction as any system that has ever been suggested.

The CHAIRMAN: Shall section 17 carry?
Carried.

Hon. Mr. STIRLING: Are you not going to take up the rules?

The CHAIRMAN: We will take them up at our next meeting.

Mr. MUTCH: Does the suggested amendment mean that in appointing enumerators, where there are three candidates the returning officer must get the nominations from all three?

The WITNESS: No, the amendment I have suggested refers to newly created electoral districts. There are four of them now in Montreal. There were no candidates there in the last election. At least, there were candidates but some of those candidates may not be interested in these electoral districts.

Mr. MUTCH: I take it there are three interested parties?

The WITNESS: No, two. It permits me to designate candidates and to nominate enumerators.

The committee adjourned to meet again on Tuesday, April 29, 1947, at 4 o'clock.

APPENDIX "A"

MINIMUM VOTING AGE

18 Years of Age

U.S.A. State of Georgia (Act No. 232—1945) For Federal and State Elections.
Province of Saskatchewan (1945)

19 Years of Age

Province of Alberta (1944)

21 Years of Age

Canada for Dominion Elections and for 7 Provincial Elections.
Great Britain and Northern Ireland
Ireland
Australia for Commonwealth and State Elections
New Zealand
South Africa
Egypt
Ceylon
Jamaica
Bermuda
United State of America—For Federal and State Elections in all States except Georgia.

18 Years of Age

Argentine
Brazil
Uruguay
Ecuador
Mexico (Married Men)

20 Years of Age

France

21 Years of age

Belgium
Portugal
Bulgaria
Peru
Venezuela
Chile
Mexico (Single Men)
Bolivia
Costa Rica

23 Years of age

Norway
Sweden
Turkey

24 Years of Age

Finland

25 Years of Age

Denmark
Netherlands

(The Statesman's Year Book—1945).

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

TUESDAY, APRIL 29, 1947.

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 429,

TUESDAY, April 29, 1947.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4 o'clock p.m. Mr. P. E. Coté, (*Verdun*), Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Coté (*Verdun*), Fair, Gladstone, Lockhart, MacInnis, MacNicol, Marier, McKay, Murphy, Richard (*Ottawa-East*), Sinclair (*Ontario*), Stirling.

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

The Chairman tabled a letter from the Sydney (B.C.) Local of the United Fishermen and Allied Worker's Union, advocating:

(*a*) advance polls for fishermen, or,

(*b*) right to vote in a polling division other than that of their ordinary residence polling divsion.

The Chairman called the attention of the Committee to certain errors appearing in the printed report of the Minutes of Evidence of Tuesday, April 22nd, 1947, and Thursday, April 24th., 1947, where subsections 6A and 7A of section 16 are referred to respectively as (*6*) (*a*) and (*7*) (*a*). Such corrections may be read in the printed report of the Minutes of Evidence of this day.

The Committee resumed the adjourned study of the Dominion Elections Act, 1938, and consideration of proposed amendments thereto.

Mr. Jules Castonguay, Chief Electoral Officer, was recalled.

At 5.40 o'clock p.m., the Committee adjourned to meet again at 4 o'clock p.m., Thursday, May 1st., 1947.

ANTOINE CHASSÉ
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,

April 29, 1947.

The Special Committee on the Dominion Elections Act met this day at 4 p.m. The Chairman, Mr. P. E. Cote, presided.

The Chairman: Order, gentlemen.

Mr. Lockhart: Mr. Chairman, now that you have a quorum may I remind you that there are two or three committee meetings being held this afternoon and I find that I have to retire because there is a matter before the railway committee that must particularly advance. May I say before leaving that I believe there is a little coordination lacking somewhere, and may I request that the matter of voting age that might be included in the Election Act is a matter of importance to me. With your permission, sir, I shall now retire.

The Chairman: Before you leave, Mr. Lockhart, may I say that these points which you have raised and in which you are particularly interested are covered by section 14 which has been allowed to stand and which is still standing.

Mr. Lockhart: Yes. I may not be able to return to the committee because other committee meetings are being held this afternoon.

The Chairman: For the purpose of clarification we have also allowed to stand the whole of section 16 with the exception of subsections (7), (7A) and (7B) which have been carried.

Mr. Lockhart: With that explanation, Mr. Chairman, I shall retire because I cannot attend two places at once.

The Chairman: Gentlemen, before we proceed with the order of business may I make a few corrections in the minutes of evidence of the last meeting? These corrections are necessary as otherwise there would be confusion in our minds. I would draw your attention more particularly to the fact that in the minutes of evidence the intention all along has been to refer to subsection (6A) of section 16 and not to subsection (6) clause *(a)* as appears in the minutes of evidence. The corrections should be made at the following pages: on page 35 in the remarks which I made when I called subsection (6A); at page 36 again in the second paragraph at the top, which should again be subsection (6A); at page 41 again. The corrections are necessary on that page, and the middle of page 54.

Mr. MacInnis: What is the correction at page 41?

The Chairman: The correction is the same. At page 54 the correction is in the second last paragraph and at page 57 the change should be from subsection 7 clause *(a)* as it appears in the minutes of evidence to subsection (7A). In line 6 of that page and also in line 29 that correction should be made and then in lines 31, 36, 42, 49 and 50 of the same page the same correction should be made.

While we are on that page I would draw your attention to line 34 of the remarks which I made and ask that the word "subdivision" be changed to "substitution".

On page 59, line 10, the same correction should be made; it should be subsection (7A); and on page 60 at line 12 the same correction should be made.

Now, I am sorry I did not have an opportunity to revise the transcript before it was printed but I did not want to delay the printing of the report so that you might have it before you this afternoon. Therefore, I have to apologize for having to make these corrections at this late day.

Jules Castonguay, Chief Electoral Officer, recalled:

The CHAIRMAN: The order of business today will be found at page 213 of the Elections Act, schedule A, to section 17, entitled "Preparation of lists of electors in urban polling divisions—Enumeration." There is no change advocated for rule (1). Shall it carry?

Carried.

Shall rule (2) carry?

Carried.

Rule (3): Here we have an amendment submitted by the chief electoral officer which will be found in the printed draft amendment at page 4, which reads as follows:

> Rule (3) of schedule A to section 17 of the said Act is repealed and the following substituted therefor:
>
> > At least five days before he proposes to select and appoint the persons who are to act as enumerators as aforesaid, the returning officer shall
> >
> > (*a*) In an electoral district whose boundaries of urban areas have not been altered by a Representation Act since the last preceding election, give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes. Such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as enumerator for every urban polling division comprised in the electoral district, and, except as provided in rule (4) of this schedule, the returning officer shall select and appoint such persons to be enumerators for the polling divisions for which they have been nominated:
> >
> > (*b*) In an electoral district whose boundaries of urban areas have been altered by a Representation Act since the last preceding election, and in an electoral district where at the last preceding election there was opposed to the candidate elected no candidate representing a different and opposed political interest, or if, for any reason, either of the candidates mentioned in clause (*a*) of this rule is not available to nominate enumerators or to designate a representative as aforesaid, the returning officer shall, with the concurrence of the chief electoral officer, determine which candidates or persons are entitled to nominate urban enumerators, and then proceed with the selection and appointment of such enumerators as above directed.

Mr. MACNICOL: What, if any, is the difference between the proposal and what is now?

Mr. MARIER: There is no change in the first part of the rule except that they add paragraph (*b*), if I understand aright.

The WITNESS: Clause (*a*) is changed a little, and what made it necessary to change this rule is the proposed Representation Act. Take the case of Montreal where there will be four new electoral districts. There were no candidates in the last election in those electoral districts, and the main purpose and the only purpose for the change is to make it possible to determine the persons or candidates who will nominate enumerators. In those four electoral districts, for instance—

Mr. MACNICOL: The four new ones?

The WITNESS: The four new ones. If rule (3) stays as it is, it is possible that some of the candidates who had the highest and the next highest number of votes in the last election will have no more interest in these new electoral districts but might avail themselves of the privilege that the rules give them now to nominate enumerators in electoral districts in which they are not politically interested.

Mr. MACNICOL: Of course, the new ridings would not have any previous candidates who would be eligible to nominate.

The WITNESS: In these new ridings there would be candidates who obtained the highest and the next highest number of votes at the last election but they may no longer be interested, as they are interested in other electoral districts. The same difficulty occurred in 1934 under the Franchise Act which did not clearly stipulate the candidates who were entitled to receive copies of the lists. For instance, in one electoral district which was split up in half a dozen parts the registrar of electors had to make two copies of the list of electors for each of such candidates. This was a ridiculous procedure but it could not be avoided.

Mr. MACNICOL: I do not understand. Let us take one of the four ridings in Montreal and designate it as XXX, what will happen in that riding? There was no previous candidate because the riding did not exist. Who will name the enumerators?

Mr. MARIER: As it is now suppose my constituency is changed. The town of Mount Royal is in my constituency and then it will form a new constituency. According to the law as it is now I will have the right to name some enumerators in the town of Mount Royal, while I have no more interest. So that the change which is proposed now will leave it to the chief electoral officer and the returning officer to determine who will be the enumerators in that district.

Mr. MACNICOL: Would he not follow his present practice of appealing to the heads of the different parties in that riding, say the presidents, to name the enumerators?

The WITNESS: Yes, it is followed under the present practice; but the procedure to be followed will be to consult the returning officer and, of course, this provision will put the nominating of enumerators in new electoral districts somewhat on my responsibility. It will be my duty to see that the enumerators are designated by the two political parties who headed the poll in the new electoral district at the last election.

Mr. MCKAY: May I ask a question with reference to the appointment of these enumerators. Now, I represent a rural constituency and as such, of course, I am not permitted to have any more than one enumerator, as I understand it. Could you explain why you have not allowed for the appointment of two enumerators for the rural areas as well as for the urban? Is it simply based upon the expense entailed, or is there some other reason?

The WITNESS: I have to proceed according to the statute. The Act provides now that in the case of a rural polling division one enumerator only is to be selected and appointed by the returning officer.

Mr. McKay: And there has not been any particular reason given for not appointing two enumerators as is the case of urban ridings?

The Witness: I do not think I have any resopnsibility in the matter. This is a matter for Parliament to deal with.

Mr. McKay: I suppose it will be quite proper to bring that up when we start to discuss the setting up of enumerators in rural seats.

The Chairman: I will take note of your remark.

Mr. McKay: I thought this might be a proper place to bring the matter up because there has been reference to these urban seats and to the setting up of the two enumerators.

The Chairman: This schedule A is immediately followed by schedule B of the same section 17, and this latter will deal with the preparation of the list of electors in rural polling divisions, and that will be the appropriate place to bring up your point.

Mr. MacInnis: Mr. Chairman, in view of the fact that there will be no new constituencies, as far as I can understand, created at this time that there were not represented in the last parliament as being parts of other constituencies, could we not meet the situation by designating the political interest that received the largest number of votes and the political interest that received the second largest number of votes. In this subsection (*a*) you " . . . give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number of votes." Perhaps the candidate who received the highest number of votes in the last preceding election will not be the candidate in this election although no change has been made; but then again it is indicated that what you have in mind is that the two highest or largest opposing political interests are represented and not the candidate himself, because the section reads:

> . . . give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest. . .

So that while you may not have either of these two candidates in the field at this election yet, if they are alive, they would be the people who would appoint the enumerators. Why not make it, instead of the candidates, the political interests. There might be variations of that, I understand.

The Witness: If the candidate is available, he may wish to avail himself of the privilege to nominate enumerators whether he is a candidate or not. Of course, when a member dies or a candidate dies I make it a point to advise the returning officer to apply to the political representatives of such deceased member or candidate, and it has worked out satisfactorily in the past; there has never been any criticism.

Mr. MacInnis: I am quite willing to say as far as I am concerned that so long as the present chief electoral officer is in the position I have no objection to the thing as it stands, but we will not always have the same chief electoral officer.

Mr. Murphy: There is one point in subsection (*b*) I would like to have clarified. I cannot understand the interpretation there concerning a new riding— " . . . the returning officer shall, with the concurrence of the chief electoral officer determine which candidates or persons are entitled to nominate urban enumerators. . . " and the question I have to ask is this: Is this subsection (*b*) to be read in as part of the interpretation placed on (*a*) where two parties are given the right to name enumerators?

The WITNESS: Certainly. It will also follow the principle laid down in rule (2). Rule (2) which is a short rule reads as follows:—

> The returning officer shall, as far as possible, select and appoint the two enumerators of each urban polling division so that they shall represent two different and opposed political interests.

That is the principle laid down in the rules.

Mr. MURPHY: That is the point I wanted clarified. Reading subsection (*b*) alone it says that the returning officer could nominate two enumerators of the one party.

The WITNESS: It would be left somewhat to the discretion and approval of the Chief electoral officer and the chief electoral officer would have to rule according to the principle laid down in rules 2 and 3.

Hon. Mr. STIRLING: What I do not like about the wording of (*b*) is this: "the returning officer shall, with the concurrence of the chief electoral officer, determine which candidates or persons are entitled to nominate urban enumerators. . ." Suppose there are no candidates. We are talking about a new riding which conceivably might pick up bits of two or three old ridings.

The CHAIRMAN: It says "which candidates or persons".

Hon. Mr. STIRLING: What is the value of the word "candidates"? ". . . determine which candidates or persons are entitled to nominate urban enumerators. . ." There are no candidates.

The WITNESS: There might be candidates at the last election who would be in the field in these new seats.

Hon. Mr. STIRLING: I do not see the value of the word "candidates".

The WITNESS: Perhaps if the provision stated "which persons or organizations" that might be more suitable.

Mr. MACINNIS: I think you would have to put "person or political interest".

Hon. Mr. STIRLING: Do you not agree with me that "candidates" means nothing?

Mr. MARIER: There would be no candidates in the field.

Hon. Mr. STIRLING: No new candidates, and it does not follow in the least that any of the old candidates have anything to do with it.

Mr. FAIR: Strike out the word "candidates" and insert instead the words "political interest".

Mr. MURPHY: Just a moment. That is not going to overcome this one point which may arise. Take riding A, an old riding. The member might live in what is going to be riding B who formerly represented riding A. If you put it that way you eliminate the candidates privilege.

Hon. Mr. STIRLING: I think not. I think the returning officer, the chief electoral officer, in view of B would go straight for the candidate who was the member in the previous election as long as the new riding is not totally different in area from the old riding.

Mr. McKAY: You could use the same phraseology again and add the words, "or political interest". Why would that not cover it? If there is no candidate involved it would be "political interest".

The WITNESS: There might be candidates already nominated. Candidates are sometimes nominated before the enumeration.

Hon. Mr. STIRLING: Nomination day is what counts.

The WITNESS: Yes, but a candidate may be nominated by the supporters of one of the political parties, and this constitutes a formal nomination.

Hon. Mr. STIRLING: I can cite an instance where a new nomination was called before nomination day and a different person chosen.

Mr. MACNICOL: Take the new riding of Timmins in northern Ontario as an example. That riding is carved out between the present riding of Cochrane and the present riding of Temiskaming. Who would the returning officer consult in Timmins in relation to enumerators for the riding of Timmins?

The WITNESS: If the rule is passed as it is, I would advise the returning officer for Timmins to consult the political organizations representing the political parties who were at the head of the polls at the last election.

Mr. MACNICOL: That is all that is necessary.

Mr. MACINNIS: In view of the fact that clause (b) of rule 3 will be interpreted in the light of rule 2 and also in the light of clause (a) of rule 3, I imagine, I see no particular objection to this section.

Mr. MACNICOL: The way the chief electoral officer has explained it is quite satisfactory. What he would do is quite correct. He would consult the political parties who were first and second in that part of the country in the last preceding election.

The WITNESS: Who had the preponderance, who were at the head of the polls. It has been done in the past under the existing provision. We had a by-election in Ottawa with all four candidates of the same party. When the next election took place only one of those candidates, the sitting member, was authorized to appoint an enumerator for each poll, and in order to carry out the spirit of the Act I had to direct that the second enumerator in each poll was to be nominated by a candidate who ran at the previous general election.

The CHAIRMAN: Is rule 3 carried?

Carried.

Is rule 4 carried?

Carried.

Mr. MACINNIS: Perhaps you may have read these while the rest of us may not. Could you give us a little time?

The CHAIRMAN: There is no change in rule 4. Up to this moment I have followed the practice of reading only the sections or clauses where some amendment is suggested either by the chief electoral officer or in some of the communications which the steering committee has taken into consideration.

Mr. MACINNIS: I do not suggest you should read them if you will just give us a moment to glance over them.

The CHAIRMAN: Very well. I thought you were asking me to give you a summary. Is rule 4 carried?

Carried.

As to rule 5 I refer the committee to page 4 of the printed draft amendments which read as follows:

> Rule 5 of schedule A to section 17 of the said Act is repealed and the following substituted therefor:
>
> > Rule (5). If either of the candidates or persons entitled to nominate enumerators fail to nominate a fit and proper person for appointment as enumerator for any polling division comprised in the electoral district, the returning officer shall, subject to the provisions of Rule 2 of this schedule, himself select and appoint to any necessary extent.

Is this new clause 5 carried?

Carried.

Mr. MacNicol: In the practical operation what happens in Toronto, and it may happen everywhere in exactly the same way, is that when an election is called if I were the candidate in Davenport riding I would then instruct the president of my association to confer with the electoral officer as to whom he wanted as enumerators. The president of the Liberal association would likewise do the same thing. Those two would then name the enumerators. In Toronto the candidates do not participate in the naming of the enumerators. We refer it to our association.

The Witness: That is generally the procedure in every electoral district.

The Chairman: Rule 6.

Mr. Marier: There is no change here.

The Chairman: Is Rule 6 carried?

Carried.

As to Rule 7 if you will refer to the printed draft amendments, page 4, you will find the following amendment:

> Rule 7 of schedule A to section 17 of the said Act is repealed and the following substituted therefor:
>
> > (Rule 7) Each pair of enumerators, after taking their oaths as such, shall, on Monday, the 29th day before polling day, proceed jointly to ascertain the name, address and occupation of every person qualified to vote at the pending election, under the provisions of sections 14, 15 and 16 of this Act, in the polling division for which they have been appointed, obtaining the information they may require by a joint house to house visitation and from such other sources of information as may be available to them, and leaving at the residence of every person whose name and particulars they have agreed to include in their preliminary list, a notice in form No. 7, signed by both enumerators, which shall be detached from the enumerators' record books.

Mr. MacNicol: That is very good. Since reading it over I have been wondering if there should not be a further subsection requiring the returning officer to point out to enumerators that it would be an offense for them to proceed singly. That is what they do. One enumerator goes down one side of the street and the other goes down the other side of the street. In that way they finish earlier. Then they both sign all the papers. I think that is an offense. In fact, I have known of cases—I have not seen it but I have heard of it—where one enumerator would say to the other, "I have got to go down town this afternoon. I have got to the point where I must get my hair dressed", or "I have got an appointment. You do both sides of the street, and I will sign all the papers to-night." That should be an offense.

The Witness: It is possbile to make it an offense.

Mr. MacNicol: Pardon?

The Witness: It would be possible to make it an offense. The purpose of this amendment is to have a new form 7, which is called the enumerators' notice. The present form is drafted in such a way that the enumerator in order to complete it has to strike out one of the two inapplicable words at the foot of the form, "accepted" or "refused". Examination of the completed forms throughout Canada at the last two general elections has shown that enumerators never strike off one of those inapplicable words printed in large type, and the form thus completed is hardly intelligible. The purpose of this amendment is to provide a form of notice to the elector in which it will not be necessary to strike out an inapplicable word. This form is printed on page 11. I think it would be quite an improvement over the present procedure.

Mr. MacNicol: It is an improvement.

By Mr. MacNicol:

Q. That is what the elector keeps?—A. That is the notice that the elector keeps. He is required to keep such notice until after polling day.

Q. I was wondering if it would help if there was a note on the bottom to the elector saying, "Please make certain that both enumerators sign this in your presence"?—A. "Please make certain this notice has been signed by both enumerators in your presence"?

Q. Yes.—A. I think the best way to meet your suggestion would be by having a penalty provision at the beginning.

Q. I am sure that the other members have seen what I have seen, single enumerators going down one side of the street and then going down the other side of the street.—A. Well, if it was made a penalty, Mr. MacNicol, they might be more careful. I intend to issue some elaborate instructions on this point, telling enumerators what their duties are, from the point of view of the political party by which they have been nominated as enumerators. These instructions will be issued in the form of a pocket manual and it seems to me that an enumerator with any common sense at all, after reading these special instructions, will proceed according to the Act, by making joint visits.

Mr. MacNicol: Perhaps if it is so specifically stated, that might be satisfactory and I will not press it any further.

The Chairman: Is new rule 7 carried?

Carried.

Rule 8, there is no change advocated.

Carried.

The Chairman: Rule 9? There is a proposed amendment in the mimeographed copy of the draft amendment on page 2. Rule 9 of schedule A to section 17 of the said Act is amended by the insertion of the following at the end thereof.

> If, on the above mentioned visits to any dwelling place, the enumerators are unable to contact any person from whom they could secure the names and particulars of the qualified electors residing thereat, the enumerators shall leave at such dwelling place a notification card, as prescribed by the chief electoral officer, on which it shall be stated the day and hour that the enumerators shall make another visit to such dwelling place. The enumerators shall also state on such notification card their names and addresses and also the telephone number of one or both of them.

On this, gentlemen, I might say you will find on page 63 of the evidence a letter from a Mr. N. E. Thomas, of Montreal, advocating a remedy.

Mr. Fair: I think we could say, "the day and the hour" is close enough.

Mr. MacNicol: I think it important that they do not have to call back again too frequently. They call, and they do not find anyone home and they return again perhaps that evening, and the next day, and they still do not find anyone home with the result that they do not go back again and that house, 14 X street which may have a family of three or four in it is not enumerated. I have seen it happen time and again.

Mr. Fair: I have no objection Mr. Chairman, to this being put in if they say they are not going to be there until 11 o'clock or 12 o'clock or sometime in the afternoon.

The Chairman: Well is rule 9 as amended carried?

Carried.

Rule 10?
Carried.

Rule 11?
Carried.

Mr. MacInnis: Mr. Chairman, this provides a penalty in that they may lose their right or forfeit their right to payment for service as an enumerator. I think an enumerator who wilfully leaves a person off the voter's list should be punished more definitely than is implied in this rule. That is a misdemeanor, if not a crime of some magnitude and I do not think it should be just a mere forfeiture of payment. I think if an enumerator leaves a person off the voting list the enumerator should be subject to a fine.

The Witness: He is punished very severely under section 17.

The Chairman: That is a punishment which may be added to any other punishment to which he may be liable. If you will look at page 213 of the Election Act, section 17, subsection 18, that has to do with the liability of enumerators.

Mr. McKay: What is the provision under the Act?

The Chairman: Page 213, subsection 18 of section 17.

Mr. McKay: My question is Mr. Chairman, the latter part of that subsection 18 provides, "as in this Act provided".

The Chairman: On page 276 of the Election Act, section 79, dealing with fines, etc. for non-indictable offences. This section provides for a fine not exceeding $500 and costs or imprisonment not exceeding one year with or without hard labour or both such fine and such costs and such imprisonment, and so forth.

Mr. Gladstone: Mr. Chairman, the section referred to really relates to gross negligence, wilful negligence. I am wondering if we ought not to consider the case, of which there are many, where an enumerator makes a call possibly two calls at a house and finds no person at home. Perhaps both husband and wife are working, and the enumerator simply neglects entirely to put those names on the list. At election time there are very many complaints that all the people in a house have been omitted from the list. Then, the procedure, if they happen to look up the list and find they have been omitted, is, of course, to appear before a judge and have their names added.

Mr. MacInnis: They first go to a revising officer.

Mr. Gladstone: Yes, but I was wondering if it would be possible to penalize the enumerator to the extent of so many cents per name for every name that had to be added before the judge. I think it would just smarten them up on their work.

Mr. MacInnis: You mean they should have so many cents deducted. I think that would be too complicated.

The Chairman: Would you not think section 79 is going far enough by leaving it to the judge to impose a proper penalty. The judge has some latitude under section 79.

Mr. Gladstone: I do not think any penalty is likely to be imposed by the judge. If it was at the discretion of the returning officer, if he had the power, he could deduct it from the amount that is due to the enumerator for his work.

Mr. Marier: Yes, but you will have the returning officer deciding then whether the enumerator has done that wilfully or without cause.

Mr. Gladstone: No, this would be a new provision and his negligence would be established by the names that had to be placed on the list by the judge.

The CHAIRMAN: Well, is rule 11 carried?
Carried.

Rule 12, no change is advocated in this rule.
Carried.

Rule 13?
Carried.

The CHAIRMAN: Rule 14, if you will refer to page 5 of the printed draft amendments there is the following,

> Rule fourteen of schedule A to section seventeen of the said Act is repealed and the following substituted therefore:—
>
> Rule (14) The enumerators shall, on the list of electors, as indicated in form No. 8, register the name of a married woman or widow under the name and surname of her husband or deceased husband, or under her own christian name if she so desires. Whenever a woman is divorced or living apart from her husband, she shall be registered on the list of electors under whatever name or surname that such woman is known in the polling division. The names of the above mentioned women on the list of electors shall be prefixed with the abbreviation "Mrs.", as indicated in the said form No. 8. When the name of a married woman is entered on the list of electors immediately below her husband's name, there shall be no occupation given opposite such woman's name, as indicated in the said form No. 8. The names of unmarried women on the list of electors shall be prefixed with the word "Miss", as indicated in the said form No. 8

Is Rule 14 carried?
Carried.

Rule 15, there is no change.

Mr. MARIER: Under rule 14, if you have the right to register under two names there could be some mistakes. A woman could be known in the community under a certain name and the other name is unknown. Then there would be some trouble if she had the right to register under one name or under the other. Why not register in the name of her husband?

Mr. MACINNIS: The name under which she is known in the polling division.

Mr. MACNICOL: There are a lot of names like "Mrs. Fanny Thompson" instead of "Mrs. Robert Thompson."

The WITNESS: Her address would show quite well who she is.

Mr. MARIER: Yes, to a certain extent, but a person can be known, as Mr. MacNicol has said by the name Thompson and if she used the name Smith it would be different because her maiden name is Smith and she will be registered as Smith and nobody knows her in the vicinity under that name.

Mr. FAIR: I think the idea there would be that the christian name of her husband's name should be used. Would that not be the idea? For example, Mrs. Fanny Thompson or Mrs. Robert Thompson. She would have the right to choose which one she would have.

Mr. MACNICOL: It says "under her husband's name."

Mr. MARIER: Yes, up to that point I have no objection.

The CHAIRMAN: Do you meet with much difficulty, Mr. Castonguay, with rule 14 as it appears in the Election Act?

The WITNESS: We had a few bad cases in the last election. Women either divorced or living apart from their husbands went to the poll and when they found they had been registered on the list under their husband's name, walked away angry. They would not have anything to do with the election because their name was registered in that manner.

Mr MARIER: Why not leave the first part of rule 14 the way it is and whenever a woman is divorced she can have the right to be put on the list under her husband's name or her maiden name instead of her husband's name.

Mr. FAIR: If she is divorced she ordinarily would not carry her husband's name any longer.

Mr. MARIER: She will be known under her maiden name.

Mr. MACINNIS: She would take her husband's surname unless she changed it.

Mr. MACNICOL: When a woman is divorced does she go back to her maiden name?

Hon. Mr. STIRLING: Not necessarily.

The CHAIRMAN: She usually does.

Mr. MARIER: Why not leave the first part as it is and give the privilege to a divorced woman of registering under her own name. The first part should be kept as it is I think.

The CHAIRMAN: You are suggesting, Mr. Marier, that we leave rule 14 as it is now, adding however, these words that I draw from the proposed amendment, line 5, starting with "whenever a woman is divorced or living apart from her husband she shall be registered on the list of electors under whatever name or surname that woman is known in the polling division".

Mr. MACNICOL: I am speaking on something I know nothing about. If a woman divorces her husband does she keep his name afterwards if she wishes?

Mr. MARIER: Yes.

Mr. MCKAY: Certainly.

The CHAIRMAN: The few divorced women whom I know have returned to their maiden names.

Mr. FAIR: If she wants a divorce badly enough to get rid of her husband she would likewise want to get rid of his name.

Hon. Mr. STIRLING: That is so, but it does not always happen. I know a divorced woman who came back to the community carrying the name she always had. For mischievous purposes she went around that small community calling herself Mrs. Charles Jones to the great annoyance of the present Mrs. Charles Jones.

Mr. GLADSTONE: My objection is this. Robert Smith, carpenter, 12 King street. Mary Smith, 12 King street, housewife.

The WITNESS: Under the law as it is, it is almost obligatory to put Mr. Peter Smith, carpenter, and Mrs. Peter Smith under her husband's first name. If her name is placed on the list of electors immediately under her husband's name there is no occupation given. Strong objections have been made in many polls by women who wanted to be registered under their Christian names and one of the purposes of this amendment is to give them that privilege.

Mr. GLADSTONE: I would not like to see the method changed, it seems to be working very satisfactorily now.

Mr. MACINNIS: I do not see why, if a woman wishes to be registered under her christian name, she should not be allowed to do so.

The WITNESS: This will allow it.

Mr. MACNICOL: Well, I am in favour of it.

Mr. MCKAY: Her legal name is the same as her husband's.

Mr. MACINNIS: Yes, but she is not giving up her christian name, her husband always calls her by that name and there is no reason why she should not have it on the register.

Hon. Mr. Stirling: Mrs. Charles Jones is not the legal name of a woman, the legal name is Mrs. Elizabeth Jones.

Mr. Fair: I think you are getting christian names and surnames mixed up. The christian name can never be changed but the surname is changed immediately after marriage.

The Chairman: Is the rule carried?

Carried.

Rule 15, there is no change.
Carried.

Rule 16, no change.
Carried.

Rule 17, no change.
Carried.

Rule 18, no change.
Carried.

Rule 19, no change.
Carried.

Rule 20, no change.
Carried.

Rule 21, no change.
Carried.

Rule 22, no change.
Carried.

Rule 23. There are here two amendments suggested, one will be found in the printed draft amendment and the other is supplementary to the first suggestion and it is found on page 2 of the mimeographed copy.

The Witness: I might say the amendment on page 5 of the booklet is superseded by the mimeographed amendment on page 2.

Mr. Fair: So we will ignore the printed copy.

The Chairman: If you will, just confine yourselves to the mimeographed copy. It is a suggestion of the chief electoral officer.

Mr. MacInnis: And substitute this one?

The Chairman: Yes. I will refer you to the mimeographed copy at page 2:

> Rule twenty-three of schedule A to section seventeen of the said Act is repealed and the following substituted therefor:
>
> Rule (23). Forthwith on receipt of such notification the returning officer shall, not later than Saturday, the twenty-third day before polling day, cause to be printed a notice of revision in form No. 12, describing the boundaries of every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revised office at which such revising officer will attend for the revision of the lists of electors, and stating the day and time during which such revisal office will be open. It shall also be stated in the said notice the days and hours before the first day of sittings for revision, and the address at which each revising officer shall be in attendance to complete affidavits of objection. At least four days before the first day fixed for the sittings for revision, the returning officer shall cause at least two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his

electoral district. Immediately after the printing of the notice in form No. 12, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so officially nominated.

Hon. Mr. STIRLING: Should not the revisal district be described? Is it the same thing as a polling division?

The WITNESS: Every revisal district in the notice of revision is described by giving the polling divisions and also the area that it contains. The first purpose of this amendment was to change the regulation with regard to posting up of the notices. In the old provision it was provided that six copies of the notice were to be posted up for each 1,000 of the population, and in this suggestion it is provided that two copies of the notice will be posted up in each urban polling division. The returning officers of the last two elections have found difficulties in posting up notices at the rate of six per thousand of population, and several of them have expressed the view that it would be desirable to have the notices posted at so many per polling division instead.

The other change suggested in the amendment follows a suggestion that has been made as the result of the Cartier by-election. It stipulates that in the notice of revision the name and address of each revising officer should be stated in order that electors who desire to subscribe to affidavits of objection may do so during the three days before the first day of the sittings. In the proposed rule it is provided that these affidavits should be sent at the latest, on the day previous to the first day of the sittings. As the law stands now these affidavits of objection may be sent on the first day of sittings and Chief Justice Tyndale of Montreal wrote me several letters in which he said that the delays were too short; that it was very desirable that affidavits of objection should be sent to the persons concerned at least on the day previous to the first day of sittings.

Hon. Mr. STIRLING: What is a revisal district?

The WITNESS: What is a revisal district? For instance, in a place like Kelowna there is only one, but in a district like Ottawa East there may be four or five. A revising officer is not asked to look after the revision in more than thirty or thirty-five polling divisions, and in a place where there are only fifteen polling divisions which are urban there must be a revising officer appointed for such locality, and it must be set out as a revisal district. It all depends on the size and character of the electoral district.

Hon. Mr. STIRLING: Well, I think it ought to be included in interpretation. I did not know what a revisal district was, and I do not think many people do.

Mr. MACINNIS: My objection to this provision is that there are usually too few revisal districts—the districts are too large. I appreciate that it would increase the cost; but the mass of the people in a constituency do not begin to take an interest in an election until a very few days before the polling and then they are rushing around trying to find a revisal officer to get their names on the list. At least, that is the way I found it. I think there are four such officers in Vancouver East, maybe five. It is quite a large urban district. I think that more than four would be desirable in a constituency of that size.

Mr. MACNICOL: Yes. I agree with the member for Vancouver East. In the last general election in Davenport riding in which there are 131 polling subdivisions, if my memory serves me well, there were four revisal districts. That would be about thirty or thirty-five to each district. I found that to be quite a large area. I watched closely myself. I glanced over the polls carefully, and to get the people on the list who had been left off the list it seemed quite a large number of polls to cover in one revisal district.

The WITNESS: I have no objection to reduce the maximum number; that would give the riding of Davenport six revising officers instead of four.

Mr. MACINNIS: That would help.

The WITNESS: It is all done by instructions.

Hon. Mr. STIRLING: How does a member of the public know to which revisal district he belongs?

Mr. MACNICOL: It is all published. The election officers all know.

Hon. Mr. STIRLING: I am asking how a member of the public knows.

The WITNESS: In an urban polling division each elector or householder is sent a copy of the preliminary list as soon as it is printed. On that copy there is a notice of the date and place and hour of the revision, and besides that there is a notice of revision that has to be posted up giving more particulars about the revision.

Mr. GLADSTONE: It is all advertised in our newspapers, I believe.

The WITNESS: We have not resorted to newspaper advertising in connection with the conduct of dominion elections.

Mr. MACNICOL: I have found it very satisfactory. The honourable member from Vancouver East has a district which is a little too large.

The WITNESS: The cost of revision will go up.

Mr. MACINNIS: Yes.

Mr. MARIER: There is something here I wish to refer to: "It shall also be stated in the said notice the days and hours before the first day of sittings for revision, and the address at which each revising officer shall be in attendance to complete affidavits of objection." Do you mean that that notice must be sent the day before the day he sits?

The WITNESS: Yes, these affidavits of objection are prescribed in rule (28).

Mr. MARIER: I cannot understand that sentence.

The WITNESS: Of course, you have to read (23) with (28). Rule (28) describes that each revising officer is to sit for at least three hours on the afternoon or evening on the three days preceding revision to complete affidavits of objection and send notices to the persons concerned. Of course, this appears here on account of the publication of the notice; but the revision that prescribes these three days is rule (28).

Mr. MARIER: What do you mean when you state: "It shall also be stated in the said notice the days and hours before the first day of the sittings for revision. . . . ?

The WITNESS: Those are directions for the printing of the notice; but the purpose and the real provisions are in rule (28) which prescribes that the revising officer has to keep himself available for three hours on the three days preceding the first day of sittings.

Mr. MACNICOL: We will deal with that when we come to that, because I have something to say about that.

The CHAIRMAN: Shall the new rule (23) carry?
Carried.

Rule (24); there is no change, shall that carry?
Carried.

Shall rule (25) carry; there is no change?
Carried.

Rule (26)? Would you please refer to the printed draft amendments on page 6?

Mr. MacNicol: "The sittings of the revising officers for the revision of the lists of electors shall commence at ten o'clock in the forenoon of Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and shall continue only during such time as may be necessary to deal with the business ready to be disposed of. . . ." Now I have found that I and others working for me have taken electors to the revising officer, say, at 10.30 or 11.30, within the three hours, and I have found the revising officer to be away. On taking up with him why he was not on the job during the three hours he told me something like this, "Well, I stayed until all the business before me was completed and I left; I have my office to look after." I might say that a large number of the revising officers are young lawyers. Naturally they will hop into the revising office at the beginning of the morning for an hour or so and then hike down town. Now, I say they should remain on the job for three hours.

The Chairman: Perhaps it would be better to let me read this proposed new rule (26) into the record.

> Rule twenty-six of schedule A to section seventeen of the said Act is repealed and the following substituted therefor:
>
> > Rule (26). The sittings of the revising officers for the revision of the lists of electors shall commence at ten o'clock in the forenoon of Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and shall continue only during such time as may be necessary to deal with the business ready to be disposed of, provided that, if any such days is a holiday as defined in the Interpretation Act, the day for the commencement or continuation of the sittings may be postponed accordingly. On each of the three days fixed for the sittings for revision, every revising officer shall sit continuously at his revisal office for the revision of the lists of electors between the hours of seven and ten o'clock in the evening of such days.

Hon. Mr. Stirling: What is the meaning of the word "only" in the fifth line?

Mr. Richard (*Ottawa East*): I suggest that they should sit one hour in the morning. We go there at 10.15 and they are gone.

The Witness: This amendment prescribes longer sitting hours. Under the proposed amendment the revising officer sits in the forenoon of the first three days of revision, for the time required to deal with the business ready to be disposed of, and he will sit also continuously between 7 and 10 o'clock in the evenings on the three days of revision.

Hon. Mr. Stirling: As well as in the morning?

The Witness: Yes.

Mr. MacInnis: Morning sitting does not mean very much because he may go there and if there is no business he will leave right away; he does not wait for any business to come. However, this is an improvement.

The Witness: This is quite an improvement. If you make is obligatory for the revising officer to sit three hours in the morning and three in the afternoon and three in the evening, well it is going to increase the cost of the revision a great deal.

Mr. MacNicol: What are these officers paid now?

The Witness: They are paid so much per polling division, not polling station—$3 for a polling division with a minimum allowance of $50. That means that if they have only fifteen polls in their revisal district they would get $50. If you lengthen the hours it makes it more difficult because most of the revising officers are young lawyers, and if you want them to act for nine hours a day they will expect a much higher rate of remuneration.

Mr. MacNicol: They should sit for a few minutes in the morning anyway.

Mr. Richard (*Ottawa East*): More than that.

Mr. MacNicol: They hustle away the first crack out of the box.

The Witness: In my instructions, notwithstanding what is stated in the Act, it is stated that they should keep the revisal office at the morning sittings open for at least two hours.

Mr. MacNicol: In the morning?

The Witness: Yes, in the morning.

Mr. MacNicol: That is satisfactory.

The Witness: If the committee feels that this requirement should be put in the provision itself, I see no objection.

Mr. MacNicol: Two hours in the morning would be all right. I have gone to the offices and found them away. They open about 10 o'clock.

The Witness: Yes, they open at 10 o'clock.

Mr. MacNicol: There was nobody around, and if there is nobody there in a short time they go off to their offices. They should stay there some time in the mornings.

The Witness: They do not follow the instructions. This proposed amendment contains another change. Under the present law sittings of revising officers are held on Mondays, Tuesdays and Wednesdays, the fourteenth, thirteenth and twelfth days before polling day, but I have been requested by many returning officers to put the revision forward to the eighteenth, seventeenth and sixteenth days before polling day, that is on Thursday, Friday and Saturday. It is to allow more time for the printer to reprint the lists. As it is now, the candidates and the election officers get the final revised list sometimes only a day or two before polling day, and this change will permit their getting the list four or five or six days earlier. I do not think that the putting forward of the days of revision will cause any difficulty in the conduct of an election.

The Chairman: Is any subamendment suggested?

Mr. Richard (*Ottawa East*): Mr. Chairman, I suggested that there should be a sitting of at least one hour in the morning after 10 o'clock.

The Chairman: Your suggestion could be included in the suggested amendment very easily by adding after the words "and shall continue" the words "until 11 o'clock."

Mr. Marier: Shall continue until such time as it will be necessary to deal with the business to be disposed of, or at least one hour—something like that.

Mr. MacNicol: Yes, for at least one hour.

The Witness: For at least one hour.

Mr. Gladstone: Should you say "or"; should it not be "and"?

Mr. Marier: If there is business they can continue for two or three hours.

The Chairman: Mr. Marier, would this meet your purpose—

Mr. Marier: It is not my proposal; it is Mr. Richard's proposal.

The Chairman: "At least one hour and during such time thereafter as may be necessary" and so forth?

Mr. Richard (*Ottawa East*): That is all right.

The Chairman: Would that be satisfactory? Shall the new rule (26) as amended carry?

Carried.

Rule (27). I will refer the committee to the printed draft of amendments, page 6. The suggestion is to repeal clause (a) of rule (27). The rest of the said rule remains as it is.

Mr. MacInnis: What is the reason for repealing this?

The Witness: This is linked with rule (7) and form 7. The amendment to rule (7) will not make it necessary for the enumerator to strike out one of those inapplicable words such as "granted" or "refused"; so the enumerators now in their enumeration will not refuse any application. This clause (*a*) of rule 27 is to provide for the consideration of refused applications by enumerators.

The Chairman: Is rule 27 carried?

Carried.

The Witness: At this point, it will be necessary to renumber the clauses in rule 27. (*b*) becomes (*a*), (*c*) becomes (*b*), (*d*) becomes (*c*), and (*e*) becomes (*d*).

The Chairman: Is rule 27 as amended carried?

Carried.

Rule 28. I refer you, gentlemen, to the mimeographed copy of the draft amendment, page 3 at the top.

> Rule twenty-eight of schedule A to section seventeen of the said Act is repealed and the following substituted therefor:—
>
> > Rule (28). During the three days immediately preceding the first day fixed for the sittings for the sittings for revision, whenever an elector whose name appears on the preliminary lists of electors prepared in connection with a pending election, for one of the polling divisions comprised in a given revisal district, subscribes to an affidavit of objection in form No. 13, before the revising officer appointed for such revisal district, alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than the day immediately preceding the first day fixed for the sittings for revision, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a notice to person objected to, in form No. 14, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer, during his sittings for revision, to establish his right to have his name retained on such preliminary list. With each copy of such notice, the revising officer shall transmit a copy of the relevant affidavit of objection. On each of the three days immediately preceding the first day fixed for the sittings for revision, the revising officer shall keep himself available during at least three hours in the afternoons or evenings of such days, at the address given in the notice of revision in form No. 12, to complete, as required, affidavits of objection and notices to persons objected to and to despatch copies of such affidavits and notices to the persons concerned.

Mr. MacNicol: What does it mean?

The Chairman: I may mention, since this is a pretty long draft, that these amendments that we are discussing will have to pass through the usual channels to the joint law clerks before they are presented to you for the drafting of our official report. It is possible this amendment and others may be simplified.

Mr. Marier: What is the change?

The WITNESS: The change, as was explained a moment ago, concerns the affidavits of objection and the notices to the person objected to that may be sent by registered mail. As the Act is now, it is possible to send this notice on the first day of revision but it follows that there is not much time for the letter to reach the interested person in time for the revision. This will make it obligatory to have this notice of objection mailed on the day prior to the sittings. This amendment, I might say, was suggested by Chief Justice Tyndale, of Montreal.

Mr. MARIER: Does that mean that he would have to stay at his office all the time?

The WITNESS: Any place at all that will be convenient, for instance at home. I might add also that I have sent a copy of this proposed amendment to Chief Justice Tyndale and he has approved of it.

Mr. MARIER: You will have to increase their salaries.

The WITNESS: It is possible.

Mr. GLADSTONE: Under rule 26 he has to be there in the evenings from seven until ten.

The WITNESS: That is on the days of the revision.

The CHAIRMAN: Is rule 28 carried?

Carried.

Rule 29. In the mimeographed copy of the draft amendments on the same page,

> Rule twenty-nine of schedule A to section seventeen of the said Act is repealed and the following substituted therefor:—
>
> > Rule (29). In cases of objections made on affidavits subscribed before the revising officer under the next preceding rule of which notices have been sent by registered mail by the revising officer to the persons objected to, the revising officer shall deal with each objection separately upon the merits to be disclosed by examination on oath of the elector making the objection, the person against whom the objection is made and the witnesses present on their respective behalf. After each objection is dealt with, the revising officer shall, in his discretion, either strike off the name of the person objected to from the preliminary list on which such name appears or allow the name to stand. The onus of substantiating sufficient prima facie ground to strike off any name from the preliminary list shall be upon the elector making the objection, and it shall not be necessary for a person against whom objection is made to adduce proof in the first instance that his name properly appears on the preliminary list. The absence from or non-attendance before the revising officer, at the time that the objection is dealt with, of any person against whom an objection is made shall not relieve the elector making the objection from substantiating prima facie case by evidence which, in the absence of rebuttal evidence, is considered by the revising officer sufficient to establish the fact that the name of the person objected to improperly appears on the preliminary lists.

Mr. MACNICOL: That sounds good.

The WITNESS: The burden of proof, according to the present Act, is on the elector objected to With this amendment the burden of proof will be on the person making the objection This amendment was prepared as a result of a discussion that took place in the house during the Cartier by-election and following remarks made by the Right Honourable Mr. St. Laurent. I have tried here to put it the other way around.

Mr. MARIER: It is only fair.

Hon. Mr. STIRLING: Before, it was the accused person who had to prove his innocence. Now the accuser has to prove his case.

The CHAIRMAN: That is in accordance with an old traditioin. Is new rule 29 carried?

Carried.

Rule 30, no change.

Carried.

Rule 31, no change.

Carried.

Rule 32, no change.

Carried.

Rule 33, no change.

Carried.

Rule 34, no change.

Carried.

Rule 35, no change.

Carried.

Rule 36, no change.

Carried.

Rule 37, no change.

Carried.

Rule 38, no change.

Carried.

Rule 39, no change.

Carried.

Rule 40. If you will refer to the printed draft amendment on page 6, rule 40, of schedule A to section 17 of the said Act is amended by substituting the words "Monday, the 14th" for the words "Thursday, the eleventh" in the second line thereof.

Mr. MACNICOL: Where is it? I do not find that on page 6?

The WITNESS: This amendment has become necessary in view of putting forward the dates of revision.

The CHAIRMAN: Is rule 40 carried?

Carried.

Rule 41, no change.

Hon. Mr. STIRLING: Yes, there is the same change.

The CHAIRMAN: I am at rule 41.

Hon. Mr. STIRLING: Yes, the same change is made in 41.

Mr. MARIER: By substituting the words "Monday".

The CHAIRMAN: Oh yes. There is the same amendment in rule 41. Is it carried?

Carried.

Rule 42, is it carried as amended?
Carried.

Rule 43, no change.
Carried.

The CHAIRMAN: Is it your wish that we start with schedule B or leave it for the next meeting.

Some Hon. MEMBERS: Leave it for the next meeting.

The CHAIRMAN: The next meeting will take place on Thursday at four o'clock in the same place.

The meeting adjourned at 5.40 p.m. to meet again on Thursday, May 1, at 4 o'clock p.m.

SESSION 1947

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

WEDNESDAY, MAY 7, 1947
THURSDAY, MAY 8, 1947.

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,

Wednesday, May 7, 1947.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4 o'clock p.m. Mr. Paul E. Coté (*Verdun*), Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Coté (*Verdun*), Gariepy, Gladstone, Hazen, MacInnis, MacNicol, Marier, Marquis, McKay, Murphy, Richard (*Ottawa East*), Zaplitny.

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

The Committee resumed the adjourned study of the Dominion Elections Act, 1938, and consideration of the proposed amendments thereto.

Mr. Jules Castonguay, Chief Electoral Officer was recalled.

When Section 28 of the said Act was reached, Mr. Richard (*Ottawa East*), moved that in relation to Section 28 of the Dominion Elections Act, 1938, Form No. 32 in schedule one thereto be amended by the deletion therefrom of the numerals that appear before the names of the candidates, and that the surname of each candidate be printed in large, heavy type followed by his Christian name or names in slightly smaller type.

Following lengthy discussion the question being put thereon, the said motion was agreed to on the following division: Yeas, 7; Nays, 2.

At 5.55 o'clock p.m., the Committee adjourned to meet again at 4 o'clock p.m., Thursday, May 8, 1947.

House of Commons, Room 429,

Thursday, May 8, 1947.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4 o'clock p.m. Mr. Paul E. Coté (*Verdun*), Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Coté (*Verdun*), Fair, Hazen, Kirk, MacInnis, MacNicol, Marier, Marquis, McKay, Mutch, Richard (*Ottawa East*), Stirling, Zaplitny.

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

The Chairman tabled a communication from Mr. Watson Sellar, Auditor General, in which were contained certain proposed amendments to the Dominion Elections Act, 1938. On motion of Mr. Marquis, it was ordered that the memorandum from Mr. Sellar be printed as Appendix "A" to this day's minutes of proceedings and evidence, and the Clerk was instructed to have forthwith mimeographed copies of the said document made for the use of the members of the Committee.

The Committee resumed the adjourned study of the said Act and consideration of the various proposed amendments thereto.

Mr. Jules Castonguay, Chief Electoral Officer was recalled.

The amendments to the said Act agreed to by the Committee are reported in the Minutes of Evidence following.

As regards Section 33, on motion of Mr. Mutch, it was agreed to recommend that in future the voters list be printed on one side of the paper only.

On motion of Mr. MacInnis, the Committee requested Mr. Castonguay to prepare a draft amendment to subsection (1) of Section 45 of the said Act to provide for a uniform initialling of all ballot papers by the deputy returning officer prior to the commencement of voting.

On motion of Mr. Mutch, and by unanimous consent, Mr. Knowles, M.P., addressed the Committee in relation to subsection (1) of Section 47 of the said Act, relating to additional time-off for voting to be granted by employers to their employees.

At six o'clock p.m., the Committee adjourned to meet again at 4 o'clock p.m., Tuesday, May 13, 1947.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,

May 7, 1947.

The Special Committee on the Dominion Elections Act met this day at 4 p.m. The Chairman, Mr. Paul E. Coté, presided.

The Chairman: The order of business to-day will be found on page 222 of the Election Act, Schedule B, section 17, preparation of lists of electors in rural polling divisions. As to rule 1 I may say we have no change but Mr. McKay at a previous meeting raised a point which it is in order to discuss under this rule, if he still wishes to make that point.

Mr. McKay: Mr. Chairman, I asked Mr. Castonguay the last day what the reason was why two enumerators, one representing each political party polling the highest number of votes in the preceding election, were not allowed in rural districts. I believe the reason was that probably it would be an expensive undertaking, but I did not hear any answer so I will put the question again if I may.

Jules Castonguay, recalled.

The Witness: I do not think that the need for two enumerators in a rural polling division is as great as it is in an urban polling division. The rural lists are open lists which means that if a person is omitted from such list he can vote on polling day upon being vouched for by a qualified elector in the polling division. In an urban division the situation is altogether different since the name of the elector must be on the list for his polling division in order to be able to vote. The matter has not been discussed in my presence and I am just giving my impression of what might be the reason why only one enumerator is provided in a rural polling division.

By Mr. Hazen:

Q. Is there not another reason? People are better known and more settled in rural districts. In the urban districts they move about and change from time to time.—A. The population is more floating in urban polling divisions than it is in rural polling divisions.

Q. Is that not another reason?—A. There is always an open list in a rural polling division.

By Mr. MacNicol:

Q. You can go to the polling booth on election day with two other people who know you whose names are on the list and vote?—A. One voucher only is required.

Mr. Marier: Maybe there is another reason which is a practical one. If you look at rule 2 it says:

> If it is impossible promptly to secure the services of a resident person who is qualified to act, and so on.

That happens very often in rural districts. That happened at the last election in my constituency. We could not find people who were qualified or whom we wanted to act as polling enumerators. So why appoint two if it is hard to get one?

Mr. McKay: I was not suggesting particularly any amendment. My question to Mr. Castonguay was the reason why two were not appointed. I am quite satisfied with his explanation.

The Chairman: Is rule 1 carried?

Carried.

Rule 2. There is no change. Is rule 2 carried?

Carried.

Rule 3. I would ask the committee to refer to the mimeographed copy of amendments at page 4.

> Rule 3 of schedule B to section 17 of the said Act is amended by substituting the words "Thursday, the 18th" for the words "Tuesday, the 13th" in the seventh line thereof.

Mr. Zaplitny: What page on the mimeographed sheets?

The Chairman: Page 4.

By Mr. MacNicol:

Q. What is the reason for that?—A. At the present time the sittings of the rural enumerator to revise his own list are prescribed to be held on Tuesday, the 13th day before polling day. He only sits for one day from the hours of 10 in the morning until 10 in the evening. During that time he is required to keep himself available at an advertised place to hear representations and to make the necessary changes in his list. Many returning officers have asked that this date be put forward in order to allow them to send ballot boxes by mail to the deputy returning officers. The returning officer in a rural electoral district must wait until he has received the report of the revision to send the ballot boxes forward to the deputy returning officers. With the revision on the 13th day before polling day the reports from the outlying polling divisions do not reach the returning officer until the beginning of the following week. It makes it then necessary for the returning officer to send the ballot boxes by messenger at some cost. If these reports of revision from rural polling divisions were received earlier the ballot boxes could be sent by registered mail at a great saving. This rural revision is very simple. When the revisions were passed in 1938 I even suggested that it be done away with. I must admit however that the rural revision serves some purpose.

The Chairman: Is rule 3 as amended carried?

Carried.

Rule 4. No change. Is rule 4 carried?

Carried.

Rule 5. No change. Is rule 5 carried?

Carried.

Rule 6. Would you please refer to the printed draft amendments, page 6, at the foot of the page.

> Rule 6 of schedule B to section 17 of the said Act, is repealed and the following substituted therefor:—
>
> > Rule (6). The enumerator shall, in the index book, as indicated in form No. 21, register the name of a married woman or widow under the name and surname of her husband or deceased husband, or under her own christian name if she so desires. Whenever a woman is divorced or living apart from her husband, she shall be registered in the index book under whatever name or surname that such woman is known in the polling division. The names of the above mentioned women in the index book shall be prefixed with the abbreviation 'Mrs.', as indicated in the said Form No. 21. When

> the name of a married woman is entered in the index book immediately below her husband's name, there shall be no occupation given opposite such woman's name, as indicated in form No. 21. The names of unmarried women in the index book shall be prefixed with the word 'Miss', as indicated in the said form No. 21.

By Mr. Richard: (Ottawa East):

Q. That is a similar change to rule 14?—A. It is almost exactly the same as rule 14 to schedule 5, which appears at page 5 of the printed draft amendments.

The CHAIRMAN: Is rule 6 as amended carried?

Carried.

Rule 7. No change. Is rule 7 carried?

Carried.

Rule 8. No change. Is rule 8 carried?

Carried.

Rule 9. No change. Is rule 9 carried?

Carried.

Rule 10. No change. Is rule 10 carried?

Carried.

Rule 11. No change. Is rule 11 carried?

Carried.

Rule 12. No change. Is rule 12 carried?

Carried.

Rule 13. I would ask the committee to refer to the mimeographed copy of the draft amendments, page 4.

Mr. MARQUIS: That is the same thing.

The CHAIRMAN:

"Rule 13 of schedule B to section 17 of the said Act is amended by substituting the words 'Thursday, the eighteenth' for the words 'Tuesday, the thirteenth' in the seventh line thereof."

The WITNESS: This is a corresponding change.

The CHAIRMAN: Is rule 13 as amended agreed to?

Carried.

Rule 14. No change.

Carried.

Rule 15. No change.

Carried.

Rule 16—please refer to the same page of the mimeographed copy:—

> Rule 16 of schedule B to section 17 of the said Act is amended by substituting the words 'Thursday, the eighteenth' for the words 'Tuesday, the thirteenth' in the fourth line thereof.

Agreed as amended?

Carried.

Rule 17. No change.

Carried.

Rule 18. No change.

Carried.

Rule 19. No change.

Carried.

Rule 20, this is referred to again in the mimeographed copy at page 4.

> Rule 20 of schedule B to section 17 of the said Act is amended by substituting the words 'Friday, the seventeenth' for the words 'Thursday, the eleventh' in the second line thereof.

Agreed as amended?
Carried.

Rule 21. No change.
Carried.

Rule 22. No change.
Carried.

Rule 23. No change.
Carried.

Rule 24. No change.
Carried.

Proclamation by returning officer: section 18—you will please refer to the printed draft amendment, page 7:—

> Subsection two of section eighteen of the said Act is repealed and the following substituted therefor:—
>
> > (2) In the electoral district of Yukon-Mackenzie River it shall be sufficient compliance with the immediately preceding provisions, if, at least six days before the day fixed for the nomination of candidates, the returning officer shall cause such proclamation to be inserted in at least one newspaper published in Dawson and in one thereof, if any, published in Whitehorse and in Yellowknife, and mails at least one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions, will probably receive the same at least six clear days before nomination day.

Mr. MacNicol: Will you not have to hold up references to Yukon-Mackenzie until the committee now considering whether the ridings will still be known as Yukon-Mackenzie River makes its report?

Mr. Marquis: They have adopted something. I believe it was decided that it would be considered after the amendment was adopted in the House.

Mr. MacNicol: The other committee was to meet to-day or to-morrow. That is the committee presided over by Major Harris which has to decide the question of whether the petitions which have come down from both the Yukon and the Mackenzie River districts are accepted or not. I understand both of them refuse to accept.

The Chairman: I might say, Mr. MacNicol, that this point has already been considered. On some sections which have already been carried it was understood that after we have completed the revision of the Act the committee will be asked to concur in the draft final report that the committee is to make to the House. If it appears at that time that our amendments relating to the change of name in the designation of the Yukon-Mackenzie River district are not right we could then make any other change.

Mr. MacNicol: That is all right.

Mr. MacInnis: Mr. Chairman, the latter part of this suggested amendment, as in the amended section, provides that the returning officer shall send a copy of the proclamation to both centres. Provision comes in somewhere that the Postmaster General must post these proclamations in a conspicuous place somewhere in his post offices.

The Chairman: I'll ask Mr. Castonguay to reply.

The WITNESS: Of course, this provision, subsection (2) of section 18, only refers to the Yukon territory or to the electoral district of Yukon-Mackenzie River. In the other electoral districts even in the large cities copies of the proclamation are sent to the postmaster, and the postmaster is required by subsection (5) of section 18 to post them up.

Mr. MACINNIS: Yes, I see. That is O.K.

The CHAIRMAN: Is subsection (2) carried as amended?

Carried.

Subsection (6) of section 18 of the said Act is repealed.

Carried.

Is section 18, as amended, agreed to?

Carried.

Qualification of candidates, section 19; no change.

Mr. MARQUIS: I think there should be a change. It says, "any British subject". As we have a new citizenship Act perhaps we had better say, "Canadian citizens" because that includes British subjects. We should do that if we want to conform with the new legislation. I would move that we delete the word "British subject" and replace it by the words "Canadian citizen".

Mr. MACNICOL: Oh, no.

The CHAIRMAN: I would like to point out here that this section also refers to the voting age, and this matter of the qualification of voters comes under section 14 which we have allowed to stand. I would therefore suggest taking note of the motion made by Mr. Marquis and allowing section 19 to stand.

Mr. MACINNIS: You cannot accept that anyway. You could accept his suggestion about Canadian citizen or British subject, but you could not leave out British subject.

Mr. MARQUIS: I think the law says Canadian citizens are British subjects. The term I suggested is all-inclusive and there should be no difficulty about its use.

The CHAIRMAN: Section 19 stands.

Section 20—Persons ineligible as candidates.

There is a change advocated and it will be found in the mimeographed copy at page 4:—

> Clause (*a*) of subsection two of section twenty of the said Act is repealed and the following substituted therefor:—
>
> *Exceptions* (2) The provisions of this section shall not render ineligible,
>
> *Ministers* (*a*) The member of the King's Privy Council holding the recognized position of Prime Minister or any person holding the office of President of the Privy Council, Secretary of State for External Affairs, Minister of Justice, Minister of Finance, Minister of Mines and Resources, Minister of Public Works, Postmaster General, Minister of Trade and Commerce, Secretary of State of Canada, Minister of National Defence, Minister of National Health and Welfare, Minister of National Revenue, Minister of Fisheries, Minister of Labour, Minister of Transport, Minister of Agriculture, Minister of Reconstruction and Supply and Minister of Veterans Affairs, parliamentary secretary, or parliamentary under secretary or any office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown;"

Mr. MACINNIS: In this proposed amendment there is no mention of the solicitor general. I must have missed it if it is here. He is a member of the cabinet, I understand, and that position was created prior to the revision of the Act.

Mr. MARQUIS: I think it would be shorter if the provision read,

> Every member of the King's Privy Council for Canada, and entitled to be a minister of the Crown and the parliamentary assistant—

There is no use repeating all the designations of the ministers if we can draft the section in shorter form by saying every member of the Privy Council and the parliamentary assistants have the right to vote.

Mr. MACINNIS: My writing it this way, including those names, you exclude any who are not named.

Mr. MACNICOL: At the end of the provision there could be a phrase,

> A member of the King's Privy Council for Canada and entitling him to be a minister of the Crown—

The CHAIRMAN: Order, gentlemen, please. We cannot follow your discussion. I ask you to speak one at a time and address the chair.

Mr. MACINNIS: I was saying I did not agree with Mr. Marquis on this point, but perhaps he has more accurate information on it than I have. It reads in part,

> —Or any office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown.

The office of the solicitor general will not be created hereafter, it is already created.

Mr. MARQUIS: I think Mr. MacInnis is right. His designation includes some members of the Privy Council, but it would be better to say every member of the Privy Council and mention the parliamentary assistants as well as the other people who are mentioned in this subsection.

The CHAIRMAN: Perhaps we could hear Mr. Castonguay's opinion on this point.

The WITNESS: This subsection, as far back as I can remember, has always been drawn in this manner and the ministers have always been named. The purpose of this amendment is to make three corrections in the present Act. It gives "the minister of Pensions and National Health", but now this minister is known as the Minister of National Health and Welfare. Then, the Minister of Reconstruction and Supply is not mentioned in the old version nor is the Minister of Veterans Affairs. Those are the only three corrections that are suggested to be made.

Mr. MARQUIS: I think that is right. We cannot designate them as members of the Privy Council because there are some judges who are members of the Privy Council who have not the right to vote. Therefore, if we say members of the Privy Council, it will contradict some other section of the Act. I move that we add, after the words, "Veterans Affairs", the words, "solicitor general",

Mr. FAIR: I think if you put those words in right after the words, "Minister of Reconstruction and Supply", you will have the names in their proper order.

Mr. MARQUIS: Perhaps that is so, I am not sure about that.

The CHAIRMAN: Mr. MacInnis has made a point of some importance. The way this clause is drafted, the creation of a new cabinet post would require a further amendment to this clause.

Mr. MACINNIS: That is not the point I made. The point I made is that the solicitor general is not included in this list. His office was created before this particular part of the Act was drafted. If his name is not included in this list, he would be one of those who would be rendered ineligible.

Mr. MacNicol: Does not the last part of the paragraph answer that contention? It reads,

> Or any other office which is hereafter created, to be held by a member of the King's Privy Council for Canada and entitling him to be a minister of the Crown.

Mr. MacInnis: But the office of the solicitor general is already created. All you need to do is insert his name.

Mr. Fair: I would withdraw my remarks with respect to where those words should be placed. Let it go in after the words, "The Minister of Veterans Affairs". I was under the impression the names were in alphabetical order, but I notice they are not. As the solicitor general is a junior member of the cabinet, I think his name should go down at the end of the list.

Mr. Marquis: I move his name be added after the words, "Veterans Affairs".

Mr. Gariepy: You will have to change the word, "and" to make it read correctly. It reads,

> Minister of Reconstruction and Supply and Minister of Veterans Affairs;

You will have to remove the word "and" to make it read correctly.

The Chairman: Before I put the question on this motion, gentlemen, we have the good fortune to have Mr. Fraser, one of the law clerks with us this afternoon. Would you care to hear him on the necessity of listing each and all of the cabinet posts in this clause?

Mr. Marquis: Yes, I think so because there are some members of the Privy Council who are not ministers of the Crown, such as judges, who are not entitled to vote according to the law. If we do not enumerate the cabinet members these other officials may be entitled to vote.

Mr. Richard: I do not think that objection is well founded because the provision reads,

> —by a member of the King's Privy Council for Canada and entitling him to be a Minister of the Crown—

Mr. Gladstone: Unless the ministers are enumerated, the government leader of the Senate would be included because he is a member of the Privy Council.

The Chairman: Are you ready for the question on the motion made by Mr. Marquis? Will the motion carry?

Carried.

Is clause (*a*) as amended carried?

Carried.

Will section 20 as amended carry?

Mr. MacInnis: Would you mind waiting a moment, section 20 is rather a large one.

The Chairman: Are you ready for the question? Is section 20 as amended carried?

Carried.

Section 21, polling day, nomination day and nomination of candidates. There is a suggested amendment which will be found in the mimeographed copy on page 5 at the top.

> The said Act is further amended by inserting therein, immediately after subsection five to section twenty-one thereof, the following subsection:—

> (5A) Unless specially authorized by the Chief Electoral Officer, the occupation given by a candidate in his nomination paper shall be briefly stated and shall correspond to the occupation under which such candidate is known in his place of ordinary residence.

Mr. MacNicol: Now, many candidates just put after their names the word "gentleman", meaning that they are not engaged in any business.

The Witness: This amendment was suggested by the manner in which one of the candidates at the recent by-election in Richelieu-Vercheres gave his occupation. He described himself as, "Provincial President of the Union des Electeurs." The returning officer had no alternative but to accept that occupation. Once the nomination paper was accepted the occupation of the candidate had to be inserted on the ballot paper exactly as stated on the nomination paper and objections were raised to such an occupation being given on the ballot papers.

Mr. Murphy: Did he have any other occupation?

The Witness: We looked him up, and in 1940 his occupation was given on the list of electors as a traveller; in 1942 at the plebiscite it was given as publicist; in 1945 he had some other occupation. I made further enquiries and was told that his occupation was that of a traveller who went from place to place on behalf of a newspaper.

Mr. Murphy: This section cannot do any harm.

The Chairman: On this point, gentlemen, I have something to draw your attention to. One of the communications which has already been studied by the steering committee came from a Mr. T. C. Smoothy of Wauchope, Saskatchewan. It is dated April 3, 1940, and it reads as follows:—

> The Chief Electoral Officer,
> Ottawa.
>
> Dear Sir.—No doubt after the election you will get lots of suggestions on how some improvements could be made, so will offer the following:
>
> To cut out the suggestions to voters which we call confusion of voters and to substitute at each polling place the names, etc., and the Party to which they belong, same as on notice of Grant of Poll only with name of party added. Lib., N.G., C.C.F., etc., etc.
>
> Hart, L. T., Lawyer, N.G.
> Hornet, S. N., Farmer, C.C.F.
> Tripp, J. P., Druggist, Lib.
>
> With instruction to put X after the party they wish to vote for. Would be a lot easier for the under-intelligent voter as we found out the other day.
>
> Yours truly,
>
> (Sgd.) T. C. SMOOTHY.
> *a D.R.O.*

There is also a reference made to the same subject in an editorial of the Evening *Citizen*, which has been submitted to the steering committee. This editorial reads as follows:—

> It is also suggested that designating letters indicating the political party or affiliation of the candidates be inserted on the ballot paper immediately following their names. The first time that such designating letters appeared anywhere on official documents relating to federal elections was at the general election of 1945.
>
> On that occasion, the war service voting regulations authorized the chief electoral officer to insert designating letters after the name of each candidate on a list, published in Canada and overseas, giving the names

and surnames of the candidates nominated in each electoral district. This list was published for the guidance of the war service electors in casting their vote. It would no doubt prove to be a great convenience to all the electors, especially in an electoral district with a large number of candidates in the field.

Since 1944 the Election Act of Alberta prescribes the insection of the political party or affiliation of the candidate on the ballot paper.

It is also suggested that some provision be made to allocate the votes cast by members of the permanent peace time naval, army and air forces to the electoral districts in which such members resided before their enlistment.

Mr. MacNicol: That brings up a point which is very frequently mentioned, Mr. Chairman. The point is the advisability of putting after the candidate's name the party to which he belongs. Many returning officers will tell you that people come into the polling subdivision and they do not know who the vote for. So many of these people seem to take very little interest in the matter and as a result they will ask the returning officer who is the Conservative candidate or the Liberal candidate or the candidate of some of the other parties. Of course, under the present Act, the returning officer cannot tell them. Actually sometimes the returning officer will tell them on the sly.

The Chairman: Will you just give me one moment, Mr. MacNicol. While you are continuing your discussion, I will circularize a specimen of the ballot paper in British Colombia where the changes advocated in the communications I have mentioned have been put into practice.

Mr. MacInnis: Mr. Chairman, might I suggest that particular point might come up more appropriately under section 28, ballots and their form.

Mr. MacNicol: I do not think I would go any further than the present form of ballot.

Mr. MacInnis: We could leave it until we got to section 28.

The Chairman: As a matter of fact I had these communications noted under section 28, which you have mentioned, and also under section 21, which we are discussing. I am reminded, gentlemen, that the nomination-paper is the key. The ballot paper follows. That is why if this change was to be adopted there might be something under section 21 that would have to be amended to make a corresponding change possible under section 21.

Mr. MacInnis: Well, even at that would it not be better to deal with whatever amendments we have under section 21 and then proceed under section 28 and if we were to make any changes there they will be noted under section 21?

The Chairman: I am in the hands of the committee.

Mr. MacNicol: On page 308 there is an illustration of the present ballot. I would like to ask the chief electoral officer if that present form has not been found satisfactory? This same problem was gone into very carefully when the Act was revised the last time. Has there been any marked demand to change the present form of ballot?

The Witness: I found this form satisfactory with exception of the numbers 1, 2, 3 and 4 which are printed on the left hand side. The printing of those large numbers has given rise to some confusion, especially in the provinces who vote with proportional representation or the single transferable voting systems. I am recommending in the mimeographed amendments that the use of those numerals be discontinued.

The Chairman: I will ask that this discussion on the form of the ballot paper be not pressed too much on until later on.

Mr. MacNicol: What I am thinking about the ballot paper is this: if they are going to put the name of the party on the ballot paper it will have to be done under this section.

The Witness: Or section 21.

Mr. MacNicol: What provinces now put the name of the party on the ballot paper? Do I understand that Alberta does?

The Witness: British Columbia and Alberta.

Mr. Fair: Alberta does not, as far as I know; unless there has been some change.

Mr. Gariepy: Personally, I am not favourable to that change. In my riding there have been quite a number of candidates who have not belonged to any group or party. They call themselves independents. Generally speaking, the candidates are known; their affiliations are published. Mr. Castonguay says he has heard of no complaint in this regard, so why change to something in which we do not see any particular advantage at the moment.

Mr. MacInnis: Mr. Chairman, I have no strong feelings on this point, but I think, perhaps, that putting the party name on the ballot would be an improvement; it would help to designate the candidate particularly where there are two candidates of the same name. In this sample ballot we have here there are two candidates with the same surname. I think members of parliament and others active in political work take too much for granted in their opinion of the understanding of the general public of the different parties and individuals in an election, I think it would be a good idea to designate the political affiliation of the candidate on the ballot. As I said, I have no strong feeling on the matter, but I think it would be an improvement. We have had it in British Columbia for a number of years.

Mr. MacNicol: I have not any strong feelings with regard to the matter either, but remembering what Mr. Gariepy said, I wish to make a few observations. In a riding in which one candidate will be liberal and another independent liberal, there might be a third candidate who is an independent liberal, as you sometimes have in Quebec. One of those candidates would have to be named the official liberal. There is a problem there.

Mr. MacInnis: The liberal would be the official liberal; the independent would not be official because he is independent.

Mr. Richard (*Ottawa East*): Who is going to decide who is official and who is not?

Mr. MacInnis: The party.

Mr. Gariepy: In my own riding in the last campaign there were seven candidates and in 1935 there were six. I believe that in Verdun, which is the seat of the chairman of this committee, there were ten candidates.

The Chairman: There were eleven.

Mr. Gariepy: Why should we put a tag to any particular candidate? The candidates run their own campaign, they have the backing of certain people. It is up to them to advocate and make known to the electors what they represent. That should be sufficient. In the law as it stands now, the parties have no existence; it is only a matter of grouping between ourselves. Under the constitution, it is true, it is accepted, but there is no legal standing for any one party. The individual candidates run on their own merits. In Three Rivers, since that riding has been mentioned, I will repeat that we have had one liberal candidate, one independent liberal, one conservative, one independent conservative, two independents; and another candidate of no colour at all.

Now, these men ran their campaign throughout the riding, they held meetings, they advertised in the newspapers their personal views to the electors;

and there was no difficulty for the voter to find out whom he wanted to support. Personally, I do not see any necessity at this stage of our dominion history to put the name of the party on the paper.

Mr. MARQUIS: Is there no rule in force of a particular designation? Suppose the candidate is a conservative, an official conservative and another one wants to run as a conservative independent, nobody would prevent him from putting his name as a conservative on the paper; so there will be two conservatives. You cannot distinguish which is the official candidate because there is no regulation to prevent a man calling himself a conservative. Therefore, I think if he is identified by his name and profession that would seem to me to be sufficient.

Mr. RICHARD: (*Ottawa East*): We had the same situation in my riding. We were both liberals and we both ran as official liberals, and I do not think anyone could have made us withdraw the title "official liberal".

The CHAIRMAN: Since the riding which I represent has been brought into this discussion perhaps you will allow me to say a word on this matter. I would say that in the case of a riding where there exist two organizations of the same party pressing the nomination and election of one candidate each it would be a pretty hard thing to decide which is the official candidate and which is the independent candidate in the same party affiliation.

Mr. MURPHY: I think your argument has merit, but I suggest that following the discussion we leave the matter the way it is.

The CHAIRMAN: Are you ready for the question? Shall subsection (5A) carry?

Carried.

Shall section 21 carry as amended?

Carried.

There is also, gentlemen, a suggested amendment to subsection 18 of the same section 21 which I have overlooked. It will be found in the printed copy of the draft amendments at page 7. There is also one to subsection 17. Subsections 17 and 18 of section 21 of the said Act are repealed.

Mr. RICHARD (*Ottawa East*): Subsection 6 also.

Mr. GARIEPY: That was to apply during the last war.

The CHAIRMAN: The question is on the repeal of subsection 17 and subsection 18 of section 21. Are those repealed?

Carried.

Section 22, withdrawal of candidates. There is no change. Is section 22 carried?

Carried.

Section 23, death of nominated candidate. There is no change. Is section 23 carried?

Carried.

Section 24, return by acclamation. There is no change. Is section 24 carried?

Carried.

Section 25, the granting of a poll. Please refer to the printed copy of the draft amendments, page 7.

> Subsection 2 of section 25 of the said Act is amended by substituting the words "electoral district of Yukon-Mackenzie River" for the words "Yukon Territory" in the fourth line thereof.

Mr. MACNICOL: That, too, will be subject to what is done elsewhere.

The CHAIRMAN: Yes. Is subsection 2 of section 25 as amended carried?
Carried.

Is section 25 as amended carried?

Carried.

Section 26, deputy returning officers and poll clerks. There is a change advocated to subsection 5 which will be found in the printed copy of the draft amendments, page 7, at the foot of the page.

> Subsection 5 of section 26 of the said Act is repealed and the following substituted therefor:—
>
> > (5) At least three days before polling day the returning officer shall post up in his office a list of the names and addresses of the deputy returning officers appointed to act in the electoral district, with the number of their respective polling station, and shall permit free access to and afford full opportunity for the inspection of such list by interested persons at any reasonable time before the close of the poll on polling day.

Mr. MacNicol: I would think that when the deputy returning officer is making his list it would not be much additional work to make several lists, and a copy could be given to each one of the candidates.

The Witness: That is furnished under subsection 2. Subsection 2 reads:

> The returning officer shall furnish to each candidate or his agent, at least three days before polling day, a list of the names and addresses of all the deputy returning officers appointed to act in the electoral district with the number of the polling station at which each is to act.

The amendment to subsection 5 only provides for the posting up of the list in the returning officer's office.

Mr. MacInnis: This is a decided improvement over the subsection as it now stands.

The Witness: Subsection 5 as it now stands requires the posting up of a list of the poll clerks as well as the deputy returning officers. In most sparsely settled electoral districts it is a physical impossibility to get the names of the poll clerks in time for the posting up. This posting up cannot be done by the returning officer under the present provision.

Mr. MacNicol: Even at that on election day quite a number of them fall down and are not on the job, and he has to appoint others immediately.

The Witness: He has enough on his hands to keep a list of deputy returning officers available.

The Chairman: Is the new subsection 5 carried?

Carried.

Is section 26 as amended carried?

Carried.

Section 27, ballot boxes and ballot papers. The committee will please refer to the mimeographed copy of draft amendments, page 5. I would point out that there is also a suggested amendment in the printed copy but the one which appears in the mimeographed copy supersedes the other. I quote:

> Subsections 2 and 3 of section 27 of the said Act are repealed and the following substituted therefor:—
>
> > (2) Each ballot box shall be made of some durable material with a slit or narrow opening on the top so constructed that, while the poll is open the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the ballot box is unsealed and opened. Each ballot box shall be provided with a sealing plate, permanently attached, to affix the special metal seals prescribed by the chief electoral officer for the use of returning officers and deputy returning officers.

(3) The officer in charge of a dominion building, the postmaster, the sheriff, the registrar of deeds or other person designated by the chief electoral officer, into whose custody, after the last preceding election, the ballot boxes were deposited pursuant to section 53 of this Act, shall deliver such ballot boxes to the appropriate returning officer whenever an election has been ordered in his electoral district.

The WITNESS: I might tell the committee that the main purpose of this amendment is to provide a seal for the ballot box. Up till now it has been impossible to secure a seal which would do the job properly. We have made experiments with gummed paper seals, but those experiments have not brought good results. It was finally decided to use the same kind of seals on ballot boxes as are used on freight cars. There is a seal called the Tyden seal which the C.N.R. and C.P.R. have used for the last thirty years, and which to my mind can be used effectively on ballot boxes. This seal would obviate the necessity of using padlocks, and to my mind it is foolproof. The candidate's agent at the poll can take the serial number of that seal and report it to headquarters, and at the final addition of the votes it could be ascertained whether the same seal is on the box as that affixed at the polling station. For that purpose the boxes have to be provided with special sealing plate because the seal cannot be made any shorter. The box will be passed around and I am sure that everyone will agree with me that it will be a decided improvement over the present method of sealing ballot boxes.

Mr. MACNICOL: Do you intend to have uniform boxes throughout Canada?

The WITNESS: I might tell the committee that the ballot boxes throughout Canada at the next election will be of this type and construction (displaying box). All the old ballot boxes with round holes dating back for many years have been discarded. Nothing else other than standard ballot boxes will be used at the next election.

The CHAIRMAN: Mr. Castonguay, would you now for the purpose of the record, give us the main descriptions of the standard ballot box to which you have just referred?

The WITNESS: What is called the standard ballot box is 12 inches from side to side, 12 inches from top to bottom and 8 inches from front to back. They are provided with a slit or narrow opening at the top. They are made of durable metal, (galvanized iron). This ballot box which I am now showing has no seal; the seal would not work on it so we had to use a plate of this type (displaying a piece of metal). Then, with this plate in place and the seal applied it is impossible to open the ballot box without leaving a trace of tampering. The type of locks we have been using on ballot boxes, are quite inexpensive because it was not deemed advisable to secure expensive locks as these disappeared rapidly. Moreover a cheap padlock is easily opened without the key.

Mr. MACNICOL: After the vote is over how do you open the seal?

The WITNESS: With scissors. All ballot boxes will be fitted with plates of the type that I have just shown you and it will become a permanent fitting on all boxes. I should think it will be a decided improvement over the sealing method used in the past. I may add that in the deputy returning officer's report which he sends to the returning officer he will be required to give the serial number of the seal which is affixed to each ballot box after the close of the poll.

Mr. MARQUIS: You will probably have to supply a large number of seals at each polling subdivision because some of them may be broken in attempts to learn properly how to affix them to the ballot box.

The WITNESS: I intend to issue very elaborate instructions on how to affix the seals. As suggested by Mr. Marquis I think it would be wise in each poll to have a couple of extra seals so that if one is spoiled in experimenting, there will be enough seals available.

By Mr. Murphy:

Q. This may not be the right place, but I was wondering what the cost of the ballot boxes would be?—A. The cost of the seal is negligible. These seals are manufactured in the United States and the current price in the States is $5.50 per thousand, about one-half cent apiece. They cost a little more in Canada on account of duty and exchange.

Q. How about the boxes?—A. I might tell the committee that the boxes are not made by any private firm. Since 1920 all ballot boxes have been made at the Kingston penitentiary. My predecessor, Colonel Biggar, started getting ballot boxes in that manner and I have followed his lead.

By Mr. Fair:

Q. You will continue to use the old boxes with the addition of that strip?—A. All the boxes which are now issued will be fitted with a sealing plate, and every ballot box at the next election, if the committee agrees with my suggestion, will be sealed with a proper metal seal.

Mr. MARQUIS: Will you use the old ballot box affixing a plate of that type?

The WITNESS: Yes.

Mr. FAIR: That is my point.

The WITESS: We are not going to discard the present ballot boxes. We will use the boxes we have on hand. There are a good many of them and they will be fitted with a plate of that type. It does not cost very much and it will be permanently affixed with ease.

The CHAIRMAN: Are new subsections (2) and (3) of section 23 carried?

Carried.

Shall section 27, as amended, carry?

Carried.

Section 28.

Continuing, gentlemen, we have no amendments suggested by the Chief Electoral Officer but the steering committee has received recommendations which I would like to put before the committee. The first of these came from Mr. Leonard O'Brien, and it reads as follows:—

J. LEONARD O'BRIEN,
South Nelson, N.B.

June 7, 1945.

Mr. JULES CASTONGUAY,
Chief Electoral Officer,
Ottawa, Ontario.

DEAR MR. CASTONGUAY,—As you perhaps may know, I am once again a candidate in Northumberland county. I have just been looking at a sample ballot and realizing the tremendous number of spoiled ballots in an election, I am wondering if it would not be advisable to have a square outlined after the name of each person on the ballot. This, I think, would act as a directive, more or less assisting the voter in placing the X in the proper place on the ballot, and perhaps obviate so many spoiled ones.

I merely offer this as a suggestion to be considered in future campaigns.

Sincerely yours,

(Sgd) J. LEONARD O'BRIEN.

Accompanying this communication is an illustration of the point suggested therein and I will pass it around so that members of the committee may see it.

Mr. MacNicol: There are quite a number of countries which use either a circle or a square or a rectangle. Have we any knowledge of what countries do that?

The Chairman: Before you answer Mr. MacNicol, with your permission I will also pass around another suggested sample copy of a ballot which is called "Bulletin Securité".

By Mr. MacNicol:

Q. I started to say, Mr. Chairman, or rather started to ask a question of the Chief Electoral Officer, could you tell us the names of the countries which now use either the square, circle or rectangule after the candidates name in which the voter should make his mark?—A. South Africa and Australia have a square on their ballot and those are the only ones that I remember. I might tell the committee that the present ballot was adopted as far back as 1904. At that time several of the provinces had squares and round spaces for the electors to mark their ballot. Since then, one by one, with the exception of one or two provinces, they have adopted our form of ballot. I think British Columbia and Quebec are the only provinces who have not adopted our form of ballot paper.

Q. It was thoroughly discussed, as I recollect, at the last revision of the Election Act. The committee at that time decided to maintain the present form of ballot, perhaps for the same reason as has now been suggested by the chief returning officer. As the ballot now is, if the voter puts an X anywhere after the name of the candidate of his choice, that is legal, is it?—A. Ballot papers marked with a cross either on the left hand side or clear over to the candidate's name have been held good at recounts. I recently made an experiment in the Cartier by-election. In 1945, there were no less than 1,334 rejected ballot papers in Cartier. An examination showed that more than half of those ballot papers should have been counted. I issued special instructions with specimen ballot papers marked with a cross anywhere in the candidate's space which had been held good at recounts, and I supplied a copy of these special instructions to every deputy returning officer. With the use of these special instructions the number of rejected ballot papers was only 483 at the recent by-election.

Q. That is, with the X marked anywhere in the white space?—A. Anywhere in the candidate's space. Such ballots have been held good at recounts.

Q. Under those circumstances, have you any suggestions to make?—A. My suggestion to remove the numerals on the left hand side will give more room on the right hand side for the elector to mark his cross where he is expected to mark it.

Q. What is the reason for putting on the numerals in the first place?—A. They have been on the ballot papers as far back as I can remember. I think since 1904.

Mr. Gariepy: One of the reasons might have been because of illiterate voters. Illiterate voters were told to mark their ballot opposite a number. They were told to vote for No. 2 or No. 4, whatever the number was.

Mr. MacNicol: Then, a lot of people who could not understand the English language or the French language would be told by the candidate to vote for No. 3 or No. 4.

The Chairman: Will section 28 carry?

Mr. MacInnis: Have we agreed as to whether it would be desirable to have any change made in the ballot papers?

Mr. MacNicol: The tenor of the discussion has been to leave it as it is, unless you wish to wipe out the numeral on the left hand side.

By Mr. Richard (Ottawa East):

Q. How about the names? Are they placed on the ballot with the family name first; Brown, John Arthur?—A. They put the name, "Brown" first. The family name occurs first, if I remember correctly. No, I see they do not do that.

Q. Do you not think it would be preferable if they were to put down the family name first and the Christian name afterwards?

Mr. MacNicol: For what reason did we decide the last time to use the same form as is illustrated on page 308?

Mr. Gariepy: I did not mean that I wanted to retain the number on the ballot when I spoke.

Mr. Richard (*Ottawa East*): It does not mean anything the way the ballot is printed now. They are alphabetical, in a sense, but the public knows only the last name of the candidate; they do not know if he is William R. or not. They want to vote for Brown and they expect to find Brown at the beginning of the list. I think if alphabetical means anything, it should be done properly.

The Witness: There is something in the suggestion which has just been made. I think the family name should be in big type and the rest of the name in smaller type.

By Mr. MacNicol:

Q. In that case, where there were two Browns on the same ballot, what would happen?—A. The initials, occupations and addresses would differentiate them.

Q. You would recommend leaving off the numbers?—A. I would strongly recommend that the numbers be left out.

The Chairman: I should like to have a formal motion before the chair.

Mr. Richard (*Ottawa East*): I move that the names on the ballots be listed alphabetically, by family names, followed by Chrictian names.

Mr. Hazen: I cannot see any advantage in that myself. I think by the time election day comes, the voters know the candidates' names. If they can read, they should know them.

Mr. Richard (*Ottawa East*): If they are alphabetical, it means something.

The Chairman: There is a motion by Mr. Richard (*Ottawa East*), seconded by Mr. MacNicol that the ballot paper be changed so far as the names of the candidates are concerned. The motion is that the family name be put first and the Christian name following.

Mr. MacNicol: Before we vote on that motion, may I ask the returning officer if he is able to tell us if any of the provinces follow that method?

The Witness: They put the family name on a line by itself, in big type, in British Columbia. Then, they repeat the family name on the following line. Alberta has "Brown, Joseph Thomas."

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

The Witness: Those words are in smaller type and then "Johnston" with "Edward," in smaller type, and they have "Smith" "William," in smaller type, and "Wilson" with "Lewis," in smaller type.

Mr. MacNicol: That is both Alberta and British Columbia put the family name first.

The Witness: Yes, and Ontario has theirs exactly the same as ours.

Mr. MacNicol: There was some reason why Ontario did not do it too.

The Witness: Manitoba is somewhat the same as British Columbia, with "Brown" in big type and "Joseph Brown" repeated on the following line.

Mr. RICHARD (*Ottawa East*): They are following the indexing under the family name, in any event.

Mr. MACINNIS: Have you an amendment, Mr. Chairman?

The CHAIRMAN: Yes, with your permission I will again read the amendment moved by Mr. Richard of Ottawa East, "That the family name appear first and the christian names thereafter on the ballot paper and that no number appear thereon."

Mr. MACINNIS: Mr. Chairman, I am opposing the amendment, as far as the change of the name is concerned, but I am not opposing the deletion of the number. I do not see that it serves any useful purpose, but I think a candidate is better known to the electors by his christian name first and the surname after. When the surname appears first on the ballot and the christian name follows it takes a little time to be sure that you are voting for the proper name. I think it would be better to leave it as it is with the exception of the deletion of the numbers.

The CHAIRMAN: Are you moving a subamendment?

Mr. MACINNIS: No, I will merely register my objection by voting against this amendment.

The CHAIRMAN: Yes; now are you ready for the question?

Mr. MACNICOL: Before we vote I would like to hear what the chief electoral officer has to say, he has had a lot of experience.

The WITNESS: I have not had a lot of experience in actual voting, I have not voted for the last twenty-five or thirty years.

Mr. FAIR: Is there any objection to the present set-up of the ballot form?

The WITNESS: I have not heard of any in the last ten general elections.

Mr. MACNICOLL: There has been no request from anyone to change the style?

The WITNESS: No, not to change the order of the family name or the christian names on the ballot.

Mr. MURPHY: Mr. Castonguay, would you favour the idea of the change to that of having the surname or the family name first and the other names in smaller letters?

The WITNESS: If I were doing it myself I would follow the procedure that they have in British Columbia. That procedure is to put the name of the candidate in big type, for instance, "Johnston," and then repeat the name "John Johnston" underneath. To me that would then clear it up both ways.

Mr. MURPHY: I rather like that myself.

Mr. FAIR: Would you still have the name underneath, the name that the person uses in ordinary life?

The WITNESS: It happens in a few cases where a man's family name is the same as his christian name. We have a returning officer in Terrebonne, whose name is Raymond Raymond.

Mr. FAIR: That means there are too many Raymonds in that country.

Mr. MURPHY: I rather like the idea of having the surname first. With all due respect to many members or candidates who are known by their first names, there are many who are not properly known by their first names and for that reason I would like to see the family name emphasized in larger letters.

Mr. GLADSTONE: It might be possible to have two candidates or three candidates, John Smith, John Jones and John Brown.

The WITNESS: Yes, that is quite true.

Mr. RICHARD (*Ottawa East*): You have got to emphasize the family name somehow.

Mr. Murphy: Would you consider in your motion having larger letters for the family name?

Mr. Richard (*Ottawa East*): I have no objection to just emphasizing it.

Mr. Murphy: I think your point is well taken.

Mr. Richard: (*Ottawa Eeast*): I do not know how the Chief electoral officer feels about it.

Mr. Murphy: He says he rather likes the British Columbia idea of where the family name is in larger letters, Brown, or whatever it may be, and then below there is the full name.

The Chairman: Incidentally here is the type of ballot paper used in provincial elections in British Columbia.

Mr. Murphy: Yes, we have had it here.

Mr. MacNicol: I would not be in favour of the British Columbia ballot other than that I would like to have our own ballot follow the method of using the black letters on the white paper.

The Chairman: The ballot paper used in British Columbia covers the suggestion made by the chief electoral officer.

Mr. Gariepy: Have you noticed this paragraph?

Mr. MacNicol: Yes

The Chairman: To what are you referring, Mr. Gariepy?

Mr. Gariepy: The Manitoba ballot.

The Chairman: The Manitoba ballot?

Mr. Gariepy: Yes, it is a good ballot.

Mr. MacNicol: It would be a good ballot if only the surname were enlarged.

Mr. Gariepy: Yes, it could be enlarged.

Mr. MacNicol: It seems to me that a combination of the Manitoba and the British Columbia ballot papers would be all right.

Mr. Murphy: Would you like to reframe your motion, Mr. Richard?

Mr. Richard (*Ottawa East*): Along the same lines?

The Chairman: What was that, Mr. MacInnis?

Mr. MacInnis: I was asked what I thought about the name at the top. I think it puts in a lot of unnecessary writing and I think the ballot should be as simple and as clear as possible.

Mr. Murphy: Are the motions to be written?

The Chairman: Well, I have here the motion of Mr. Richard, which is before the chair at the present time.

Mr. MacNicol: Just a moment, here is the best one yet.

The Chairman: Order, order, what were you saying, Mr. Murphy?

Mr. Murphy: There is another ballot paper coming around, I will wait a moment.

Mr. MacNicol: That is from Alberta.

The Chairman: Just a moment, gentlemen, order; the recorder cannot possibly record your speech.

Mr. Richard: (*Ottawa East*): This is just side-talk.

Mr. MacNicol: We are both in favour of the Alberta ballot.

The Chairman: If you wish to go down in history you are kindly invited to speak a little louder. To complete the selection of the sample ballot papers, I have in my hand the ballot paper used in the province of Quebec for provincial elections.

Mr. MacNicol: That is a nice ballot too.

The Chairman: That is a ballot paper from the province of Quebec and which has been adopted there lately, within the last year or two.

The Chairman: Are you ready for the question?

Mr. Zaplitny: Mr. Chairman, may I express my opinion that the reversing of the order of the names as suggested by the motion would create unnecessary confusion because people do get used to the name in the ordinary way. Reversing that order may cause difficulty, though it has some advantage I admit. I think that the change that could be made with great advantage was the change suggested earlier providing a rectangular space at the end of the name at which the mark could be made; that may assist in putting the mark in the right place and cut down the number of rejected ballots. I am not in favour of the motion as it now stands.

The Chairman: The motion before the chair, gentlemen, will call for the adoption of a ballot paper similar to the one used in the Alberta provincial elections. I shall read it again:—

> Mr. Richard (*Ottawa East*) moves that the family name appear first and the Christian name thereafter on the ballot paper and that no number appear thereon.

Have you any change to make in your motion Mr. Richard?

Mr. Richard (*Ottawa East*): Yes; that the Christian name appear in smaller type.

The Witness: Slightly smaller type.

Mr. Fair: And that the surname be in heavier type.

The Chairman: Are you ready for the question, gentlemen?

Mr. Hazen: Mr. Chairman, when election day arrives the names of the candidates are all well known to the electors of the constituencies, and I do not think there can be any question about that. The names of the candidates have appeared in the newspapers and their pictures have appeared in the newspapers and on billboards all over the constituency. The electors know the names of the candidates. Therefore, I do not see what advantage there would be in adopting this amendment. If there were any advantage I would support it; but I cannot see what possible advantage there is in view of the fact that the names are so well known by the time election day arrives. I do think, however, that there is value in the suggestion made in Mr. Leonard O'Brien's letter which has been mentioned to-day that there should be a space on the ballot which could be marked off where the X was to be placed. I think that might be of assistance.

Mr. Murphy: Mr. Chairman, I would like to make a statement with all due respect to our friend Mr. Hazen. I will take a personal case—my own. Now, this condition may apply to a great many other candidates. Someone like myself may be known, as I am, by the name "Murph". My initials are J. W. and those initials stand for John Warner. Yet I am called Jim and I am called Bill for Warner. That is the argument I put up a few moments ago. Many candidates may be well known by their last name. Mr. Bennett was better known as "Bennett" than by either of his first two names. You know what I mean. I am satisfied in my own mind that a man's surname is the one which should come first, in view of that fact as I wish to emphasize that many candidates are certainly better known by their last name than by their first or second names as the case may be. I am certainly going to support the motion, in view of the fact that the family name is in larger letters and that the numbers are left off the ballot.

Mr. Gladstone: Mr. Chairman, I agree with Mr. Murphy. I think Mr. Hazen's argument, perhaps, does not apply to many ridings. For instance, in my riding we have quite a number of people who came from Italy originally and who can scarcely read or write, and I think it just adds to their difficulty if the christian names are at the beginning. Perhaps they may know whether the candidates are McTague or Gladstone or Duncan, but they do not know Charlie McTague. That is just giving you an example in my last election. I think it would be better to have the family name first, and I would rather like to see the name in bold type.

Mr. MacNicol: That is the same as the Alberta ballot.

Mr. Fair: Mr. Chairman, there is a point that should be made about the suggestion of Mr. Richard in opposition to the one where the square or rectangular space is on the ballot. The chief electoral officer has told us that the cross marked anywhere in that white space is counted as a good ballot. If a person does not do so then I believe he spoils the ballot; and because all the people are not as well versed in elections as we are on this committee, I think it is a good idea to leave that space available to fill in their cross where they please and yet have the ballot as it is. For that reason I support the motion made by Mr. Richard.

The Chairman: For your convenience I will ask the clerk to read you the final version of the amendment.

The Clerk: Mr. Richard (*Ottawa East*) moves that section 28 be amended so that the family name in heavy type will appear first and the Christian names in smaller type thereafter on the ballot paper, and that no number appear thereon.

Mr. Zaplitny: On a point of information, may I ask whether the quorum of ten includes the chairman? I realize we only have ten. Is the chairman counted in that quorum?

The Chairman: Yes. All those in favour of the motion please say aye. All those against please say nay. All those in favour of the motion please rise. All those against the motion please rise. I declare the motion carried.

By Mr. Hazen:

Q. Is there any provision as to the size of the letters on this ballot in the Act itself? How is the size of the letters in which the candidate's name appears determined?—A. The size should be the same as shown on page 308.

Q. Where does it say that in the Act? Is there some provision about size?

Mr. Gariepy: Section 28 refers to form No. 32, which you find on page 308.

The Witness: And the returning officer is supplied with a specimen sheet showing how these ballots should be printed. They are also supplied with a specimen book of printed ballots upon which the names of the candidates are printed, and the type both on the sheet and on the specimen corresponds to the type shown on page 308.

The Chairman: Is section 28 as amended carried?

Mr. Hazen: Mr. Chairman, it has not been amended yet. As I understand it we have a resolution before us here that it be amended, but it will have to be reworded.

The Chairman: It has been agreed from the beginning that every amendment passed by this committee will have to be reviewed by the law clerks of the House for final legal drafting for the report of the committee to the House. Is section 28 as amended carried?

Mr. Zaplitny: There is one point. I do not see anything in the section that deals with the texture of the paper upon which the ballot is to be printed. That may sound like a minor matter, but there have been complaints made at various times about the paper being of such a light texture that after folding you can see through it.

The CHAIRMAN: I would refer you to subsection 4 of section 28 where it is provided that:

> Such ballot paper shall be of a weight not less than a basis of 56 pounds per thousand sheets of 17 inches by 22 inches in size.

By Mr. Zaplitny:

Q. May I ask the chief electoral officer if that texture has been found to be satisfactory? Have there been any complaints received as to its being too light so that when it is folded you can still see through it?—A. The ballot paper is secured from the King's Printer. It was the King's Printer himself in 1937 who gave direction for the enactment of subsection 4 of section 28. I might state that I have not received any complaints that the paper was not of a thick enough quality. It appears to have given satisfaction in that respect at every election at which it was used.

The CHAIRMAN: Is section 28 as amended carried?

Carried.

The CHAIRMAN: Section 29: there is an amendment submitted by the Chief Electoral Officer, page 8 of the printed draft amendment:

> Clause (*d*) of section twenty-nine of the said Act is repealed and the following substituted therefor:—
>
> (*d*) fraudulently puts or causes to be put into a ballot box a paper other than the ballot paper which in authorized by this Act;

The WITNESS: The provision as it is to-day, page 236 of the Act reads:—

> (*d*) fraudulently puts into a ballot box a paper other than the ballot paper which he is authorized by law to put in;

Well, now, the putting of a ballot paper into the ballot box is not done by the elector, it is done by the deputy returning officer; so I suggest that this amendment would cover the situation correctly. The amendment says:

> fraudulently puts or causes to be put into a ballot box a paper other than the ballot paper which is authorized by this Act;

The point there is, "fraudulently puts or causes to be put". A person may go to a poll with a bogus ballot; if that ballot goes into the ballot box this person would cause it to be put in the ballot box.

The CHAIRMAN: Shall clause (*d*) of section 29 carry?

Carried.

Shall section 29, as amended, carry?

Carried.

Section 30—Supply of election materials to the deputy returning officer.

With regard to clause (*e*) of subsection (1), will the committee refer to the mimeographed copy of the draft amendments at page 6, at the top of the page.

Mr. HAZEN: What about the seals? I see he is to provide the ballot boxes.

The WITNESS: Of course, that means the ballot box complete.

Mr. HAZEN: That includes the seals.

The WITNESS: Yes.

The CHAIRMAN: I will read the change which is advocated. Page 6 of the mimeographed copy. That amendment is to clause (*e*) to subsection (1) of section 30:—

> Clause (*e*) of subsection one of section thirty of the said Act is repealed and the following substituted therefor:—
>
> (*e*) copy of the instructions prescribed by the Chief Electoral Officer, referred to in clause (*a*) of subsection one of section thirteen of this Act:

Mr. MacNicol: That's O.K.

The Witness: That corresponds to the amendment already passed applying to section 30.

The Chairman: Shall the amendment carry?

Carried.

Shall section 30, as amended carry?

Carried.

Gentlemen, it is now six o'clock. We will adjourn until to-morrow afternoon at 4 o'clock.

The committee adjourned at 6 p.m. to meet again to-morrow, May 8, 1947, at 4 p.m.

House of Commons,

May 8, 1947.

The Special Committee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Coté, presided.

The Chairman: Before proceeding with our order of business for today, gentlemen, I wish to draw to your attention a communication which I received from the auditor general dated May 8, 1947, addressed to P. E. Coté, Chairman, Special Committee on the Dominion Elections Act, 1938.

> The chief electoral officer and myself had discussed how a matter should be brought to the notice of the committee considering the Dominion Elections Act. As a result, I attach a memorandum, should the proposal merit consideration.

Now, gentlemen, this memo is quite extensive. It contains four pages relating to a substantial change in the auditing of payments in general election expenses. If this change were to be adopted by the committee, it would be necessary to revert back to some of the sections which have already been carried. It might be better, in view of the length of this memorandum, to have it printed in the minutes of today's evidence as an appendix and leave in abeyance four or five coming sections of the Act which would be affected by the adoption of this principle until such time as we study this memorandum. What is the pleasure of the committee?

Mr. Marquis: I move we have it printed.

Mr. MacInnis: When will we get the minutes of this meeting?

The Chairman: The minutes of yesterday's meeting and today's meeting will reach the members in time for the meeting on next Tuesday, we hope.

Mr. MacInnis: I second that motion.

Mr. Bertrand: If this memorandum was simply mimeographed, we could have it over the week-end. It would be easy to distribute it by that time, would it not? It could also be put in the record. If there is any material change to be adopted as a result of it, we could have the memorandum to-morrow to study over the week-end.

The Chairman: If Mr. Marquis will withdraw his motion, the clerk assures me he could have it mimeographed and distributed by to-morrow.

Hon. Mr. Stirling: Is there any need to deal with this matter until we come back to the standing sections after completing this portion of our work? Why should we not wait until this portion of the work is completed, then take up this matter as one of the questions which have been standing?

The CHAIRMAN: There is a principle involved in this suggestion from the auditor general and I had in mind it would be worth while if the members of the committee were allowed some time to take this principle into consideration.

Hon. Mr. STIRLING: Let it be printed in the record, then let us take it up when we have finished this portion of our work. There are a number of sections we agreed shall stand until we have completed the bulk of this work. Might not that subject be included along with those sections which are standing?

Mr. MACINNIS: I think that was the chairman's recommendation.

Hon. Mr. STIRLING: The suggestion is that we have the memorandum mimeographed over the week-end so we would have it to study which indicates some hurry.

Mr. MARQUIS: We have a lot of mimeographed copies now, you see. I think if we had it in the record, it would be easier for us to consult.

Mr. BERTRAND: We could also put it in the record.

The CHAIRMAN: Then, the motion of Mr. Marquis will stand. Shall the motion carry?

Carried.

This memorandum shall be printed in the minutes of evidence for to-day and, in addition, the clerk will have the mimeographed copies prepared and distributed to-morrow.

Mr. MARIER: What is the use of doubling the work? If we had that printed we could go on, as Mr. Stirling has said with the other sections and come back to this section later.

Mr. MARQUIS: It is satisfactory to me.

Mr. MARIER: Unless there are some other sections which may be affected by this memorandum.

Hon. Mr. STIRLING: Then, they will stand the same as the other sections and we shall pick them all up later.

The CHAIRMAN: For your information, gentlemen, the memo of the auditor general should be read and studied concurrently with his report on the same subject which is found at page 5 of the auditor general's report.

Mr. MACINNIS: Of the latest report?

The CHAIRMAN: Of the latest report, yes.

To-day, gentlemen, we are dealing with section 31 of the Election Act. There is no change to this section advocated by the chief electoral officer, but I wish to draw your attention to a communication which Mr. Castonguay has received from one of the members of this committee, Mr. John MacNicol, on the 14th of April, 1939.

Mr. MACNICOL: Oh, that is a long time ago, Mr. Chairman. I do not know whether it is of any importance to-day or not. What is it about?

The CHAIRMAN: Mr. MacNicol was enclosing a memorandum which he had received from the Honourable J. Earl Lawson which is quite extensive, four pages.

Mr. MACNICOL: What is it about? I have no recollection of it.

Jules Castonguay, Chief Electoral Officer, recalled:

The WITNESS: It concerns the voting of bedridden patients and the providing of travelling polls in hospitals.

Mr. MACNICOLL: Perhaps the chief returning officer could give us a résumé of it then, if the committee thinks it worth while, we could discuss the matter.

Mr. MARQUIS: Perhaps Mr. MacNicol could read over the memorandum to refresh his memory, then if he deems it of sufficient importance he could bring it forward for discussion by the committee.

Mr. MACNICOL: I presume, from what I have heard, I merely sent on a communication to the chief electoral officer, is that it?

The WITNESS: That is right.

Mr. MACNICOL: From what has just been said, I believe it is a recommendation by the Honourable Earl Lawson concerning travelling polls in hospitals.

The WITNESS: To take the votes of bedridden patients.

Mr. MACNICOL: I suggest the chief electoral officer inform us as to the significance and importance of it, then we could discuss it.

The WITNESS: The memorandum recommends that travelling polls be authorized in hospitals to take the votes of bedridden patients. The deputy returning officer, the poll clerk and one or two of the candidates or their agents would be permitted to go from room to room for that purpose.

By Mr. MacNicol:

Q. Such as the hospital at Christie Street?—A. Yes, and other hospitals in which there is a number of bedridden patients who cannot go to the polling station established in the hospital without being carried on wheel chairs.

Mr. MACNICOL: The proposal has some merit, but whether the committee will wish to discuss it or not, I do not know. In the new Sunnybrook hospital there will be 1,500 patients, many of whom will be bedridden. I do not know whether they will be helpless or not, but the Honourable Mr. Lawson's proposal at that time was that the deputy returning officer, the poll clerk and agents of the candidates go from room to room to bedridden patients to take their vote. Otherwise, these people would not be able to vote. I have not anything fixed in my mind concerning the matter, but if the committee deems it worth while to discuss it, we could discuss it.

By Mr. Marquis:

Q. Is there not something in the proposed amendments concerning voting in hospitals?—A. There was a discussion in the early sittings of the committee about the establishment of a separate polling division in hospitals.

By Mr. MacNicol:

Q. How would we handle a situation such as that in Sunnybrook hospital where there are perhaps 1,500 or more soldiers incapacitated? How would they be able to vote if they cannot get out of their beds to go to vote?—A. Under the present Act there is no authority for travelling polls. Under the proposed regulations to take the vote of members of the permanent forces, a recommendation has been made to the effect that hospitalized service men under the Department of Veterans Affairs should be allowed to vote and that their vote be attributed to their own electoral district, not the electoral district in which the hospital is situated.

Mr. MCKAY: If this proposal is deemed feasible, I think it is worth some consideration. Frankly, I have not given it any thought myself, but I think it would be wise, probably, to investigate and find out if there are any places in the British Commonwealth where that is done. I do not know of any, but there might be some. I would further add, Mr. Chairman, I think if it could be done in military hospitals there is no reason why it should not be done in sanitaria. We were suggesting that very thing a few meetings ago, that it might be adopted for sanitaria where the inmates have been there for some considerable time and, at the moment, are deprived of the privilege of voting.

I would suggest at this time we investigate it a little further and find out if there are places where this is done.

The WITNESS: Provisions are made in the Election Act of the province of Ontario for something of that nature. It is one of the latest amendments and it consists of only a few lines, so I might read it to the committee.

> Where a patient or other inmate of such an institution is bedridden or unable to walk, it shall be lawful for the deputy returning officer and poll clerk with the candidates or their agents to attend upon such person for the purpose of receiving his ballot but a candidate shall not be present where the ballot of any such voter is marked under section 100.

By Mr. MacNicol:

Q. The candidate or candidate's agent?—A. The candidate cannot be present when the bedridden patient's ballot has to be marked by the deputy returning officer. The candidate's agent may be present, but not the candidate himself.

Mr. MACNICOL: As the matter is new to all of us, I will move that we let the clause stand now. The members now know the import of the suggestion and between now and the next meeting, the chief electoral officer may bring to us his opinion as to how we could give votes to bedridden soldiers or, for that matter, bedridden people in any hospital. I do not see why we should limit it if we adopt the principle. Then, we could take that matter up at the next meeting.

Mr. MACINNIS: Mr. Chairman, such persons would have to be registered in the polling division that includes the hospital or sanitarium. You could not very well allow people to vote who were not registered.

The WITNESS: I am afraid that this provision can only apply to permanent patients and not to temporary patients. This would apply to permanent patients in incurable or tuberculosis hospitals. For instance it would not apply to the Civic Hospital in Ottawa because the Civic Hospital is only for temporary patients.

Mr. FAIR: I think you would have to fix some permanent residence, say six months or nine months, in the case of people in those hospitals.

Mr. MACNICOL: Even in that case, would it not be necessary, as suggested by Mr. MacInnis, that the patient who was eligible to vote should be recorded in the riding he comes from? Take in the case of Sunnybrook, there are approximately 1,500 or 2,000 voters there. If you allow all those voters in Sunnybrook it would very materially affect the election in South York.

Mr. FAIR: I would ask Mr. Castonguay to give some thought to this suggestion.

The WITNESS: Military hospitals are looked after in the proposed regulations.

Mr. MUTCH: Would this suggestion not affect only those people we were discussing the other day who are what we might term long-term residents in sanitariums and who are customarily enumerated in that sanitarium? As a matter of fact the practice does exist that some of those people in sanitariums are allowed to vote. Nobody has ever objected to the practice and it has been done and this suggestion is to regularize a practice which has grown but which is irregular.

The WITNESS: It is being done.

Mr. MUTCH: That is what the proposal amounts to.

Mr. MACNICOL: Could we leave it to the chief electoral officer.

The CHAIRMAN: Are you making a motion that this section stand?

Mr. MACNICOL: Yes, it will stand and the chief electoral officer, having heard what has been said and having in mind the recommendation of the Honourable Earl Lawson can bring in suggested amendments or an additional clause containing the effect of the suggestion.

The CHAIRMAN: Before I put this motion I might mention we have received a communication concerning polling hours and the use of schools at various polling divisions which may be considered under this same section, 31. I am just drawing your attention to this so that if the section is allowed to stand the discussion may go beyond the point raised by Mr. MacNicol.

Mr. MUTCH: The question of using schools has gone by in certain other items and it might just as well be permanently filed. There is nothing which can be done about it.

The CHAIRMAN: Well, shall section 31 stand?

Stand.

Section 32. There is no change advocated here.

Carried.

Section 33. There is an amendment here, which will be found in the mimeographed copy at page 6, subsection 3, of section 33 of the Act.

Mr. HAZEN: What page did you say?

The CHAIRMAN: Page 6 of the mimeographed copy. "Subsection 3 of section 33 of the said Act is amended by substituting 'divided', for the word 'cut' in the fifth line thereof".

The WITNESS: After the passing of the Election Act of 1938, the list of electors for both urban and rural polling divisions were printed only on one side. In view of the criticism raised after the last election it was decided to print the lists on both sides of the sheets in order to effect a saving of paper. Now in large polls, that is in polling divisions with more than 350 electors it will not be practical to cut the list for the sake of the votes. It was practical when the list was printed only on one side. I am now proposing that the word "cut" be taken out and the word "divided" be put in its place in order to facilitate the work of the returning officer in preparing large lists for the taking of the vote.

Mr. FAIR: Mr. Chairman, I wonder if it is necessary to use both sides of the paper? Would it be as handy as it would be if it was printed only on one side?

The WITNESS: I have taken the matter up with the printers and as far as they are concerned they can print the lists as speedily on both sides as on one side.

Mr. FAIR: I am thinking of the deputy returning officer, are they just as convenient for him?

Mr. MUTCH: No, they are not.

The WITNESS: We have already used lists printed on both sides at by-elections and no complaint has been received.

Mr. MUTCH: I suggest at this point, the committee might properly recommend that the lists be printed only on one side. There are various reasons I know for printing on both sides, chiefly the saving of paper, but I suggest to the Committee that far from saving paper it ultimately results in waste paper. Every candidate in every riding is entitled to a certain number of lists. He needs to have about twice as many when they are printed on both sides as he would ordinarily need because every time he has to cut a list he wastes one side and it means he has to get another set. For the convenience of all concerned, and I have no interest in the paper companies, I think the practice of printing voters' lists on both sides should forthwith be discontinued.

Mr. FAIR: That is my point in bringing up the suggestion. I do not think it is convenient and I know it is not convenient to have a letter written on both sides of the sheet.

Mr. Mutch: Well, I have run in three elections and I used more voters' lists in my third election than I did in either of the other two as a result of this printing on both sides.

Mr. MacNicol: Were they printed on one side or the two sides the last time?

Mr. Mutch: On both sides. It is a wartime measure that we can well afford to do without.

The Chairman: What is your motion?

Mr. Mutch: I would move that this committee recommend that henceforth voters' lists be printed on one side of the paper only.

Mr. MacNicol: It would make quite a lot of difference in the cost.

The Witness: It will not make much difference in the cost. As everyone knows, in urban polling divisions a copy of the list is sent to each elector and the receiving of four or five or six copies of the list in a dwelling house has given rise to a lot of criticism, especially when the list was printed on only one side of the sheet. The economy director has taken the matter up with me and as a result of his intervention I decided to have the list printed on both sides.

Mr. Mutch: In due deference to the economy director and yourself my contention is that it does not result in any large economy but that it results in multiplying the requirements of the candidates and the organizations and a consequent waste. I admit in the urban centres it would save some paper but it is certainly inconvenient.

The Chairman: We have a motion by Mr. Mutch. All those in favour of this motion will please say "aye". Those against will say "nay".

Carried. And section 33 amended accordingly.

Mr. Marier: That is not necessary.

The Chairman: Now, is section 33 carried?

Carried.

Section 34.

Mr. Hazen: In other words you will put the word "divided" in, although it is not printed on both sides?

The Witness: If the lists are to be printed only on one side you could dispense with the amendment.

The Chairman: In view of the fact that the motion by Mr. Mutch has been carried I do not think it is in order to press for the amendment as suggested by the chief electoral officer. Section 33 is carried as it is in the Act.

Mr. Mutch: There is no objection to this amendment, it might make it a little clearer to know that you could divide it, but I do not think that it matters.

The Chairman: Section 34, there is no change here. I would ask your permission to revert to 33 in order to acquaint the committee with an editorial of the Evening *Citizen* which has been submitted to the steering committee which reads as follows:—

> Practical amendments to the Canadian electoral law which formed the subject of a recent article in the Evening *Citizen* suggesting among other reforms an independently constituted commission to redistribute electoral districts may now be added.

We have already ruled this point out of order, or this suggestion, out of order.

> It is suggested that the deputy returning officer and the poll clerk at each polling booth be appointed in the same manner as a pair of enumerators is appointed at each urban polling division. One enumerator of each pair is nominated by the candidate who, at the then last preceding election in the electoral district, receives the highest number of votes,

> and the other enumerator is nominated by a candidate who, at that election, represented a different political interest and who received the next highest number of votes. Thus, the list of electors for each urban polling division is prepared jointly by a pair of enumerators representing two different political parties.

Mr. Mutch: I think you can safely dispense with the rest of that recommendation.

The Chairman: Yes, well the recommendation comes to this. It puts the nomination of the deputy returning officer and the poll clerk on the same level as that of a pair of enumerators in a polling division.

Mr. Mutch: Well, Mr. Chairman, that is at best something which probably exists in practice but does not exist in the legislation. The responsibility for the election of the deputy returning officer and the poll clerk is placed by the Act on the returning officer. To make any such amendment would be an admission, which no one is prepared to make, that the returning officer appoints the deputy returning officer and the polling clerks at the dictation of the sitting member.

Mr. Bertrand: The deputy returning officer would no longer be appointed by the returning officer, he would be appointed by the candidate.

Mr. MacNicol: Gentlemen, the province of Quebec leads all of Canada in the right way of conducting polling subdivisions. In the province of Quebec the deputy returning officer is named by the candidate who is a supporter of the government in office and the clerk is named by any opposition party or the one that has the next highest number of votes in the previous election. I have been fighting for that for years because it eliminates the necessity of having scrutineers in polling subdivisions. As it is now in federal elections the deputy returning officer and the polling clerk are presumably named by the government in power. In practice I think the deputy returning officer names his own clerk. I have not a lot of objection to that but I do like the Quebec Act better where you have two different parties in control of the polling booths. I feel that if this practice were to be followed then it would not be necessary for me to send scrutineers to the polling subdivision. Now I brought that up in the House one time. I took it up with Mr. King and I have forgotten what his opinion was and I cannot quote him, but I know that it was not very favourably received in the House because it was departure from the regular custom. I still maintain that the Quebec practice is the best.

The Chairman: Since you have mentioned the Quebec system, Mr. MacNicol, perhaps you would be interested in hearing me read the provision under the Quebec Elections Act pertaining to that point. The section is number 171.

Mr. MacNicol: Is that the last Act?

The Chairman: Yes.

> 171. 1. In each urban polling subdivision of every electoral district, the returning officer shall appoint as deputy returning officer the person who acted as enumerator therein on the recommendation of the Prime Minister, and as poll-clerk the person who acted as enumerator on the recommendation of the leader of the official opposition; if the former of such enumerators is unable or refuses to act as deputy returning officer, the returning officer shall appoint in his stead the person recommended for such purpose by the government party candidate, and if the other is unable or refuses to act as poll-clerk, the returning officer shall appoint in his stead the person recommended for such purpose by the official opposition candidate.

Mr. MacNicol: Well all those provisos are very satisfactory. The candidate, as outlined there, names the deputy returning officer. Then the party having the largest number of votes, or the second largest number of votes in the preceding election names the clerk. That way you would have two in the control of the box. As I say I pressed this matter very heartily before but I could not get the change made.

Mr. Mutch: Speaking as one member of the committee I would take immediate objection to the suggestion of Mr. MacNicol because the suggestion presupposes that the returning officer, who is appointed by the chief electoral officer or by the Governor in Council, in each constituency, is disposed to appoint them on the recommendation presumably of the sitting member. To change it is a frank admission that the appointment of the deputy returning officer and the clerk is a form of political patronage which the Act does not admit and which I, for one, am loath to admit. As it is, the Act empowers the returning officer to appoint the deputy returning officer and it also empowers the deputy returning officer to appoint his own clerk and if the deputy returning officer insists on appointing his own clerk there is nothing the candidate representing the goverment of the day or anybody else can do to offset that because he has a legal right to appoint his clerk. The suggested amendment would take that away and at the worst it would simply make the admission, the frankly admitted admission, of patronage and it would not improve the situation in any way that I can see since the returning officer himself is an appointee of the Governor in Council of the day. I think it would only confuse the issue.

Mr. MacNicol: Is the appointment of the returning officer not made on a patronage basis?

Mr. Mucth: Yes, he is an appointee of the government of the day by order in council. Beyond that the Act itself says that he is empowered and he may, once he is appointed, and he does, appoint a deputy returning officer without consulting anybody and the deputy returning officer which he appoints may, under the Act, appoint whom he likes to be his clerk and he does exercise that privilege. I do say that the suggestion to change to the Quebec system would make it what it is not now, a frank admission of patronage.

Mr. MacInnis: No, I do not think it would. I have been engaged in every election since 1930 and I have never been consulted by the returning officer as to the appointment of the deputy returning officer unless he happened to get caught at the end, just before election day, with polls in which there were no returning officers, and he called me up in a hurry to say, "Have you anyone to suggest?" In saying that I have no complaint at all to make of the treatment I have received at the hands of returning officers. It is as good as I could want; but the returning officers and deputy returning officers are selected on a patronage basis.

Mr. Mutch: Not by law.

Mr. MacNicol: Is there any other state or nation in which the Quebec system is followed, whereby the D.R.O. is named by the government and the clerk is named by some opposition party?

The Chairman: Would you be in a position to reply to Mr. MacNicol, Mr. Castonguay?

The Witness: I think that this special provision is in effect only in the province of Quebec.

Mr. Marier: And this is a new law this year?

The Witness: No, it was passed in 1942.

Mr. Marier: Was not that amendment passed lately?

The Witness: No, it was passed in 1942.

Mr. MARQUIS: I think it is better to have the deputy returning offier choose his own.

Mr. MACNICOL: I spoke of D.R.O.s in a polling subdivision.

Mr. MARQUIS: It is easier for the deputy returning officer to work with the clerk he can choose, because he knows where he will be from hour to hour.

Mr. MACNICOL: I am speaking about the polling subdivisions—in Quebec. The government names the D.R.O. and the opposition names the clerk, and in that way you have two different parties represented in the polling booth whereas to-day the box is in the possession of one party alone. In Toronto I have 138 polling subdivisions and maybe 50 polls split and that means about 180. I have to name two scrutineers because they have to alternate in every poll to see that the election is conducted properly.

Mr. RICHARD (*Ottawa East*): With regard to the remarks of the honourable member for Davenport, he is assuming that there are politics in the matter with the D.R.O., say, a Liberal, and the clerk, say, a Conservative, instead of them being absolutely independent.

Mr. MACNICOL: I am not pressing it.

Mr. MUTCH: I move that section 33 carry without amendment.

The CHAIRMAN: Shall section 33 carry?

Mr. MACNICOL: Just for the sake of a vote I move that we follow the Quebec system; I think it is the best in the world.

Mr. RICHARD (*Ottawa East*): That is the first time you have said that.

Mr. MUTCH: Speaking to that amendment, I must reiterate the objection which I made before, namely, that under the present Election Act the responsibility of selecting the deputy returning officer is placed where I conceive it should be placed, on the shoulders of the returning officer for the constituency. He may or may not, as he elects, take the advice of the sitting member, whether he has or has not the support of the government of the day. By law, as the Act presently stands, the D.R.O. appointed by the returning officer may appoint his own clerk. Whether he does or does not is something which is extraneous to the discussion. He has the legal right to do so, and in my own experience he does do so in many instances, and I would not suggest that the Act be amended to declare as frankly as the Quebec Act does declare—and I am making no criticism of that province—that this is a matter of patronage and that the positions be divided. In my view that is objectionable, and I therefore oppose the adoption of that practice.

Mr. MARIER: There is another objection, too. Instead of having a man who will work with him during the polling day he may have a man who cannot be with him during the whole day, but only part of the day, and then maybe at the end of the day there will be electors who will have no opportunity to vote. On the other hand, if you have a clerk appointed by you he can be counted on to work with you at all times and you will have good service.

Mr. MACNICOL: The Quebec electors have all had experience.

Mr. MARIER: It was not a good experience according to the report we got.

Mr. MARQUIS: As we have not read the section in the Quebec law, I would like to have time to examine that law, and I would ask that the section stand.

The CHAIRMAN: Section 33 stands.

Section 34. There is no change advocated; shall it carry?
Carried.

Section 35; shall the section carry?
Carried.

Shall section 36 carry? May I say that there is an amendment suggested, which will be found in the mimeographed copy at page 6:

> Subsection two of section thirty-six of the said Act is repealed and the following substituted therefor:—
>
> (2) At the hour fixed for opening the poll the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall be securely closed and sealed with one of the special metal seals provided by the Chief Electoral Officer for the use of deputy returning officers. The ballot box shall then be placed on a table in full view of all present and shall be maintained so placed until the close of the poll.

Mr. FAIR: I take it that this change is made to take care of the change to seals instead of the lock?

The WITNESS: That is the main purpose of the amendment.

By Mr. Hazen:

Q. May I refer to those words, "candidates or their agents or the electors representing candidates"? What is the distinction between an agent and an elector representing a candidate?—A. The agent is a person who holds a commission from the candidate; an elector representing a candidate is a person who applies to represent the candidate when no appointed agent is present.

Q. When no agent is present? He does that on his own?—A. Yes, he does that on his own; and if the appointed agent comes to the poll at any time during the hours of polling and wants to act as representative of the candidate, the elector representative must leave the room.

By Mr. MacInnis:

Q. May an elector or electors represent a candidate without having authorization from the candidate?—A. Yes, quite possibly. All he has to do is to go into the poll and if there is no appointed agent in that poll he has to be sworn; he takes the oath of secrecy and he acts as the elector representing the candidate.

Mr. MARQUIS: He generally has an authorization.

The WITNESS: It often happens that he has not.

Mr. MACINNIS: This is an important point. If at a polling station a candidate has not an authorized agent then anybody can go purporting to be the representative of the candidate and say that he is representing this candidate.

The WITNESS: He swears to that.

Mr. MACINNIS: Well, he swears to that. That does not carry much with it sometimes. You might have an opponent of the candidate representing him at the poll.

Mr. MARQUIS: We have only to see that our agents are present. I know that you will take care of that situation.

The CHAIRMAN: Shall the amendment carry?
Carried.

Shall section 36 as amended carry?
Carried.

Section 37: I refer you to page 6 of the mimeographed copy of suggested amendments where it reads:—

> Subsection one of section thirty-seven of the said Act is amended by the insertion of the words "or a certificate in Form No. 18A issued pursuant to subsection 14A of section seventeen of this Act" after the word "Act" in the thirteenth line thereof.

The WITNESS: This is a corresponding change to an amendment which was previously passed.

The CHAIRMAN: Shall the amendment carry?

Carried.

Shall section 37 as amended carry?

Carried.

Section 38. There is no change there.

Carried.

Section 39. There is no change there.

Carried.

Section 40. There is no change there.

Carried.

Section 41: We have here a communication from Mrs. Elsie A. MacMillan, dated June 12, 1945, from Gadsby, Alberta. Part of that communication refers to this section under consideration, and I shall read only that particular part:

> It is the law that any person whose name is not on the preliminary list or whose name is not listed correctly must swear in his vote. In some cases these people have lived for many years in the same location and resent having to swear their votes. Anyway the oaths are absurd. (Form 39 and form 45.)

Is there any discussion on this point?

Mr. MACNICOL: It does not apply to urban polls, does it?

Mr. HAZEN: The point is that this lady says some people object to swearing, to taking the oath; is that the point?

Mr. MUTCH: She thinks they should recognize her because she has been there for a long time.

The WITNESS: When a name is misspelled and it resembles the name of an elector who presents himself or herself to vote and it appears to the deputy returning officer that an error has been made in preparing the list, the elector is required to take an oath—I think oath No. 39—an oath of identity. It is a very simple oath. I do not see how we could get along without it.

Mr. MARQUIS: It is only for identification.

Mr. HAZEN: What is her suggestion?

The WITNESS: Her suggestion is to do away the oath.

Mr. FAIR: Would not that also cover in a rural district the case of a resident who may have been there for twenty or thirty years and who was left off the list and when he came to the polling place on voting day he would also have to swear?

The WITNESS: Yes. She raises the same objection.

By Mr. Hazen:

Q. What is the reason she gives for wanting to do away with the oath?—A. Having lived a long time in that polling division, she seems to think that no oath should be put in her way.

The CHAIRMAN: That is the only reason given in her statement.

By Mr. Hazen:

Q. In making affidavits or declarations, a solemn affirmation may be made on some occasions. Some people object to taking this oath, they do not believe in taking oaths. Perhaps her idea is there should be a solemn affirmation made.—A. The oath about which she is complaining is in form 39 and form 45. The first words of the oath state, "I swear or solemnly affirm—".

Q. It is not so in my copy on page 314. It says, "You swear that you are qualified to vote—".

Mr. MUTCH: Principally, this objection is based on the fact you should be known to the returning officer, having lived in that section so long. It is a frivolous objection and should be ignored.

The WITNESS: Form 39 could be made to read, "You swear or solemnly affirm—".

Mr. HAZEN: Mr. Fair has called my attention to the foot of page 313 which provides,

> I do swear or solemnly affirm.

This is the set-up of form No. 38, but for form No. 39 there is no such provision for a person to affirm.

The WITNESS: I suppose it would be advisable to have all of these forms made uniform.

Mr. MACINNIS: Yes, I think that would be advisable.

The WITNESS: In the consolidation of the Act I will see that they are uniform.

Mr. MARIER: The other forms should be modified accordingly.

Mr. MACINNIS: I move that this carry.

The CHAIRMAN: Shall section 41 carry?

Hon. Mr. STIRLING: I have not yet understood what the lady wants done.

Mr. MARIER: Read the letter again.

The CHAIRMAN: I quote once more, Mr. Stirling.

> It is the law that any person whose name is not on the preliminary list or whose name is not listed correctly must swear in his vote. In some cases these people have lived for many years in the same location and resent having to swear their vote. Anyway, oaths are absurd. Refer to form 39 and form 45.

Hon. Mr. STIRLING: If the oaths were eliminated, other evils would enter.

Mr. HAZEN: People could solemnly affirm.

Mr. MUTCH: The thing this lady complains about is not that she has to take an oath or to affirm, but that her worth and presence is not recognized without taking an oath. To introduce that principle would throw the thing wide open.

The CHAIRMAN: Shall section 41 carry?

Mr. HAZEN: I am going to suggest form 39 be amended.

The CHAIRMAN: When we reach the discussion on those forms, Mr. Hazen. Carried.

Shall section 42 carry?

Carried.

In section 43 there is a change advocated. The change is contained in the printed copy of the amendments at page 8.

> Subsection (4) of section 43 of the said Act is repealed and the following substituted therefor:—
>
> (4) The returning officer or the election clerk may also issue a like transfer certificate to any person whose name appears on the official list of electors and who has been appointed to act as deputy

> returning officer or poll clerk at any polling station in the electoral district other than that at which such person is entitled to vote. The returning officer may also issue a like certificate to the election clerk when such election clerk ordinarily resides in a polling division other than that in which the office of the returning officer is situated.

The WITNESS: The main purpose of this amendment is to permit the returning officer to issue a transfer certificate to his election clerk. Section 10, I think, of the Act provides that the returning officer and the election clerk must be in attendance in the office of the returning officer on polling day. It often happens that the election clerk is qualified to vote in another polling division than that in which he is on duty and this amendment will permit a transfer certificate beng made out in order that the election clerk can vote without having to go to his own polling division.

The CHAIRMAN: Shall the amendment carry?

Carried.

Shall section 43 as amended carry?

Carried.

Section 44. On the same page, page 8 of the printed amendments, there is an amendment to clause (*c*) of subsection (1) of section 44. It reads as follows,

> At any time communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling station; or—

The WITNESS: This amendment must be read with the following amendment which refers to what I consider an odd provision of the Act. It provides that the ballot of a personated elector is to be marked with a number, thus destroying its secrecy. When a person goes to the poll and finds that someone has voted in his name, the deputy returning officer is obliged under the present provisions of the Act to mark his ballot paper with a number. I do not think that this should be done. The ballot paper used by a personated elector should be secret. These two amendments as well as the amendment on the next page to section 50(2), are to do away with the marking of a number on the back of the ballot paper used by a personated elector.

By Mr. MacNicol:

Q. If a voter comes to the poll and finds that someone has voted in his stead is he given a ballot?—A. The deputy returning officer is required to write on the back of that ballot the number given to that voter in the poll book.

Mr. FAIR: I do not think that is right and I think it should be eliminated.

The WITNESS: This provision has been in the statute books since open vote was discontinued in 1874. In every revision of the Act since, it has been missed.

Mr. MACNICOL: I think if any ballot is marked, it should be the ballot of the person who did the impersonating.

The WITNESS: But he is gone.

By Mr. Hazen:

Q. May I ask why the words, "Except to a court or judge lawfully requiring him so to do," are omitted in the amendment?—A. That was under the old provision; provided for the marking of the ballot and it also made it possible to have these ballots examined in court where it could be ascertained how this ballot paper had been marked.

Mr. MARIER: I suppose this means there would have to be another section amended?

The WITNESS: There are two other sections to be amended.

By Mr. Marier:

Q. What sections?—A. The very next one and also subsection (2) of section 50. I think you have to commence by reading the amendment to subsection (6) of section 45.

By Mr. MacNicol:

Q. If you open it up too wide, would it not allow for a greater amount of that sort of thing being carried on?—A. I do not think so. The person who has been impersonated can satisfy everybody at the poll that he is the rightful voter. There should be no penalty against a personated elector.

The CHAIRMAN: Shall the amendment carry?

Carried.

Shall section 44 as amended carry?

Carried.

Section 45 in the printed draft amendments, page 8, subsection (6) is repealed and the following substituted therefor:—

> (6) In such case, the poll clerk shall enter in the poll book, opposite the name of the voter
>
> (*a*) a note of his having voted on a second ballot paper issued under the same name;
>
> (*b*) the fact of the oath of identity having been required and taken, and the fact of any other oath being so required or taken; and
>
> (*c*) any objections made on behalf of any and of which of the candidates.

Shall this amendment carry?

Carried.

There is also an amendment to subsection (8) of the same section 45 appearing on page 9 of the printed amendments.

> (8) The deputy returning officer shall either deal with a blind elector in the same manner as an illiterate or otherwise incapacitated elector, or, at the request of a blind elector who has taken the oath in form No. 43 and is accompanied by a friend who has taken the oath in form No. 44, shall permit such man to accompany the blind elector into the voting compartment and mark the blind elector's ballot. In such case the poll clerk shall, in addition to the other requirements prescribed by this Act, enter the name of the friend of the blind elector in the remarks column of the poll book, opposite the entry relating to such blind elector. No person shall at any election be allowed to act as the friend of more than one blind elector.

Mr. MACNICOL: That is important.

The CHAIRMAN: Shall subsection (8) as amended carry?

Carried.

Before we leave section 45, I wish to draw to your attention a communication from Mr. G. W. Butchart, of Owen Sound, Ontario, dated February 2, 1945.

> When polling my vote at the last two elections, I noted the D.R.O.'s who handed me the ballot initialled the ballot after I had entered the room, in fact, just before handing it to me. I protested this in one case and was informed it was according to instructions.
>
> I maintain that this defeats the secrecy of the ballot. Any intelligent D.R.O. operating in this manner, by slight alteration of the form of the initial or the placement of the initial on the ballot could tell how certain parties in the polling division had voted.

> I protest this method of initialling and maintain that, if initals are required, they should be inscribed before the D.R.O. has any knowledge that the voter is in the building.

Mr. Marquis: That is quite a tribute to the intelligence of the deputy returning officer who can recognize every voter by the particular sign on the ballot.

Mr. MacInnis: He may only wish to recognize one.

The Chairman: Shall section 45 as amended carry?

Mr. Hazen: Before we pass on to the next section, in what section is the provision for the initialling of the ballot?

The Chairman: Section 45, subsection (1).

The Witness: I think there is a good deal of merit to this suggestion. I see no reason why instructions should not be given to the deputy returning officers to initial every ballot before the poll opens. I have tried to guard against possibilities of this kind by instructing deputy returning officers to initial the ballots either in ink or with pencil and not to alternate. I see no harm at all in directing the deputy returning officer, if he has 200 ballots, to initial them before polling commences.

Mr. Marquis: Mr. Castonguay need only give instructions in accordance with that suggestion. The section says,

> On the back of which such officer has previously put his initials—

If Mr. Castonguay were to give instructions the initials were to be put on before the voters entered the polling booths, that would cover the matter.

The Witness: I prefer to have a statutory direction. There may be too many so called well informed men around to lay down the law.

By Mr. Mutch:

Q. Actually, under the present system, it is possible to initial the ballot so as to identify it?—A. I grant you it is possible, but if the deputy returning officer is required to initial all ballots in advance, he will not know when so and so is going to vote.

Q. That is a provision which would provide against the matter about which I spoke?—A. Yes.

Mr. MacNicol: I doubt if there has been any tampering with ballots, in Ontario at least, since the famous days in Hastings.

Mr. MacInnis: Could the chief electoral officer suggest an amendment which would provide for the initialling of ballot papers before the voting commences?

The Witness: I am prepared to do so.

By Mr. McKay:

Q. Could there be a further amendment to that same section to the effect that either pencil or ink be used and not the two?—A. Certainly, I agree that every precaution should be taken.

Q. I notice that one of the sections mentions marking it with a black lead pencil?—A. That is for the marking of the ballot by the voter.

The Chairman: If the majority of the committee agrees on the principle of the amendment contemplated, a motion to that effect could be carried and it could be left to the chief electoral officer and the law clerks to make a proper draft amendment to subsection (1).

Mr. MacInnis: Would you want that motion in writing? I would be glad to move such a motion verbally.

The CHAIRMAN: It would be in order. I understood that Mr. Hazen had put forward the first part of the amendment and Mr. MacInnis the second part, so if you would combine the two points into one motion—

Mr. HAZEN: I did not make any motion, I just helped the discussion along.

Mr. MACINNIS: I move that the chief electoral officer be asked to draft an amendment which will provide that the deputy returning officer shall initial all ballot papers before the opening of the poll and that the initialling be uniform, either in pencil or ink.

Mr. GLADSTONE: If the ballots are bound in books, can they be initialled in the book or do they have to be torn out of the book before they are initialled?

The WITNESS: The ballots are bound in books of 25, 50 and 100 and they can easily be initialled while they are bound in the books.

By Mr. Gladstone:

Q. There would be an objection or suspicion on the part of the electors if there were a good many ballots torn out of the book?—A. The deputy returning officer does not need to tear them off; they can be left attached to the books.

The CHAIRMAN: Shall the motion carry gentlemen?

Carried.

Shall section 45 as amendded carry?

Carried.

We have a suggested amendment to section 46 in the mimeographed copy of the amendments, page 6, near the bottom:

> The said Act is further amended by inserting therein, immediately after subsection (3) of section 46, the following subsection:—
>
> (4) Any elector who vouches for an applicant elector, knowing that such applicant is for any reason disqualified from voting in the polling division at the pending election, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

Shall this amendment carry?

Carried.

Mr. HAZEN: I suppose there is a penalty provided for the same offence in an urban polling division?

The WITNESS: There is no vouching in an urban polling division.

By Mr. Hazen:

Q. The voter must take that oath or affirmation in form 38?—A. The voter takes the oath of qualification.

Q. But if he takes a false oath or affirmation, is there a penalty provided in the Act?—A. There is a very severe penalty in the Act for a person voting who knows he is disqualified.

Q. Under this Act?—A. Yes. Under this Act.

The CHAIRMAN: In connection with section 46, the committee has to consider a suggestion from Mrs. Elsie A. McMillan which reads as follows:

> In the election yesterday I discovered I had omitted the names of several people whom I had known for over twenty years—and this despite extreme care and anxiousness to make a perfect list. Being men, they didn't have tantrums, but feel injured nevertheless—justifiably I think (I had to swear in my vote once on a municipal election and am very conscious of how people—especially women—regard this matter).
>
> No one likes to swear an official oath. Could not this section of the Act be amended? The oath card may be applicable in cities where people

are strangers, but in a rural district where people are well acquainted, it should be obsolete.

Mr. Fair: I think the lady is defeating her own argument. If she knew her neighbours so well, she would not proceed to leave them off the list.

Mr. Hazen: You do not have to swear under this section anyway. I see you can affirm.

The Chairman: Shall section 46 as amended carry?

Carried.

In connection with section 47—

Mr. MacNicol: Under section 47—

The Chairman: Before you proceed, if you would allow me, Mr. MacNicol, I will read to the committee the amendment suggested by the chief electoral officer which will be found in the printed copy of the amendments on page 9.

> Subsection one of section forty-seven of the said Act is repealed and the following substituted therefor:—
>
> > 47. (1) Every employer shall allow at least two additional hours for voting at a Dominion election to any qualified elector in his employ who, while the polls are open on polling day, is on duty during more than six hours other than the noon hour, and no employer shall make any deduction from the pay to any such elector nor impose upon or exact from him any penalty by reason of his absence during such additional hours.

Mr. MacNicol: I was going to say that in some countries, some cities, or provinces, election day is a full day or a half holiday. I wonder if the electoral officer has any records on the provinces and the cities or the nations that do declare election day as a full holiday or a half holiday.

The Witness: It varies in the various provinces. In Prince Edward Island there is no provision; in New Brunswick there is no provision; the same thing applies in Nova Scotia; in Quebec, "in every shop, factory, workshop, etc., until 2 p.m. on polling day".

Mr. MacNicol: They are shut until 2 p.m.?

The Witness: Until 2 p.m. In British Columbia it is a public holiday. Employees and those under hire must be given at least four consecutive hours to vote. In Alberta four to six p.m. or other reasonable period. Saskatchewan, there is a holiday from 1 p.m. on. In Manitoba it is a holiday from 1 p.m. on except in by-elections. In Ontario it is 12 noon until 2 p.m. and 4 until 6 p.m. or other reasonable and sufficient time to vote.

Mr. MacNicol: Mr. Chairman, just to proceed with the question I am going to move that there shall be a holiday from 1 p.m. the same as it is in Manitoba. Just how is it worded?

Mr. Marquis: We had better have the Quebec law?

The Witness: In Manitoba it is from 1 p.m. on.

Mr. Marquis: In Quebec it is from the opening of the poll until 2 p.m.

Mr. MacNicol: The Quebec members turned me down a short time ago when I tried to put Quebec on the map.

Mr. Marier: It was already there.

Mr. Mutch: I think as Manitoba is the keystone province you had better stick to Manitoba.

Mr. MacNicol: What does Manitoba do?

The Witness: It is a holiday from 1 p.m. on.

Hon. Mr. Stirling: I think the great difficulty is in getting the poll out early.

Mr. MARIER: They like to vote early in the morning.

Mr. MACNICOL: If you do not go back to work until 2 or 3 o'clock it is a poor day.

Mr. MUTCH: There are some people who vote on the way home who would not get up early to go and vote. If the purpose is to have them vote, if you broke them off at 1 o'clock you would get better results.

Mr. ZAPLITNY: I have a request here.

The CHAIRMAN: Just a moment Mr. Zaplitny, yes, Mr. Castonguay?

The WITNESS: All I have in my notes is that it will be a holiday from 1 p.m. on.

Mr. MACNICOL: I would move that.

Mr. BERTRAND: May I ask if these people are paid just the same when they leave work at 1 p.m.

The WITNESS: I suppose so, if it is a holiday.

Mr. HAZEN: Does this include people who are working on farms or what is the definition?

Mr. MUTCH: "Employed or working for hire" is what the Act says, is it not?

The WITNESS: It is section 72.

Mr. MUTCH: The only difficulty you will run into, for instance, is that it involves school teachers and the closing of schools at 12 o'clock.

Mr. ZAPLITNY: Not a bad idea.

Mr. MACNICOL: It is important to encourage people to get out and vote.

The CHAIRMAN: For your information, I have here in my hand the Election Act of Manitoba, and I shall read the clause pertaining to that matter, it is section 22, subsection 1.

> The day on which polling takes place at an election in any electoral division under this Act, shall, from and after 1 o'clock in the afternoon, be a public holiday in that electoral division, except in the case of a by-election or in the case of a day on which an advanced poll is open.

Subsection 2 reads,

> Every voter who cannot or does not avail himself of such half holiday shall on the day of polling for the purpose of voting be entitled to absent himself from any service or employment in which he is engaged or employed from the hour of twelve o'clock noon until the hour of two of the clock next thereafter and a voter shall not because of his so absenting himself be liable to any penalty or to suffer or incur any reduction from the wages or compensation to which but for his absence he would have been entitled, but this section shall not apply if a voter is by his employer permitted or allowed at any other period during the hours of polling reasonable and sufficient time and opportunity to vote.

Mr. MACNICOL: Two hours is hardly long enough to vote. So many polls are so busy. For instance in Toronto, in Ajax on the east side of the city, if you are going to vote there early in the morning you have to get up very early. And at noon hour you cannot vote, it is so busy it takes too long. We have got to either make up our minds to shorten the hours on that day or declare it a holiday. May I ask what provinces have this half holiday?

The WITNESS: Manitoba, Saskatchewan, British Columbia and Quebec.

Mr. MACNICOL: Have any other nations such a system, South Africa, England, New Zealand, or Australia?

The WITNESS: I would have to look that up.

Mr. RICHARD: I suggest this might have an adverse effect on people who, instead of taking that afternoon to vote, might take a holiday and go to the country, absenting themselves altogether from the polls. As a matter of fact I think if we had sufficient time before the closing of the poll, perhaps two or three hours, that it would be sufficient but to give the whole afternoon would only probably create rowdyism around the polls which is something we certainly do not require at the present time.

Mr. MACNICOL: What about 3 o'clock in the afternoon?

Mr. RICHARD: It all depends on what time the polls close.

Mr. ZAPLITNY: If I could make my statement now. Mr. Knowles is here and he would like to say a word on this amendment. I would like to ask leave of the committee that he be given permission to address the committee.

The CHAIRMAN: If the committee is willing to make an exception to standing order 67 it would be agreeable.

Mr. MUTCH: I am in a singular position here. I am not taking exception to Mr. Knowles or any other member appearing before the committee but I would like to point out that the representation in all of these committees is sufficiently wide for all parties and that opportunities are ordinarily given to present submissions by the various groups here. In the committees I have been on in this year already we have had objection taken to this, and it is a growing practice which I do not think is conducive to helpfulness in committee. I simply mention that and I say again that I think the representation ought to be made to the committee through the members of the various groups who are members of the committee. In spite of having made this statement for possible future occasions I raise no objection at the present time.

The CHAIRMAN: I may say that under standing order 67 and at page 195 of Beauchesne's third edition, rule 531 reads as follows:—

> A member who is not a member of the committee has no right whatever to attend for the purpose of addressing the committee, or of putting questions to witnesses, or interfering in any way with the proceedings.

Mr. MARQUIS: He can be permitted.

Mr. MUTCH: Perhaps in view of what I said, I might be permitted to move that Mr. Knowles be heard.

The CHAIRMAN: With the unanimous consent of the members here Mr. Knowles can appear.

Mr. MUTCH: I so move.

The CHAIRMAN: Moved by Mr. Mutch that Mr. Knowles be allowed to address this meeting.

Mr. MARQUIS: I second the motion.

The CHAIRMAN: Is the motion carried?

Carried.

Mr. KNOWLES: Thank you Mr. Chairman. My reason for asking permission to appear on this point was simply because of so many representations that have been made to me on it and I thought it would be a way of highlighting the matter. As a matter of fact, it is a case of carrying coal to Newcastle in view of the suggestion made by Mr. Castonguay and the other discussions that have followed. I have found in my experience with respect to the present subsection 1 of 47 that it is terribly ambiguous. The intent is clear I think, but I hold in my hand two different interpretations of the subsection which were posted in different factories in the last election. I am not going to argue with what the companies concerned were seeking to establish but I merely suggest on account of the notices that were posted and on account of the ruling obtained from the justice department it is quite clear the section as it stands is ambiguous. I would hope that the committee, whatever time they set, this two hours, three hours, or the half day, make it very definite so that those concerned will really know where they stand. I think there is nothing more I can say and I would be glad to leave with the committee the two different interpretations that were made. I have spoken to Mr. Castonguay and he said in his experience it was even more ambiguous than I was trying to make out. Thank you.

The CHAIRMAN: Thank you, Mr. Knowles. Is subsection 1 of 47 carried?

Mr. MARIER: No, we are just discussing it and that is why Mr. Knowles spoke.

Mr. MACINNIS: Did Mr. MacNicol not move an amendment? And if he moves an amendment it would supersede any amendment that you have.

Mr. FAIR: Before this goes through I would like to say that I can remember in 1935 we were threshing and we arranged for all our crew to get to the voting place and everybody got back again and there was very little time lost. Under this amendment do I understand that a thresher must let his crew go and lose the time between noon and seven o'clock in the evening? Perhaps it would turn out, as it has in many occasions in the fall, that you would lose six hours of fine weather and possibly the next day you will find you have a rainstorm or a snowstorm

Mr. MACNICOL: Mr. Chairman, I am not going to press this. When I moved the amendment it was for the sake of the discussion.

Mr. FAIR: Yes, but I would like to have that clarified because you are going to have difficulty in western Canada and also in eastern Canada in certain seasons of the year. It should be very clearly understood just what the committee means by the half holiday.

Mr. MACNICOL: What happens in those western provinces where they have the half day now?

Mr. FAIR: As far as threshing crews are concerned I think the employer makes provision for that crew to vote but that half day perhaps means the loss of thousands of dollars if you were to get a rainstorm the next day.

Mr. MACNICOL: Well what happens in Alberta.

The WITNESS: They get off from four to six or other reasonable period.

Mr. MARQUIS: I think we should carry the amendment.

Mr. GLADSTONE: I think this change to a half holiday in the afternoon might cause discontent and ill-feeling in the case of persons on night-shifts. There are many men in the cities who are working at night and I would think there would be some ill-feeling in the day-shift were paid for that afternoon when they did not work and then the night-shift did work.

Mr. MARQUIS: Yes, it would be discrimination.

Mr. GLADSTONE: I think this section should remain as it stands.

Mr. MACNICOL: I would withdraw my amendment.

The CHAIRMAN: Mr. MacNicol withdraws his amendment.

Mr. HAZEN: Mr. Chairman, I do not know that the section is clear. I think the ordinary person reading the section will be confused. I think it should read,

> Every employer shall allow two additional hours for voting at a dominion election to every qualified elector in his employ,

instead of putting it the odd way you have it here. Why not say, "Every elector shall be allowed two additional hours?"

Mr. MARQUIS: Section 47(1) does not read like that.

Mr. Hazen: I am reading the amendment and I suggest the amendment be, "Every employer shall allow two additional hours for voting."

Mr. Mutch: You leave out "at least".

Mr. Hazen: Yes, change "in his employ who, while the polls are open on polling day is on duty more than six hours other than the noon hour". That confuses people when they read that section. The ordinary person who reads the words "other than noon hour" gets confused.

Mr. Marquis: Mr. Chairman, if you do not put in "other than noon hour" they will take that hour in the two hours of the time given them for voting. This means three hours, the noon hour plus two other hours to vote and I think it is rather clear. "Two additional hours for voting while the polls are open other than noon hour". It makes three hours.

Mr. Hazen: My suggestion would be this that "every employer shall allow two additional hours for voting at a dominion election in addition to the noon hour".

Mr. Marquis: In addition to the noon hour?

Mr. Hazen: That makes it clear but the way it is worded here people get confused.

Mr. Mutch: Or we could say "three hours, one of which shall be the noon hour".

Mr. MacNicol: A lot of shops close at four o'clock. In my day we used to close at four o'clock and all the men went home to vote.

Mr. Gladstone: I think Mr. Hazen's thought perhaps might meet the situation if it were stipulated "either before or after noon hour". There is a difficulty in connection with this clause and I do not just see how it can be overcome. There has been some difficulty experienced with an industry for instance. A certain industry may be favourable to a certain party and very often there is the case where they have had ten cars arranged at the door and the foremen simply go and say, "All this floor out to vote" and they all pile into the ten cars and away they go to vote. Then the cars come back and another floor is taken and so on. It is convenient but to some extent it is influencing the elector and that should not happen. I thing it is desirable to give every possible freedom to the elector to vote as he sees fit and that of course will be accomplished through this definite free time to vote as conceived by Mr. Hazen's thought. I would think it could be made "two hours before or after noon".

Mr. MacInnis: I would hate to disagree with so emminent a lawyer as Mr. Hazen but if you will read this amendment it says, "every employer shall allow at least two additional hours for voting at a dominion election" and Mr. Hazen says "in addition to the noon hour". The employer is not allowing the noon hour. Any hours that he allows will be in addition to the noon hour. "Two additional hours other than noon hour" or. "two hours other than the noon hour"; in any case he would not be allowing the noon hour so it would be in addition.

Mr. Mutch: That is perfectly true technically but I think all of us have had the experience of employers stating to their employees that it is all right to take an extra hour in order to vote. In a large number of cases I am certain what has developed as a result of the Act as it is at present, or as it is before we amend it, is to take the extra hour at noon. Now all I think Mr. Hazen is attempting to do, and in that I agree, is that in some manner, I do not care about the phraseology, we should make it clear that the noon hour is not to be included in the two hours. It is all right to say the employer is not granting that hour, he grants it already, but in practice this is what happens. Instead of getting the two hours they have had the additional hour at noon with the result that in certain industrial sections of the cities the polling places are crowded between twelve and two o'clock. If you make it in such a way that the two hours would be other than the noon hour then the employee may vote before he goes to work in the morning or he can quit early and he can vote on the way home. If we were to adopt the first suggestion we are relieving the congestion which occurs between four and six and the same congestion between twelve and two. It will be there either way.

Mr. MacNicol: The hours between four and six are usually congested.

Mr. Mutch: Yes, but so are the hours between twelve and two.

Mr. MacInnis: I do not think that the word "additional" in the first line is necessary.

Mr. Mutch: You mean to leave out "at least"?

Mr. Hazen: Up to "two hours other than the noon hour".

Mr. Gladstone: That leaves it optional and who is to decide which are the two hours?

Mr. Mutch: It means the employee can vote when he likes and the employer cannot do anything about it as long as he does not take more than two hours.

Mr. Knowles: If I may say another word, Mr. Chairman, the problem has been, in my experience, not what two hours or when they should be given, but what class of worker is to get them. I think that was the point Mr. Castonguay was trying to make. For example in the city of Winnipeg the Canadian Pacific Railway closes at four o'clock. I very frequently have things to say against them but I will give them a bouquet now.

Mr. MacNicol: Nearly all factories do.

Mr. Knowles: Others do not. In fact one of those notices I gave you was put up by the Dominion Bridge Company who are not far away from the C.P.R. and they posted the interpretation given by the Department of Justice which more or less gave them an escape from giving time. The problem is to make clear that all employees get it if they are working certain hours.

The Chairman: Mr. MacInnis, would you please read the amendment including the change which you have advocated?

Mr. MacInnis: "Every employer shall allow two hours other than the noon hour for voting at a dominion election to any qualified elector in his employ, who while the polls are open on polling day is on duty during more than six hours", and also "No employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such additional hours".

Mr. Gladstone: I suggest that Mr. Castonguay review this problem and he could have it in order for the next meeting.

The Chairman: Is it the wish of the committee that this section stand until the next meeting?

Agreed.

The meeting adjourned at 6.00 o'clock p.m. to meet again on Tuesday next, May 13, at 4.00 o'clock p.m.

APPENDIX "A"

DOMINION ELECTIONS ACT, 1938

SUGGESTIONS BY THE AUDITOR GENERAL

1. In the Audit Report to the House of Commons with respect to the Accounts of Canada for the 1946 fiscal year, the following is to be found:

> Section 61 of the Dominion Elections Act requires the Auditor General to tax and pay costs incurred in holding an election. Expenditures in connection with the 1945 general election amounted to $3,103,066.67, which is an increase of approximately $400,000 over those of the 1940 general election. As of March 31st no payments had been made to the returning officers for Humboldt, Labelle, Lake Centre and Stormont for their services, as no claims had been received from them.
>
> No appeals were filed from any decision of the Auditor General, but as the Audit Office both taxes and audits the accounts, two exceptional transactions are noted. The Canadian War Service Voting Regulations, 1944, as enacted by c. 26, Statutes 1944, provided that the Chief Electoral Officer appoint six scrutineers to attend at polls in the United Kingdom, two each to be nominated by the Leader of the Government and the Leader of the Opposition and two on the joint recommendation of the leaders of political groups having eight or more members in the House of Commons. Two scrutineers thus appointed became incapacitated, after arrival in the United Kingdom, and were hospitalized. A substitute functioned on 11 days in one case and on 16 days in the other. These substitutes were paid at the rate of £6 for each day of service. Scrutineers from Canada were eligible to receive $15 per diem remuneration and $15 per diem living allowance, plus transportation expenses. In taxing the accounts the $15 remuneration was disallowed on these days when a substitute functioned, but the living allowance was paid, as the engagement was regarded as providing for its payment from the date of leaving to that of return to place of ordinary residence in Canada.
>
> It is suggested that when the Dominion Elections Act again receives the attention of Parliament, consideration be given to section 61. Objectives of audit are impaired when the same office taxes, pays and audits the accounts. A more desirable arrangement would be to have the Chief Electoral Officer tax accounts, the Comptroller of the Treasury pay and the Auditor General audit payments.

2. Section 61 of the Dominion Elections Act reads:

> 61. (1) The Auditor General shall, in accordance with this Act, tax and pay all election expense accounts; and any disagreeement between the Auditor General and any claimant shall be referred to the Chief Electoral Officer and he shall either confirm the action of the Auditor General or, if he disagrees, then, if the question involves only the legal right of a person claiming payment to be paid at all, it shall be referred to and be finally resolved by the Treasury Board; or if the question involves only the fairness of the amount payable to any person with relation to the services or materials supplied, it shall be referred to and shall be finally resolved by the Secretary of State.
>
> (2) Notwithstanding anything in this section contained, the rights, if any, of all claimants to compel payment or further payment by process of law shall remain unimpaired.

3. The practice followed for the 1945 General Election was: A temporary staff of 31 persons was recruited by the Audit Office, starting a few days before Election Day. Their employment averaged 2½ months and payments to them approximated $10,000. Certain members of the permanent staff supervised the temporaries. As accounts were taxed, requisitions were made on the Comptroller of the Treasury for cheques. The Comptroller wrote the cheques and mailed them. Accounts were cleared rapidly with the result that approximately 46,700 cheques were issued in June, July and August: 41,000 to enumerators, 5,000 to constables and 700 to others. In addition, approximately 97,000 warrants (authorized by section 60 (3) (*a*)) were presented for redemption by cashing banks. These were issued to pay deputy returning officers, poll clerks and rentals. The accounts of returning officers were not, generally speaking, received until some time after Election Day. Consequently, these were handled by permanent members of the staff as part-time work. As soon as the steady flow of accounts ended, the special section was disbanded.

4. The work presents no special difficulties to the Audit Office, but I regard the procedure as open to criticism because the Audit Office is auditing its own transactions—over $3,000,000 in 1945. Presumably, the plan was originally adopted in order to remove the issue of election cheques from the control of ministerial heads of departments. But nowadays a statutory officer, the Comptroller of the Treasury, alone has authority to draw on Consolidated Revenue Fund.

5. The character of the work lends itself to performance by short-term temporary employees, but experience demonstrates the desirability of having associated with the work some officer who keeps himself constantly informed with respect to the electoral organization of the Chief Electorol Officer in each constituency. Up to the end of the 1945 General Election, the Audit Office had such an officer (salary $3,720). He has since retired and I have not replaced him because it seems to me that greater day-to-day value may be obtained by making him a member of the staff of the Chief Electoral Officer, rather than of the Auditor General.

6. It is for such reasons that I venture to suggest that section 61 be revised to the end that the obligation be on the Chief Electoral Officer to tax accounts, the Comptroller of the Treasury to pay and the Auditor General to audit forthwith. Were such a plan adopted, this Office should not find it necessary to engage extra assistance at the time of a General Election.

(Sgd.) WATSON SELLAR.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

TUESDAY, MAY 13, 1947

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,
Tuesday, May 13, 1947.

The Special Committee on The Dominion Elections Act, 1938, met this day at 4.00 o'clock p.m. The Chairman, Mr. Paul E. Coté, presided.

Members present: Messrs. Bertrand (*Prescott*), Brooks, Coté (*Verdun*), Fair, Gariépy, Gladstone, Kirk, MacInnis, Marier, Marquis, McKay, Richard (*Gloucester*), Stirling, Zaplitny.

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

The Chairman read to the Committee a letter he had addressed to Major the Hon. C. G. Power, Chairman of the Committee on Redistribution, in regard to the dual electoral district of Queens, P.E.I., and informed the members of the action which the latter Committee had agreed to take in the matter.

The Committee resumed study of the Dominion Elections Act, 1938, and consideration of the proposed amendment thereto. All amendments agreed to appear in today's printed Minutes of Evidence.

Mr. Jules Castonguay, Chief Electoral Officer, was recalled and questioned on the various amendments proposed.

At 6.00 o'clock p.m., the Committee adjourned to meet again at 4.00 o'clock p.m., Thursday, May 15, 1947.

ANTOINE CHASSÉ
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,
May 13, 1947.

The Special Committee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Cote, presided.

The Chairman: Gentlemen, before I throw the discussion open on section 47 which is under consideration, I wish to acquaint the committee with an action which I have taken as chairman of this committee. I happened to learn that the committee on redistribution might conclude its business shortly. I thought it would be well to draw the attention of the chairman of that committee to the matter of dual constituencies. The committee on redistribution met this morning, and I wrote the chairman as follows:

Honourable C. G. Power, Chairman,
Special Committee on Redistribution
House of Commons,
Ottawa.

My Dear Colleague;—Having been informed that your committee has agreed to divide the electoral district of Halifax, I thought that it might be of valuable assistance to our own committee to know whether any change is being contemplated with regard to the county of Queen's which will be thereafter the only dual constituency left in Canada.

The Dominion Elections Act 1938 contains, at least, twelve references to dual constituencies. These would have to be eliminated if the constituency of Queen's is to be divided. We are, therefore, interested to know what your committee will finally decide so that we may act accordingly.

Sincerely yours,

(Sgd.) PAUL E. COTE,
Chairman, Special Committee on Dominion Elections Act 1938.

This matter was brought up at the meeting of the committee on redistribution this morning. It was unanimously agreed that the matter was worthy of examination and was, therefore, referred to the subcommittee on the maritime provinces. The members of that subcommittee admitted they had not considered this problem. It was decided the subcommittee would go into the matter and report to the main committee at the next meeting.

Gentlemen, before we continue our discussion on section 47, I have a communication to read to you which has been filed and which has some bearing on this section. This is a communication from Mr. F. P. Healey, Managing Secretary of the Hamilton Chamber of Commerce. It is dated November 24, 1942, and is addressed to Mr. Jules Castonguay, Chief Electoral Officer.

Dear Sir:

Dominion Elections Act, 1938—Time to Employees for Voting

During a period of ten days or two weeks preceding the voting of the 27th of April (The Plebiscite) we had a large number of enquiries and complaints from interested employers regarding Clause 47 (1) of the above

Act which compels the employer to allow every elector in his employ at least two additional hours other than the noon hour for voting and no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours.

It would appear from investigation that while this regulation was no doubt justified when originally placed on the statute books it is not now necessary because of the substantial lengthening of the hours of voting.

Years ago the polls, we understand, usually opened at 9 a.m. and closed at 5 p.m. Over a period of years they have gradually lengthened until last April the hours authorized were 8 a.m. to 8 p.m.

It was thought that this lengthy period should enable everybody, wherever employed, or on what shift, sufficient time to go to the polls, without necessitating the disruption of work and loss of money caused by the two hour rule.

We have reason to believe that advantage was taken of the privilege by many, merely to secure additional time off without loss of pay.

Our Legislation and Taxation Committee has suggested that although in many industries and localities this period of time is excessive, it is not practicable, having regard to difficulties of transportation in different areas, to provide for reduction in the voting time applicable to Canada generally. They recommend, however, and this has been approved by the Board, that you be requested to consider the advisability of introducing greater flexibility in different areas in respect to the time allowed for absence from work possibly by determining the hours of absence for voting purposes in different electoral districts by the terms of the election proclamations applicable to those districts.

I have been directed to communicate with you and to invite your consideration of this idea.

Jules Castonguay, Chief Electoral Officer, recalled:

Hon. Mr. STIRLING: This letter must refer to provincial affairs, speaking about a Plebiscite and the hours of polling continuing until 8 p.m.

The WITNESS: I might state that in the Plebiscite regulations, 1942, a provision corresponding to section 47 was inserted and applied at the Plebiscite.

By Hon. Mr. Stirling:

Q. Is this letter dated 1942?—A. Yes.

Q. I thought you were reading a letter just received.

The CHAIRMAN: No. While we are on this subject, I have a letter received from the British Columbia Federation of Labour. Part of the recommendations contained therein referred to section 47. I shall read that part:

> THEREFORE BE IT RESOLVED: That the B.C. Federation of Labour request from the Provincial and Federal governments that a Provincial or Dominion holiday be declared without loss of pay in all future Provincial or Dominion election days, and furthermore that arrangements be made that polls be taken in all hospitals.

This brings us up to date, so far as communications received are concerned.

The WITNESS: The other day I stated that British Columbia granted a public holiday on polling day. This provision has been repealed at the 1947 session of the Legislature. Their Act now provides that employees will have four consecutive hours for voting. Polling day is no longer a public holiday.

By Mr. Richard (Gloucester):

Q. Was there any special reason for repealing that section?—A. This change took place during the present session and I have not read the debates. It was recommended by the Electoral Committee of British Columbia.

The CHAIRMAN: Now, gentlemen, at the last meeting it was suggested that Mr. Castonguay go over section 47, subsection (1) again and make some suggestion for an amendment along the lines of the majority opinion of the committee. I shall ask Mr. Castonguay to report on this matter.

The WITNESS: It is a difficult provision to change. I have made an attempt at preparing a substitute subsection (1) to section 47 which I think is an improvement over the provision printed in the book of draft amendments. In the draft amendment, provision is made for two straight hours. The proposed amendment is on a more sliding scale and it provides for three consecutive hours to employees for voting. For instance, if an employee finishes work at four o'clock in the afternoon, he is to be granted one hour. He would be entitled to leave work at three o'clock and that would give him three consecutive hours for voting. If he stops work at 5 o'clock he will be granted two hours with pay, and any employee who finishes his work at 3 o'clock would not get any additional time for voting, as the three consecutive hours for voting would be available to him.

Mr. MARQUIS: According to that section the deduction of pay or imposition of penalty is in the last paragraph, because it refers to the time given by the employer on the working time of the employee; it does not refer to the consecutive hours if the voter is not working during these three consecutive hours. When we had our informal discussion a few moments ago I did not understand that section in that way. As you have explained it, I think that this section covers the point that the worker will be paid, and there will be no penalty against him if he is absent in order to take his three consecutive hours.

The WITNESS: That is right. He may be paid for one hour or two hours or even three hours' absence from his work.

Mr. MARQUIS: The last part of this subsection means that the employer is obliged to give the employee the time necessary to complete the three hours.

The WITNESS: To make up three consecutive hours.

The CHAIRMAN: Mr. Castonguay, would you read into the record the draft amendment which you have prepared?

The WITNESS: It reads this way:

> 47(1). Every employee who is a qualified elector shall, while the polls are open on polling day at a dominion election, have three consecutive hours, other than the noon hour, in which he may cast his vote; and if the hours of his employment do not allow for such three consecutive hours, his employer shall, without deduction of pay or imposition of penalty, allow him such additional time as may be necessary to provide the said three consecutive hours.

Mr. MARQUIS: So if he starts work, say, at 10 o'clock or 11 o'clock in the morning he will probably have his three hours before going to work, and there should be no deduction at all?

The WITNESS: Yes.

Mr. MACINNIS: If he begins work at 10 o'clock and the polls open at 8 o'clock he would have one hour; he would have one hour on his employer with pay.

The WITNESS: He would begin his work at 11 o'clock and be paid as from 10 o'clock.

Mr. Marier: I am not satisfied yet. As it is now in the first three consecutive hours the employer can deduct—

Mr. Marquis: It is because that is not during the time he is working; there is no deduction.

Mr. Marier: Why not make that clear? I think it would be well to employ the same form: "Every employer shall, on polling day, allow to every elector in his employ at least three . . ." —instead of two— ". . . additional hours other than the noon hour for voting." And then insert, ". . . if the hours of his employment do not allow for such three consecutive hours, his employer shall allow him such additional time as may be necessary to provide the three consecutive hours, and no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours." That will cover everything in both cases.

Mr. MacInnis: Mr. Chairman, I think the new clause drafted by the chief electoral officer is a good one except that I think the phrase "without deduction of pay or imposition of penalty" is in the wrong place. I say this with all deference. I think it should read: "Every employee who is a qualified elector shall, while the polls are open on polling day at a dominion election, have three consecutive hours, without deduction of pay or imposition of penalty, other than the noon hour, in which he may cast his vote; and if the hours of his employment do not allow for such three consecutive hours, his employer shall allow him such additional time as may be necessary to provide the said three consecutive hours."

Mr. Fair: I do not think that will read quite right, because you are speaking of two things at the same time, "while the polls are open on polling day at a dominion election, have three consecutive hours, without deduction of pay or imposition of penalty." You are speaking of "no deduction of pay" and at the same time "other than the noon hour."

Mr. MacInnis: There is no penalty for the noon hour.

Mr. Marier: This would be three consecutive hours, other than the noon hour, without deduction.

Mr. MacInnis: In which he may cast his vote. The reason I would put "without deduction of pay or imposition of penalty" in that part of the paragraph which is above the semicolon is that the semicolon is almost equal to a full stop. It is almost a complete sentence in itself; and if you put it below it is not clear that it applies to what is above.

Mr. Fair: I suggest that you place the words "without deduction of pay or imposition of penalty" after the word "hour" where it occurs in the fourth line; and it will make better sense.

Mr. Marier: I would be satisfied with that.

Mr. Marquis: I wish to say that the first part of this subsection refers only to the time of voting in general; that the voter is entitled to have three consecutive hours. It does not refer at all to the time given by the employer to allow him to vote. The second part refers especially to the time that the employer is obliged to give his employee that he may vote. So that if we read that second part of the subsection it will say, ". . . if the hours of his employment do not allow for such three consecutive hours . . ." That means if the employer is obliged to give one, two or two and one-half hours to his employee in order to make the three consecutive hours, his employer shall then, without deduction of pay or imposition of penalty, allow him such additional time as may be necessary to provide the said three consecutive hours. I think that is very clear and that the "deduction of pay or imposition of penalty" should stay as it is in this subsection.

Mr. Richard (*Gloucester*): The idea is that the employee shall not lose his pay in those three hours or less if he is less than three hours. While the first part applies to three consecutive hours, the word "if" is quite important. If you put in a provision as to pay it falls into agreement with that word "if"; and it is only under those conditions that he is paid.

Mr. Marier: That is why I suggested that we put the two conditions first, about the three hours and the consecutive hours and the additional time, and put in the last part of the clause the words "without deduction of pay" etc.

Mr. Richard (*Gloucester*): Why not put it at the end in any case?

Mr. Marier: As it is in this draft we have that in section 47, in the last part where it says, "....no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours." Why not put the two conditions in section 47 saying that every employee will have three consecutive hours and then if the hours of his employment do not allow for such three consecutive hours his employer shall allow him such additional time as will be necessary to provide three consecutive hours; and say that no employer shall make any deduction from his pay.

Mr. Fair: May I ask whether the chief electoral officer has had any complaints to the effect that the two hours already allowed are insufficient for electors to vote?

The Witness: The section as it stands in the statute is very ambiguous and very difficult to interpret, and at the last general election, especially a lot of confusion arose throughout Canada in that regard. Adverse criticism has been made and many suggestions have been received for the clarification of that section.

Mr. Fair: For the clarification, but not for more time; would that be correct?

The Witness: These three additional hours do not mean that a voter will get three hours in every case; it means that the employees will have three consecutive hours for voting. In large cities such as Montreal and Toronto employees may have to travel the whole length of the city to vote and three consecutive hours are required in many cases.

Mr. Fair: My point there would be that the employee be given up to a maximum of three hours in which to vote provided that that time were required. If that amount of time were not required—if the voting could be completed in less than three hours—then the employer would not be compelled to give his employees three hours without deduction of pay.

The Witness: I did not understand your question.

Mr. Fair: My point was this: are employers compelled under this legislation to give their employees three hours in which to vote, whether that time is required or not?

The Witness: Every employee will be entitled to three consecutive hours for voting; and if the employees work from 8 o'clock a.m. to 6 o'clock p.m. the employer will be compelled to give the employee three consecutive hours whether he needs all three hours or not for voting.

Mr. Richard (*Gloucester*): And pay him for it.

The Witness: And pay him for it.

Mr. Richard (*Gloucester*): But if he had only one hour or more to work and had still three hours to vote the employer would only pay him for one hour?

The Witness: Yes.

Mr. Richard (*Gloucester*): And if you leave that clause there as it appears in the second part it would appear now that it is only in that case that he would be paid.

The WITNESS: I believe so. I agree entirely with Mr. Marier's suggestion of putting the end of the old provision into this new one.

Hon. Mr. STIRLING: Why has the "two" been increased to "three"; I cannot understand that?

The WITNESS: The old provision provided for two hours for an employee. If a person worked until 3 o'clock in the afternoon it provided two hours; and under the old provision I have heard of many requests made for payment by employees who worked night shift and by employees who started to work at 1 or 2 o'clock in the afternoon. They thought they had grounds for a claim for two hours' pay. I might state also that in British Columbia, as the result of recent legislation, they are providing for four consecutive hours for voting. They provided for one hour more than in this draft proposal.

Mr. GLADSTONE: Mr. Chairman, with all deference to the lawyers and the legal advisers, if any, I think that long involved sentences lead to confusion and in the end make the situation about as clear as mud. I think that in order to have this made clear to employers and employees it ought to be made simpler, in perhaps three short sentences. I have not any particular sentences in mind, but I think it could be worked out in that way. I think we should consider this situation, just forgetting the pay for the moment and considering it from the standpoint of practicability to industry—industry in large cities such as Montreal and Toronto and also industries in the small cities where the situation is different. You should have the wording so clear that the workman will not misunderstand it and be complaining that he is not being paid for three hours when he is not supposed to be.

We do not want to run into a situation where they think they should be paid for three hours when they work only one hour in the afternoon. You might as well declare a half holiday. I wonder if we just ought not to try and simplify this because it is too involved altogether. I think the returning officers have difficulty at times in satisfying employers and employees as to just what is intended.

Mr. MCKAY: I agree with Mr. Gladstone, I think a simplification of a lot of these clauses is very necessary. I think the chief electoral officer will agree that very frequently he is approached for an interpretation of these various clauses. In many cases they seem complicated to us and I am sure to the person on the street they must appear even more complicated. I do not know whether there would be any objection to it but it seems to me, since we are already providing in this clause for a three hour period of time wherein an elector can vote, it would seem to me that it would be a great deal simpler if there were a half holiday declared, morning or afternoon. I would make it optional. That only involves four hours and in the case of most provinces across the dominion there is an eight hour day. I know that particularly in the Montreal and Toronto districts a great many people have a long way to go. Some of them have to go as far as twenty or thirty miles from their homes to work and they commute back and forth. It seems to me three hours is not too much. I do not know whether there is any serious objection to making it a half holiday. I would like to hear some comment on that. It only involves another hour and you do not need to make it a hard and fast rule as to whether it would be morning or afternoon and industries could still operate without any difficulty if it was optional, half voting in the morning and half in the afternoon.

Mr. GLADSTONE: May I just make one further comment. In connection with large industries and industries where continuous operation or mass production is carried out, we have employees who may live half a mile from the industry and others may live five miles or more from the industry. Now if it was left to the discretion of the employer, providing of course that he must give his employee sufficient time to vote outside of the noon hour, it could be solved.

If a man lived half a mile from the plant he would not need very long but the man who lives a long distance away does need a longer period. The employer cannot find it possible to let off some from the operations and keep others so he therefore just shuts down operations entirely. Whatever is adopted has to apply in many plants to all men regardless of whether they live near the voting place or a long distance away.

Mr. MARIER: You could not leave it just to the discretion of the employer.

Mr. MARQUIS: Mr. Chairman, I wish to draw the attention of the members of the committee to the suggestion which was made a few minutes ago. If we give three consecutive hours to the employee for voting, and, if we say that he should be paid, without any deduction being made in his wages, we must have in mind the fact that the employee will have the right to pick the time where he is supposed to work. Then at the end of the day he claims payment. So if a worker leaves his job at three o'clock or leaves at 12.00 o'clock, he says "I may choose my three hours." We have to construct the section in such a way that he has three hours free for voting other than working hours.

Mr. MARIER: Without abuse.

Mr. MARQUIS: Yes, three hours other than those which he is supposed to work and he could not make any claim.

Mr. MACINNIS: I think there should be some words in here such as this, "Every employee who is a qualified elector shall, if he works at his employment while the polls are open on polling day, etc". I think what we should have in mind is that every person, employee or others, should have the opportunity to vote but it should not be necessary to pay him for going to the polls. It is his duty as a citizen to go to the polls but we should make provision that he shall have that opportunity. You could put in, "If working at his employment while the polls are open on polling day".

Mr. RICHARD (*Gloucester*): Suppose you took out the words, "Without deduction of pay or imposition of penalty", and added the paragraph, "Provided that such employee shall not lose any pay for any or all hours taken to vote". This is the idea. He is not to be paid for three hours during which time he should have been working. I say to pay him three hours if he loses that much time but only pay him for one hour if he only loses one hour.

Mr. MARQUIS: I agree with Mr. Richard that we should make a proviso at the end of the subsection.

Mr. RICHARD (*Gloucester*): To the effect that he be paid for any of these hours necessarily lost.

Mr. FAIR: I do not see why industry should be compelled to pay thousands of employees up to three hours, if that should be the case, in order that they may go to vote unless they require that time to vote. That is my point and I ask the chief electoral officer whether he had any complaints that two hours were not sufficient. I think we should do everything possible to see that everyone has an opportunity to vote but I do not think we should compel employers in any industry to pay their employees for a holiday because those wages are just charged to the price of the goods and the employees pay it back either directly or indirectly.

Hon. Mr. STIRLING: Mr. Chairman, if we used wording such as this I do not see that there is any discretion in the hands of the employer. The employee may demand the number of hours mentioned here. I do not see that there is any discretion in the hands of the employer. With regard to the suggestion Mr. McKay has in mind, going back to what was mentioned about the half holiday, he asked for comments on it. My objection to that is I think it would induce a number of people to take the holiday and not go near the polling booth because if election day came on a Monday it might easily be arranged that the workers would not go in until two o'clock and people would lengthen their week-end. I think perhaps fewer people would vote. I would like Mr. Castonguay's views on the question of discretion being left in the hands of the employer. Would there be any discretion left?

The WITNESS: I do not think there would be. The section lays down the rule very clearly to my mind and all I could say to employers or employees would be that they should be guided by the provisions of the statute.

Hon. Mr. STIRLING: Mr. Chairman, to get somewhere with this, I move that the words, "without deduction of pay or imposition of penalty" be removed from where they are and that they be inserted in the fourth line after the word "hours".

The CHAIRMAN: Is that the whole of your motion, Mr. Stirling?

Hon. Mr. STIRLING: Yes.

The CHAIRMAN: Are there any other comments on this motion?

Mr. RICHARD (*Gloucester*): With all due respect to Mr. Stirling I believe that the employee will not be paid.

Mr. MARIER: I would prefer what was said a moment ago, and Mr. Castonguay was in favour of the proposal of putting the two conditions first and then adding the last paragraph of 47(*a*) "every employee who is a qualified elector shall, while the polls are open on polling day at a dominion election have three consecutive hours other than the noon hour in which he may cast his vote, and if the hours of his employment is more than three consecutive hours the employer shall allow him such additional time as is necessary". That is substituting the word "consecutive" instead of the word "additional". And then, "no employer shall make any deduction of pay or imposition of penalty by reason of his absence at such hours."

Hon. Mr. STIRLING: I am in favour of that.

Mr. MARIER: Mr. Castonguay said a few minutes ago that he approved.

The CHAIRMAN: Well do you wish me to read the motion as it is before I call for a vote or are you ready for the question?

Mr. BROOKS: I would like to have it read again.

The CHAIRMAN: Moved by Mr. Marier, that section 47, subsection 1, be repealed and the following subsection be substituted, "every employee who is a qualified elector shall while the polls are open on polling day at a dominion election have three consecutive hours other than the noon hour in which he may cast his vote and if the hours of his employment do not allow for such three consecutive hours his employer shall allow him such additional time as may be necessary to provide the said three consecutive hours and no employer shall make any deduction from the pay of any such elector nor impose upon nor exact from him any penalty by reason of his absence during such consecutive hours".

The question will be on the amendment which I have just read. Shall the amendment carry?

Carried.

It is suggested by the chief electoral officer that subsection 3 of section 47 be amended by substituting the word "consecutive" for the word "additional" in the third line thereof.

Shall the amendment carry?

Carried.

Is section 47 as amended carried?

Carried.

Section 48, there is no change here except that we have a communication from a Mr. W. R. Tomlinson, member for Bruce. I quote,

Jules Castonguay, Esq.,
Chief Electoral Officer,
Ottawa, Ontario.

Dear Mr. Castonguay:

I have a number of complaints from my riding that constables who were appointed for the election have not yet received their pay. Under the Act a deputy returning officer has the power of this appointment if he deems it necessary. These men should immediately be paid, but I would suggest an amendment to the Act whereby no one but the returning officer himself may recommend the appointment of persons in the different polls.

I would like to hear from you in this connection. This is a matter which has caused me concern, as no doubt it has to others.

Yours sincerely,

(sgd) W. R. TOMLINSON,
Member for Bruce."

That refers to subsection 10 of section 48. Would you have any comment to make on that Mr. Castonguay?

The WITNESS: At present constables are appointed, not by the returning officer, but by the deputy returning officers themselves. The number of constables paid at the last general election was between 5,000 and 6,000 for the 33,000 polls. My own view on the matter is that the number of constables might have been reduced to 3,000 or 4,000.

Mr. FAIR: I think you are right there Mr. Castonguay. I cannot see any need for it in most cases. There is no need in the rural districts and in most of the others there will be very little need for constables.

The WITNESS: In my instructions it is stated that in every polling division in which there are more than 350 electors, when the list has been split for the taking of the vote, the appointment of a constable is justified to direct the electors to their respective polling station, especially when the two polling stations are not established in the same building. In other polls I cannot forbid the appointment of constables in view of what is stated in the Act.

Mr. McKAY: May I ask if they have been of any great use throughout the country at election periods. Have they really quelled any grave disturbances?

The WITNESS: They are merely doorkeepers.

Mr. McKAY: I think the whole system could be abolished.

The CHAIRMAN: Order.

Mr. McKAY: I think the whole system, following what Mr. Castonguay has said, could be abolished, because, although in the urban centres it has been suggested they might be of some use, we have our urban police and if there is any disturbance they can be called in and probably they would be much more effective. These constables under this Act in the rural places are not necessary at all. It is just a big bill of expense and I think we could get along very easily without them.

The WITNESS: If I had my way I would eliminate the constables except at polling divisions where more than one station is established.

Mr. McKAY: That would be a good idea.

Mr. RICHARD *(Gloucester):* You have found that they followed your advice pretty closely and used their discretion in the appointing of them have you not? I know in many places in my constituency they have followed your instruction.

The WITNESS: Yes, the deputy returning officer is called upon to make a statement as to the reasons why it was necessary to appoint a constable. He has to certify, in a statement which is printed on the back of the polling station account, that the services of a constable were necessary. He has to give the reasons, otherwise there may be difficulty in getting the account paid by the Auditor General.

By Mr. MacInnis:

Q. How many constables were appointed at the last general election?—A. At each of the two last general elections, I do not think there were more than 5,000 or 6,000.

By Mr. Stirling:

Q. If your suggestion was carried out, by how many would the total be reduced?—A. It would reduce it by about half.

By Mr. Brooks:

Q. How many polling stations are there in the dominion?—A. Between 32,000 and 33,000.

By Mr. Richard (Gloucester):

Q. So, at practically 20 to 25 per cent of the polling stations constables were appointed?—A. That is right.

Mr. GLADSTONE: I move that the section stand.

Mr. MCKAY: I should like to move an amendment that, except in cases where polling stations have more than one poll, the principle of the appointments of constables at general elections be abolished or discontinued.

Mr. MARIER: I am not in favour of that because you should give the returning officer the right to appoint a constable if he thinks it is necessary. He must make a report as to why it is necessary.

Mr. MCKAY: If the constables serve any useful purpose, I would continue that, but they do not.

Mr. BROOKS: The returning officer does not know until after he opens his poll, whether he will need a constable or not. There is considerable drinking throughout the country, as we all know, and the services of constables might be needed.

Mr. GLADSTONE: Situations do arise, where no constable has been appointed, where a returning officer has been compelled to use his authority to swear in a constable on the spot to take care of a situation.

Mr. RICHARD (*Gloucester*): The returning officer may anticipate trouble even at a small poll, knowing local conditions. If he has no authority to hire a constable, his hands are tied.

Mr. MACINNIS: I agree it is a difficult thing for most of the members of the committee to settle. So far as Vancouver is concerned, I cannot recall ever hearing of any trouble at a polling place. It may have happened, but I cannot recall it now. However, this may not apply to the whole of Canada.

Mr. MARQUIS: I think this subsection should stand because it is a means of enforcing the law. If you appoint a deputy returning officer and charge him with keeping peace and good order at the polling station, he should have a means of keeping order. If he has not the right to swear in a constable, perhaps a situation may arise in which a constable would be needed and it would be impossible for the returning officer to handle the situation.

Mr. MCKAY: What is the matter with the local police. They will come to quell disturbances.

Mr. Marquis: In as much as the returning officer is obliged to make a report and give the reasons why it was necessary for him to swear in a constable when he needed one, he should have that power.

Mr. Marier: There are some villages in which there are no constables or in which the constables also carry on a different kind of work and are not available.

By the Chairman:

Q. If I may, at this point, I should like to put a question to the chief electoral officer. It may throw some light on this situation. In my own riding constables were appointed under subsection (10) by the deputy returning officer but the constables could not be paid by the chief electoral officer for some reason or other. I should like Mr. Castonguay to comment on this case. Had the deputy returning officer gone beyond his power under subsection (10)?—A. No, they had not, if they were able to give sufficient reasons; that is, in so far as to any claims which have been made are concerned.

Q. Were the reasons not found sufficient to warrant the payment of these constables?—A. Well, when satisfactory reasons were given the constable was paid.

By Mr. Richard (Gloucester):

Q. Supposing that was not the situation, did the man lose his pay, notwithstanding he was not at fault?—A. I think the Auditor General took the view that any plausible reason was satisfactory. However, he made the deputy returning officer give a reason for the appointment of a constable in each case. I know some of the accounts have been held up and some have been unpaid because the deputy returning officer did not come forward with reasons. Of course, the payment of accounts has always been in the hands of the Auditor General.

By Mr. Brooks:

Q. What is the rate of pay?—A. $3.

Q. It would cost about $15,000, then so far as constables are concerned on election day?—A. Just about $15,000.

Q. It is not a tremendous amount.

The Chairman: We have a motion by Mr. McKay, gentlemen.

Hon. Mr. Stirling: I would support Mr. Gladstone's suggestion that we let it stand. I do not think enough reasons have been brought forward to alter it.

The Chairman: Are you satisfied, Mr. McKay, to withdraw your motion?

Mr. McKay: Yes, I withdraw.

The Chairman: Shall section 48 carry?

Carried.

In section 49 there is no change.

Carried.

Counting and Reporting the Votes—section 50,—there is an amendment which will be found in the printed copy of the amendments on page 9.

> Clause (D) of subsection (2) of section 50 of the said Act is repealed and the following substituted therefor:—
>
> (*d*) Upon which there is any writing or mark by which the voter could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer.

The Witness: This is a corresponding amendment to the one proposed the other day for doing away with the numbering of the ballot paper in the case of a personated voter.

The CHAIRMAN: Shall this clause carry?

Hon. Mr. STIRLING: Well, I do not quite understand how it reads. This printed copy says,

> Clause (D), subsection (2) of section 50 is repealed and the following substituted therefor:

Then, picking up the words at the top of the page,

> The returning officer shall not, on which there is any writing or mark—

That does not make sense.

The CHAIRMAN: It has to be read in conjunction with the beginning of subsection (2) of section 50.

Hon. Mr. STIRLING: I beg your pardon I have the wrong page.

Mr. MACINNIS: Mr. Chairman, perhaps I do not understand this clause. It says,

> Upon which there is any writing or mark by which the voter can be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer.

Supposing the deputy returning officer places a mark on the ballot in order to identify the voter? Why should he have a special privilege to do that?

Mr. MARQUIS: It would disenfranchise an elector. We cannot give the right to reject a ballot because the deputy returning officer puts a mark on it. If an elector, himself, puts a mark on it he disinfranchises himself.

Mr. MACINNIS: This section should provide for the things the deputy returning officer can put on the ballot.

Mr. RICHARD *(Gloucester)*: I think whatever mark the deputy returning officer puts on the ballot in carrying out his duties should not invalidate the ballot, but if he puts a mark on it which he should not put on, then that would be different.

Mr. GLADSTONE: Is there a provision elsewhere in the Act that the returning officer shall not put a mark on the ballot?

The WITNESS: I do not think there is any provision for such an offence. Of course, it might be deemed an offence.

Mr. MARQUIS: It is the same principle as in clause (D) subsection (2) of section 50. No ballot paper would be rejected because of any writing, number or marking placed thereon by any deputy returning officer. It is the same wording as in the new subsection because the deputy returning officer cannot disenfranchise any voter.

The CHAIRMAN: The only difference I see between the two drafts is that the following words in the Act,

> Other than the numbering by the deputy returning officer in the cases hereinafter above referred to—are eliminated.

Mr. ZAPLITNY: What is the reason for the elimination of these words, Mr. Chairman?

The CHAIRMAN: Because, in the case of a voter having been personated, his ballot paper, under the Act was marked by the deputy returning officer. We have done away with that provision so, in accordance with that amendment which we have carried, the chief electoral officer suggested we do away with this reference to the marking of ballot papers.

Mr. MacInnis: Why not leave Clause (D) as it is in the original Act and cut it off at the word, "to", on the fourth line.

> Upon which there is any writing or mark by which the voter could be identified other than the numbering by the deputy returning officer in the cases hereinbefore referred to.

Mr. Marier: But there is no more numbering.

Mr. MacInnis: But you are providing for numbering because the ballot will not be rejected for any mark placed on it by the deputy returning officer.

By the Chairman:

Q. Would you tell us what kind of numbers or marks the deputy returning officer is authorized to place on the ballot paper from the present moment forward with the amendment which we have carried?—A. The only mark that the deputy returning officer will be entitled to place on the ballot if you adopt the suggested amendment would be his initials. There would be nothing else placed on the ballot paper by the deputy returning officer before the ballot paper has been dropped in the ballot box.

By Mr. Zaplitny:

Q. What is the necessity then for the words, "number or mark" in addition to writing.—A. It is due to the fact the deputy returning officer may, intentionally or otherwise, make some mark on the ballot paper before delivering it to the elector.

By Mr. Richard (Gloucester):

Q. Which he should not make?—A. Which he should not make, and which he is not entitled to make. This provision has remained in the Act for a long time. To my knowledge there has never been any case of marking, either by numbers or figures on the ballot by the deputy returning officer.

Mr. Marquis: Mr. Chairman, we should keep that part of the clause. If we do away with it, any deputy returning officer will be able to disenfranchise any elector. He has only to put a mark on the ballot and that ballot will be rejected. In this manner many electors may be disenfranchised. Their vote would be cast away.

By Mr. Zaplitny:

Q. Is there any provision anywhere else in the Act, Mr. Chairman, to make it an offence for the deputy returning officer to place any mark or number except his initials on the ballot?—A. I do not think there is any special provision dealing with that offence. However, I should not like to be in the shoes of the deputy returning officer who made it a practice of marking ballot papers because he would certainly be in trouble.

By Mr. Richard (Gloucester):

Q. There would be a general provision covering that?—A. Of course, that would be considered a misdemeanour.

By Mr. MacInnis:

Q. How could it be ascertained, if there is any mark on the ballot other than the initials put on by the deputy returning officer, that the returning officer did or did not put it on the ballot?—A. It would be a difficult thing to ascertain. There has never been any question raised about it. It has given no trouble in the past.

By Mr. Brooks:

Q. As a matter of fact, does not the voter take his ballot, mark it, fold it up and return it and the deputy returning officer is not supposed to see the way he marks his ballot? This reference would be to a mark which is actually on the face of the ballot and would destroy it in the count. Any mark the deputy returning officer made would have to be on the outside of the ballot where he puts his initials?—A. He puts his initials on the back of the ballot paper.

Q. A mark inside would indicate how a man voted when the votes were counted. It provides against the purchasing of votes that is what it does.

By Mr. MacInnis:

Q. Would any mark on the back of the ballot paper invalidate the ballot? —A. I have not run across any decisions on marks on the back of ballot papers. On recounts, various oddly marked ballots are accepted by one judge and rejected by the other. It is up to the court to decide.

Mr. MARIER: I suppose this could happen: a returning officer who had been acting in many elections may take a ballot and instead of putting his initials on it may put a number or some mark because a person has been impersonated. Then, that ballot could be rejected since there is a mark on it. The returning officer could say this mark was made by him because he recognizes his writing. Then, the ballot could be admitted. If we leave that provision out, it will not be admitted.

Mr. MARQUIS: Mr. Chairman, as a matter of principle, I think a ballot is supposed to be rejected if a voter puts a mark on his own ballot, but if the returning officer puts a mark on the ballot, we cannot disenfranchise the elector for that.

Mr. MARIER: The question is, how can you ascertain that fact? At six o'clock, if there is a cross or something of that kind on the back of the ballot it may have been put there by the returning officer or it may have been put there by the voter, no one can say. Only in the case of a mark which the returning officer recognizes as being in his own handwriting, could the returning officer say he put it there by mistake. Then, we would be able to admit that ballot. It is in this type of case the proviso could be used. Otherwise, if the mark could not be identified, no one can say whether it has been made by the voter or the returning officer.

Mr. BROOKS: Looking at it from a practical point of view, there is an agent for each candidate sitting opposite the returning officer. If the returning officer makes a practice of putting anything other than his initials on the ballot, the agents are going to object.

Mr. RICHARD (*Gloucester*): There might not be an agent there. It could be done.

Mr. MARIER: It is better to leave it as it is.

The CHAIRMAN: Could not this amendment be simplified by wording it as follows:

"Upon which there is any writing or mark other than the initials of the deputy returning officer by which a voter could be identified."

Mr. BROOKS: Those intitals are supposed to be placed there by the deputy returning officer. I rather like Mr. Richard's suggestion.

Mr. MARQUIS: No, Mr. Chairman, if the deputy returning officer puts some other mark than his initials on the ballot, by this provision you will disenfranchise the voter.

The CHAIRMAN: Yes, but if I correctly understand the view of the committee, you could not make any distinction between some marks put on by the deputy returning officer and similar marks made by the voter himself.

Mr. MARQUIS: But when there is a recount before a judge, the deputy returning officer may say he made the marks, you see, and the ballot could be admitted as good.

The CHAIRMAN: That may be very difficult to substantiate.

Mr. MACINNIS: Perhaps Mr. Castonguay has already answered this question, but what was the reason for deleting the deleted words, "other than the number by the deputy returning officer"?

Mr. MARIER: There is no more numbering.

The CHAIRMAN: Would you refer to subsection (6) of section 45? We made a change there which renders the striking out of these words necessary in section 50.

Mr. MACINNIS: I withdraw my objection.

Mr. MARQUIS: I move the subsection as amended be carried.

The CHAIRMAN: Shall clause (*D*) subsection (2) as amended carry?
Carried.

We have another change, gentlemen, which will be found in the mimeographed copy of the amendments, page 7, relating to subsection (9) of section 50.

> Subsection nine of section fifty of the said Act is repealed and the following substituted therefor:—
>
> (9) The poll book, the several envelopes containing the ballot papers—unused, spoiled, rejected or counted for each candidate—each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall be immediately sealed and placed in the ballot box with (but not enclosing) the envelope containing the official statement of the poll prepared for the returning officer referred to in the next preceding subsection. The ballot box shall then be securely closed and sealed with one of the special metal seals prescribed by the Chief Electoral Officer for the use of the deputy returning officer and forthwith transmitted by registered mail or delivered to the returning officer. The returning officer may appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering such ballot boxes to the returning officer, subscribe to the oath in Form No. 55.

Mr. MARQUIS: I think this amendment is only made to have it correspond to the change regarding the seal.

The WITNESS: There is no other change suggested there other than to provide for the sealing of the ballot box with the special metal seal.

The CHAIRMAN: Shall the new subsection (9) carry?
Carried.

Shall section 50 as amended carry?
Carried.

Section 51 deals with the proceedings of the returning officer for the return of the ballot boxes. We have a suggested amendment in the mimeographed copy of the amendments at page 7.

> Subsection (1) of section 51 of the said Act is repealed and the following substituted therefor:—
>
> (1) The returning officer upon receipt by him of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any

> person other than himself and his election clerk from having access thereto. The returning officer shall examine the special metal seal affixed to each ballot box by the deputy returning officer, pursuant to subsection nine of section fifty of this Act, and if such seal is not in good order, the returning officer shall affix his own special metal seal prescribed by the Chief Electoral Officer. The returning officer shall record the condition of such seal in the appropriate column of the recapitulation sheets.

By Hon. Mr. Stirling:

Q. Is that the same thing?—A. That is the same thing. It refers to the new metal Seal.

The CHAIRMAN: Shall subsection (1) of section 51 carry?

Carried.

There is another change which appears in the printed copy of the amendments at page 9.

"Subsections (2A) and (2B) of section 51 of the said Act are repealed."

Shall that amendment carry?

Carried.

Shall section 51 as amended carry?

Carried.

There is no change in section 52, shall it carry?

Carried.

If you will refer to the mimeographed copy of the amendments, page 7, this suggested amendment to section 53 supersedes the other amendment which appears in the printed copy.

The WITNESS: This amendment also refers exclusively to the new metal seal.

The CHAIRMAN: Section 53 of the said Act is repealed and the following substituted therefor:—

> 53. (1) After the close of the election the returning officer shall cause the ballot boxes used thereat, to be deposited in the custody of the officer in charge of a Dominion building, if any, at the place at which the final addition of the votes was held, or if none, of the postmaster of such place, or of the sheriff of any county or district, or of the registrar of deeds of any county or registration division, included, or in part included, in the electoral district, or of any other person designated by the Chief Electoral Officer.
>
> (2) Upon delivery to him of such ballot boxes, the custodian shall issue his receipt and shall, upon request, deliver the said ballot boxes to the appropriate returning officer whenever an election has been ordered in his electoral district, taking such returning officer's receipt.

Shall section 53 as amended carry?

Carried.

The CHAIRMAN: Shall section 54 carry? There is no change.

Carried.

And now section 55. A suggested amendment appears in the mimeographed copy at page 8:

> Subsection one of section fifty-five of the said Act is amended by substituting the words "electoral district of Yukon Mackenzie River" for the words "Yukon territory" in the first thereof.

Mr. Marquis: We have adopted the other amendments.

The Chairman: The other amendments relating to the same point have been adopted.

Mr. MacInnis: I would move that we adopt this and it will be changed when we go into committee as a whole.

The Chairman: Well, shall the section as amended carry?

Carried.

Section 56 is next. In the memorandum of the Auditor General there is a suggestion, which if adopted, would affect this section to some extent and I would therefore suggest that section 56 stand. Is it agreed?

Agreed to let section 56 stand.

Section 57, there is no change. Shall the section carry?

Carried.

Section 58, there is no change. Shall section 58 carry?

Carried.

Shall section 59 carry?

Carried.

Section 60 has the same feature. The Auditor General has made a suggestion and therefore we should let this section stand.

Agreed that section 60 stand.

Section 61, I would suggest that this section stand as well.

Agreed that section 61 stand.

Section 62, shall section 62 carry?

Carried.

The next is section 63.

The Witness: With regard to section 63 I would like to have a word added in subsection 1. It reads "Within two months after the candidate has been declared elected". I would like to add the word "finally" after the word "been" because when there is a recount there is always the question as to which date should govern.

Mr. Marquis: I move that the word "finally" be added after the word "been" in the second line.

The Chairman: Moved by Mr. Marquis that the word "finally" be added in the second line after the word "been".

Shall the amendment carry?

Carried.

I have a communication in my hand which relates to section 63 and I will read it to you gentlemen. It is a letter dated April 2, 1943, from Ottawa, signed by Mr. M. J. Coldwell, addressed to the chief electoral officer.

> Dear Sir:
>
> Mrs. Louise Lucas, who was a candidate in the Melville constituency, in 1940, has asked me to forward to you the enclosed recommendations made by her committee.
>
> I would be glad if you would place these before the committee on an opportune occasion.
>
> Yours sincerely.

Then the recommendations are as follows,

> 1. As it is compulsory for a summary of election expenses of each candidate to be published in a local paper, I would suggest that this expense be provided for in the general governmental election expenses, instead of being a personal obligation of the candidate, as at present.
>
> 2. I think the clause, dealing with items of publication, should be clarified, as I understand that some returning officers interpret the Act to mean that items of less than $10.00 need not be published. I think that every item, however large or small should be declared.

This refers particularly to subsection 5 of section 63.

Mr. MacInnis: The expenses are very small, perhaps we had better let it stand.

The Chairman: I also wish to acknowledge and to bring before the committee a communication from the Canadian Weekly Newspaper Association, under the signature of the managing director Mr. C. W. Charters which also advocates payment by the government of the costs of publication of the election expenses.

Does section 63 as amended carry?
Carried.

Section 64, there is no change. Shall section 64 carry?
Carried.

Shall section 65 carry?
Carried.

Mr. Zaplitny: Just a moment, Mr. Chairman. There is something there. In the case of persons receiving treating of any kind, for example if someone buys liquor, is the person who receives that liquor just as guilty as the person who buys it? There seems to be some question on that part.

Mr. Marquis: Clause (*e*) of section 65 would apply.

Hon. Mr. Stirling: The fourth last line would cover it, "every elector who corruptly accepts or takes."

The Chairman: The chief electoral officer refers me on that point to section 49, subsection 5.

Mr. Zaplitny: That is the one I am thinking of. At page 251 of the Act it reads as follows, "No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop or other place within the limits of any polling division, during the whole of the polling day at an election."

The Chairman: Subsection 6 of 49 provides, "Every person who violates, contravenes or fails to observe any of the provisions of this section is guilty of an indictable offence against this Act, punishable as in this Act provided."

Mr. Marquis: Yes, and under article 69 of the criminal code one who participates in an indictable offence is as guilty as the other party on the same basis.

Hon. Mr. Stirling: Will you look at the last part of section 66. "Every elector who corruptly receives or takes any such meat, drink," that covers it.

Mr. Zaplitny: The point is, what interpretation is to be put on the words "corruptly receives"? I imagine that refers back to a previous section.

The Chairman: Is section 65 carried?
Carried.

Shall section 66 carry?
Carried.

Shall section 67 carry?
Carried.

Shall section 68 carry?
Carried.

Shall section 69 carry?
Carried.

Section 70. Here we have a change pursuant to the memorandum submitted by the Auditor General and I would suggest that this section stand.

Agreed that section 70 stand.

Shall section 71 carry?
Carried.

Shall section 72 carry?
Carried.

Shall section 73 carry?
Carried.

Shall section 74 carry?
Carried.

Shall section 75 carry?
Carried.

Shall section 76 carry?
Carried.

Shall section 77 carry?
Carried.

Shall section 78 carry?
Carried.

Shall section 79 carry?
Carried.

Shall section 80 carry?
Carried.

Shall section 81 carry?
Carried.

Shall section 82 carry?
Carried.

Shall section 83 carry?
Carried.

Shall section 84 carry?
Carried.

Shall section 85 carry?
Carried.

Shall section 86 carry?
Carried.

Shall section 87 carry?
Carried.

Shall section 88 carry?
Carried.

Shall section 89 carry?
Carried.

Shall section 90 carry?
Carried.

Shall section 91 carry?
Carried.

Shall section 92 carry?
Carried.

Shall section 93 carry?
Carried.

In connection with section 94 we have some communications. I have here a communication from a Mr. A. E. Robinson, member for Bruce, dated at Ottawa, August 15, 1946. It is addressed to Jules Castonguay, chief electoral officer, Ottawa, Ontario.

> Dear Mr. Castonguay:
>
> Referring back to the last federal election, several of our sailors in Bruce riding were not able to exercise their franchise on account of being out on their ships.
>
> I would like to request of you to attempt to have the Act revised so that such will be rectified at the next federal election.
>
> Yours very truly,
> (sgd) A. E. ROBINSON,
> Member for Bruce.

Mr. MacInnis: That applies to section 95.

The Chairman: Well, it would apply to sections 94, 95, 96, and 97, all relating to advance polls.

Mr. Marquis: There is an amendment to section 97, a proposed amendment.

Mr. Marier: That does not affect their right to vote. It is just procedure.

The Chairman: We have another communication from Mr. W. E. Lumley, secretary of the Sidney Local United Fishermen and Allied Workers' Union, Sidney, B.C. It reads:

> Dear Sir:
>
> At a U.F.A.W.U. meeting on Feb. 3, 1947, it was passed by a unanimous vote, that
>
> Whereas the fisherman is dissatisfied with the present election Act because it dis-enfranchises the fisherman by not making adequate allowances in regards to absentee voting, and
>
> Whereas the fishermen finds it necessary to work at various points along the B.C. coast the greater part of the year, therefore finding it impossible to attend polling stations in his constituency,
>
> Therefore be it resolved: That both for federal and provincial elections:
>
> (1) That advance polls be available for 7 days before election day in their own constituency;
>
> (2) The fishermen be permitted on election day to vote at any polling booth which they can reach, whether or not such booth is in their own constituency.
>
> JOHN REITAN, President. (sgd) W. E. LUMLEY,
> Secretary.

Mr. MacInnis: That inability to vote does not apply to British Columbia because there is an absentee ballot by which any person on the voter's list can vote, that is in provincial elections. If he has access to a polling place he can vote no matter where he lives and his vote is counted in the riding. I think there could be some provision made here by which fishermen could vote at advanced polls.

The Witness: Fishermen are looked after to some extent in the proposed amendments to section 16 which is printed at page 2 of the printed draft. It is the new subsection (7A) of section 16. By this amendment if a fisherman from Vancouver happens to be in Skeena on the day of the issue of the writ, on polling day he may vote in Skeena and his vote will be applied in Skeena.

Mr. Zaplitny: That is if he is on the list at Skeena.

The Witness: If he is fishing around the electoral district of Skeena up the coast and is there on the day of the issue of the writ, he will be entitled to vote in Skeena. This provision is made for temporary or casual workers.

Mr. Zaplitny: There would be no provision under that for fishermen who left their constituency where they ordinarily reside after the date of the issue of the writ.

The Witness: No, there would not be.

Mr. Zaplitny: I think that is where the difficulty comes in.

Mr. MacInnis: I cannot see why a commercial traveller or a railroad employee living in Vancouver and registered in one of the constituencies there can vote in an advanced poll if he is not able to be in his constituency on election day and yet a fisherman under similar circumstances is not allowed to vote.

The Witness: A fisherman goes away for a month or two.

Mr. MacInnis: That may or may not be so. Quite a lot of fishermen in Vancouver go out on Wednesday or Thursday or Friday or whatever day it is and they are not back again until Tuesday or Wednesday of the next week. Fishermen who are compelled to leave their own constituency because of their employment before polling day, if they are in their own constituency on the day that the advanced poll is held, in my opinion, should be allowed to vote.

Mr. Richard *(Gloucester)*: In my constituency for instance the fishermen leave at the end of the week and come back at the end of the next week.

Mr. Marier: You would have to advance the poll from four to seven days.

Mr. MacInnis: Perhaps that would be desirable and if it is not desirable to do that they should be allowed to vote on such days as the advance poll is open.

The Witness: It might mean the establishment of a large number of advance pollls.

Mr. Richard *(Gloucester)*: There is no provision for a fixed date under the Act, the first day of the week or anything like that?

The Witness: When the advance polls are open?

Mr. Richard *(Gloucester)*: I mean a regular election day.

The Witness: It must be held on a Monday.

Mr. Richard *(Gloucester)*: Well, in my county they go out to the banks and some of them are away a week or two weeks so those who did not come back every week would then lose their vote. I do not see why they should not have the same right as a commercial traveller who goes out for a week or two weeks.

The Witness: One class of person who has been agitating for voting privileges is the mariner, the seaman on the Great Lakes. They claim that some of them have not voted for twenty years.

Mr. MacInnis: This should apply to seamen as well.

The Witness: In Ontario, the Election Act provides that mariners are entitled to vote by proxy. I think that is the only province that has special voting privileges for such classes of persons as mariners, except British Columbia which has absentee voting.

Mr. Zaplitny: Has the Chief Electoral Officer given any consideration, at any time, to the establishment of polls at fishing camps? There are certain points, I understand, along the coast where fishing fleets come in to unload their fish and to get provisions. Now, these fishing camps are not situated often, in the constituency where the fishermen ordinarily reside, but they do come to these camps at least once a week, of necessity. If there were some special provision made for setting up a poll at the fishing camp, it would help a great deal in solving this difficulty because the fishermen who, otherwise, would not vote, would be able to vote at this special poll. I do not know how the mechanics of it would work, but it is an idea which comes from the fishermen themselves.

The Witness: The fishing camps to which you refer are included in one polling division or another.

Mr. Zaplitny: But they would be of a temporary nature, so, in some cases, they would not be set up as a separate poll at all unless there was a special poll set up. The fishing camps are temporary. In any event, I would imagine the fishermen would want to vote for the person in their own constituency. It would have to be a special poll, it could not be an ordinary poll.

The Witness: I am afraid if you provide a special poll for fishermen, you will have to provide a special bush poll for lumbermen. As soon as the lumber camps open up, you will have to provide such voting facilities.

Mr. Zaplitny: Except that there is this difference, the lumber camp is a more or less permanent thing. These fishing camps, I understand, are moveable. They may be a month or six weeks in one place and then they are moved to another place. It is a little different.

The Witness: In connection with these fishing camps, if these fishermen are in that polling division on the date of the issue of the writ, they can vote as ordinary electors in that electoral district.

Mr. Zaplitny: But that does not look after the fishermen who are not there at that time.

The Witness: A special provision would have to be made to provide for that.

Mr. Marquis: In order to establish advance polls for these fishermen, it would be necessary to amend schedule 2. It would not be necessary to amend section 94 if an amendment was made to schedule 2 on page 328.

The Witness: Yes, but any advance poll would be under schedule 2 and it would concern only the electors of that particular electoral district. In other words, the fishermen who want to vote at an advance poll and who would be entitled to vote at an advance poll would have to vote in their home town. If a fisherman was from Victoria, he would have to be in Victoria to vote.

Mr. Marquis: He has to vote in Victoria, but if he has gone fishing for a few weeks at some other place and at the time of the issuance of the writ he is in that other place, he could avail himself of section 16.

The Witness: Section 16 (7A) gives some privileges to the British Columbia fishermen. In 1939, there was a question of reintroducing the absentee voting provision. The matter was before the special committee on elections. It was decided a ruling along the lines of this new subsection (7A) would be all they desired. On the strength of this ruling, the persons who were advocating the re-enactment of absentee voting provisions were satisfied. One of them was Mr. Neill.

Mr. MARQUIS: That subsection will cover the point concerning the fishermen to whom Mr. Richard (*Gloucester*) referred, those who leave their place for a week or two weeks, perhaps? There may be another advance poll in those districts in order that they can vote before polling day? It is up to the members to make suggestions to amend that schedule.

Mr. MACINNIS: May I ask if seamen are included in section 95, subsection (*a*) which reads as follows:—

> Such persons as are employed as commercial travellers as defined in subsection (4) of section 2 of this Act, and to such persons as are employed upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers of).

The WITNESS: I think a fisherman might be considered as being a person employed on a vessel.

Mr. MACINNIS: That would include seamen, would it not, or sailors, at least; sailors engaged in transportation. This provision does not say transportation of persons or goods, so I would assume, if there has been no decision to the contrary, that would apply to them.

Mr. MARQUIS: Which section is that?

Mr. MACINNIS: Subsection (*a*) of section 95.

Mr. MARQUIS: Subsection (*a*) of section 95 also says,

> Because of the nature of his said employment and in the course thereof, he is necessarily absent from time to time from his ordinary place of residence—

I think that would cover fishermen, too, who are absent from their place of residence.

Mr. MACINNIS: No, because they are not employed in transportation.

Mr. RICHARD (*Gloucester*): If those words, "and other means and modes of transportation", qualify the vessels, the fishermen could not come under that section.

Mr. BROOKS: I do not think that is intended to cover fishermen.

Mr. MACINNIS: I would suggest that this question stand and the chief electoral officer prepare an amendment which would include fishermen and seamen.

The CHAIRMAN: Shall all the sections relating to the advance polls stand, that is, sections 94 to 98 inclusive?

Carried.

Mr. MARQUIS: I move the adjournment, Mr. Chairman.

The CHAIRMAN: The committee shall stand adjourned until Thursday afternoon at four o'clock.

The committee adjourned at 6.00 p.m. to meet again on Thursday, May 15, 1947, at 4.00 p.m.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 6

THURSDAY, MAY 15, 1947

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,
Thursday, May 15, 1947.

The Special Committee on The Dominion Elections Act, 1938, met this day at 4.00 o'clock p.m. The Chairman, Mr. Paul E. Cote (*Verdun*) presided.

Members present: Messrs Cote *(Verdun)*, Fair, Gariepy, Hazen, Kirk, MacInnis, Marier, Marquis, McKay, Mutch, Richard (*Gloucester*), Stirling, Zaplitny.

The Committee resumed the adjourned study of The Dominion Elections Act, 1938, and considered a number of proposed amendments thereto.

Mr. Jules Castonguay was recalled. The Chief Electoral Officer was questioned in regard to the proposed amendments under consideration, the terms of which may be read in to-day's printed Minutes of Evidence following.

The Committee completed consideration of various sections up to and including section 111. Before proceeding to the consideration of the Schedules to the Act and to the proposed amendments thereto, it was decided to examine the suggestions made by the Auditor General and also to give further consideration to sections 14, 16, 19, 31, 33, 36, 45, 56, 60, 61, 70, 94, 95, 96, 97, and 98.

At 5.30 o'clock p.m., on motion of Mr. Marquis, the Committee adjourned to meet again at the call of the Chair.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,
May 15, 1947.

The Special Committee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Coté (*Verdun*), presided.

The Chairman: Will you come to order, please, gentlemen? When we adjourned the last meeting of the committee we were discussing generally the sections of the Act which have reference to advance polls. We have allowed sections 94 to 98 inclusive to stand until to-day. Mr. Castonguay has been requested by the committee to prepare an amendment which would make the provisions of the advance polls applicable to fishermen. I have the amendment here and I shall read it to you.

> Clause (*a*) of section 95 of the said Act is amended by the insertion of the words "to such persons as are employed as fishermen" after the word "Act" in the second line thereof.

No new principle was agreed upon by the Committee at the last meeting. Shall we include anything in the Act with respect to extending advance poll privileges to fishermen? The discussion is now open, gentlemen.

Hon. Mr. Stirling: Mr. Chairman, could Mr. Castonguay give any idea of the numbers who would be affected, that would be on both oceans and all the inland fisheries?

Jules Castonguay, Chief Electoral Officer, recalled:

The Witness: I have no definite information on the subject but, from what I have heard, it appears that the fishermen voted at advance polls under the present provisions. Perhaps they were technically unable to do so. They took the view that if they were employed on a vessel that was going out for more than a few hours, for instance two or three days, they were qualified under clause (*a*) of section 95. No request has been made for specific legislation on the subject. I feel that the provision would be clearer if fishermen were specified as one of the classes of persons who were entitled to advance poll privileges.

Mr. MacInnis: How would the section read then, Mr. Chairman?

> Such persons as are employed as commercial travellers as defined in subsection 4 of section 2 of this Act and to such persons employed as fishermen.

The Chairman: Right.

Mr. MacInnis: I would move the amendment.

Mr. Mutch: Certainly, Mr. Chairman, I would take no exception to the amendment. I think it rights a situation which is not satisfactory; but I should like to ask through you, of the chief electoral officer, whether or not it is practical to further relax the regulations respecting voting at advance polls? I know something of the difficulties but it seems to me that a considerable number of persons in every election are prevented from voting by virtue of the fact that various types of duties take them away on election day and in many instances these people leave the place where they are ordinarily resident during the time when the advance polls are actually open. Has any serious consideration been given to an attempt to define more generously those who may vote in the advance polls? For instance, a business executive, probably a heavy taxpayer, who is normally resident in the poll, but has to leave for business reasons a day or two before the election and before the advance polls are open, cannot vote. I am not suggesting any extension of the time for advance poll voting but I am asking if any serious consideration has been given to liberalizing the Act so that responsible persons can exercise their franchise. I do not mean that it should apply to persons who are going on holidays but I am thinking of the man who is a director of a large concern who is required to attend the annual meeting of that institution and he cannot pass that meeting up even though he wants to vote. I think in the last election there were about thirty people of the type I have described who were disenfranchised in my own riding. Some of them felt very keenly about it. I cannot see any insuperable difficulty in extending the rules to include that type of person in those who are eligible to vote in the advance poll.

The WITNESS: The advace polls, as we all know, were instituted by the Franchise Act of 1920. Prior to 1920 there was no advance poll authorized at a dominion election and I do not think there were any authorized for provincial elections. At that time a great deal of discussion took place and requests were made to enlarge the number of classes of persons who were entitled to the privilege of voting at an advance poll. When the Act was re-enacted in 1938, a great deal of discussion took place. Representations were again made for the enlargement of advance poll privileges. In 1942, when the plebiscite regulations were passed before a special committee of the House, there was another lengthy discussion on the subject and no action was taken. The privileges are just as limited now as they were in 1920 at the time of the introduction of the advance poll provision in the Act. I do not see any objection to including a large number of classes of persons amongst those who are entitled to that privilege, but if you begin to cater to one class you have to cater to a good many more; and if provision was made for every one you would have to have a large number of advance polls throughout the country, you would have to provide for the electors in the sparsely settled districts; you would have to provide them with advance poll privileges because some of these electors may be away from home on polling day. The establishment of those numerous advance polls is a very expensive matter. It is impossible to expect that the deputy returning officers will sit in these polling stations for ten hours a day for three days for any nominal amount. They have to be provided with adequate compensation. The premises in which the advance polling stations are set up are usually costly. The poll clerks have also to be paid a reasonable fee during these three days. It is far more expensive than all the others.

Mr. MUTCH: Mr. Chairman, I readily grant what Mr. Castonguay has said. It was my hope that the committee would decide to create additional classes. In principle I do not see any reason for specifying classes who may vote at advance polls, either railwaymen, fishermen or anyone else. I realize of course the special circumstances that attach to these two groups; but I am of the opinion that it ought to be possible for a committee such as this to frame a general regulation which will make it possible for every returning officer to determine any person's right to vote at an advance poll on the basis of his circumstances. I am not so sure that the railroad man who is working on a two-day run, one day out and back the next day, is any worse off on election day than are a great many other people who because of business are not able to vote. I mean, for instance, if the vice-president of the railroad happens to be required to attend a board meeting in Montreal and he should vote in, let us say, Regina or Winnipeg—that is an exactly parallel situation—the way the item stands now the returning officer might decide that the vice-president was a railway employee and let him go in and vote. But suppose he was the manager of a trust company or a bakery, he would be out of luck. There is a group of people of that kind who can quite easily establish their bona fides to the satisfaction of the returning officer and I would like to see the returning officer have some discretion. I do not know that I would want to be a returning officer under the circumstances, but I still think the committee ought to face its responsibility.

Mr. McKay: Mr. Chairman, is it in the hands of the returning officer to say where these advance polls are to be set up?

The Witness: The authority for the establishment of an advance poll is schedule 2 which is printed on page 328 of the Election Instructions. It contains the names of places where advance polls were authorized. To this list names may be added under section 94 (4), in which I am given authority to add names where it is anticipated that more than fifteen electors will vote at the advance poll if one was established. The same provision authorizes me to strike off names, if at the previous election less than fifteen votes were polled.

Mr. McKay: Mr. Chairman, the point is this. Already we have set up by Act of parliament certain advance polls. Broadening the scope of eligibility would not entail the setting up of any additional polls or any additional expenditure. It is just a matter of enlarging the qualifications of those who wish to vote at an advance poll.

Mr. Mutch: I think it is a question of giving discretion to the returning officer. Whether the committee are prepared to give that discretion or whether Mr. Castonguay is prepared to advise either for it or against it, I do not know; but I do think that there are a substantial number of people about the dominion who have the right to vote who are precluded from voting because of the narrowness of the definition of those who should vote at advanced polls.

Mr. McKay: What would be the effect of making this change in line 6, "and to any other person only if because of the nature of his said employment in the course thereof he is necessarily absent from time to time—"

The Witness: I am afraid the effect of that change would be the setting up of as many as 10,000 advance polls in Canada, because you would have to provide for every person who expected to be away from home on polling day.

By Mr. Mutch:

Q. I cannot understand why you argue that. Personally, I do not see where it should involve the opening of a single additional advance poll. Maybe I am stupid, but I do not see it.—A. It would mean the opening of a large number of advance polls. I maintain that the person in Maniwaki, one hundred miles north of Aylmer, or a person who is an elector in Gracefield, which is twenty-five miles south of Maniwaki, has just as much right to the privileges of the advance poll as does the voter living in Aylmer; and they should not be called upon to come down to Aylmer, to vote at an advance poll.

Q. You have already said that you as Chief Electoral Officer have the power to order the opening of advance polls or to close one if at the previous election there have been less than fifteen votes. It is not in my view likely that one poll in the whole of Canada, not one additional advance poll would be required. You must have the assurance that at least fifteen people are going to use an advance poll before you open it. I represent a city riding which has in it about 6,000 railwaymen and their dependents. I do not think the advance poll ever registers over 200. And that is in one of the largest railway centres in western Canada. Further the approval of the opening of additional advance polls rests on yourself, and you have just said that in a new election you would not be called upon to open an advance poll anywhere unless there was an indication that at least fifteen persons would be using it. I do not think you would get an additional 100 votes in the whole riding of Wright.—A. Advance polls are not authorized by electoral districts. They are authorized by places. The name of Montreal appears in the schedule. In the city of Montreal at the last election there were sixteen advance polls. And the same thing applies to Winnipeg; it does not say Winnipeg North, Winnipeg North Centre—it just says Winnipeg. I have power to authorize advance polls at other places when representations are made to me that there are a substantial number of voters who would like to avail themselves of the privilege of voting at such advance polls. What I am trying to get at is this, I can only authorize advance polls for places, not for electoral districts. As far as leaving it to the discretion of the returning officer is concerned, that would work all right in city ridings, but in sparsely settled ridings it often happens that the returning officer lives 200 miles from the place where an advance poll is established.

Q. Might you get around the situation by amending this clause to read that in places where advance polls are customarily and properly open—frankly it is a city matter primarily—citizens who are by the nature of their business precluded from being there on election day shall be permitted to vote?

Mr. RICHARD (*Gloucester*): A certain number in the same class might be denied that same privilege.

Mr. MUTCH: They are now.

Mr. RICHARD (*Gloucester*): If you made it available to some in that class and denied it to the others.

Mr. MUTCH: It would broaden it a little.

Mr. MACINNIS: Mr. Chairman, I agree with the principle involved which Mr. Mutch has put forward. The principle he has put forward is that everyone who is not able to be present because of the nature of his business or because of being called away from his polling place on election day should have the opportunity to vote. I appreciate there is a difficulty under this section. I appreciate the point which the Chief Electoral Officer has made. I think if we wish to give everyone an opportunity to vote who is registered on the voters' list the only way that can be done is by the system employed in the province of British Columbia, the use of the absentee ballot. We tried it out in 1935. We have had the absentee ballot in British Columbia for many years. It does not matter what part of the province you are in. You vote. For instance, in the 1941 election I was at Prince George. That is about as far away as you can get. I voted for the candidates in Vancouver. My vote was duly counted. There were thousands of others who did the same thing.

Mr. MUTCH: That is the American system?

Mr. HAZEN: How do they do it?

Mr. MACINNIS: It is a special ballot and a special procedure. The Hon. Mr. Stirling will remember the first or second time it was tried that there was some talk that it was misused. Then the matter was gone over again, and I have not heard a complaint for many years. As a matter of fact, I do not think the people of British Columbia would depart from that system for any reason at all.

Mr. RICHARD (*Gloucester*): How do you get your vote to the poll?

Mr. MACINNIS: You vote and it is put in a special envelope. The number of votes for the candidates are telegraphed to the constituency in which you would normally vote. Then the ballot is sent. The secrecy of the ballot is strictly provided for. The ballot is sent to the polling place to be counted. If the person is not registered his vote is not counted. As far as I know it has given excellent satisfaction.

Mr. RICHARD (*Gloucester*): Do you mean to say that on election day you go to a certain poll which is not your own and ask for a ballot to vote?

Mr. MACINNIS: For instance, if I lived in the city of Vancouver and was registered in Vancouver South I could not vote by absentee ballot in Vancouver East because I could get to the polling place. It provides for situations where you cannot get to your own polling place.

Mr. RICHARD (*Gloucester*): How can you check impersonation?

Mr. MACINNIS: There is no possibility of impersonation in the way it is done. As a matter of fact, we are not greatly bothered with that.

Mr. MARIER: It would be more complicated if it were used on a dominion-wide basis.

Mr. MACINNIS: It could be provided on a provincial basis. I think that would take care of it.

Mr. MUTCH: It would take care of 75 per cent of them, anyway. Following up what Mr. MacInnis has said would it be possible for the returning officer in the area to issue some sort of certificate that would permit an absentee voter to vote wherever he was on election day? Would that be practicable? I suppose you could move a flock of voters you did not need to somebody else if you did that.

The WITNESS: What they do when the ballot paper reaches the returning officer is to check the voters' list to see whether that person is registered or not, and they also check whether or not he has voted at the ordinary poll.

Mr. MCKAY: Would it not be wise at this time to let this section stand and ask Mr. Castonguay to make an investigation into this matter as best he can and report back to the committee as to the practicability of the suggestion? I think the suggestion Mr. MacInnis has made with regard to absentee voters voting by ballot through the mail might solve the problem that Mr. Mutch has presented.

Mr. MUTCH: It might solve the university student problem also.

Mr. MCKAY: It might solve the university problem and people who are going into hospital and that sort of thing. It might provide for them. I think it might be worth while to investigate it.

Mr. MARIER: There is a poll in the hospital.

Hon. Mr. STIRLING: Mr. Castonguay will remember on a previous occasion when we were revising the Dominion Election Act both these matters, the advance poll and the absentee poll, were considered at very great length. My recollection with regard to the matter of the absentee poll was that it obtained no support in the committee other than from those who came from British Columbia and who were conversant with that method of handling absentees. My recollection is that the argument which affected the other members of the committee was that they considered it would be far too complicated a matter for the Dominion of Canada to operate. Mr. MacInnis has suggested that possibly it might be introduced province by province. That is a qualification, but that is what happened on the previous occasion.

With regard to the question of fishermen voting at the advance poll that question was discussed at very considerable length. The majority of the committee were not in favour of widening the restrictions in the Act. Personally I am of the opinion that whatever is done it must be laid down in black and white in the Act, and must not be left to a returning officer to decide whether this man or that man may poll.

Mr. McKay: I think our duty as a committee is simply to make every effort to provide the right to vote for everyone who is qualified to vote.

Mr. Mutch: The opportunity to vote.

Mr. McKay: The right and the opportunity, yes. I move that this section stand until Mr. Castonguay makes a report on it. I know he can get the information and give it to us a little more in detail so that we may see, as I said before, whether or not the scheme is feasible.

The Chairman: Would you include in your motion not only section 95, but sections 94 to 98 inclusive?

Mr. McKay: 95 to 98 inclusive.

The Chairman: 94, too.

Mr. McKay: We are at 95 now.

The Chairman: We are discussing advance polls generally.

Mr. McKay: Then you had better make it 94 to 98 inclusive, but we were discussing 95.

The Chairman: Is it your wish that these sections be allowed to stand?

Hon. Mr. Stirling: What is it exactly that Mr. Castonguay is to consider?

Mr. MacInnis: The feasibility of the absentee ballot for dominion elections.

Mr. Marier: It may be that we can get his opinion right now.

Mr. McKay: It is a pretty important matter.

The Chairman: I would ask Mr. Castonguay if he has anything to say on it.

The Witness: The absentee vote, similar to the provisions of the British Columbia legislature, was introduced in the House and passed in 1934, and was in effect at the 1935 election. After the election in my report to the Speaker of the House of Commons I commented on the absentee voting provision. My comments are contained in this volume here and cover about half a page. From my point of view it was very unsatisfactory. It was a very expensive proposition which necessitated a lot of literature being sent to every polling station because we did not know where the persons entitled to vote as absentee voters would present themselves. The only classes of persons to which the privilege of absentee voting as in the 1934 provision was extended, were fishermen, miners and loggers. There was another class, too, I think. The number of votes polled in 1935, was not very large and I remember the cost was very high. It was estimated at $60 per vote.

Mr. McKay: That is the great objection to it, is it Mr. Castonguay, the expense entailed?

The Witness: Another objection was the confusion which was created in every ordinary polling station. Under ordinary procedure, the deputy returning officer has to deal with something like 30 different kinds of forms and envelopes. If you oblige him to deal with absentee voting, he will have another 15 or 20 forms with which to deal. It also caused confusion in the minds of the voters. Prior to the 1935 election the number of rejected ballots in Canada was half of one per cent. In 1935, it rose to 1 per cent. I attributed this increase to the confusion which existed in polling due to the absentee voting provision.

Mr. McKay: That provision only applied in 1935 to the one province?

The Witness: It applied to the whole of Canada.

Mr. Marier: We must also keep in mind that only about 60 or 70 per cent of the people vote. In a case such as that mentioned by Mr. Mutch in which 30 people in his constituency could not vote, perhaps 15 of them were not interested in voting.

Mr. Mutch: I could not answer for the ones who were not interested, but there were 30 who wrote me they could not vote.

Mr. Marier: That may be, but some of them take advantage of the first occasion to go away because they are not interested in voting, so why should we set up voting facilities for them at a cost of $60 or $70 a vote?

Mr. McKay: It seems rather interesting to me that the province of British Columbia has retained this system of voting.

Mr. Hazen: It must be something adaptable to the province. If I am ordinarily resident in Saint John and would vote in Saint John, but on polling day I am in Manitoba, what kind of ballot am I going to receive. Will I receive a ballot applicable to Saint John? Will the returning officer have to send the various ballots to every constituency?

Mr. Marier: Yes.

Mr. Hazen: This would make it tremendously difficult.

Mr. MacInnis: I suggest it could be applied on a provincial basis in a dominion election. If you were ordinarily resident in Saint John and on polling day you were somewhere in New Brunswick, you would vote at an absentia poll, but if you were in British Columbia or Manitoba, you could not vote.

Mr. Mutch: I question, if you limit it that much, if we really would cure the situation we are attempting to cure.

Mr. Hazen: Mr. Mutch's suggestion is a different one, as I understand it. You want people to vote at an advance polling booth who, for one reason or another, cannot be present on election day.

Mr. Mutch: Due to the nature of their business.

Mr. Hazen: Supposing section 95 were to read this way:

> The privilege of voting at an advance poll shall extend to such persons who, because of the nature of their business or employment and in the course thereof are necessarily absent from time to time from their ordinary place of residence and are likely to be unable to vote on election day in the polling division in which their names appear on the list.

Or something to that effect. It would make the provision very broad.

Mr. Marier: It would give too much discretion to the returning officer, in my view.

Hon. Mr. Stirling: Do not leave it to the returning officer.

Mr. Marier: It would give too much discretion.

Mr. Richard (*Gloucester*): A man may be going away for the first time and therefore would not necessarily be going away from time to time.

Mr. Mutch: If he is on the polling list, what harm can it do if he does put one over.

Mr. Marier: Except that you will have more expense and a lot of trouble for the returning officer.

Mr. Mutch: The purpose of the election is to give a duly qualified elector an opportunity to express his opinion.

Mr. Marquis: I think the duty of each elector is to vote. He must do his best to be at the poll and vote. If we adopt a provision which will eliminate that duty and will enable anyone to go away and say he could not stay until election day, you will enlarge the number of those who will vote at an advance poll. I think we should consider the fact it is the duty of every voter to do his best to stay home and vote on the day of election.

Mr. Mutch: I see no more reason—I am not opposing what has been done—for granting special privileges to railwaymen and fishermen in the Act than for granting the same privileges to doctors or directors of companies, or managers of bakeries or bread routes or anyone else. It is the kind of discrimination which I do not like.

Mr. Richard *(Gloucester)*: Fishermen are not included.

Mr. Mutch: They have been permitted to vote at advance polls by a generous interpretation of the Act. It is now proposed to put the fishermen specifically in the Act, and I am in favour of it. Let us be clear on that. However, I am not in favour of picking out select groups of individuals and saying their particular business gives them more privileges than anyone else. I think everyone, no matter whether they are fishermen or what they are, ought to have the same opportunity. I do not know whether it is practical to give it to them or not. If I did know, I would be presenting an amendment. Personally, I do not see why it is not possible. For the moment, I do not accept the idea it would be very expensive. Frankly, I do not care whether it is or not. We do not "chisel" on elections in any event. It is the duty of parliament to see that the people who are entitled to express an opinion have an opportunity to do so. I do not want to do anything for the person who is going away on a holiday. The man for whom I want to do something is the man who has to leave 72 hours before election day when the advance poll is open. I think he ought to have the opportunity of voting.

Mr. Marquis: I think the provision should consider the nature of the business, rather than extend the privilege to everyone. We can add other classes of persons to the section, if necessary. I think the section should be construed in such a way that those who are, due to the nature of their employment, absolutely unable to go to the polls on election day should be given an opportunity to vote at an advance poll. I think that is the principle we should have in mind.

Mr. Marier: It would still be left at the discretion of the returning officer. In the case of railway men we know that some of them are going to Montreal or Toronto or Vancouver and they will be absent; we know that the fishermen are going to sea and will be away for three or four days or a week; and the commercial travellers are in somewhat the same position; but if you leave the door open for everyone, maybe at the next election there will be a few more of these absentee voters but at the election after that there will be such a demand on the chief electoral officer for advance polls that you will be practically having two polling days. Twenty-five per cent of the people will try to vote at the advance polls because of some reason or other.

Mr. Mutch: My point is that instead of defining a class of people who have a problem you ought to define the nature of their work.

Mr. Marier: If you can find some definition without leaving the matter to the discretion of the returning officer I do not object, but I cannot see any way in which you can do that without including more classes or more occupations in such a way that you will leave the whole matter to the discretion of the returning officer.

Mr. Mutch: I do not know whether you can do it or not, but I do not think it should be beyond the mind of man to work out a definition. I assume that there has got to be discretion on the part of the returning officer, and in that respect I see no difficulty; but if you lay it down that a man must establish by oath that the nature of his business takes him away and you do not at the same time increase either the number of advance polls or the length of the period which they set, then I think the expense would be inconsiderable. If I am wrong I am in the hands of the committee.

Mr. Richard *(Gloucester)*: I cannot see in the first place why commercial travellers are joined with railway men. The railway men cannot all vote on the same day, but the commercial traveller leaves town on a certain day and he can delay his departure for a few days if he wants to.

Mr. MUTCH: He is not in any more difficult situation than hundreds of others, and I think the other hundreds should have the same privilege.

Mr. MCKAY: I wonder if there is any way of segregating the expense to ascertain what the advance polls cost in the last campaign? I have been thinking that possibly the absentee system of voting, if instituted, might not cost very much more than these advance polls cost.

Mr. MUTCH: I do not think we should be greatly concerned about that; it is the principle rather than the cost that is important.

Mr. MCKAY: Of course, we have to meet the argument that this absentee voting might be an expensive feature. If we did away with the advance polls that might settle the problem.

Mr. MUTCH: Elections are never cheap.

By Mr. McKay:

Q. Mr. Castonguay, have you any means of segregating the expense as to what advance polls cost?—A. There were about 200 advance polls open at the last general election; each of them cost about $60.

Q. That is on an average?—A. That is about the average cost.

Q. That is $1,200.

Mr. MUTCH: The election cost $3,500,000.

The WITNESS: $3,250,000.

Mr. MUTCH: Of which $12,000 was spent on advance polls.

The WITNESS: Yes, because the number of advance polls was limited.

Mr. MUTCH: It is peanuts anyway.

By Mr. McKay:

Q. $12,000 would provide a lot of ballots for the absentee voters?—A. It is not the ballots; it is the organization. You could not look after the absentee voter unless you had in the poll a list of the candidates nominated in each electoral district of the province. That list has to be published after nomination and dispatched at great cost to the distant polls in the various ridings; and in view of the publication of that list it makes it necessary in every province to deliver the ballot boxes by messenger to every polling division, because that list cannot be printed quickly enough to allow the sending of the ballot boxes by mail. That list represented quite an item of expense in 1935.

Mr. MCKAY: I made a motion that this section be allowed to stand over until such time as Mr. Castonguay has made a further investigation of this matter and until the B.C. system could be carefully investigated and a report made of its operations. Apparently it is satisfactory out there now. I have not heard any complaints. If it is possible in one province I do not see why it is not possible elsewhere. There may be some means of ascertaining what it has cost the government of British Columbia.

The CHAIRMAN: Just now, Mr. McKay, we have before the chair a motion by Mr. MacInnis implementing the suggestion made by Mr. Castonguay to include the fishermen in clause (*a*) of section 95. Your suggestion would supersede that of Mr. MacInnis. If the committee agrees to it of course it is the duty of the chair to let this section stand. Now, I have in my hand a report which the chief electoral officer made on the 3rd of February, 1936. It is found in the appendix to the journals of the House of Commons for the year 1936. The opinion of the chief electoral officer on absentee voting is given here in the space of half a page. I do not know if the committee would be interested to have this opinion read and printed in our record?

Some Hon. MEMBERS: Yes, read it.

The CHAIRMAN: I am reading from page 7 of the appendix to the Journals of 1936, volume 74, on absentee voting:

> I was also called upon, on many occasions, to express an opinion with regard to absentee voting. This is the first time that there has been absentee voting at a dominion election. The procedure appeared to be most complicated to election officers and political workers. The right to vote as an absentee voter is limited to four classes of persons, namely: fishermen, lumbermen, miners and sailors actually engaged or employed in any of these occupations on polling day at a distance of not less than twenty-five miles from their ordinary polling stations and in the same province. This limitation gave rise to a lot of dissatisfaction and misunderstanding in most electoral districts and the application of the absentee voting provisions complicated to a great extent the duties of the election officers, which were already intricate enough. Absentee voting was not resorted to to a great extent. There were only 5,334 absentee voters' ballots cast in the whole of Canada on polling day. Of this number, 1,533 ballots were rejected, leaving only 3,801 valid ballots. Furthermore, the absentee voting procedure was the cause of a considerable increase in the cost of the holding of the general election. In the first place, a large number of blank forms, ballots, etc. had to be printed to supply each polling station with a certain number. This printing cost upwards of $16,000. In the second place, a list of the names, addresses and occupations of the candidates nominated in each province had to be furnished to each polling station. Except in the province of Saskatchewan, where there is an interval of two weeks between nomination and polling days in every electoral district, this list could not be printed until after the close of nomination on the seventh day before polling day. For obvious reasons, the list was printed in four different places in the western provinces and it was printed in Ottawa only for the provinces of Ontario, Quebec, Nova Scotia, New Brunswick and Prince Edward Island. The delivery of these lists of candidates necessitated the use of aeroplanes in several electoral districts and it also made it necessary to deliver the ballot boxes by messengers in most rural polling divisions at great cost. Otherwise, most of these boxes would have been sent by mail at parcel post rates. The cost of the application of the absentee voting provisions is not yet available, but it is estimated that it will be close to a quarter of a million dollars. In my opinion, therefore, the result of the last general election shows that absentee voting is a costly, ineffective and complicated procedure which should not be resorted to at any future dominion election.

Mr. MUTCH: Mr. Chairman, if Mr. McKay will permit me to make a suggestion I will do so. I think this is a rather considered indictment and I see no indication that the chief electoral officer has recanted his opinion as expressed there. I wonder if we would get very much further if we followed out Mr. McKay's motion? Would he consider, if he still feels that we should let this stand over, asking the chief electoral officer if he could draft or suggest a wording which would carry out the liberalizing thought I brought out a few moments ago and for which Mr. Hazen suggested a definition. I am inclined to think that is the only way it could be done. Of course, I do not back away from putting a little more responsibility on the returning officer because I think it should be possible to make a definition sufficiently clear, apart from the man's actual occupation, that he would not have much trouble. I would like to see it tried.

Mr. McKAY: As a matter of fact, the only reason I have advocated this absentee system is simply to support what Mr. Mutch has said and to try to obtain, if possible, voting privileges for those people for whom the opportunity now is apparently denied. If there is any means of enlarging this particular section to include Mr. Mutch's suggestion or Mr. Hazen's suggestion it would still have to stand over. My motion was simply one to make it stand over except I suggested that I thought Mr. Castonguay should make some investigation into the B.C. system of voting. If he is satisfied that he has made sufficient study of it, and if that report still stands, he can say so.

Mr. MUTCH: I can see no reason for putting in fishermen as opposed to trained nurses, however I am going to support Mr. MacInnis' motion.

Mr. RICHARD (*Gloucester*): You would not have any more who would be using the advance poll than those who would use the absentee poll and on that occasion you only had 5,000.

Hon. Mr. STIRLING: In British Columbia.

The WITNESS: In the whole dominion.

Mr. RICHARD (*Gloucester*): Those people would have voted in the advance polls and there would not be a less number in the absentee vote than in the advance polls. That is really a small number who took advantage of the much easier way to vote. Also in the absentee vote about 20 per cent of the ballots were rejected. I cannot understand that. There must have been some kind of confusion to have 1,000 out of 5,000 rejected.

Mr. MCKAY: This was an untried system at that time but it is one in which they have gained considerable experience in the past few years in British Columbia.

Mr. MACINNIS: The number of rejections is very easily accounted for, I think. Many people go into an ordinary poll on election day and they cannot vote because they are not on the list. Such a person does not get a ballot and consequently the ballot cannot be rejected. However, if he goes into the absentee poll and asks for an absentee ballot it cannot be ascertained whether he is on the list and his ballot goes to his own polling division and if he is not on the list it is a rejected ballot.

Mr. RICHARD (*Gloucester*): You do not think any of those 1,000 persons were trying to get away with this?

Mr. MACINNIS: No, I do not think it would be any easier to try and get away with it there than in the case of a person who goes into an ordinary polling division and gives his name and finds out that he is not on the list. Anybody with any experience in elections knows that as the day of election approaches more and more people come and ask if they are on the list, and a great many are disappointed then because they have not taken any thought as to how they were going to vote until the lists were made up.

The CHAIRMAN: Is it your pleasure these sections be allowed to stand for the time being?

Hon. Mr. STIRLING: They have stood until today.

The CHAIRMAN: Well, we adjourned on these sections at the last meeting.

Mr. HAZEN: As I understand it the suggested wording for the amendment including "fishermen" states "persons who are empoyed as fishermen."

The CHAIRMAN: Yes.

Mr. HAZEN: Well I have not any definition of the word "employed" but in my constituency a great many men who are engaged in fishing are not employed by anybody. They are not employed in the sense that a commercial traveller is employed, or a railway man is employed, or a sailor is employed, but these men work on their own and they go out in their own boats. If that wording would exclude those fishermen who are not employed by anybody else but go out in their own boats, I suggest that the word "engaged" be used instead of the word "employed."

Mr. RICHARD (*Gloucester*): Yes.

Mr. HAZEN: Perhaps Mr. Castonguay could consider that along with the others.

Hon. Mr. STIRLING: Also the fact that I presume there would have to be an entry of the definition in the Act to cover "fishermen" just as a commercial traveller is described.

The CHAIRMAN: Yes.

Shall sections 94 to 98 inclusive stand?
Agreed sections 94 to 98 stand.

Shall section 99 carry, there is no change?
Carried.

Shall section 100 carry, there is no change?
Carried.

Shall section 101 carry, there is no change?
Carried.

Section 102. No change is advocated to the section as it is but a new section to follow 102 is advocated. Shall 102 as it is carry?
Carried.

I will refer the committee to the mimeographed copy now, page 9. "The said Act is further amended by inserting therein, immediately after section 102, the following section:—

> 102A. In an electoral district lying in two different standard time zones, the hours of the day for every operation prescribed by this Act, at a dominion election, shall be determined by the returning officer with the approval of the chief electoral officer, and such hours, after a notice to that effect has been published in the Proclamation in Form No. 4, shall be uniform throughout the electoral district.

Hon. Mr. STIRLING: Does that mean that the returning officer will assert that one time zone and not another will be in effect? Is that what it means?

The WITNESS: In the province of Saskatchewan, for instance, there are five electoral districts in which quite a substantial number of polling divisions are on central time while others are on mountain time and at every election it has always been difficult to decide on which time the polls should open and close. I think it is desirable for many reasons that in a given electoral district the polls should open and close at the same hour and this provision is to provide for that being done. I might say that in the province of Saskatchewan the statute prescribes that mountain time shall be followed at every provincial election.

Mr. MCKAY: Central and mountain?

The WITNESS: Yes. I think this amendment will work out all right.

By Mr. MacInnis:

Q. How did you deal with it in previous elections? Did you make the decision as Chief Electoral Officer?—A. In previous elections the polls at the east end closed on central time and those in the west end closed on mountain time. It was very unsatisfactory, I think, for all concerned.

By Hon. Mr. Stirling:

Q. Does that mean that one time or the other will apply to the whole constituency, or just to these polling divisions?—A. It means that one time or the other will apply to each of these constituencies.

Q. To the constituencies?—A. In Saskatchewan, in these five ridings I mentioned, I will advise the returning officers to follow the procedure of the provincial elections; that is, to have the polls open and close on mountain time

Mr. McKay: I move that we accept this amendment.

Carried.

By Mr. Hazen:

Q. I am not very familiar with this. Will you have sufficient time in which to insert the hours of the proclamation in form 4? I notice it says, within two days after the receipt of the list you have to issue this proclamation.—A. This is a matter which will be settled long before the election is ordered. The question will be taken up with the returning officers months before, when he is instructed to proceed with the revision of his polling divisions.

The Chairman: Section 102A.

Carried.

Section 103—communication by telegraph. There is no change there.

Carried.

Section 104—oaths and affirmations. No change.

Carried.

Section 105—peace and good order at public meetings.

Carried.

Section 106—signed pledges by candidates prohibited.

Carried.

Section 107—premature publication of election results prohibited.

Carried.

Section 108—lists of electors for by-election held within six months after general election.

Carried.

Hon. Mr. Stirling: Then there is section 108A, are you coming to that now?

The Chairman: Yes. We have an addition. That is a new section which was advocated to follow section 108. Section 108 is carried. If you will now refer to the printed copy of the draft amendment, page 10, it says:

> The said Act is further amended by inserting therein, immediately after section one hundred and eight thereof, the following section:—
>
> *Lists of Electors for By-elections ordered on a date later than six months after a General Election.*
>
> SPECIAL PROCEDURE PROVIDED
>
> **108A.** (1) When a writ ordering a by-election in any electoral district is issued on a date later than six months after the date fixed as polling day at the next preceding general election, the procedure to be followed in the preparation, revision, etc., of the lists of electors to be used at such by-election shall be the same as that provided in this Act, except with regard to the following particulars:
>
> (*a*) The enumeration of electors in urban and rural polling divisions shall commence on Monday the thirty-fifth day before polling day and be completed on Thursday the thirty-second day before polling day.
>
> (*b*) The days for the sittings for the revision of the lists of electors for urban polling divisions shall be the Thursday, Friday and Saturday, the eleventh, tenth and ninth days before polling day.

(*c*) The lists of electors for urban polling divisions shall not be re-printed after such lists have been revised by the revising officer.

(*d*) The official list of electors for an urban polling division shall consist of the printed preliminary list of electors prepared pursuant to this Act taken together with a copy of the statement of changes and additions certified by either the revising officer or the returning officer.

ACT MODIFIED IN CONSOLIDATION

(2) In the consolidation of this Act for use at any by-election herein referred to, the Chief Electoral Officer shall, consistently with the provisions of subsection one of this section, make such modifications as are deemed necessary.

By Hon. Mr. Stirling:

Q. What is the reason for a difference being made between a by-election within six months and one without six months?—A. Section **108** prescribes the procedure to be followed at by-elections ordered within six months. At such by-elections no enumeration is necessary but the lists are revised by the revising officer in the same manner as the lists prepared for an ordinary election. The revision takes place on the 21st day before polling day and the list is printed after revision and a by-election ordered within six months after a general election can be held within thirty days, while under the present procedure it takes from fifty-six to sixty days.

Mr. MacInnis: You think this will give sufficient time?

The Witness: This will provide a reduction of two weeks in the period necessary to hold a by-election.

By Mr. Hazen:

Q. What is the time between the issue of a writ and election day?—A. It all depends. If a vacancy occurred in British Columbia to-day and it was desired to issue the writ immediately the period required would be more than sixty days because on the date of the issue of the writ the returning officer must be provided with all the necessary materials to put the operation in hand, and it would take four or five days to get that material out there; but as soon as the vacancy occurs the practice is to supply the returning officer with everything necessary to hold the by-election, and when he has been so supplied the by-election may be held in the period varying from fifty-six to sixty days.

Q. In general elections what is the time?—A. At the last four or five general elections the period has been approximately sixty days. It takes just as long to hold a by-election as it does to hold a general election.

The Chairman: Shall the new section **108A** carry?

Carried.

Section 109—voting under the Canada Temperance Act. There is no change.

Carried.

Section 110—amendments.

Carried.

Now, if you will refer to page 10 of the printed copy to section 110A:

The said Act is further amended by inserting therein, immediately after section one hundred and ten thereof, the following section:—

WRIT FOR LATE BY-ELECTION SUPERSEDED AND WITHDRAWN

110A. Nothwithstanding anything contained in this or any other Act, whenever a writ has been issued ordering a by-election to be held

> on a date subsequent to the latest date upon which the existing Parliament may dissolve, as provided by section fifty of the *British North America Act, 1867,* such writ shall, after a notice to that effect has been published in the *Canada Gazette* by the Chief Electoral Officer, be deemed to have been superseded and withdrawn.

Mr. HAZEN: I do not understand it. What does it mean?

The WITNESS: Prior to the last general election a considerable number of members resigned their seats to contest a provincial election. They resigned towards the end of 1945. I suppose the Governor in Council did not deem it advisable to hold a by-election in view of the fact that parliament was to expire on the 16th of April next. The Governor in Council had to issue writs to comply with the provisions of the House of Commons Act within six months after their resignation. In issuing those writs they fixed the date for polling as the 24th of April, or about a week after the date of the expiry of the then existing parliament. There were about ten or twelve of those writs that were issued with the polling day of the by-election set one week after the date of the expiry of parliament. The same thing occurred in 1935. I think half a dozen writs were issued for days beyond the life of parliament. The purpose of a provision of this kind is to permit the superseding and withdrawal of those writs whenever they are issued ordering a by-election on a date later than the date parliament expires.

Carried.

The CHAIRMAN: Section 111. Shall the section carry?

Carried.

Mr. MARQUIS: As we have finished the enumeration of the sections I would move that we adjourn.

The CHAIRMAN: We are left with the study of a certain number of forms.

Mr. MARQUIS: Perhaps it would be better to go back to the sections which have been allowed to stand because certain schedules may be related to those sections. I think it would be advisable to study the sections first and afterwards go to the schedules.

The CHAIRMAN: Before reverting to the sections which have been allowed to stand I would suggest that the committee look into the memorandum submitted by the Auditor General. After that point has been studied and a decision has been reached on those recommendations we could then revert to the sections which were allowed to stand leaving the forms until the other sections have been cleared.

Mr. MARQUIS: I think the steering committee should prepare the agenda.

The CHAIRMAN: I do not see any need of referring it to the steering committee. If the committee agrees that at the next meeting we will first take up the recommendations of the Auditor General and then revert to the sections that have been allowed to stand. In the meantime I will ask the clerk to give each member a list of the sections which are now standing.

Mr. MARQUIS: You have the amendments proposed as to veterans?

The CHAIRMAN: They will be taken up after we have concluded our study of the Election Act.

The committee adjourned at 5.30 p.m. to meet again at the call of the chair.

SESSION 1947

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

THURSDAY, MAY 22, 1947

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons,
Room 429, Thursday, May 22, 1947.

The Special Committee on The Dominion Elections Act, 1938, met at 4.00 o'clock p.m. The Chairman, Mr. Paul E. Coté, presided.

Members present: Messrs. Bertrand (*Prescott*), Coté (*Verdun*), Gariépy, Gladstone, Hazen, MacInnis, MacNicol, Marier, Marquis, McKay, Murphy, Richard (*Gloucester*), Zaplitny.

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

The Committee resumed the adjourned study of the Dominion Elections Act, 1938, and considered the proposed amendments thereto.

Mr. Jules Castonguay, Chief Electoral Officer was recalled. The witness was questioned in regard to the proposed amendments under consideration.

The recommendations made by the Auditor General for Canada, which appear as Appendix "A", at page 137 of the printed report of evidence, were discussed at length. On motion of Mr. Hazen, seconded by Mr. MacInnis,

Resolved:

That the Committee approve of the recommendations of the Auditor General and that Mr. Castonguay, or whoever is in charge, be instructed to prepare the necessary amendment or amendments for inclusion in the Act, to give effect to the said recommendations.

Section 14 of the Act was re-considered.

Discussion was resumed on the proposed sub-amendment of Mr. McKay, to para. (*a*) of subsection (1) thereof, to lower the voting age from "twenty-one years" to eighteen years.

And the question having been put on the said proposed sub-amendment it was negatived on the following division: Yeas, 3; Nays, 9.

With the exception of paras. (*i*) and (*k*) of subsection (2) thereof, Section 14 as otherwise amended was adopted.

At 6.00 o'clock p.m., the Committee adjourned to meet again at 4.00 o'clock Tuesday, May 27, 1947.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,
May 22, 1947.

The Special Committee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Coté, presided.

The Chairman: Before we commence our business, gentlemen, I am pleased to draw your attention to a very colourful ceremony which took place yesterday at the Citadel of Quebec. At this ceremony His Excellency the Governor General presented to our clerk, Major Antoine Chassé, M.C., the insignia of a Member of the Order of the British Empire, (Military Division). On behalf of the members of the committee, as well as myself, Major Chassé, I wish to extend congratulations.

Mr. Chassé: I thank you very much, Mr. Chairman and gentlemen.

The Chairman: We will start, to-day, with an examination of the memorandum submitted by the Auditor General which has been printed at appendix A, page 137 of the minutes of evidence. The recommendation of the Auditor General is two-fold, I would say, after a brief examination of it. Two suggestions are included in paragraphs 5 and 6 at the end of the memorandum, page 138. We may deal, first, with the suggestion in paragraph 5. I would ask Mr. Castonguay to make a few preliminary comments to open the discussion on this proposal, if that is agreeable to the committee.

Jules Castonguay, Chief Electoral Officer, recalled:

The Witness: The taxation of election accounts has been done by the Auditor General as far back as I can remember. The Act directed that all accounts, such as enumerators, deputy returning officers, printers and other election accounts, are to be sent to the Auditor General who did the taxation and paid the claimants. What the Auditor General desires now, is that the accounts be sent to my office to be taxed and then forwarded to the comptroller of the treasury to be paid. Then, later on these accounts will be forwarded to his office to be audited.

This practice, I understand, is followed in every other department. I think the election accounts are the only ones which are taxed and paid by the Auditor General. If the suggestion is adopted by parliament, it would mean a slight increase in my staff.

Mr. Marquis: Mr. Chairman, I think the chief electoral officer is the competent officer to tax the accounts. He is in charge of the election. After all, those accounts are sent to the Auditor General afterwards. To my view, the usual procedure should be adopted by the chief electoral officer.

By Mr. MacNicol:

Q. That is, the expenses of every riding in the country for all the different officials in that riding will be taxed in your office instead of the Auditor General's office?—A. They would be taxed in my office, and a requisition made to the comptroller of the treasury for the issuance of the cheque.

Q. What increase would it mean in your staff?—A. It would mean the appointment of a senior accountant and a junior accountant.

Q. What would they do in the four years between elections?—A. They could be merged with the other employees and kept busy in familiarizing themselves with the election procedure, with the election instructions and in taking a part in the organization and publication of the necessary material for holding elections. I think there would be ample work. Then, the settlement of the accounts is a matter which takes at least two years. There are still accounts for the 1945 election which are outstanding. There are a good many questions yet to be settled, there are still controversies between claimants which have to be adjusted.

Q. The electoral office appears to me to be the right place for that work to be done. The point I am trying to get in my head is this, your assistants would only be required during election time. What would your assistants do in the period of four years between elections? Would it not be better to pay someone in your office extra money while the election is on?—A. This means an audit officer or an accountant. I might tell the committee that, for the last forty years at least, there has been at least one employee in the Auditor General's office who has done nothing but look after the election accounts.

Q. What would they do for the four years between elections?—A. It takes two or two and a half years to clear up the business of an election. Then, there is the preparatory work before an election, so the four years would be taken up with these duties.

By Mr. Hazen:

Q. What is the size of your staff now?—A. My staff now consists of eleven employees.

Q. Are they busy all the time between elections? Have you enough work to keep them busy?—A. There is plenty of work to keep them busy between elections. Of course, during the last ten years there has been extra work imposed on my office, such as national registration and the plebiscite, but in order to be able to hold an election in sixty days and have all the material ready for each polling station—it takes a staff of eight or ten employees between elections to properly complete the necessary duties.

Mr. HAZEN: From one election to another?

The WITNESS: From one election to another.

Mr. MACINNIS: Mr. Chairman, in appendix A the Auditor General outlines a more desirable arrangement, and that is that the chief electoral officer tax the accounts, that the comptroller of the treasury pay the accounts, and that the Auditor General audit the payments. I think that is a reasonable arrangement, although, as the chief electoral officer points out, it would require—did you say two additional employees?

The WITNESS: Two additional employees.

Mr. MACINNIS: Two additional persons. You should note that in this statement given to us that in each election, and particularly at the election in 1945, a temporary staff of thirty-one persons was required by the audit office. Now, I imagine that that number would not be required in your office?

The WITNESS: I am afraid they would be required. The Auditor General is in a much better position that I am to deal with the mass of election accounts when they come in. He has trained supervisors who audit the accounts of other departments, and he uses these men in dealing with the taxation and payment of election accounts.

Mr. MACINNIS: I think the Auditor General's point is a pretty sound one; that he should not be asked to tax and audit the same accounts. He now acts as taxing authority as well as auditing authority.

Mr. MARQUIS: Are you in favour of taxing the accounts and sending them afterwards to the Auditor General?

The WITNESS: I told Mr. Sellars I had an open mind on the subject; that I would not oppose his suggestion.

By Mr. Marquis:

Q. You have no particular suggestion to make on that point?—A. No, I have nothing to suggest regarding this change.

Q. Will it be more expedient for you to be in charge of the taxation of payments?—A. I do not think it would be more expedient, but I think the work could be done in the office in a reasonably short time.

Q. But two and a half years have passed now—and that is a pretty long time—and all your accounts have not been paid yet.—A. It all depends upon the claimants.

By Mr. Hazen:

Q. You have a staff of between eight and ten now?—A. Eleven.

Q. How many stenographers have you?—A. I have two stenographers.

Q. That leaves nine. Now, what do those nine employees do?—A. Well, there is a person employed as my assistant; there is a messenger; and we have a warehouse and shipping room which is quite considerable in size and which has to be stocked up with election materials—several hundred tons of election materials are sent out at each election. This material has to be brought in and classified, made ready to be sent out when an election is ordered. The arranging of these forms—millions of them—and the proper handling of them requires many months of work. In the old days the staff was smaller but when an election came along the work had to be done by temporaries who had no experience, and the results were not as satisfactory as they are now. During the last election we got along with eight employees in the warehouse. If the work of classifying the documents and arranging the forms and the material had not been done beforehand that staff might have been one hundred or more for three or four months. I think it is an economy to have this work done over a long term by trained persons.

By Mr. MacNicol:

Q. Would it be done for any such amount as is mentioned by the Auditor General, $3,720?—A. He paid his chief supervisor of election accounts $3,720 a year. Besides that he had other employees. As far back as I can remember there has always been a chief supervisor of election accounts in the offices of the Auditor General who did practically nothing else but look after election accounts.

Q. I do not see any objection to it.

By Mr. Hazen:

Q. If it is in order I move that section 61 be revised according to the suggestion of the Auditor General. That suggestion is found in paragraph 6 of the memorandum. I do not know that I can say more than that.—A. It requires amendments to about ten or eleven sections—slight amendments. Sections 60 and 61 are the sections which would be most affected by the change.

Q. I notice the Auditor General says in section 6 of this memorandum:—

> It is for such reasons that I venture to suggest that section 61 be revised to the end that the obligation be on the chief electoral officer to tax accounts, the comptroller of the treasury to pay and the Auditor General to audit forthwith. Were such a plan adopted, this office should not find it necessary to engage extra assistance at the time of a general election.

Mr. MacInnis: I wonder if Mr. Hazen would consider a motion of this nature to meet the situation: That we approve of the recommendation of the Auditor General and that the chief electoral officer, or whoever is in charge, be instructed to prepare the necessary amendment for inclusion in the Act.

Mr. Hazen: That would be much better.

Mr. MacInnis: I second such a motion.

(At this point Mr. Gladstone took the chair.)

The Acting Chairman (Mr. Gladstone): You have heard the motion; shall it carry?

Carried.

I refer you now to page 205—

The Witness: Section 14 is printed on page 1 of the printed draft amendments.

Mr. Marquis: I think, Mr. Chairman, that we are on subsection (*a*) of section 1, and there is an amendment moved by Mr. McKay.

Mr. McKay: May I say a few words just to bring this matter to the attention of the committee?

Mr. MacNicol: The chairman called attention to page 205; section 14-1(*a*).

Mr. Marquis: Mr. McKay submitted an amendment to this subsection and he wants to say a few words on that amendment.

Mr. MacInnis: Could we have the amendment read first? I was not here when it was read before.

Mr. McKay: May I say a few words and submit my amendment again, and then we can discuss it?

The Acting Chairman: The amendment as I have it here is that the word "twenty-one" in section 14-1(*a*) wherever it appears be deleted and the word "eighteen" be substituted therefor.

Mr. McKay: Yes, sir. Now, Mr. Chairman, I hope I shall not burden you with too long a discourse on this subject, but I feel rather keenly about it, and I should like to have my case put as clearly as possible.

I submitted at the last meeting when we were discussing this matter that a young man of eighteen years of age who dons the uniform for active service becomes immediately eligible to vote. He is at that age considered to be physically and mentally mature enough to fight for his country, and if he is fit during war time to vote while he is in uniform and is engaged in active service, surely at the same age in peace time he should be capable of doing the same thing. I submit that young people to-day are mentally more mature at eighteen years than they were forty years ago or thirty years ago or even twenty years ago. Indeed a large number of our young people attending university at the present time are only eighteen years of age; and surely they are as capable of casting a vote with a political conscience as an individual who is rather illiterate and who has been given a vote under our Act.

Now, it has been suggested by at least one member of our committee that because there has been no organized request for the lowering of the voting age to eighteen years that nothing be done in regard to this matter by the committee. However, may I say that people at the age of eighteen are pretty busy. They are busy with their educational careers and they have little or no time to organize. We probably might resent them having an organization that would demand the right to vote at eighteen years of age. I suggest that if these people are mature enough to fight for their country at eighteen years of age they should have something to say with regard to the course this country is following in peace time. Now, what Canada does—and for that matter what every other country does—during a period of peace, frequently determines what we shall do when a war crisis comes upon us. The young people should have some share in formulating our peacetime program, because should it ever be our unhappy lot again to have to engage in warfare those young people will be the ones who will be in the front line defending this country. Canada is a democratic country; everyone should be politically conscious of that fact; and by extending the right to vote to an earlier age than twenty-one, young people will become politically conscious earlier in life than they do now. These young people have a big part to play in Canada's destiny. They must be given early responsibilities in the course this great nation is to follow in the future. I believe democracy will be safe in their hands, as it has been safe in their hands during the period of the war. They are free and unfettered—much more so than we are, probably. Their idealism is needed in the modern world with its great problems of atomic energy and with the terrible threat of the atomic bomb ever at our door. It is not my purpose to make a political issue of this matter, but I would like to direct the attention of the committee to the fact that the Ontario Liberal convention when meeting in the city of Toronto on May 16 asked for the reduction of the voting age to eighteen years. I would also point out that in the province of Alberta the age has been reduced for provincial elections to nineteen years. In the province of Saskatchewan, for the same purpose, that is provincial elections, the age has been reduced to eighteen years.

Now I submit, Mr. Chairman, that there is no sound grounds, as far as I can see for opposing this amendment of the lowering of the voting age at federal elections to eighteen years. May I leave this thought with you in closing. The older statesmen always make the wars but youth has to fight them. Our youth should have some say in the making of both peace and war.

Mr. MARQUIS: Mr. Chairman, I think that the time has not come to adopt this principle. In wartime I understand that the young people of eighteen to twenty were emancipated because they took part in the war. They were in the front line and due to that circumstance, which is an extraordinary one, they were entitled to vote because they were bearing a very heavy responsibility. In peacetime in very many of the provinces majority is attained only at twenty-one years of age. It is at this age that the citizen has full capacity to contract and he may sue or take action in the courts under his own name. The right to vote seems to be the principal act of a major person. As long as the provinces have not fixed the age of majority at eighteen it behooves us that no change should be made in subsection 8 of section 1 of article 14. My honourable colleague draws the attention of the committee to the fact that the young people can do much for the country. I share that view in part but I think that as long as their fathers are taking care of them, paying for their studies, while the young people are residing at their fathers' homes, the father should be kept in his real position as the man in authority. These young people have not had the same experience as those who have attained the age of twenty-one years who are earning their own living; who are struggling for a living. Before that time I think they are in a period of preparation and my point is this. As long as the province does not fix the age of a major at eighteen, giving full capacity to people of this age, I think we should not accept this new principle. Those who are sponsoring that motion to-day will succeed in a few years. Perhaps the situation will not be the same and the provinces will recognize the fact that at eighteen people are now as old as they were at twenty-one, twenty-five years ago. The fact remains that in the province of Quebec and the province of Ontario, and I think in nearly all the provinces, the age of majority is yet at twenty-one years. For this reason I think that the suggestion by Mr. MacKay, made in a very attractive way should not be accepted for the young people who are not recognized at this time to have the capacity of a major person.

Mr. MURPHY: I wonder, Mr. Chairman, a few days ago there was a memorandum filed with the committee and information was asked for by Mr. MacNicol as to what countries and states had lowered the age of qualification for voting below twenty-one—

The Acting CHAIRMAN: It is contained in the Dominion Elections Act of 1938, appendix A to number 2. It could be read if you so desire, it is one page.

Mr. MURPHY: Well Mr. Chairman, it will be all right as long as it is on the record.

Now Mr. Chairman have there been any representations made, since this was formerly brought up, by those under twenty-one or representations made by those over twenty-one for lowering the age below twenty-one?

The Acting CHAIRMAN: The clerk, Mr. Chasse, has just gone out for a moment but he will probably know.

Mr. MACNICOL: Could I ask Mr. Murphy, as a lawyer, how does he feel, strongly or otherwise; and what his view is about majority?

Mr. MURPHY: Do I agree, you mean?

Mr. MACNICOL: I thought you put up a very sound argument and it is a question which should be considered.

Mr. MURPHY: I was thinking that we should have on record here any demands by youth for the lowering of the age limit. I think this is the time that is should be put on the record.

Mr. MCKAY: I might point out to Mr. Murphy, that as far as we are concerned there is no representation but I do not think it would be difficult to get one.

Mr. MURPHY: I appreciate that but I just wondered whether, if there was a representation made, it should be put on the record.

The Acting CHAIRMAN: There is one representation from the British Columbia Federation of Labour, (C.C.L.) it is dated August 22, 1945.

Mr. MURPHY: Would you, Mr. Chairman, have the clerk read the representation and we can have it made part of the record.

> Whereas: Young people of eighteen have filled with responsibility and merit the duties of citizenship that have fallen upon their shoulders in the armed forces, factories, universities and the farm front, during the past six years that our country has been at war;
>
> And whereas: The extension and enrichment of Canadian democracy is recognized as one of the first fruits of this victorious war over fascism;
>
> And whereas: The federal government has rightly accorded full status of citizenship to members of the armed forces, regardless of age, a right which should be maintained on return to civil life, and not lost to those under the present voting age;
>
> And whereas: The Alberta government has already shown the way by extending the vote to the 19-year-olds in that province;
>
> Therefore be it resolved: That the B.C. Federation of Labour endorse youth's struggle for political emancipation, and assist them wherever possible to achieve their rightful aim—a vote at the age of 18.

Mr. MURPHY: That is the only representation that has been made to the committee for a change in the qualifications?

The Acting CHAIRMAN: That is right.

Mr. MURPHY: I wonder, Mr. Chairman, we were discussing in one of the committees about a month ago giving anyone who has served in the forces the right to vote in any election before they attain the age of twenty-one years. I recall that nothing was done on the point.

The WITNESS: I may say that I was asked to prepare an amendment and I have the amendment here.

Mr. MURPHY: As far as I am personally concerned I am going to be brief. I think those who have served in any capacity during the war should be entitled to the franchise should they not be twenty-one years of age when the next election is held. I appreciate the presentation made by both members who have previously spoken and in view of the facts we have before us I am inclined to believe it is a matter for consideration and that when future representation is made and probably under other circumstances the matter may be brought up at a later date. Until such representation is made, I am one of those, who, for the time being, will take the stand that the section should remain as is with the exception which I mentioned a few moments ago with regard to those who have served in the armed services.

The Acting CHAIRMAN: That amendment provides for that period.

Mr. MACNICOL: Would you read the amendment?

The Acting CHAIRMAN: It is section 14(3) regarding qualification for voters.

> Qualifications as elector of young veteran.
>
> (3). Notwithstanding anything to the contrary in this Act contained, any person, man or woman, who prior to August 9, 1945, was a member of the Naval, Military or Air Forces of Canada and has subsequently been honourably discharged from such Forces and who has not attained the full age of twenty-one years, shall be entitled to have his or her name included in the list of electors prepared for the polling division in which he or she ordinarily resides and shall be qualified to vote therein, provided that such person is otherwise qualified as an elector.

The Acting CHAIRMAN: Is there any further discussion?

Mr. HAZEN: Where do you find that amendment?

Mr. MACNICOL: It is a new one which arose out of a discussion at the last meeting.

The Acting CHAIRMAN: Is there any further discussion?

Mr. ZAPLITNY: I would just like to say a word before you call for the vote. I want to place myself on record as being in favour of the amendment for quite a few reasons. It seems to me from what we have heard so far that no one has any objection to the principle of this amendment, that is the principle of extending or enlarging the volume of voters by lowering the age limit and giving those of the age of eighteen an opportunity to express themselves at the polls. There has been doubt expressed as to whether this is the correct time at which to do it. It seems to follow the pattern of so many things, that this is not the time to do them. I do not know what other time would be more suitable or at which the question could be more suitably brought out. As pointed out by several members of the committee certain classes of people have been enfranchised through the event of war, such event you might say being accidental, it was not planned. That section of the young population is already entitled to vote. It is, however, as I understand it, a temporary arrangement which will expire after those people have reached the age of twenty-one when they will have the full vote to which they are entitled at that age. Therefore if it is brought up later it will be altogether a new subject. I think this committee would not be taking a very great chance by recommending such a proposal to the House because after all the House will either have to adopt or reject our recommendation and it will give the members of the House, very many of whom have some definite ideas on it, an opportunity to discuss it during the session. I think there is a lot of truth in what was said about the average age of political consciousness being much lower than it was some years ago and there are many reasons for that. Young people to-day seem to be more exposed to political ideas and they are taking a greater interest and they are more closely affected by economic affairs than they were some years ago. I think it could be said that a young person is faced with economic factors to a greater extent than he was forty or fifty years ago. Economy has developed in that direction. I think there are other good reasons why this recommendation should be made to the House and I think we have not yet heard any valid reason why it should not. The argument used by Mr. Marquis that the provinces have not recognized the majority age as being below twenty-one is, of course, a legal argument which could be used at this time. Surely, if the principle of voting at eighteen in dominion elections is adopted the provinces will naturally revise their laws to that effect. I realize no resolution has been made to the committee with the exception of this one resolution which was read. I happen to know various youth organizations across the country have discussed this question and it has been received by them very enthusiastically when it was brought up. I do not know of any of them who have refused it but I do know of some who have supported it enthusiastically. I think the members of this committee would be justified in placing the recommendation before the House and give the House an opportunity to either approve or reject. If we delay it we may not have the same set of circumstances for a long time.

Mr. Murphy: Mr. Chairman, in order to place myself on the proper sphere, if I am in order, I would like to move a sub-amendment to the motion in the form which I stated.

Mr. Marquis: I would like to say a word in answer to Mr. Zaplitny. He said I agreed with the principle. I do not agree with the principle at this time because I contend that it is a question of full capacity and it is up to the province to give the people full capacity and to decide at what age they should be recognized as major persons. This is my point. As long as these young people are not recognized as major persons I submit that we should not grant them the right to vote because it is the most important civil act in our Canadian life.

Mr. Zaplitny: I just want to ask one question. Do you think it might be possible that the majority age is placed at 21 years because the Dominion Elections Act has that as the voting age?

Mr. Marquis: No, because the source of this principle is not the federal government, it is a question of civil right. It is under the authority and jurisdiction of the province.

Mr. Richard (*Gloucester*): I quite agree with what has been said with reference to the disabilities by which a minor is surrounded in so far as his civil rights are concerned. So long as these disabilities exist, I do not think we should give to a minor the highest duty and responsibility, the right to vote. It has been pointed out that in all provinces, under the common law, a person is a minor until he reaches 21 years of age. Not by common law, but only by statute, may he exercise the right to sue in court. He can sue for wages, I think, under certain circumstances, but he cannot exercise his civil rights in court until he reaches 21 years of age. He has to sue in the name of his next friend, his father. He is not responsible for certain actions and, what is more, he cannot transfer property. His deed is not null and void, but it is possible, if he transfers the property, he may repudiate his signature when he reaches 21. A boy who signs a deed at 20 years of age, after he reaches 21 years of age, may repudiate his signature and, therefore, the transfer is null and void.

It is plain from this that a minor is surrounded by many disabilities. So long as these exist, I do not think we should jump over these disabilities and give him a higher duty and responsibility, the right of a full-fledged citizen to vote. Mind you, I am not, in principle as a matter of fact opposed to it. I do not know about fixing the age to vote at 21 years. There may be young men at 19 who have enough brains to vote. Some of them have more brains than many people of 40 who do vote. I think we should study these disabilities before we grant minors the high right we are proposing, especially when there is no pressure for it. Although our youth may be advanced quite a bit, many of them are dependent upon their parents for support to-day. I think this is even more true to-day than it was 25 years ago. Twenty-five years ago many of the young men started to earn their living at 15 when, to-day they are just entering school. Conditions are different.

Mr. MACINNIS: I have just a few remarks to make in support of the amendment moved by Mr. McKay. The arguments we have heard against it are the arguments we have heard all down through the years against every new class which has been given the franchise. There was the same argument for years against giving women the vote. They were not competent to judge as to who should represent them in parliament. After a long time and after great struggles, the women got the franchise. I do not think there are any of us who are in parliament to-day who would say the representation in parliament is worse just because the women had the right to vote.

In the United Kingdom, the same thing obtained. When women were given the franchise, the age was set at thirty years, although the age for men was 21. And this, despite the fact it is well known that women reach maturity at an earlier age than men. This disability was put on women. Recently the age was reduced to 21.

Now, the fact has been raised these people are considered minors under the laws of the province. However, there are no legal implications attached to giving them the right to vote at 18 years of age. This is a sovereign parliament formulating an Elections Act for its own use. It is not bound by what the provinces do in this matter. If these young people of 18 years of age have sufficient reasoning ability to make a choice, then they are entitled to the vote. We have asked these people, we not only asked them we compelled them to undertake the most serious duties when they were drafted into the armed services. It was not a matter of choice. Now, we should say that, having performed these services, and if the same circumstances presented themselves they would be asked to perform the same service, yet we say we are not going to give them the right to choose the men and women to make the laws under which they must serve. We say this is not the time. This is a step which should be taken gradually. I am surprised at such a bright young man such as my friend Mr. Marquis making a statement like that. One might expect an old man like me to make such a statement, but I am not making it. This is the age of young men. There is no reason in the world, so far as I can see, why we should not change the age from 21 to 18.

Mr. MARQUIS: Mr. Chairman, I have only a few words to say in reply. I admit that parliament has the right to fix the age at 18, but what I want to stress is this: I contend the act of voting is the principal civil act in a man's life As these minors have not the right to contract and have not the right to do other civil acts when under 21 years of age, I believe we should not give them a power greater than they have in the different provinces. That is my contention. So long as this situation exists, I think this parliament should not intervene but should wait until the provinces which have the jurisdiction in the matter of civil rights decide at what age these people have full capacity.

Mr. GARIEPY: I am not surprised that there should be some enthusiasm for this proposal. Every proposal to enlarge the franchise has been well received. There is always a desire to get additional people to have some voice in elections. Looking back on history, I am not so satisfied that it has been a good move to allow so many people to have a voice in elections.

Mr. MACINNIS: It is democratic, is it not?

Mr. Gariepy: Well, we may have been going too fast. In this case, you referred to the war. You want to draw an example from what has been done during the war in order to enlarge the franchise. During the war we did many things because we were forced to do them. For instance, the province exempted all soldiers from taxes. Are you going to continue that? All those in the army were exempted from lawsuits. In the provinces you could not sue these soldiers, and so on. These were extraordinary privileges for extraordinary times. We have to come back to the normal way and we are reorganizing our national economy. This is the basis for the decisions of our parliament.

The principle of our franchise goes far beyond Confederation and even the existence of the provinces. It is drawn from our old Roman law and the old common law of France. From them we have adopted the principle that no human being shall be a major until he is 21. Some have said the younger people have an intelligence so bright their vote would be as enlightened as the vote of any older person. You could put it the other way around; many men of 30, 40 or 50 vote in such a way that they should not have any voice in elections. The law has chosen to say that 21 is the time of majority on the old principle of the normal ability of the average person.

It is the same all through our existence. The member for Vancouver East has indirectly referred to marriage. We have to accept the age for marriage. We have to accept the age for the concept of marriage as established under provincial law. No man or girl under the age of 21 can marry without the consent of the father, mother or guardian. Generally speaking young men under 21 years of age are not earning their livelihood. They have not accepted the responsibility of citizenship. There may be exceptions to that, but the law is made for the average citizen.

From my own experience, I would say nobody, at this stage of our development is more capable of voting at 21, than they were 10, 20 or 30 years ago. You may cause an agitation, you may get applause over the proposal, and young people may think they are getting a privilege of some worth. It may sound like liberty and appeal to their enthusiasm. I grant all that, but I say as a matter of soundness, of real construction for the nation, 21 is the proper age even at this stage of our development.

Mr. Gladstone: Mr. Chairman, I should like to point out one thing which would probably follow the granting, in the Dominion Elections Act, of the franchise to persons of 18 years of age. This would be inevitable. The example of the dominion would be followed in the provinces. If followed in the provinces it would be almost inevitable that the same example would be followed in connection with municipal elections. At the time of municipal elections, school trustees are elected and, consequently, persons of 18 years of age and would have a vote in the election of school trustees. We would have a situation in connection with collegiate institutes in which many persons attending who were 18 years of age, electing or helping to elect their own school trustees. I think that is what would probably follow.

Mr. MacInnis: It is a fact that the municipal franchise is not based on citizenship, it is based on property.

Mr. MacNicol: I have not very much to say about this. I have been impressed by the arguments put up by both sides. I have made enquiries pretty well around the world as to the voting ages and my enquiries elicited answers which are similar to those on page 65 of the appendix to the minutes of evidence of this committee. It is worth while saying something about it. Only one state in the whole of the 48 states in the United States has lowered the age below 21, and that is in the state of Georgia. Of course, in the state of Georgia you have the negro people who have the franchise, but who do not dare to use it.

Mr. Marier: Do you know the trouble they have in Georgia?

Mr. MacNicol: Yes. In Ireland the age is 21. In Australia, New Zealand, South Africa, Egypt, Ceylon, Jamaica and Bermuda; in all those places the voting age is 21. In Canada, the voting age is 21 with the exception of two provinces. In Saskatchewan, the age is 18 and in Alberta it is 19.

Personally, I think there is a great deal of merit in considering this question. It is a question which will have to be considered again. Whether it is too early to move a motion now or not, I am not going to pass comment on that. I notice some of the south American states have set the voting age as low as 18. Argentine, Brazil, Uraguay, Ecuador and Mexico have lowered the voting age to 18. In Mexico, this is for married men only. In France, the voting age is 20 years. I have often thought 20 years of age was the right age, but I was very much interested in what was said by my friend Mr. Marquis and also by the member for Trois Rivières, the member for Gloucester and the member for Lambton West. They pointed out an argument which is worthy of consideration. If we lower the age to 18, we might as well lower the majority age to 18. This is a very serious question. I am not saying that the age to vote should be on a par with the age of majority, but I was very much impressed by what these four lawyers said. I do not remember what Mr. Hazen said.

Mr. Hazen: I have been sitting on the fence. I have not said anything.

Mr. MacNicol: I do not agree with what my friend said about the youth of to-day and the youth of days gone by. I was teaching school when I was eighteen.

Mr. McKay: I was teaching school at seventeen.

Mr. MacNicol: The school opened in September, but if it had opened in July, I, too, would have been teaching school when I was seventeen. My recollection is that the youth of those days were better employed than the youth of to-day. They were not spending their time smoking and doing things like that, the way they are to-day. They were trying to train themselves for life. That is what I did. I worked like a slave to try and advance myself. I knew nobody else would do it.

I was greatly impressed by reading in to-day's paper that down in Italy where they have been trying everything under heaven, they have gone back to age by selecting a premier who is 87 years of age. I do not believe in decrying age. Age has a great mellowing influence if a man has lived a good life. An older man has gained something if he has lived correctly.

Youth, of course, deserves credit for enlisting and going to war. I think the amendment would cover what I had in mind. Those who enlisted, say at 16, would be entitled to vote before they became 21, and that would cover quite a few of the fighting youth. I do not want to be unkind to my friends sitting on my right, but I was more impressed by what the four lawyers said. The member for Wellington South presented a very sound argument. If we do cut down the voting age to 18 and the municipalities follow, a youth of 18 would have just as much right to vote for a mayor or school trustee as for a member of parliament. I am not going to say anything more about it just now.

By Mr. Hazen:

Q. How many names would be added to the list if the age was cut down to 18?—A. It is estimated if the age was lowered to 18, there would be 750,000 names added to the list.

Mr. Marier: Mr. MacNicol, you could have completed your argument by citing Norway, Sweden and Finland. These countries are supposed to be more democratic than we are. In Norway and Sweden the voting age is 23; in Finland, it is 24 and in Denmark and the Netherlands it is 25. I take it this would mean, from experience, these people have found it is not wise at the present time to put the age down to 21. Moreover, I agree with the arguments presented by Mr. Marquis and the other members who spoke about the age for the provinces. So long as the provinces fix the right of majority at 21 years of age I do not see why we should give these people the right to vote, which is a most important right, at a lower age.

By Mr. Gladstone:

Q. I should like to ask Mr. Castonguay how many persons are entitled to vote in federal elections?—A. I can only give you the figure for the 1945 general election. At that election there were 6,952,445 names on the list.

By Mr. MacNicol:

Q. The lowering of the voting age to 18 years would add another 750,000?—A. It would mean over 8,000,000 voters the next time.

Mr. MURPHY: I would suggest bringing this to a head by voting on it. It will have to be discussed in the House, anyhow.

The CHAIRMAN: We have before the chair an amendment moved by Mr. McKay which reads as follows:

> That the words twenty-one in section 14, subsection (1) clause (*a*) of the election Act be deleted and the word eighteen be substituted therefor.

Now, Mr. Murphy has made a proposal which was intended to be a subamendment to this amendment which I have just read. I would point out that the proposal of Mr. Murphy would rather come as an addition to section 14, and it would be labelled subsection (3).

Mr. MURPHY: I understand that, Mr. Chairman.

The CHAIRMAN: If it is the wish of the committee, I shall put the question on the amendment moved by Mr. McKay which I have just read. All those in favour of the amendment will please stand. Those against?

I declare the motion lost.

Now gentlemen, if you will refer to the printed copy of the draft amendments you will find on page 1—

Mr. GARIEPY: Excuse me, is Mr. Murphy moving an amendment?

The CHAIRMAN: A little later, Mr. Gariepy.

> Subsection one of section fourteen of the said Act is repealed and the following substituted therefor:—
>
> > 14. (1) Save as hereinafter provided every person in Canada man or woman, shall be entitled to have his or her name included in the list of electors prepared for the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering an election in the electoral district, and be qualified to vote thereat, if he or she
> >
> > (*a*) is of the full age of twenty-one years or will attain such age on or before polling day at such election; and
> >
> > (*b*) is a Canadian citizen or a British subject by birth or naturalization; and
> >
> > (*c*) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election; and
> >
> > (*d*) at a by-election only, continues to be ordinarily resident in such polling division until polling day thereat.

Gentlemen, the chief electoral officer suggests that in clause (*d*) which I have just read, the words "polling division" should be replaced by the words "electoral district".

Mr. HAZEN: What other words?

The CHAIRMAN: In the amendment which I have just read, there is a slight change in the last line in clause (*d*). The words "such polling division" should be replaced by the words "electoral district".

Shall this amendment carry?

Carried.

In subsection (2) of section 14, there is a change which is proposed in the printed copy of the amendments to clause (*k*) of the said subsection (2).

Mr. MACINNIS: Mr. Chairman, I wonder if you would permit me to draw your attention to another section which I believe should be deleted from the Act. I refer to paragraph (i) of section 14 which reads as follows:

> Every person who is disqualified by reason of race from voting at an election of a member of the Legislative Assembly of the province in which he or she resides who did not serve in the military, naval or air forces of Canada in the war of 1914-1918, or in the war that began on the 10th day of September, 1939—

I do not think a section like that should have any place in our Federal Election Act. The Federal Election Act should be based on citizenship. These citizenship rights should not be varied because of race. I think in passing the citizenship Act last year we made it abundantly clear every person who was a citizen of Canada would have equal rights with all other citizens regardless of race or any other factors of that kind. If we are going to leave this section in, there is no reason why we should not have other disqualifications for religion or even political opinions.

Mr. MARQUIS: Does that subsection refer to the Japanese?

Mr. MACINNIS: I do not know to whom it referred, but the people whom it prevented from voting in the province were persons of Japanese origin, not Japanese, but Oriental origin and the Doukhobors.

Mr. MARIER: It does not apply in my province because there is nothing of that kind in my province.

Mr. MACINNIS: Disqualification in British Columbia as far as Chinese and East Indians has been removed but it still remains as far as persons of the Japanese origin are concerned. In view of the fact that these people were not allowed to enlist and consequently could not have military service, not because they did not wish to serve but because they were not allowed to serve, it is perfectly unjust to have such a disqualification as this in the Act. I move that section (i) be deleted.

Mr. GLADSTONE: Would you be satisfied with striking out the words "by reason of race"?

Mr. MACINNIS: No, this is the Canadian Elections Act and regardless of the qualifications which exist in the provinces I do not think those qualifications should be recognized in the law of the land.

Mr. MARQUIS: Mr. Chairman, I think that this clause in section 14, subsection 2, amounts to a kind of discrimination.

Mr. MACNICOL: Subsection (i) of section 2 of 14.

Mr. MARQUIS: Yes. The general rule is to the effect that every Canadian citizen or British subject has a right to vote and we see here that because of an act passed by the legislature in the provinces for reasons that we do not know, some persons are disenfranchised. If they are Canadian citizens, and they are supposed to be citizens of a kind that we accept here, as members of our society, I think that this clause should be deleted. I agree with Mr. MacInnis.

Mr. MURPHY: I wonder if Mr. Castonguay could tell us whether eliminating the words "by reason of race" from the section would have any effect or what effect would it have on the conception of that part.

The WITNESS: I do not think it would have any effect at all.

Mr. MURPHY: If you left that out of the section it would not have any effect?

The WITNESS: It would not affect any class of people.

Mr. MARQUIS: It would never have any effect at all and therefore I say it would be better to leave it out entirely from the statute books.

Mr. MURPHY: May I ask Mr. Castonguay what the reason was for putting in that particuler section?

The WITNESS: That section has been in the statute books for a long time; for many, many years. It used to disqualify Chinese in Saskatchewan and in British Columbia it disqualified the East Indians, Japanese and Chinese persons; Doukhobors were also disqualified under another clause in subsection 2 of section 14. I am not aware of the reasons behind this disqualification when it was first enacted.

Mr. RICHARD (*Gloucester*): In other words, Mr. Castonguay, if you cut out the word "race" you would be taking in some who were not disqualified by the war, but you would not take in any Japanese, Chinese, or East Indians?

The WITNESS: I am afraid it might have the same effect. For instance the British Columbia statute specifically states that Mennonites and Doukhobors and other classes of people such as Hutterites are disqualified from voting in provincial elections and if we leave out the words "on account of race" it might have the effect of disqualifying Mennonites and Hutterites and other classes of persons who, in British Columbia, are disqualified now under the provincial act.

Mr. RICHARD (*Gloucester*): If you said any person is qualified to vote who is qualified for a provincial election, eliminating the word "race", you would not disqualify any more peoplee.

Mr. MARIER: If you remove the word "race" there is nothing left.

Mr. MACNICOL: In Ontario there are no persons disqualified to that it does not apply to the province of Ontario nor, I understand, to the province of Quebec.

Mr. MARQUIS: No, it does not apply to persons in the province of Quebec.

Mr. MACNICOL: I do not think it affects any province but British Columbia and before we do something which affects that province I think we should hear from some of those members. I would not be prepared to oppose a whole province unless I heard both sides. If we are going to take the clause out I would like to hear what the Honourable Minister for Veterans Affairs would have to say, and the honourable member for Fraser Valley, and the honourable member for New Westminister would say. I think the committee would be taking a big chance if we were to wipe out something which has concerned them for a long time without first notifying all of the members from British Columbia in order that they might express their opinion.

Mr. MURPHY: As Mr. MacNicol has said if it is left out it can be disposed of in the House more effectively than by the members of this committee.

Mr. MACNICOL: I have no objection to anybody voting, black, white, yellow, or red. They apparently have some major reason of which I do not know but I would like to hear about it.

Mr. Marquis: I agree with Mr. MacNicol. Mr. Stirling, who is a member of this committee, is not here to-day. I think that section should stand. If it stands, the members can be here. I do not see at first sight any reason why that clause should stay but there may be some objections which can be brought before us. As I say, at first sight, I do not see why you should keep it and I think it would be better to leave it stand.

Mr. Marier: There is no doubt but if we delete that section there will be a large discussion in the House anyway, by the members from Alberta and British Columbia.

Mr. MacInnis: If you leave the section here there will also be a discussion in the House because, if I do not get the committee to delete it I would be on my feet. I do not think it necessary to hear the Honourable Minister for Veterans Affairs or the honourable member from Fraser Valley or the honourable member for New Westminister because it is to be the view of this committee and of the House. If Mr. Stirling was here he might very well hold with my view. It might suit Mr. Stirling, I do not know. I do not think, however, that this committee should stultify itself by leaving in this Act the statement that any person is disqualified by reason of a provision of provincial legislature.

Mr. Marquis: I agree in principle but I think the section should stand.

The Chairman: Would you allow me a question, Mr. MacInnis, for my personal information?

Mr. MacInnis: Yes.

The Chairman: I notice when you put up the motion you based it mostly on the Canadian Citizenship Act and having to be a Canadian citizen to vote. While there should not be any discrimination against anyone who is a Canadian citizen, the qualification for voting is not restricted to Canadian citizens. We have just adopted subsection (1) which provides for the qualification of British subjects.

Mr. Gladstone: Mr. MacInnis' argument is equally applicable.

The Chairman: That subsection provides that a British subject can vote after one year's residence in Canada but a Canadian citizen has to have five years' residence.

Mr. MacInnis: This would not only disqualify naturalized persons of some other race who were not naturalized in Canada, but it would also disqualify a person of some racial origin who was disqualified in the province of British Columbia although he may have been born and brought up in British Columbia.

Mr. MacNicol: Mr. MacInnis' suggestion has a lot of merit and the point that strikes me is that, while the province of British Columbia may pass legislature to the effect that so and so cannot vote, this matter was before the committee on previous occasions and it has apparently been allowed to stand. Here we are trying to do something that may qualify these people to vote and I would not like to take the responsibility for doing so unless we let the people from British Columbia know.

Mr. MacInnis: Let me bring another point to your attention. The province of Quebec did not give the franchise to women as early as it was done in other provinces but under the Dominion Elections Act universal franchise included women and it made no exception of the women in the province of Quebec. They were not excluded, so why should we just exclude people who are otherwise qualified to vote because of provincial disqualifications. This is the Dominion Elections Act and I think that the province has nothing to do with it.

Mr. Marquis: Mr. Chairman, as we have to decide whether this section shall be repealed or not and, as Mr. MacNicol proposes, perhaps some evidence should be brought before the committee to sustain the reasons why the clause should be maintained. I submit and I move that the clause stand.

The CHAIRMAN: Would you have any objection, Mr. MacInnis, to having the clause stand?

Mr. MACINNIS: If the committee feels that way, certainly I will not hold the committee up, I will agree to the wish of the committee.

Mr. MARIER: Have you the laws of British Columbia in that report?

Mr. MACINNIS: I will agree with the committee as to whether we deal with it now or deal with it later.

Mr. RICHARD (*Gloucester*): It is my opinion you will not have any additional discussion in the House whether you leave it in or take it out. You are going to have discussion anyway.

Mr. MACINNIS: That is right.

The CHAIRMAN: Is it the wish of the committee that clause (i) stand?

Agreed.

Now the next suggestion would be one affecting clause (*k*) and I am informed one of the members of the committee, Mr. Fair, is particularly interested in clause (*k*) of this section so it might be well to leave it stand.

Agreed that clause (*k*) stand.

Clause (1). In the printed copy of the draft amendments at page 1: that clause (1) of subsection 2 of section 14 of the said Act should be repealed.

Mr. GLADSTONE: Does that mean it is not necessary?

The CHAIRMAN: By reason of section 15.

The WITNESS: Section 15 provides exactly the same thing.

The CHAIRMAN: Shall the subsection be repealed?

Carried.

Now in regard to clause (*n*) on the same page of the printed copy of the draft amendment. Clause (*n*) of section 2 of section 14 of the said Act is repealed. Is it carried?

Mr. MACINNIS: I think this was an extension of the principle of section 9 that was carried into the provinces during the last election because of the removal of Japanese persons from other provinces and there was a considerable discussion on it at the time and it was amended. The proposal is to make it illegal now. I think we should agree.

The CHAIRMAN: Shall clause (*n*) of subsection 2 of section 14 be repealed?

Carried.

Now with the exception of clause (i), and clause (k) is subsection 2 of section 14 carried?

Mr. MACINNIS: With the exceptions you have mentioned?

Mr. MARIER: We have an amendment for the returned men.

The CHAIRMAN: That will be subsection 3.

Is subsection 2 with the qualifications which I have just made carried?

Carried.

Now the proposal of Mr. Murphy can be taken as an addition to section 14 and it will be subsection 3. It reads as follows:

> Qualifications as elector of young veterans.
>
> (3). Notwithstanding anything to the contrary in this Act contained, any person, man or woman, who prior to August 9th, 1945, was a member of the Naval, Military or Air Forces of Canada and has subsequently been honourably discharged from such Forces and who has not attained

> the full age of twenty-one years, shall be entitled to have his or her name included in the list of electors prepared for the polling division in which he or she ordinarily resides and shall be qualified to vote therein, provided that such person is otherwise qualified as an elector.

Mr. MURPHY: Mr. Chairman, I was just wondering about the interpretation of the term "honourable discharge". Now we have all seen members of the armed forces who were discharged but the word honourable may not appear on their discharge. It may be word which has an entirely different meaning. I am just thinking out loud. Are we going to disqualify those persons? They may have received a dishonourable discharge but have become good citizens. I have in mind several cases that I know of. For instance, I think a man who may have been discharged dishonourably and who was deprived of some of the entitlement that veterans ordinarily would get, but in the last few weeks he may have been reclassified. Some of the cases have been reviewed and they now get the same entitlement as if they had been honourably discharged and I am wondering, Mr. Chairman, if we could eliminate the word "honourable" from the proposed subsection 3.

The WITNESS: I have no objection to it.

Mr. GARIEPY: I do not think it matters much. If any soldier has been normally discharged and if he has no black marks, by inference he is honourably discharged.

Mr. MACINNIS: I do not think it is either necessary or desirable to make any mention of his discharge, what we are dealing with is his service.

Mr. GARIEPY: I think that would be better still in my opinion. I think we are all in favour of the principle.

The CHAIRMAN: Mr. Murphy is the mover of this amendment and would agree to delete the word "honourable"?

Mr. MURPHY: What was the suggestion made by Mr. MacInnis?

Mr. MACINNIS: In all other acts mentioning persons having seen service and the giving to them of special consideration all that is required is that they have served in the Military, Naval or Air Forces.

Mr. MURPHY: What other wording would be necessary?

Mr. MARQUIS: If they are disqualified by some other reasons, if they had committed crimes, there is a proviso in the law to look after that, so we can delete the words "honourably discharged".

Mr. MURPHY: Would you read it again, the first part, leaving out the words "honourable discharge".

The CHAIRMAN:

> Notwithstanding anything to the contrary in this Act contained, any person, man or woman, who prior to August 9, 1945, was a member of the Naval, Military or Air Forces of Canada and who has not attained the full age of twenty-one years, etc.

Now I have omitted the following words "and has subsequently been honourably discharged from such forces".

Mr. MURPHY: Delete that and it will be my motion.

The WITNESS: It may conflict with the regulations which have been submitted to the committee whereby members of the forces are voting as permanent service electors. In order to vote the elector must not have been discharged. If you do not put in that provision then it might give the right to some permanent force members to vote as civilians. Just leave out the word "honourable".

Mr. MARQUIS: "Who have since been discharged"?

Mr. MacNicol: I will agree with that because it will permit a lot of young men to vote who otherwise would not be entitled. I know of one young man who was in an attack against the Germans and all his buddies around him were killed and he was stunned. He turned around and went away and two days afterwards they picked him up and he served a term in prison. Now he was dishonourably discharged but when I got the full facts of the case and searched the records as much as I could, and had it out with the authorities, they gave him his gratuities. The boy had been stunned and there were a lot like that, likely, who served some imprisonment because under the stress of shot and shell they lost their heads. This amendment, leaving out the word "honourable", will allow them to vote.

Mr. Hazen: I would like to ask about that amendement, because I do not see it affects or includes people who would not otherwise have a right to vote.

Mr. Murphy: It covers those, if I have the right interpretation of it, who are not of the age of twenty-one at the next election who have served.

Mr. Hazen: The amendment as I understand it says "who have reached the age of twenty-one".

Mr. Gariepy: As I undestand, Mr. Chairman, it covers those who have served and who are not twenty-one. That is what we agreed on.

Mr. Hazen: It does not say that.

The Chairman: It would cover the case of a young man who, having enlisted shortly prior to V-J day, could not otherwise vote in the event of election coming shortly.

Mr. Hazen: Will you read it again?

The Chairman:

> Notwithstanding anything to the contrary in this Act contained, any person, man or woman, who prior to August 9, 1945, was a member of the Naval, Military or Air Forces of Canada and has subsequently been discharged from such Forces and who has not attained the full age of twenty-one years.

This is the amendment as modified by the deletion of the word "honorauble".

The Witness: It says, "notwithstanding anything in this Act".

The Chairman: Shall this amendment carry?

Carried.

Gentlemen, the Chief Electoral Officer suggested the addition of another subsection which would be subsection 4, to section 14, which would read as follows:—

> Section 14 (4)
> Qualifications as elector of wife of Indian veteran.
>
> (4) Notwithstanding anything in this Act contained, a woman who is the wife of an Indian person, as defined in clause (*j*) of subsection two of this section, whenever such Indian person has served in the Naval, Military or Air Forces of Canada, during the war 1914-1918 or during the war that commenced on September 10, 1939, shall be entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and shall be qualified to vote therein, provided that such woman is otherwise qualified as an elector.

By Mr. Richard (Gloucester):

Q. Such a woman would have to be 21 years of age?—A. She will have to be 21.

Mr. Murphy: This just provides for a class of people who were not enfranchised before.

By Mr. MacInnis:

Q. Am I correct in believing she would be disqualified by marrying an Indian?—A. This would give the right to a wife of an ex-member of the forces to vote whether she is an Indian or not. I might add that this suggestion has been made following the statement made in the House of Commons by Mr. Gardiner some time ago. I happened to be in the House at that time and his suggestion was very well received. It was stated on that occasion that the wife of an Indian who served in the war should have the right to vote.

The CHAIRMAN: Shall subsection 4 of section 14 carry?

Carried.

Mr. MACNICOL: Before we adjourn, perhaps you have attended to it already and I would not know about it, since, unfortunately, I was unable to attend your last two meetings. There is no necessity for apologizing for that fact. I just could not attend. The member for Bruce spoke to me today and asked me if I had heard a certain recommendation discussed and I told him I had not been here. He told me he had written in suggesting that some agency be made available to enable the sailors to vote, that is referring to sailors who board ship in the spring and are on the lakes all summer. I believe he suggested somewhat similar facilities be made available to them as were made available to the army.

The CHAIRMAN: I will look into the matter.

The WITNESS: His letter is on file with the clerk.

The CHAIRMAN: I will look at the record. I think it has been read into the record.

Mr. MACNICOL: Has it come up yet?

The WITNESS: The section has not come up yet.

The CHAIRMAN: The meeting is adjourned until 4 o'clock on Tuesday.

The committee adjourned at 6 o'clock p.m. to meet again on Tuesday, May 27, 1947, at 4 o'clock.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 8

TUESDAY, MAY 27, 1947.

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,
Tuesday, May 27, 1947.

The Special Committee on The Dominion Elections Act, 1938, met at 4.00 o'clock p.m. Mr. Paul E. Coté *(Verdun)*, presided.

Members present: Messrs. Bertrand *(Prescott)*, Brooks, Coté *(Verdun)*, Fair, Gladstone, MacInnis, MacNicol, Marquis, McKay, Mutch, Sinclair *(Vancouver North)*, Zaplitny.

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

The Committee resumed the adjourned study of the Dominion Elections Act, 1938, and considered various proposed amendments thereto.

Mr. Jules Castonguay was recalled and questioned in regard to the various proposed amendments under consideration.

Mr. Castonguay suggested further amendments to the said Act, relating to the recommendations made by the Auditor General, in accordance with the resolution passed by the Committee at the meeting of Thursday, May 22, 1947. It was agreed that those amendments would be considered at a later date.

Paragraphs (*i*) and (*k*) of subsection (2) of Section 14 of the Act were allowed to stand.

With the exception of subsections (4) and (7A) thereof, Section 16, as otherwise amended, was adopted.

In relation to Section 19, Mr. Castonguay filed with the Committee a statement showing the Qualifications of Candidates provided for in Great Britain, New Zealand, South Africa, Australia and the United States of America. It was agreed that the said statement be printed as Appendix "A" to to-day's Minutes of Proceedings and Evidence.

After some discussion, on motion of Mr. Zaplitny, Section 19 of the Act as amended (see Minutes of Evidence) was adopted.

Section 31 was passed without amendment.

Section 36 as amended (see Minutes of Evidence) was adopted.

At 5.50 o'clock p.m., the Committee adjourned to meet again at 4.00 o'clock p.m., Thursday, May 29, 1947.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,
May 27, 1947.

The Special Committee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Coté, presided.

The Chairman: Order, please.

Mr. MacNicol: Mr. Chairman, before you proceed may I bring up a matter of privilege? My friend down here, Mr. McKay, is quoted on page 188 of our report No. 7, for Thursday, May 22, 1947, as having said:

> I submit that young people today are mentally more mature at 18 years than they were forty years ago or thirty years ago or even twenty years ago.

Mr. McKay: Hear, hear.

Mr. MacNicol: In my observation later on I made these remarks:

> I do not agree with what my friend said about the youth of today and the youth of days gone by.

The Toronto *Daily Star* reported what I said; I do not for one moment think that they did it intentionally, because it is so easy to leave out a word or put in a word, and it is not the reporter's fault and maybe not the fault of the paper itself; but it says this:

> From the Toronto *Daily Star* of May 23, 1947.
>
> John R. MacNicol (Prog-Con.) Davenport—doubted whether youth today are as mature as in the previous decades.

I did not say any such thing. I made no reference as to whether they were mature or not. What I said was that I did not agree with his statement that they were more mature today than they were forty, thirty or even twenty years ago. One has only to think of William Pitt to consider what youth was in bygone days. I do not agree with Mr. McKay when he says that the youth of today are more mature than they were forty years ago. I was myself a youth forty years ago.

The Chairman: At the last meeting on a motion by Mr. Hazen which passed unanimously, the Chief Electoral Officer was asked to prepare draft amendments which would implement the suggestions made by the Auditor General. For the information of the members of the committee I would suggest that these draft amendments be distributed to the members for use later on when we have this statement before us for consideration.

At the last meeting, on Tuesday, we have considered section 14, and it was carried with the exceptions of clauses (*i*) and (*k*) of subsection 2 thereof, which we have allowed to stand. They will be found at page 206 of the Dominion Elections Act.

And now, to follow up the course of procedure which we have adopted in the past we shall proceed now to section 16 and conclude the examination of the following standing sections before reverting to the sections which have again allowed to stand, unless there is a particular view which the committee have on it.

Mr. MacInnis: If the rest of the committee have no objection, Mr. Chairman, I would suggest the committee now take up the paragraph, section 14, that stands, as I have to leave the committee before five o'clock.

Mr. MUTCH: Do I understand, Mr. Chairman, that you will follow the usual procedure. No. 14 is not likely to be up at all to-day? If it is not likely to come up at all to-day there is no point in taking it up now.

The CHAIRMAN: That will depend on the progress of the committee on the sections which we still have to study before reverting to those.

Mr. MUTCH: How many are there?

The CHAIRMAN: We still have seven sections to deal with. Sections 16, 19, 31, 33, 36, 45, 47, 56, 60, 61, 66, 70, 94, 95, 96, 97 and 98.

Mr. MUTCH: We might as well clean them up as we go.

Mr. MARQUIS: If Mr. MacInnis has to leave before 5.00 o'clock and if he is not here when the section is called I submit that we ought to let it stand until we convene again.

The CHAIRMAN: If we show that amount of progress we can take up clause (*k*) section 14, and wait until Mr. MacInnis returns to take up clause (*i*).

Now I would like to make a few remarks about the draft amendments which have been prepared by the chief electoral officer, Mr. Castonguay.

Mr. CASTONGUAY: You will notice that there are several changes from the Auditor General to the comptroller of the Treasury or to the Chief Electoral Officer and in the draft amendments I have mentioned the line on which the words "Auditor General" appears. The lines I refer to are not those printed in the book of Election Instructions. These lines refer to chapter 46 of 1938 which is printed in ten-point type while this book is printed in seven-point type and it makes a little difference in the lines of the various provisions. In preparing these draft amendments I started with the key provision which is section 61 and instead of proceeding numerically I inserted the sections that are affected by the proposed changes from last to first.

The CHAIRMAN: Section 16.

You will recall, gentlemen, that this section was allowed to stand. We had reached the drafting of a new subsection (6A) with regard to the voting of students. Now I would refer the committee to the various suggestions which were put forth at that time. One suggestion was made by the chief electoral officer which is to be found in the printed draft amendment at page 2. Another one was submitted by the law clerks upon our request and is printed in the minutes of evidence of the committee at pages 41 and 42. The debate on this question runs from page 34 to page 55. There is no motion before the chair with regard to any of these draft amendments. Now the chief electoral officer has mentioned to me that he still believes his amendment in the printed copy would meet the views of the majority of the members.

Mr. MACNICOL: That is (6A).

The CHAIRMAN: Yes, (6A). He has intimated that in his instructions to the deputy returning officers it will be clearly stated that this subsection 6(*a*) will not give the right to vote at two places. I would like to ask Mr. Castonguay to elaborate on this point.

The WITNESS: In my instructions with regard to voting by students this is what is stated:

> A young person leaves his parents' house to attend at a university situated in another electoral district in Canada, intending to return home during his vacations. After he has been registered as a student for at least seven months and has been in actual attendance at the university for seven out of the preceding twelve months, he is qualified to vote either in the district in which his parents' house is situated or in the electoral district in which lie the quarters he occupies while at the university, and for this purpose it is, at a general election, immaterial whether he was at home or at the university on the day upon which the day upon which the writ issued. However, the student is not entitled to vote in both districts.

Mr. MUTCH: It is correct then that under the regulations which you issued and under the amendment which you suggest that a student has an alternative place of registration. And is there any protection against his parents, in his absence, registering him in his own poll. He may elect to be registered at the university but is there anything to prevent his parents or someone else to register him in his own poll?

The WITNESS: It may work to his disadvantage if he is not registered in his own poll because the enumeration takes place two months before polling day and a lot of things can happen in those two months. He may be back home.

Mr. MUTCH: Every university student knows more than two months in advance of the day he will be leaving, unless he is fired.

The WITNESS: There are always exceptions to a rule.

Mr. MUTCH: The examinations have been held at the same time for forty years.

Mr. McKAY: Do I understand Mr. Castonguay's amendment as read will provide for the registration at both the university and his family place of residence.

The WITNESS: Well it does not say so specifically but it can be inferred that it will.

Mr. McKAY: I think that is almost necessary. A student might be at the university at the time of the issuing of the writ and might be home at election day.

Mr. MUTCH: Well I take the position which I took the other day. I do not think a university student is entitled any more than anybody else to be registered at more than one place and I am against any legislation that permits him to be registered at two places. The university year is fixed well in advance. Anybody who has sense enough to vote knows on the date of issue of the writ whether he is going to be at the university or at home. It is up to him to be on the list where he should be.

Mr. ZAPLITNY: This difficulty was brought out before. The student might not know. Supposing he was at the university he would not know whether he would be registered at his home and therefore would not be in a position to tell the enumerator what to do.

Mr. MUTCH: Why would he not?

Mr. ZAPLITNY: He would not know whether his parents had put him on the list.

Mr. MUTCH: You know weeks in advance when it is going to take place.

The WITNESS: There would be only one week. Enumeration usually takes place one week after the issue of the writ.

Mr. MUTCH: I am not to be interpreted as being unfriendly to the fullest exercise of the franchise of the university student or anybody else but I am unable to see why they should have special consideration.

Mr. McKAY: I do not see where they are getting special consideration. They are only being permitted to vote once.

Mr. MUTCH: In effect this particular suggestion is that he can be legally registered in two places at the same time. The amendment does not say so but it can be inferred as Mr. Castonguay said. There is nothing in the world, except a certain amount of inherent decency, to prevent a student voting at the university and somebody else voting for him in his home town.

Mr. McKAY: It is only a legalization of the practice that is going on.

Mr. MACNICOL: What would it mean in the case of Toronto University, for example. I do not know what the number is, but using an arbitrary number of 5,000 students, if all those 5,000 students were registered in proximity of Toronto University that would have a very potent influence on the election or defeat of a candidate in one or two ridings.

Mr. Mutch: I do not think that should enter into it but I do agree with you.

Mr. MacNicol: Well here are young women and young men from all over Canada who should have a vote, and everybody agrees with that. However, they come into Toronto and the same would apply in Winnipeg and in every other city where there is a big university. They know nothing whatever about the issues as far as that particular city is concerned and they might unfairly elect or defeat a man in that city.

Mr. Mutch: I think that is quite true.

Mr. MacNicol: I think a voter should know what he is voting for and, as far as possible, who he is voting for. The trouble with our voting system today, this applies in many places but not everywhere, is that there is too limited knowledge on the part of the voter as to the issues or the candidate in the field.

Mr. Mutch: I would agree with what Mr. MacNicol has said and there is a certain danger. I do not think perhaps that danger is the right word but there is a certain possibility a large student vote would affect favourably or adversely, depending upon your point of view, the viewpoint of the locality. In a federal election I do not think it is so important because I hope that the federal candidates regard themselves as representatives of the country at large and it would apply more to municipal and provincial elections than it would to federal elections. The point I come back to again is that I do not believe anybody should be on the list in two places and I do not think there is one university student in a thousand who would abuse the privilege but I do think there are more than 1,000 people in all the constituencies who would take advantage of the fact that he is absent but is on the list.

Mr. MacNicol: It is important that young folks have a chance to vote.

Mr. Brooks: Have we not established the principle in relation to teachers? The teacher may have his home in one place and he may be away teaching in another constituency. He can vote where he is teaching but I know that it works out in many cases that his name is put on the list in his home constituency and very often he is brought back and votes there.

Mr. McKay: Exactly.

Mr. Brooks: The student would not vote in two places, although I think a great many would probably be back to their own constituencies but, in case they were not, the amendment does make sure that he could vote. Frankly I do not see anything wrong with it. I think it is a good principle.

Mr. Bertrand: His name is in both places but you are surely inviting difficulty when he goes back home to vote. If he is very enthusiastic about one party there is a possibility of duplication. We are inviting that thing in a law that puts his name in both places.

Mr. Brooks: The law provides for that. If there is a suspicion that he has voted at the university and he is seen at home in the afternoon, it is up to the opposing party to challenge his vote. The law provides a challenge.

Mr. Bertrand: I am of the same opinion as my friend Mr. Mutch.

Mr. Brooks: You have to run that risk if you are going to give every man a vote who is entitled to one.

Mr. Bertrand: It is not necessary to have them registered in two places.

Mr. Brooks: It is if you are going to take his vote away from home.

Mr. Mutch: When we discussed this before I think the committee asked those responsible if it was not possible to draft an amendment which would permit the students to elect, at the time of registration, where he was going to vote. It has been urged that he will not know where he is going to be. That in plain English, is nonsense. The university term is fixed and the university student knows as well as any other citizen in Canada where he is going to be on election

day because at the time of registration the date for examinations are fixed. If he is going to be at the university then let him register there and if he is going to be at home let him register there. Why should he be permitted to register at both places so that he can, just as his convenience suits him, or as his friends think expedient, vote at either of two places.
two places.

The WITNESS: It is not a question so much of registration as it is of enumeration.

Mr. MUTCH: I meant enumeration.

The WITNESS: I daresay 75 per cent of the people never see the enumerator. If the enumerator had to contact every person in his polling division he would require more than one week to complete the enumeration. If the enumerator is required to contact 300 or 400 electors he would certainly take more than one week.

Mr. MUTCH: Well I am not going to force the issue but I am just going to vote against anything that will give anybody in Canada a right to be on two lists at one election.

Mr. ZAPLITNY: If that stand were taken consistently it would prevent school teachers from being on two lists and voting away from home and as we have established that principle I cannot see any valid objection to having students registered in two places. The law provides penalties for voting twice or for impersonation and the law is very severe.

Mr. MUTCH: You do not suggest that the penalties which were provided for telegraphing have stopped telegraphing. We have been fortunate in the province from which you and I come but we are not crazy enough to think it is not generally done in other places. Unfortunately the rest of Canada is not the same.

The WITNESS: The voters' list provides plenty of opportunity to impersonate. It is a well-known fact that only 75 per cent of the electors vote. As far as the double voting is concerned, I am not afraid of it. At the last election there was great opportunity for double voting by members of the forces. The voting took place during a period of two weeks. A serviceman could vote in his own unit and then he could go on furlough and vote in another town the next day or the next week. When it came to the counting of the votes and sorting the envelopes of service personnel a very careful survey was made to ascertain whether or not there had been a double voting by any member of the forces. The result of that survey, both in Canada and overseas, has convinced me that there are very, very few Canadians who are inclined to vote more than once. Practically no cases of double voting were discovered and the system of checking which we had used was most reliable. The envelopes for each electoral district were placed in alphabetical order and if there had been any double voting it would have thus been shown immediately.

Mr. MUTCH: That has no relationship to the fact that in some constituencies far more people voted than ever enlisted from those constituencies.

The WITNESS: No information has reached me as to that.

Mr. MUTCH: Of course, there is nothing in the Act to prohibit them?

The WITNESS: It is possible, but I have no information as to an unusually large number of service men illegally voting or ganging up on one riding.

Mr. BROOKS: The only way that could happen would be in some constituency where there was a large camp and the staff of that camp had been there for six months, some of them with their families, and the soldier then could vote in that particular constituency, although he was not a regular resident there.

Mr. MUTCH: The soldier overseas or in Canada was asked what constituency he wanted to vote in and he voted.

The WITNESS: No, he had to state his address. If he said he resided in Winnipeg North and his address indicated that his ordinary residence was in Winnipeg South or Winnipeg Centre his vote did not go according to the electoral district that he named; it was sorted according to his address.

Mr. MUTCH: O.K. I am satisfied. It is all water over the dam. I believe you, but I do not believe the facts.

The CHAIRMAN: Now gentlemen, it would expedite the work of the committee if there was a motion properly put by someone to have the views of the committee on this particular point. May I mention that the amendment drafted by the law clerk, which is found at page 41, was tending to the same aim as the one drafted by Mr. Castonguay, but it was intended to clarify the wording of the amendment. It entitled the student to have his name entered on the electoral list prepared for the polling division where he was at the time of the issue of the writs, namely, in the university district. The other one, at page 42, was intended to give his specifically the privilege of double registration. I wonder whether it would not be in order to have a motion presented along the lines as given by Mr. Mutch and so ascertain the wish of the majority?

Mr. MUTCH: Mr. Chairman, is it not a fact that we have now come to the point that these alternative amendments are exactly the same thing? One states in the Act that a man has the right to be on both and the other simply gives him the second privilege without taking away the first. So they mean exactly the same thing. I did sponsor a suggestion that the amendment should be drafted in such a way that he could be at either one, wherever he proposed to be on election day, but not at both; but apparently that cannot be done or nobody has tried to do it.

The CHAIRMAN: Would you refer to the amendment on page 41 of the minutes of evidence and tell me if you would add after the word "entitled" in the sixth line the words "at his option"? Would that meet your wish, and could you make a motion of that sort?

Mr. MUTCH: Well, Mr. Fraser or someone who was here that day seemed to indicate that we were changing it. I am not an expert in draftsmanship. My idea was that the voter should have the option of being on either list, but I appear to be outnumbered as regards my feeling that he should not be on both properly. It does not make much difference whether he does it formally as the result of the amendment which gives him the right to be on both or whether we give him the second right without taking away the first.

Mr. MACNICOL: If the registration is one week after the university term opened and the student was present for the first time he would not be registered at all.

The WITNESS: He would have the privilege of going before the revising officer.

Mr. MACNICOL: Why? He would not be long enough in the riding to vote.

Mr. MUTCH: There is a seven-month limitation.

The WITNESS: According to this amendment, he has to be there on the date of the issue of the writ.

Mr. MACNICOL: Yes. That is all very well. My argument was that supposing a young man came into Toronto from, we will say, X town to attend university and he was not attending university one week before the issue of the writ. Now, he has never been in Toronto before. He was a new student. He would not be registered because the Act says he has to be registered in the riding.

The WITNESS: No. He has to have a year's residence in Canada and registered in the electoral district on the date of issue of the writs.

Mr. MacNicol: That is all there is to it.

Mr. Mutch: If anybody can draft that amendment in such a way as to give the student a vote where he will in fact be on election day then I think that takes care of the situation. If that cannot be done, and apparently nobody has done it—

The Chairman: Mr. Fraser, would you care to give an opinion?

Mr. A. Fraser (Joint Law Clerk): Mr. Chairman, I have spoken with Mr. Castonguay about this matter, and we are both of the same opinion as to the end to be achieved. That is, assuming that the committee is of the opinion that the student should have the right to elect as between two electoral districts as to where he should vote. Mr. Castonguay's proposed amendment was based on an assumption that he had that simply by giving the student the right to be on the electoral list in the university area, and the right to vote there would not take away his right to vote in his own constituency. There we disagreed because perhaps I looked at the matter—and I did look at it—from the purely legal standpoint. Consequently I drafted my amendment so as to specifically give the right to the student to be on both lists and then to elect to vote in one or the other of the two constituencies. I am of the opinion from a study of the Elections Act that unless you protect him in his own constituency—protect his right to vote there, by giving him the right to vote in another constituency, the university constituency, that you are taking away his right to vote at home, unless you specifically protect him by the amendment. Consequently I think you will find my amendment is designed to do and does do that very thing—to give him the right to two registrations, and then the election between those two as to where he shall vote.

The Chairman: That is the amendment which appears on page 42 of the minutes of evidence.

Mr. Fraser: I have not that before me.

Mr. McKay: Mr. Chairman, would you read the amendment so that we would have it in our mind.

The Chairman:

> (6A). For the purposes of a general election, notwithstanding any provision of this Act to the contrary, where a person is on the date of the issue of the writs therefor duly registered and in attendance at a recognized educational institution, and for such purpose resides in a polling division other than that in which he ordinarily resides is, if otherwise qualified as an elector, entitled to have his name entered on the list for the polling division in which he ordinarily resides and the list for the polling divisions where he resides at the date of the issue of the writs and to vote in either one of such polling divisions as he may elect.

Mr. McKay: To bring this matter to a head I move that we accept that amendment.

Mr. MacNicol: I second it.

The Chairman: It is moved that this amendment I have read be adopted which gives the privilege of two registrations with the right to vote at only one of the two places. Shall the amendment carry?

Carried. (On a standing vote.)

Now, we come to section 16 as amended; shall it carry? May I say that Mr. Castonguay has a few remarks which he wishes to make on subsection (4) of section 16.

The WITNESS: This is a short subsection which requires further consderation, and which reads as follows:

> Any person on active service with the naval, military or air forces of Canada shall be deemed to continue to ordinarily reside in the polling division in which he was ordinarily resident at the time of enrolment for such active service, unless he has thereafter established some other ordinary residence in Canada.

In the draft regulations for the taking of the vote of the defence service electors there is a paragraph that stipulates that the defence service electors shall be entitled to vote only as such, and not as civilian voters. This provision gives them the right to vote as civilian electors, and I suggest that this subsection stand until the regulations for the taking of the vote of the defence service electors have been considered.

The CHAIRMAN: Is it the wish of the committee to allow this subsection to stand?

Subsection (4) stands.

The WITNESS: I have another remark to make with reference to subsection (7A). This deals with temporary workers and I maintain it lays down the very same principle as is laid down in subsection (6A) concerning students. It seems to me that this subsection (7A) should be drawn in the same way as subsection (6A) because there is a dual privilege involved. Of course, (7A) has been passed, but the principle is the same as is printed in the book. The reason I call this to the attention of the committee is that these two subsections will be very close together in the Act when it is consolidated, and I think they should be based on the same principle.

Mr. MACNICOL: Mr. Chairman, let us take a party living in Oshawa, let us say at No. 16 Ozark street; he decided to go away for the summer. He leaves his home in the middle of April and stays at a summer resort all summer long and an election takes place between the 5th of April and the time when he ordinarily comes home, the middle of October; he would be registered at his home and he would also be registered where his summer cottage is.

The WITNESS: This subsection (7A) deals with temporary or casual work. Take another person who goes from Ottawa to Smiths Falls for instance, or goes to Belleville, for two or three months time.

Mr. MACNICOL: To work?

The WITNESS: To work temporarily. This subsection (7A) would give him the right to vote at Belleville but it would not deprive him of the privilege of being registered on the list in Ottawa where he is ordinarily resident.

Mr. MACNICOL: I can see where there would be trouble there, Mr. Chairman. I have in mind large public works which are being constructed employing large numbers, of concrete and steel workers probably for several months. Now, if an election comes on while they are there; several hundred of them, they will be liable to dominate that constituency.

The WITNESS: Probably, if they are all working on public works. This excepts persons employed on public works.

Mr. MACNICOL: For instance, the construction of a dam.

The WITNESS: That is generally a public work.

Mr. MACNICOL: And they would not be registered.

The WITNESS: In subsection 8, of section 16, it is prescribed that non-residents employed on public works are not entitled to vote; and this subsection excepts them also; what I wish to explain is that the subsection as printed contains the very same principle as in subsection (6A) by giving temporary workers the privilege of being registered in two places.

Mr. MacNicol: You would distinguish between workers on a dam there and any other temporary workers?

The Witness: Subsection 8 of section 16, (that is on page 208, at the bottom of the page, of the election instructions) states that no person shall for the purposes of this Act be deemed to be ordinarily resident at the date of the issue of the writ in an electoral district to which that person has come for the purpose of engaging temporarily in the execution of any public work, or as a resident in any camp temporarily established in connection with any public work under government control located in such federal district.

The Chairman: Would the committee allow this section, (7A), to stand for the submission of a redraft as suggested by the Chief Electoral Officer.

Carried.

Subsection (7A) stands.

Mr. Brooks: We are going to run into an awful lot of trouble if we widen this too much so it will take in lumber camps. I see a danger in that.

Mr. Mutch: Going back to what we were discussing before; how if you can do it for one can you deny it to another. That is why I am against it.

Mr. McKay: I am not suggesting that is being done, but it might lend itself to abuse.

Mr. Mutch: I object to the suggestion that a labourer is any more liable to lend himself to political malpractice than is a teacher, a lawyer or a professional man. I am not urging it, I am not opposing it; I am pointing out to my friend here that if you are going to do it for the student and the teacher without doing it for the others then you are placing the student and the teacher on a plane of morality different from that of the average labourer, and I think the average labourer is honest.

Mr. Brooks: Suppose we decide first whether we want the amendment or not. If we are satisfied with it as it stands we can leave it.

Mr. Fraser: If I might interject there; what Mr. Castonguay is suggesting is not any change in the substance of the Act; he wants consistency in the drafting. If the committee adopt the amendment with respect to students and teachers the casual labourers are in the same classification with regard to the right to vote. Under the Act as it is at present worded they haven't got the privilege which they should have of voting at home. Mr. Castonguay's idea is that they should receive that, and he has proposed this amendment for the purpose of securing consistency in the wording of the Act. That can easily be done outside the committee if the committee is satisfied not to make any changes in principle. That is in the Act at the moment.

The Chairman: It may be just as well to let this subsection (7A) stand for the time being and ask the law clerk to prepare a draft amendment which would bring this subsection in line with the principle adopted in subsection 6A.

Mr. MacNicol: What I have in mind, Mr. Chairman, is this; suppose they go ahead and build what I have no doubt they will at some not too remote date in the future, a gigantic dam on the elbow of the Saskatchewan river. That dam will be 6,000 feet long and 750 feet high and will no doubt employ somewhere around 3,000 men for possibly a year or maybe longer. Now, an election might occur while these men were there and coming as they naturally would from all over, not only Saskatchewan, but Quebec, Ontario, the maritimes and the rest of the dominion to the district of the elbow on the Saskatchewan; these men have the right to vote while they are there, they might influence the elections in Saskatchewan.

Mr. Brooks: That again would be public works and there is a provision against that in the Act.

Mr. MACNICOL: What I have in mind is that they could not possibly go home to vote. You would disfranchise them, yet if you allowed them to vote it would influence that riding in Saskatchewan.

Mr. MUTCH: You don't suggest it makes much difference though, so long as the citizen has the right to vote. It doesn't matter much what constituency he votes in so long as he exercises his right, particularly if you take the view that the federal member is elected to express not particularly the views of that riding, he ought to be elected from amongst the people in that community to express the national view. If we accept that then does it matter where he comes from?

Mr. MACNICOL: I do not know what the riding is near the elbow, but one of the parties might nominate a pioneer farmer who has been living in the district for fifty years, one who has more or less grown up with the country; and he contested the election but owing to the fact of the dam being built there might be a thousand or two thousand voters not ordinarily resident in that part of Saskatchewan and they would vote that pioneer out.

Mr. MUTCH: True; but if that pioneer does not express the national point of view why should he be elected?

Mr. BROOKS: Now, Mr. Mutch, that is not the principle at all. Every constituency here is represented by the member for that constituency. You can talk about national point of view as much as you like, he is supposed to represent those people who live in the constituency. I think if the change suggested were permitted to go through it would have a materially adverse effect on the riding concerned. It would have the effect of defeating the desires and interests of the people of that constituency.

The CHAIRMAN: Stand.

Section 16, with the exception of subsections (4) and (7*a*), carries?

Carried.

Section 19, page 227 of the Act: Mr. Castonguay was asked when we reached this section, the first time, to give the committee a report on the qualifications of candidates in various countries. I have his report here which deals with the point as applies in Great Britain, New Zealand, South Africa, Australia and the United States of America. If it is the wish of the committee I should like to have this printed in the report of today's evidence as appendix "A."

Mr. MACNICOL: Is there any objection to this as it stands now?

The CHAIRMAN: There was another point which was made at the last meeting by one of the members, I don't recollect who, with regard to Canadian citizenship, to bring this section in line with the enactment of the Canadian Citizenship Act. As the section reads now I understand that a British subject after one year only of residence in Canada would be eligible.

Mr. MACNICOL: Yes, he would be.

Mr. MARQUIS: Mr. Chairman, on that section I would suggest that we should restrict the wording of the section. I recognize that the right to vote is granted to a British subject who has been a resident of Canada for twelve months immediately preceding polling day. Subsection (1), clause (*a*) of section 14, gives them the right to be qualified as a candidate. I feel that a distinction should be made when a British subject has resided for one year and during that time has contributed to the development of this country. It has been our view that he is entitled to cast his vote and I agree with that view because he is working for the benefit of the country and in that we include the British Commonwealth. And now that we are a country on our own, new laws have been adopted as to citizenship. I feel that as to the right to be a candidate only those should be elected who are Canadian citizens, those who formulate the policy of this country should be Canadian citizens; if a British subject intends to be a candidate he should first acquire Canadian citizenship, which would provide an incentive to those who come here to enjoy our way of life to qualify themselves as Canadian citizens. This country of ours I think should be administered by Canadian citizens only, and by that I am not suggesting discrimination. Canada must be regarded today as an autonomous country, and as we have a law to decide what qualifications may be required to become a Canadian citizen I think sincerely that we should have every person who wants to be a member of this House, this parliament of ours, first become a Canadian citizen. That is the suggestion I want to make in this committee.

Mr. McKAY: Mr. Chairman, I think that what has been said has some merit. There is one thing which I would like to have satisfied, that is the position in which it would place other members of the Commonwealth, including New Zealand and Australia. As I understand it now this section which we have before us, section 19, provides that any British subject, man or woman, who is of the full age of 21 years may be a candidate at a dominion election, and that that applies to any British Commonwealth in the British Commonwealth of Nations; that is, if you are a British subject of the full age of 21 years you are qualified to stand as a candidate. I would like to have that point cleared up by Mr. Castonguay, if he is able to do it; but I think, in so far as this amendment is concerned, that it should be made in so far as possible on a reciprocal basis.

Mr. MARQUIS: Yes, Mr. Chairman; I think it would be important for us to know what the law is in other members of the Commonwealth on that point.

Mr. MACNICOL: You can go over to Britain today and be a member of parliament. As a matter of fact, when I was over there they asked me to stand in one of the ridings.

The CHAIRMAN: For the information of the committee I might extract from the report of the Chief Electoral Officer the provisions in the election acts of these other countries which refer particularly to this point. In Great Britain they must be British subjects. In New Zealand, every candidate must be registered as an elector and no other person is qualified to be a candidate and to be elected a member of parliament for any electoral district. It is also provided that every adult person who is a resident for one year in New Zealand and who has resided in any electoral district for not less than three months immediately preceding the date of his application for registration as an elector of that district and who is a British subject either by birth or naturalization in New Zealand is entitled, subject to the provisions of the Act, to be registered as an elector of that district.

In South Africa a candidate must be qualified to be registered as a voter for election of members of the House of Assembly in one of the provinces. In the second place he must have resided five years within the limits of the Union as existing at the time that he is elected. He must be a British subject of European descent.

Mr. BROOKS: Mr. Chairman, could we substitute there "any elector" for "British subject"; any man or woman who is of the full age of 21 years—I notice in the other Act they use the term "elector" in some cases instead of "British subject."

The CHAIRMAN: Would you let me complete this review, please?

Mr. BROOKS: I am sorry, I thought you were through.

The CHAIRMAN: In Australia the qualified candidate must be a subject of the King, either natural born or for at least five years naturalized under the laws of the United Kingdom or commonwealth. He must also have been for three years at the least a resident within the limits of the commonwealth as existing at the time his choosing.

In the United States of America the candidate for the House of Representatives must have been an American citizen for seven years; and, of course, it indicates the other qualifications that have no bearing on our discussion right now.

Now, Mr. Brooks.

Mr. BROOKS: I was suggesting that instead of "British subject" we might put in "elector"; any person qualified as an elector would also be qualified as a candidate. I would like to hear Mr. Castonguay's views on that.

The WITNESS: The Act stipulates that any person who is 21 years of age and who is qualified as an elector in any province of Canada—that would bring in the Canadian citizenship provisions.

Mr. BROOKS: That would bring in the British subject who has been here a year. He also is an elector if he has been here for one year.

The WITNESS: He is also an elector after he has been here for one year.

The CHAIRMAN: Would you make that a motion, Mr. Brooks?

Mr. BROOKS: Yes.

Mr. MACNICOL: Wait a minute now; any British subject who is of the full age of 21 years and who is natural born or resident in Canada can be a candidate. I cannot understand why anyone would want to wipe out these words "British subject."

Mr. BROOKS: I would be the last one who would want to wipe it out.

Mr. MACNICOL: And that is what we all are, whether we like it or not.

Mr. MCKAY: Actually, the qualification for an elector is higher than that for a candidate. According to this he only has to be a British subject, a man or woman of the full age of 21 years; he does not even have to be resident in Canada for one year.

Mr. MUTCH: That is corny thing to put up, because you are really establishing a point which is not a fact. Personally, I think that Mr. McKay's point is well taken; the qualifications to vote apparently are greater than those which he is required to have if he is a candidate; to be a candidate he must be qualified as a voter, must he not?

Mr. ZAPLITNY: Won't the first part of that take care of it; "except as in this Act otherwise provided?" It is provided that an elector must be a resident for at least one year, so that part of the Act I would think meets that objection; unless you have been a resident for one year you cannot be a candidate.

Mr. MUTCH: That is my point. It has been said that as a voter the qualifications required are more restrictive than those required for a candidate. It seems to me that such is not the case, because a candidate must first qualify as a voter.

Mr. MACNICOL: Does he now? Let us assume that I was in England. When I was over there I was asked if I would accept the nomination for the riding of Islington. I know the case of a man who lived in Toronto practically all his lifetime and he ran in the last election over there in England. How did he do that except by being a British subject?

Mr. MUTCH: Do not our regulations state that one of the qualifications for a candidate must be that he is qualified as an elector?

Mr. MACNICOL: No.

The WITNESS: He must be a British subject, 21 years of age; that is all.

Mr. MUTCH: I am sorry, I am wrong.

Mr. MACNICOL: That is what I said.

Mr. MUTCH: I always thought he had to be qualified as an elector.

Mr. MCKAY: An elector has to have one year's residence.

Mr. MARQUIS: The same conditions should be applied in the new section.

The CHAIRMAN: I may say, except as regards Great Britain, the other countries provide for a term of residence within their boundaries to qualify voters for candidature in elections.

Mr. MCKAY: Following Mr. Brooks' suggestion we require residential qualification of one year to be an elector yet to become a candidate we require none.

The CHAIRMAN: That is right.

Mr. MCKAY: And apparently, in South Africa and Australia you have to have residential qualification.

Mr. MUTCH: The only commonwealth nation which permits it at the present time is Great Britain, and we will simply be coming in line with the others, but with a shorter qualifying term than some we accept Mr. Brooks' suggestion.

Mr. MARQUIS: I think it is a sound principle to say that one who is candidate should have the same qualifications as one who votes. That is a sound principle.

Mr. MACNICOL: I am merely pointing out that that is not the way it is in England.

The CHAIRMAN: Is there any motion on this?

Mr. FAIR: May I ask the Chief Electoral Officer whether any trouble has cropped up in the past as to qualifications?

The WITNESS: Not to my knowledge.

Mr. FAIR: Then I think each constituency can be trusted to take care of the candidate being a British subject.

Mr. MARQUIS: I will move an amendment to that section to use the word "elector" instead of the words "British subject"; "must be an elector—".

Mr. MUTCH: Wait a minute, a Canadian citizen is automatically a British subject.

Mr. MARQUIS: That covers it.

Mr. MACNICOL: I am opposed to wiping out the words "British subject". You can do anything you like; say an elector, elector comprehends British subject—have one year's Canadian residence if you like.

The CHAIRMAN: What is the motion, please?

Mr. MARQUIS: Take out the words "British subject" and substitute the word "elector" in line 1, section 19.

The CHAIRMAN: That will be a repetition in the second line, Mr. Marquis. If we would say "except as in this Act otherwise provided any person, man or woman, who is qualified as an elector in any province of Canada may be a candidate at a dominion election".

Mr. MCKAY: Is this a new section?

The CHAIRMAN: No. Mr. Castonguay made some remarks following Mr. Brooks along the same line of thought. So, if that is your amendment, I suggest that this wording might express your point.

Mr. MCKAY: I will agree with that except for one thing, I would not say "in any province". In some provinces they are qualified when they are 18, and one province I think has voting age as 19. That I think leaves it rather too wide open. I am quite in favour of the principle.

Mr. MUTCH: Why not say "who are qualified under this Act?"

Mr. MCKAY: You have got to put the age in.

Mr. MUTCH: But that means we must leave "twenty-one".

Mr. McKay: Would you repeat that again, Mr. Chairman. I think I am right.

The Chairman: I will read it again "except as in this Act otherwise provided, any person, man or woman, who is qualified as an elector in any province of Canada may be a candidate at a dominion election".

Mr. Sinclair (Vancouver North): That will result in confusion because the returning officers in Alberta and Saskatchewan are going to say that the candidate can be nineteen.

The Chairman: We had better leave in the words "of the full age of twenty-one".

Mr. MacNicol: I move that the clause be carried as it is.

Mr. Marquis: I would like to move an amendment first. Under my amendment the section would read as follows "except as in this Act otherwise provided any elector who is of the full age of twenty-one years may be a candidate in a dominion election" and it would be in order to delete the words "British subject" and substitute therefor the word "elector".

The Chairman: Is that your amendment, Mr. Marquis?

Mr. Marquis: Yes.

Mr. MacNicol: I am wholly opposed to wiping out the words "British subject" and I would like to have it "except as in this Act provided any elector who is a British subject".

Mr. Mutch: An elector must be a British subject.

Mr. MacNicol: There may be some of them who are not. I know some electors who are on the list who are not British subjects.

Mr. Mutch: They cannot properly be on the list as such.

Mr. MacNicol: No, I know, but they are.

Mr. Mutch: We must not in the Act condone an illegality. No one has any right to be on a voter's list who is not a British subject.

Mr. Marquis: The Canadian Citizenship Act says that every Canadian citizen is a British subject.

Mr. Brooks: Before the question is put I want to make myself clear on this. I was suggesting the word "elector" in case that it was the opinion of the committee that there should be a change. Personally I am not in favour of any change as far as the words "British subject" are concerned. I am perfectly satisfied with the section as it is and while I am suggesting that the word "elector" be put in there, I would certainly vote to have the words "British subject" left in there.

Mr. Zaplitny: I think it is the desire of the committee to be unanimous on this and I have a suggestion. I cannot make an amendment because there is one before the chair but I think it would be very suitable to both sides if you left the words "British subject" in, and inserted after those words "who is qualified under this Act".

Mr. MacNicol: I would not oppose that.

Mr. Mutch: That amounts to the same thing without getting into the thorny and emotional point of whether a person is a British subject or an elector.

Mr. Zaplitny: There is an amendment before the committee but my suggestion is that following the word "woman" that we insert the words "who is qualified as an elector under this Act" and continuing "who is of the full age of twenty-one years".

Mr. Mutch: Will you accept that as your amendment, Mr. MacNicol?

Mr. MacNicol: Yes.

Mr. MUTCH: That would do the same thing without offending anyone.

Mr. MARQUIS: We are repeating the word "Act". I do not object to the principle, I think it would be all right, except that in drafting it might be better to say "except as in this Act otherwise provided any British subject, man or woman, who is qualified as an elector".

Mr. MACNICOL: I would accept that.

Mr. MARQUIS: Because we are repeating the word "Act".

The CHAIRMAN: Are you withdrawing your motion, Mr. Marquis?

Mr. MARQUIS: I agree that the amendment should be carried.

The CHAIRMAN: Will you make the amendment, Mr. Zaplitny?

Mr. ZAPLITNY: If it is the desire of the committee I will make the motion.

The CHAIRMAN: Is the amendment carried?

Carried.

Section 31. The discussion under this section will be found at pages 115 to 118 of the minutes of the evidence. The main point was with regard to the voting of bedridden patients and the providing of travelling polls in hospitals.

Now the chief elector tells me that the suggestion which was made under section 31 can be implemented under section 45 and he has prepared a draft amendment and if it carries nothing would have to be changed in section 31.

So if there is nothing else to be discussed under this section I will ask the committee to carry it.

Is section 31 carried?

Carried.

Section 33, and I refer you to page 118 to page 122 of the minutes of the evidence. The discussion was raised under this section, 33, concerning the advisability of appointing deputy returning officers and poll clerks on the same basis as the enumerators are appointed. Mr. MacNicol made the suggestion in line with the Quebec Election Act in regard to this point. We have no motion before the chair.

Mr. MUTCH: In order to give point to it, Mr. Chairman, I move the regulation respecting the appointing of poll clerks and deputy returning officers remain as presently set out under the Act.

Mr. MACNICOL: I am not particularly opposed to it. I was impressed with the Quebec Act mostly because it provided for representatives of two different parties being in the polls. I felt that would avoid any possibility of the experience we had in past years. We have not had much of it lately but in former years there were irregularities in the polls. As everyone knows the officials in England are non-partisan. Just why the Quebec people put that act through I do not know, but I was impressed with it when I read it at first. However, if it is going to cause any particular discussion in the committee to follow the Quebec suggestion, regarding the returning officers being appointed by the government party and the clerk being appointed by the runner-up of the other parties at the previous election, I am not going to press it.

The CHAIRMAN: It is moved by Mr. Mutch that section 33 be carried as it is.

Is section 33 carried?

Carried.

Section 36. The chief electoral officer suggests here a new section, subsection (1A) and in that he is following the suggestion made by the committee. This new section (1A) would read as follows:—

Initialling ballot papers

(1A). Before the opening of the poll, on polling day, the deputy returning officer shall, at the polling station and in full view of such

> of the candidates or their agents or the electors representing candidates as are present, affix uniformly his initials in the space provided for that purpose on the back of every ballot paper supplied to him by the returning officer. The initials of the deputy returning officer shall be affixed either entirely with pen and ink or entirely with a black lead pencil. For the purpose of such initialling, the ballot papers shall not be detached from the books in which such ballot papers have been bound or stitched pursuant to subsection five of section twenty-eight of this Act.

Mr. MUTCH: Mr. Chairman, before we approve of this, is it the view of the committee that we should abandon the practice of insisting on black lead pencils and giving the opportunity for the use of ink even if it is uniformly done. I cannot conceive of any possible error if the ballots are initialled before the voters come in and there would be no chance to switch but it is a new principle to use pen and ink.

The WITNESS: It is not a new principle to use ink for initialling ballots.

Mr. MARQUIS: I do not see why we should restrict it to black lead pencils. If you have ballots initialled in a poll with blue pencils and all of the ballots are initialled with blue pencils I think it would be all right. Red pencils would be all right if there was no change and I would move that we delete the word "black".

The WITNESS: I am not in favour of having pencils in a polling station that are not black lead pencils because they could be switched in the voting compartment and the ballots marked with coloured pencils would have to be rejected.

Mr. MUTCH: There are people who would pick up any lead pencil they saw and it might happen if there were coloured pencils, that some innocent voter might spoil his ballot.

Mr. MACNICOL: I have the same thought that Mr. Marquis has. I think as long as there was something there to say that it was necessary that all the ballots be marked in the same way it could be in ink or in any kind of pencil.

Mr. MUTCH: It says in both cases it shall be entirely with pen and ink or entirely with a black lead pencil.

Mr. MACNICOL: That would be every ballot.

Mr. MUTCH: Yes, every ballot which he signs.

Mr. MACNICOL: It would not mean he could have fifty in pen and ink and fifty in pencil.

Mr. MUTCH: No.

Mr. MACNICOL: That suits me.

Mr. GLADSTONE: I would like to ask Mr. Castonguay how much time it would take the deputy returning officer to mark 300 ballots before the opening of the poll.

The WITNESS: It would take ten to fifteen minutes. The initialling should be done, I think, in the polling station itself and it should be done in the presence of the candidates' agents.

Mr. MUTCH: That prevents all chance of identity.

The WITNESS: It prevents any effort being made to identify the voter.

The CHAIRMAN: Shall subsection (1A) of section 36 carry?

Carried.

There are still two sections, 45, subsection (10A), which is suggested to take care of the votes in hospitals by bed-ridden patients and section 47. So, if it is the wish of the committee to adjourn at this time, I am quite prepared to do so.

Agreed.

The meeting adjourned at 5.50 p.m. to meet again Thursday next at 4.00 p.m.

APPENDIX "A"

QUALIFICATIONS OF CANDIDATES

GREAT BRITAIN

A candidate must:—

(1) Be a British Subject.

(2) Be twenty-one years of age.

NEW ZEALAND

Electoral Act 1927 (No. 44)

Section 15 subsection 1.

"Subject to the provisions of this Act, every person registered as an elector, but no other person, is qualified to be a candidate and to be elected a Member of Parliament for any electoral district."

Section 28 subsection 2.

"Every adult person who has resided for one year in New Zealand, and who has resided in any electoral district for no less than three months immediately preceding the date of his application for registration as an elector of that district, and who is a British Subject either by birth or naturalization in New Zealand, is entitled, subject to the provisions of this Act to be registered as an elector of that district."

SOUTH AFRICA

South Africa Act 1909—(Section 44)

"The qualifications of a Member of the House of Assembly shall be as follows:—

(*a*) He must be qualified to be registered as a voter for the election of Members of the House of Assembly in one of the Provinces;

(*b*) He must have resided five years within the limits of the Union as existing at the time when he is elected;

(*c*) He must be a British Subject of European descent."

AUSTRALIA

Commonwealth Electoral Act 1918—1940

Section 69 subsection 1.

(1) "The qualifications of a Member of the House of Representatives shall be as follows:—

(*a*) He must be of the full age of twenty-one years;

(*b*) He must be a subject of the King, either natural born or for at least five years naturalized under a law of the United Kingdom or of the Commonwealth;

(*c*) He must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen; and (*d*) He must be either—

(i) an elector entitled to vote at the election of members of the House of Representatives;

(ii) a person qualified to become such elector; or

(iii) a person who lives in the Territory for the Seat of Government, and has so lived for a period of one month.

(2) To entitle a person to be nominated as a Senator or a Member of the House of Representatives he must have the qualifications specified in the last preceding subsection."

UNITED STATES OF AMERICA

A candidate for the House of Representatives must:—

(1) have been an American citizen for 7 years;

(2) be twenty-five years of age;

(3) be an inhabitant for the State for which he is to be chosen.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 9

THURSDAY, MAY 29, 1947

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons,
Room 429, Thursday, May 29, 1947.

The Special Committee on the Dominion Elections Act, 1938, met at 4.00 o'clock p.m. The Chairman, Mr. Paul E. Cote, presided.

Members present: Messrs. Brooks, Cote (*Verdun*), Fair, Fournier (*Maisonneuve-Rosemont*), Gariepy, Gladstone, Hazen, Kirk, MacInnis, MacNicol, Marier, Marquis, McKay, Mutch, Richard (*Gloucester*), Richard (*Ottawa East*), Sinclair (*Vancouver North*), Zaplitny.

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

The Committee resumed the adjourned study of the Dominion Elections Act, 1938, and considered proposed amendments thereto.

Mr. Jules Castonguay, Chief Electoral Officer was recalled. He was questioned in regard to the proposed amendments under consideration.

Sections 31 and 45 unchanged, and section 47 as amended, were agreed to.

On section 14, Mr. MacInnis moved in amendment that paragraph (*i*) of subsection two thereof be repealed. After a lengthy discussion, the question having been put thereon, the motion was negatived on the following division: Yeas 6; Nays 10.

At 6.00 o'clock p.m., the Committee adjourned to meet again at 4.00 o'clock Tuesday, June 3, 1947.

ANTOINE CHASSE,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
May 29, 1947.

The Special Committee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Coté, presided.

The CHAIRMAN: Gentlemen, we have a quorum.

Mr. MARQUIS: Mr. Chairman, in the minutes of proceedings and evidence, No. 7 at page 189 I wish to make some corrections. At line 29 we read that I was supposed to say "In wartime I understand that the young people of eighteen to twenty,"—it must be twenty-one.

Then at line 34 I read this "at this age the citizen has full capacity to contract and he may sue or take action." It is the same thing, it should be "he may be sued or take action."

At line 48 I read "Those who are sponsoring that motion today will succeed in a few years". It should read "will perhaps succeed in a few years".

Mr. MARIER: You don't want to guarantee it to them.

The CHAIRMAN: Now gentlemen, we will take up today the reconsideration of section 45, but before doing so with your permission I should like to direct your attention again to section 31. Through inadvertence at the last meeting when this section was called I omitted to draw to your attention some recommendations which had been received concerning the hours of voting so I will call again section 31 and read these recommendations to you.

Mr. MARQUIS: Are you referring to the original Act?

The CHAIRMAN: Section 31 of the Act at page 258. The first communication addressed to the Rt. Hon. W. L. Mackenzie King, dated September 19, 1945, and signed by Horace L. Brittain, secretary treasurer of the Ontario Municipal Association reads as follows:

> DEAR SIR:,—At the recently held forty-seventh Annual Meeting of the Ontario Municipal Association, a number of resolutions were passed with the instructions that they be forwarded to you for your consideration.
>
> I am attaching them hereto with the request that they be given consideration and that they be referred to the proper departments.
>
> Thanking you in advance for your cooperation, I am,
>
> Yours respectfully.

Now I will give you the names only of the municipal councils which have passed the resolutions referred to in this letter and after that I will give you the recommendations. The first is from the city of Kitchener, endorsed by the cities of Port Arthur and Fort William. The resolution concludes "That the polling booth be kept open until the hour of seven o'clock in the evening".

The second recommendation from the city of Windsor with a similar conclusion recommends keeping open the polling booth until seven o'clock. The city of Hamilton has a similar conclusion. The cities of Fort William, Kitchener and Port Arthur which I have just mentioned are all to the same effect. These are the resolutions referred to in the communication which I have read to the committee.

Now there is a letter from the Hamilton Chamber of Commerce dated November 24, 1942, addressed to the chief electoral officer and signed by F. T.

Healey, managing secretary, which advocates several changes and one or two of them can be considered under this section 31. It reads as follows and I quote:—

> Years ago the polls, we understand, usually opened at 9 a.m. and closed at 5 p.m. Over a period of years they have gradually lengthened until last April the hours authorized were 8 a.m. and 8 p.m.
>
> It was thought that this lengthy period should enable everybody, wherever employed, or on what shift, sufficient time to go to the polls, without necessitating the disruption of work and loss of money caused by the two hour rule.

Mr. BROOKS: That is not correct is it, it is from 8 a.m. to 6 p.m.

The CHAIRMAN: The actual hours of voting are from 8 a.m. to 6 p.m.

Mr. RICHARD: His letter is wrong.

The CHAIRMAN: This recommendation is to add two hours at the end of the day.

Mr. MARIER: That is a different meaning.

The CHAIRMAN: I am told in this letter the communication refers to the hours of the plebiscite which were from 8 a.m. to 8 p.m.

Mr. BROOKS: With reference to this matter, before we go any further, have there been very many petitions or arguments as to why it should be kept open until 7 o'clock?

The CHAIRMAN: The only argument consists of the few words which I have read to you to the effect that this further period would enable everybody to vote, that is all.

Now in a letter forwarded by Miss E. Kendall of April 3, 1940, to Miss Agnes MacPhail, there is the following recommendation: "I would suggest polling hours 9 a.m. to 7 p.m., with the establishments of over, say twenty employees to close at 4 p.m. Time off to vote for others. Public services exempted. So if you know any M.P. who would risk offending Mr. and Mrs. John Public would you be kind enough to pass the idea along."

Now for your information, before we throw the discussion open on this section I wish to present to you a list of voting hours in various provinces for provincial elections. The first figures represent the hour of opening and the second figure represents the hour of closing.

In Ontario, 8 a.m. to 7 p.m.; Quebec 9 a.m. to 6 p.m.; Nova Scotia 8 a.m. to 6 p.m.; New Brunswick 8 a.m. to 8 p.m.; Prince Edward Island 9 a.m. to 5 p.m.; Manitoba, first the urban areas, 8 a.m. to 8 p.m., second the rural areas 8 a.m. to 7 p.m.; British Columbia 8 a.m. to 8 p.m.; Saskatchewan 9 a.m. to 5 p.m.; Alberta, in the urban areas 9 a.m. to 7 p.m.; in the rural districts 9 a.m. to 6 p.m.

Now I have copies of that for each member and we will distribute them in a few minutes.

Mr. MACNICOL: May I ask the chief electoral officer, I was on the committee on the last occasion but I have forgotten, what was the reason for deciding to hold the polls open from 8 a.m. to 6 p.m.?

Jules Castonguay, Chief Electoral Officer, called:

The WITNESS: I do not remember any discussion on the subject. All I can say is that the committee that sat between 1936 and 1939 appears to have followed the hours that had previously been in force at dominion elections.

Mr. MacNicol: Well I notice in three cases the polls close at 8 p.m. and three at 7 p.m.

Mr. Fair: Mr. Chairman, I have the information here which I believe you are looking for. It is section 49, clause 5.

The Chairman: I have precisely the same reference in my hand Mr. Fair, thank you.

Mr. MacNicol: May I say over again what I have just said.

The Chairman: Please do, Mr. MacNicol.

Mr. MacNicol: The figures given to us show that in the case of three provinces, at the provincial elections polls close at 7 p.m.; in the case of three other provinces at 6 p.m.; in the case of three other provinces at 7 p.m.; in the case of two provinces at 5 p.m. That range is from 5 p.m. to 8 p.m. and our Act requires 6 p.m. I do not see any objection to a compromise and make it 7 p.m.

Mr. Mutch: Mr. Chairman has there been any urge for a change of the present hours?

The Chairman: Yes, we have received several communications, Mr. Mutch, in the way of resolutions from the city councils to extend the time to 7 p.m.

Mr. Mutch: We have already drafted in the Act a clarification of the situation with respect to the two hours off, it is really three hours, and it appears to me that there is no urge to extend polling hours beyond that time. There has been no general complaint, in my experience, that the time is not long enough. It is long enough to keep the D.R.O.'s and poll clerks there. In order to bring the discussion to a head I will move that the polling hours remain as they are.

Mr. Marquis: Mr. Chairman, I think the hours as they are now are sufficient to give an opportunity to everybody to vote, especially in the rural areas. Those people go and vote and they go back to their farm work. I think if we give until 7 o'clock many people will wait until later and then it will be impossible for them to vote because they have to stay on their farms instead of voting. Now they go to vote and come back to their farming work. There are sufficient polling divisions to permit the voters to go to the polls and if there are no serious complaints from the different ridings I do not see why we should change the hours for voting.

Mr. Mutch: Not only that, Mr. Chairman, if I may say one other word, with the polls closing at six o'clock the tendency is for people to vote on their way home. If you extend it to seven o'clock there would be a tendency in the urban ridings anyway for people to get off work and go home and have dinner and get comfortably settled and then they will not go out again. I think we had better stick to six o'clock.

The Chairman: We have a motion by Mr. Mutch to the effect that the hours for voting should not be changed. Are you ready for the question?

Is the motion carried?

Carried.

Now we have section 45, page 246 of the Act.

Mr. Marquis: Which section?

The Chairman: Section 45. This section has already been carried but at the request of the committee Mr. Castonguay has prepared a draft amendment, which would read as subsection 10A of 45, with regard to voting in hospitals by bedridden patients. He was asked to make a submission on that point. It reads as follows:—

> (10A). Whenever a polling station has been established in a hospital or similar institution, the deputy returning officer and the poll clerk shall, while the poll is open on polling day and when deemed necessary, suspend

temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in such institution to take the votes of bed-ridden patients who are qualified as civilian electors in the polling division in which such institution is situated. The procedure to be followed in taking the votes of such bed-ridden patients shall be the same as that prescribed for an ordinary polling station, excepting that not more than two agents of candidates, representing different and opposed political interests, shall be allowed to be present at the taking of such votes.

Mr. GLADSTONE: Mr. Chairman, I would like to inquire as to the procedure in the case of a large hospital like the Toronto General Hospital where there may be patients from thirty different ridings? What is the procedure then?

Mr. MUTCH: The vote only applies to those who are on the voter's list in the riding where the institution is established.

The WITNESS: It would not apply to non-resident patients, such as those who are receiving treatment in an institution such as the Civic Hospital here. They would not be entitled to vote under this clause. Supposing they were from Ottawa East or other ridings and were being treated at the Civic Hospital, they would be entitled to vote only in their place of ordinary residence.

Mr. GLADSTONE: There may be as many patients in the Civic Hospital from Ottawa East as from Ottawa West but you would have discrimination against those of Ottawa East.

The WITNESS: Of course it works both ways. The General Hospital in Ottawa is in Ottawa East but they are no doubt treating patients from Ottawa West.

Mr. MUTCH: It is clearly better to extend the franchise to a few more than to deny it to everybody because someone is not from the riding.

Mr. BROOKS: Do I understand the idea is that in that particular locality the returning officer and his agent go to the hospital, set up a polling station, take the votes and go back again.

The WITNESS: No, under this provision the hospital will have to be laid out as a separate polling division.

Mr. MUTCH: I have two hospitals in my riding, both of which are always polling places.

Mr. HAZEN: What is the provision for establishing a polling division in a hospital?

The WITNESS: In a sanatorium, where there are a large number of patients who are considered to be permanent patients, the returning officer is authorized to lay out that hospital as a separate polling division.

Mr. HAZEN: Does the decision rest with the returning officer?

The WITNESS: It rests with the returning officer.

Mr. HAZEN: Is any particular number of beds required before he can set up a polling station?

The WITNESS: He would not do it for a small hospital.

Mr. HAZEN: Is there any provision under the Act which states what size hospital it shall be, or is that left to his judgment?

The WITNESS: That is left to his judgment. I might add that the returning officer, in laying out his polling division, is instructed not to close his arrangements without consulting the local political organizations on the establishment or laying out of a hospital as a separate polling division. It would therefore be subject to the consideration of the local political organizations.

Mr. MARQUIS: We have an example of that situation at Lake Edward Sanatorium which is located very far from the other centres and where a few hundred patients are hospitalized.

Mr. MACINNIS: Mr. Chairman, it seems to me there is a point in connection with this amendment, which should be given consideration because it might lead to abuse. The returning officer can close the poll for the purpose of taking the vote in a hospital.

The WITNESS: Suspend the poll.

Mr. MACINNIS: And there is no limit on how long the poll may be suspended. The poll may be suspended all day.

The CHAIRMAN: The amendment refers to the polling station which has been established in that very hospital.

Mr. MACINNIS: Quite. That is the point. The poll may be suspended. It does not say how long.

Mr. MUTCH: It is not a matter of phraseology? I think with regard to the point Mr. MacInnis has raised, the practice actually is to put the ballot box on the books on a dressing table—it is like a tea wagon—and roll it around the hospital. We are only legalizing certain things which have been done. Is it not correct to describe it as suspending the poll?

The WITNESS: The poll will be suspended in the polling station.

Mr. MUTCH: The polling station is not a specific room; it is the whole hospital.

The WITNESS: It would be a specific room.

Mr. MACNICOL: Many people will leave the rooms to go to the polls and those who cannot do so, because of being bedridden, will have the poll taken to them.

Mr. MARQUIS: As to the time to be taken to record the vote, it depends upon the number of bedridden patients. If there are more than half of the patients who are recording their vote in bed it will take more time. We cannot decide to the second how much time it will take.

Mr. MCKAY: Is there any provision for more than one poll in a large hospital—Christie Street Hospital, for instance? It is a large institution, and if a poll in a hospital were suspended during the time the polling was conducted—the patients' voting was conducted—it would seem to me that it would take almost all day. In that case some of the nurses would be likely to vote there; some of them will have an opportunity of voting if it is going to be on that basis. Maybe you could get Mr. Castonguay to indicate if he has heard any complaints with regard to this matter?

The WITNESS: Yes, I have, and I must admit that voting by bedroom patients has taken place in past elections. It was done on the express agreement of all the candidates in the field. I could not authorize it because we did not have a specific provision in the Act; but with the request signed by all candidates in the field I allowed the returning officer to let the travelling poll take place very often. A large hospital is under the same rule as a large polling division. If there are more than 350 electors, two polls are established in the hospital. I might go further and say that section 33 of the Act gives me power to establish additional polling stations, and in order that no trouble could arise I would be prepared in a hospital with 250 names on the list, where there are bedridden patients, to authorize the establishment of more than one polling station.

Mr. MARIER: You could have one poll for those who can vote at the polling station and one poll going from bed to bed.

The WITNESS: Yes. The poll would remain open in one polling station.

Mr. McKay: That is the point I was getting at; that is the splitting of the polls as applied to hospitals.

Mr. Mutch: I think if we can avoid the possibility suggested by Mr. MacInnis, namely, that an unscrupulous D.R.O.—if there be one—might close up the poll and go home—apart from that possibility the amendment legalizes the practice.

Mr. Marier: The only way would be to suspend the poll for a reasonable time.

Mr. MacNicol: Christie Street Hospital used to be in my riding. I do not represent that area any more. But in Christie Street Hospital there will be soldiers from many ridings, and in the past they were allowed to vote and their vote was recorded in the riding from which they came. Under present circumstances would those votes in Christie Street Hospital be recorded in the riding Christie Street Hospital is in or would there possibly be patients who would want their votes to go back to, say, Peel or London or elsewhere?

The Witness: There is no change suggested in the Act; but in the draft regulations for the taking of the vote of the members of the permanent forces, paragraph 41 prescribes that all veterans of the last two world wars in hospital receiving treatment under the Department of Veterans Affairs will be entitled to vote as defence service electors. That is, their vote would be attributed to the electoral district where they ordinarily reside of come from.

Mr. MacNicol: Where the wife is or where the home is?

The Witness: Yes.

Mr. Mutch: If we carry that, that provides against the thing you fear.

Mr. MacNicol: In the riding I represent there are two buildings I would like to ask about: the first is the Mercer Reformatory on King Street; would there be a poll in that hospital?

The Witness: If it is a reformatory it may fall under the heading of penal institution?

Mr. MacNicol: Yes.

The Witness: If it does they are not qualified to vote.

Mr. MacNicol: The Queen Street hospital is for insane people. There are a lot of employees and nurses and doctors there; would they be included?

The Witness: I do not think there would be enough employees and nurses and doctors there to justify the establishment of a poll, but the hospital itself would be included in one polling division or another and those people would be entitled to vote in such polling division.

Mr. MacNicol: That is fine. I have one further question. In the Christie Street Hospital would that apply to the doctors and the nurses and the orderlies and the employees—from 100 to 200?

The Witness: It would not apply to a doctor who was ordinarily resident in another electoral district; it would apply only to the personnel who reside ordinarily at the hospital and had no other ordinary residence.

Mr. MacNicol: In quite a number of polls—I suppose every member has run up against this—a polling division will be in a home of a man who is bedridden, and in the past the deputy returning officer has permitted that man to vote, I presume, by taking the ballot box and the paraphernalia to his room. Is there any provision for a man like that voting?

The Witness: There is no authority in the Act for this procedure.

Mr. MacNicol: I have in mind a case where a poll will be held where there are two men, both fine men and both bedridden, and the poll would be held in that house, in the room in the front of where they are lying, and the returning officer, unless something prevented him doing so, would take the box around to where they are lying.

Mr. MUTCH: Surely there is no candidate who would object to that. I saw them carrying a ballot box out to a lady of 101 years of age. She drove up to the steps in her car.

The WITNESS: It is not allowed, and if the candidate's agent objected to the procedure I am sure the deputy would not carry it out.

Mr. MACINNIS: What you are losing sight of is that the house is not the polling place; the polling place is the room in the house where the poll is held. If you can take the ballot box away and go to another part of the house why can you not take the ballot box away and go to the house next door? And if you can go to the house next door, why can you not go to the house across the street? And if you can go to the house across the street why can you not go to a house in the next block?

Mr. RICHARD (*Ottawa East*): I think that is the unfair part of the set-up: that those who can afford to be in a hospital can vote, but what about the bedridden people at home who are much more numerous and who cannot vote? You are favouring people who are lucky enough to be able to go to a hospital.

Mr. MUTCH: Have you every heard of people being in a hospital at the expense of the municipality? There is a sanitarium for tubercular people on the prairies. Sixty per cent of the people are committed there, and their expenses are paid by the public.

Mr. RICHARD (*Ottawa East*): If we start to make exceptions there will be no end.

The CHAIRMAN: On a point of procedure may I say here that this amendment was not drafted by the chief electoral officer in consequence of any principle adopted by the committee. It was upon the suggestion of a member of the committee, and in order to facilitate the discussion on that topic. There has been no expression of view of the committee on this particular point.

Mr. MACINNIS: I think Vancouver has the largest hospital in Canada, and it does not consist of only one building but of many. It is in the riding of Vancouver-Burrard. I think there must be a dozen or so buildings and they cover several blocks. There is one building on Tenth Avenue and it goes back to Thirteenth Avenue, and then it goes several blocks the other way. So, you would have to go over several city blocks to carry out the purpose of this resolution.

Mr. MARIER: The same thing would happen in the case of Victoria Hospital in Montreal. There are many buildings in connection with that institution, and if we would have to carry a poll from one building to another it would take all day to cover all the people there. What would be the result? They are scattered from one point to another.

The CHAIRMAN: Does any member wish to make a motion along these lines to bring the discussion to a head?

Mr. MUTCH: There is no need for a motion. This section has already been carried. Some of us did ask Mr. Castonguay to suggest an amendment which might meet the wishes of some of the speakers. Unless someone is prepared to move that amendment we should go on to something else.

Mr. FOURNIER: Mr. Chairman, would you read the amendment, please?

The CHAIRMAN:

> The said Act is further amended by inserting therein, immediately after subsection ten of section forty-five thereof, the following subsection:—

Voting in hospitals by bedridden patients.

> (10A). Whenever a polling station has been established in a hospital or similar institution, the deputy returning officer and the poll clerk shall, while the poll is open on polling day and when deemed necessary, suspend temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other necessary election documents from room to room in such institution to take the votes of bedridden patients who are qualified as civilian electors in the polling division in which such institution is situated. The procedure to be followed in taking the votes of such bedridden patients shall be the same as that prescribed for an ordinary polling station, excepting that not more than two agents of candidates, representing different and opposed political interests, shall be allowed to be present at the taking of such votes.

Mr. FOURNIER: That will depend upon the decision of the person in charge of the station?

The CHAIRMAN: The reference is: "With the approval of the person in charge of such institution."

Mr. MARQUIS: I move that the section be adopted as it is now without the amendment.

Mr. GLADSTONE: I wonder if there is not a serious discrimination here in two respects: discrimination against persons who are bedridden in the homes and who will have no opportunity to vote; and discrimination against persons in the hospitals who do not reside in the subdivision in which the hospital is located. They are unable to vote. The arrangement seems to be made for the people in the subdivision in which the hospital is located, and if that is correct I am not so sure but what the provisions for voting in the hospitals should be withdrawn entirely.

Mr. MUTCH: After what I have said I will allow the matter to drop. I think I raised it in the first instance. It is a poor part of equity that I should be denied a vote which I am qualified by the Act to have because my neighbour in the next bed has not a vote. Two wrongs do not make a right in law or equity or even in common sense. I do not think that part of the amendment as drafted is a safe provision. I think there are possibilities there for malpractice which we have not associated with professional people who run hospitals. About the only place that comes in before is in sanatoria. Large numbers of people go to sanatoria and the treatment is a long one. If they have been seven months in the riding they have as much right to vote in that riding as the oldest son of the founder. However, in view of the general view of the committee I am not prepared to move the amendment. The section is already carried.

Mr. RICHARD *(Gloucester)*: I move that we pass on to the next order of business.

The CHAIRMAN: The amendment suggested to (10A) of section 45 is dropped.

Section 47, subsection (1): The committee will recall that section 47 has already been carried with an amendment as to the additional hours allowed to employees for voting. Now, the chief electoral officer wishes to draw attention to an additional clause which that amendment should carry and which would make subsection (1) of section 47 read as follows:—

> 47. (1) Every employee who is a qualified elector shall, while the polls are open on polling day at a dominion election, have three consecutive hours, other than the noon hour, in which he may cast his vote; and if the hours of his employment do not allow for such three consecutive

> hours, his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours. No employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of absence from his work during such consecutive hours. The additional time for voting above referred to shall be granted at the convenience of the employer.

Now, is the committee willing to consider this additional clause?

Mr. MUTCH: That is to prevent everybody from staying away from work all morning.

The WITNESS: It gives the employer the opportunity of granting the time without disrupting his work too much. Otherwise, if all the employees wanted to get away in the morning he might as well shut down his place.

Mr. MARQUIS: I think this amendment is in accordance with the views expressed by the committee. I move that it be carried.

The CHAIRMAN: It is moved that subsection (1) of section 47 as read be carried.

Mr. A. FRASER (*Joint Law Clerk*): Mr. Chairman, I suppose I shall have some responsibility in the final revision of this amendment and I would like to call your attention to the expression "other than the noon hour." I cannot conceive of any reasonable interpretation being put upon that expression. The noon hour, to give a grammatical meaning to those words, is 12 o'clock noon. It is a point of time; it is not a period of time. I might point out furthermore that this provision is imposing an obligation and duty upon the employers. If they do not meet that obligation and duty they are liable to a penalty under the Act; and in the event of an attempt to prosecute an employer for refusing to carry out the provisions I am sure you would run into all sorts of difficulties in trying to interpret that expression. My suggestion is that that expression, or any like expression, is not necessary. Simply say that the voter shall have three consecutive hours for the purpose of voting. That automatically wipes out any other period of time which may be allowed for recreation or luncheon or anything like that. It is almost impossible to describe what you have in mind by the words "noon hour."

Mr. MUTCH: The effect, Mr. Chairman, of removing it would be, I think, that at least some members of the staff would probably vote from 11 till 2. Will those who want to vote from 12 to 1 get off from 11 till 2? It would limit it. Would that have the same objection?

Mr. HAZEN: How would it be to say "three consecutive hours out of his working hours"?

Mr. RICHARD (*Gloucester*): If his employer lets him off at noon he is not going to go home; he is going to run about the town.

Mr. SINCLAIR: If the men quite at 10 o'clock can the employer let anybody out after 12 o'clock? They go to lunch at 12 o'clock and up to half-past one. The employer is not allowed to give different hours—three consecutive hours.

Mr. FOURNIER: Before it was two hours. Did you receive any complaints about that? Did you receive many complaints and from where did you receive the complaints?

The CHAIRMAN: We have received several representations about rendering that section more flexible and giving more opportunity—

Mr. FOURNIER: Three consecutive hours means almost half a day. If you consider an employer who has 200 employees and gives half a day to every one of them that means 100 days' pay without any work. I think two hours would be sufficient.

Mr. MUTCH: This matter was pretty fully discussed in the committee before. At that time I think the committee were unanimous in their decision that they felt in view of the confused interpretation put on the provision by a large number of employers that the net result was that large numbers of employees were not getting the opportunity which the Act entitled them to, and a considerable number of employers were being penalized for a wrong interpretation of the Act; and the committee desired that adequate time be given so that there wuold be no excuse for an employee not voting. It was the view of the committee on the occasion when we discussed this matter before that it should not be possible to so stagger the hours that the luncheon hour would be part of the three hours. In effect the committee were deliberately bringing about a half holiday throughout the country. We realized that. In fact, we seriously considered in the committee during the discussion fixing a national half holiday in the Act, and doing it in that way. I do not think there was any question—there was not the other day, and I do not think there is now—that less than three hours is inadequate; and the desire of this committee was to so definitely define it that employees will not have to put their own interpretation on it and the employers cannot get around it.

Mr. MacNicol: Why not have it read "other than from 12 noon to 1 p.m."?

Mr. Richard (*Gloucester*): What hours has the employer today if the vote takes place from 8 in the morning to 6 and if you exclude the noon hour? What hours has he got to send his men to work?

Mr. MacNicol: Any two hours.

Mr. Richard (*Gloucester*): It is three consecutive hours now. After 9 o'clock you have not got three consecutive hours to noon, have you?

Mr. Sinclair: Yes, he has.

The Chairman: The purport of this amendment is to make it possible for the employee to enjoy three consecutive hours for voting. That does not necessarily mean that he will be allowed three hours' leave away from work.

Mr. Richard (*Gloucester*): You cannot count the noon hour; he has to have three consecutive hours besides.

Mr. Gladstone: I would like to inquire of Mr. Fraser as to the interpretation of this proposed amendment, having in mind the many factories which close at 5 o'clock and when the poll is open to 6 o'clock? What is the employer's liability for the payment of wages if he elects to shut down at three o'clock? I am speaking of liability strictly according to the wording of this regulation.

Mr. Fraser (Joint law clerk): I have not given any consideration to that question of pay deduction.

Mr. Marquis: Mr. Chairman, it will give from three o'clock to six to vote, independently of the fact that the shop closes at four or five, because it is of the employers choice if the shop closes at four o'clock, but he might give time off from three to six.

Mr. Fraser (Joint law clark): There is only one hour, but you must not deduct any time by reason of a worker stopping at four o'clock. The employer would have to pay for that one hour only. I think most employers will stop at three o'clock.

Mr. MacNicol: I would make a motion to the effect of the suggestion made by Mr. Fraser which would read as follows: "Every employee who is a qualified elector shall, while the polls are open on polling day at a dominion election have three consecutive hours in which he may cast his vote and if the hours of his employment do not allow for such three consecutive hours his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours. No employer shall make any deduction from the pay of such elector nor impose upon or extract from him any penalty by reason of absence from his work during such consecutive hours. The additional time above referred to shall be granted at the convenience of the employer". Then the employer, if he wishes, can post signs up all over the building that "this plant will close to allow the employees to vote at such and such an hour".

The CHAIRMAN: We have a motion by Mr. MacNicol deleting the words "other than the noon hour" in the suggested new subsection (1) of 47.

Mr. MARQUIS: Mr. Chairman, I moved to carry this section as it was drafted but I now say I agree entirely with Mr. MacNicol's suggestion because I think the words "other than noon hour" are provided for by the provincial laws. This lunch hour is supposed to be given every employee according to the laws and regulations concerning labour in every province so that I think the employee will have three consecutive hours. I think it reaches the aim for which it was intended.

Mr. MACINNIS: May I ask Mr. Castonguay how long this phrase has been in the Act "other than noon hour". I know it has been in anyway since **1938** but it has been in before that.

The WITNESS: It was in the Act in **1920**.

Mr. MACINNIS: Is there any record of how the courts have interpreted the phrase "noon hour".

The WITNESS: There has never been any difficulty in the interpretation of this provision about the noon hour.

Mr. MACINNIS: I think it would be better to leave this in because the changes we make will appear in the bill in the House and in the meantime the law officers of the Crown who go over legislation of this kind, including perhaps Mr. Fraser, will have an opportunity of considering this. If they think that it should come out it can come out. I think we should leave it in because it has been in the Act a long time and I do not think the phrase itself has caused any confusion.

Mr. RICHARD (*Gloucester*): The only trouble is, it sounds to me as if the employer has only got one hour, from eight to nine in which he can send men off to vote. After nine o'clock they have not got three consecutive hours because you run into the noon hour and he only has one hour to stagger the voting of his men.

Mr. MUTCH: What is to prevent an employer who normally closes at five o'clock dismissing his employees at three o'clock. As I understand it the employer could dismiss the whole factory at three o'clock and that would give them three consecutive hours in which to vote. The Act does not say that they have to have three hours at his expense. What it says is that they must have three consecutive hours while the poll is open.

Mr. RICHARD (*Gloucester*): But the employer may have to divide his plant so that a certain number will go every hour and he will have only one hour before noon and he will have to rush them all through in the afternoon.

Mr. MUTCH: I understand what you are getting at and it is quite true, he might have to close up in the afternoon.

Mr. FRASER (Joint law clerk): I can only view this draft from this point.

The CHAIRMAN: Order, order!

Mr. FRASER (Joint law clerk): I would change the words "in which he may cast his vote" to read "for the purpose of casting his vote". That would then tie down these three consecutive hours for a given purpose and it would automatically wipe out all the other time or periods of time the employee ordinarily gets for lunch or recreation or whatever it is. If I catch the feeling of the committee it is that irrespective of when, during polling day, while the poll is open, the employee should get three consecutive hours. That is all you are concerned with, and if you strike out the words "other than noon hour" and use the words "for the purpose of casting his vote" you have attained that purpose. There could be no other interpretation put upon the amendment than that every employee is entitled to three consecutive hours while the poll is open for the purpose of voting.

Mr. MacNicol: Are the words "in which he may cast his vote" unsatisfactory?

Mr. Fraser (Joint law clerk): I think they are unsatisfactory, he could cast his vote in five minutes.

Mr. Gariepy: Will you change your motion?

Mr. MacNicol: Yes, I will change my motion to read "three consecutive hours for the purpose of casting his vote".

Mr. Brooks: I do not see that makes very much difference, suppose it says "for the purpose of casting his vote" and he takes the time but does not cast his vote, what difference does that make?

Mr. Fraser (Joint law clerk): You get rid of this unsatisfactory interpretation of "other than noon hour". The discussion has gone on the assumption that noon hour is from eleven to twelve or twelve to one but it is nothing of the kind. Noon hour is twelve o'clock noon.

Mr. Brooks: I am not objecting to that.

Mr. Mutch: Mr. MacNicol has amended his motion, let us vote on it.

The Chairman: Mr. MacNicol has changed his motion as follows: that the words "other than noon hour in which he may cast his vote" be deleted and that we substitute the words "for the purpose of casting his vote".

Mr. Zaplitny: I would like to point out the words which seem to have created the most difficulty were the words we are trying to put back in now. The old section read "other than noon hour for voting". We have changed that to read "for the purpose of casting his vote". It was that part of the section that was creating the confusion and I am afraid that we are putting back in the words we took out because there was so much discussion. They will be right back in where we started. If we are going to do that I think we should bring the section back to where it was because it is perfectly clear. It does not matter how you draft a section there will always be some difficulty because you will find that it will not suit some particular industry across Canada. I suggest to you that we are voting in section 47 the words that created the difficulty in the first place. We are putting them back.

Mr. Mutch: I do no think it is strictly a parallel.

The Chairman: Are you ready for the question gentlemen?

The question is on the motion by Mr. MacNicol to have the words "other than noon hour in which he may cast his vote" changed to read "for the purpose of casting his vote".

Is the motion carried?

Carried.

Now gentlemen, our next two orders of business are the review of the sections affected by the acceptance of the recommendations of the Auditor General and the examination of sections 94 to 98 relating to advance polls. Now if it would be the pleasure of the committee to revert to section 14 we could do so because we have left two clauses standing. The clauses are (*i*) and (*k*).

Mr. MacNicol: Was there not one other section held over?

The Chairman: That was section 14. I would not like to interrupt our order of proceedings unless it was with the wish of the committee. Mr. MacInnis has moved a motion under clause (*i*) of section 14. As he is here today I thought it would be extending a courtesy to him to call this question now. Is that agreeable to you Mr. MacInnis?

Mr. MacInnis: Yes.

The Chairman: Is it agreeable to the whole committee?

Agreed.

Then we will deal with section 14 subsection 2, clause (*i*). We have a motion sponsored by Mr. MacInnis for the deletion of clause (*i*).

Mr. Sinclair *(Vancouver North):* I would like to say a few words on this as a British Columbia member. I need not refresh your memory as to the attitude of the people of British Columbia on the whole Japanese question, but this year in our legislature the franchise was extended to the Hindus and the Chinese. There is no doubt that if this Japanese dispersal policy of the federal government is a success, in the not too far distant future it is possible that the franchise might be extended to persons of the Japanese race. However, as the matter stands to-day, we would be ill advised to do something which the whole of British Columbia is against. There are two groups of people in British Columbia who are affected by this matter and those groups are the Japanese and the Doukhobors. I think there are greater considerations against the Doukhobor vote than against the Japanese vote. You need only read yesterday's newspaper that a new Doukhobor community has been set up in Comox-Alberni to learn how little respect they have for our laws and our social rules. They do not believe in our laws and they have done nothing in the last fifty-one years to try to be Canadians. I believe the people of British Columbia have used good sense in refusing them the franchise. The other group, as I say, is the Japanese. You must remember that the Japanese at present in British Columbia are concentrated in one or two areas near the wartime concentration camps and they would have a very considerable effect on the vote there. In view of the fact that this whole Japanese question will be under review a year from now in our parliament and in view of the fact that further governmental study is going to be given to the question of the Japanese I would suggest that this amendment be defeated and the Act stand as it is.

Mr. MacInnis: Mr. Chairman, I stated my reason at the second last meeting of this committee as to why this section should be deleted. The dominion parliament is drafting an Elections Act for the election of members to the Dominion House of Commons. In doing that it has not, as far as I know, referred to the Elections Act in the provinces for any purpose except this one. We were discussing the other day the matter of age. Now there are two provinces at the present time here the voting age is less than twenty-one and I think it would be illogical to leave this section in because there is a province where, for reasons of race, persons presently citizens of Canada cannot exercise their franchise or rights of citizenship. Surely the other situation would apply and any person allowed by the province to vote for members of the provincial legislature would be allowed by the dominion government to vote in a dominion election. I am not asking that, I am asking that we should not discriminate against any person in the exercise of his citizenship rights because of either race or racial origin. May I quote a few remarks from the debate that took place last year on the Citizenship Act. The secretary of state at that time, Mr. Paul Martin, in speaking of the bill then before the House on page 510 of the revised *Hansard* says: "Citizenship means more than the right to vote, more than the right to hold and to transfer property, more than the right to move freely under the protection of the state. Citizenship is the right to full partnership in the fortunes and in the future of this nation".

Now if you are going to deny that right to any person you are denying them the right to be a full partner in this nation. Mr. Martin continued, "With this bill we are linking our past with our future. We are saying to history and to our posterity: here is the definition of Canadianism. Here is the common status in Canada, a common stake in the welfare of the country, a common Canadian citizenship".

I say to you those are fine words, but in another Act of the same Canadian Parliament you are going to debar from voting for reason of race persons otherwise qualified because they are prohibited from voting in elections for the legislative assembly of the province unless they served in the military forces of Canada in the 1914-1918 war or the war that began in September, 1939.

There is one other quotation. The secreaary of state was quoting another famous Canadian who has passed on to his reward. He was quoting the late Honourable C. H. Cahan who introduced a Citizenship Bill when he was a secretary of state although the Bill was not proceeded with. Mr. Cahan said in part and I am not quoting the whole quotation made by the secretary of state; it is at page 502. "Among the responsibilities resting upon the parliament of Canada is that of framing a clear definition of 'Canadian nationals' for whom the government and parliament are responsible, whether they are resident in the dominion or temporarily resident outside of our territorial jurisdiction. So long as they retain the status of Canadian national, they should, in my opinion, be treated as such and as holding a status within the dominion equal to that which any others individually enjoy".

Here we have the opinion of a member of the present government, a Liberal and here we have the opinion of a man who, to my mind at least, is a great Conservative. Each one of them says that if a person is going to be a citizen he must be a full citizen. There is no provision in the Citizenship Act for second class citizens. This also provides that those who have military records in the 1914-1918 and World War II may vote, but only a very few persons of Japanese origin in Canada were allowed to enlist. It was only during the last few months of the war that they were allowed to enlist and consequently a great many were debarred. I do not think we should base citizenship on service in the military forces. There are others, as Mr. Sinclair says, who do not want to be Canadians and do not act as Canadians. I say let us debar them for their actions, for their refusal to accept citizenship and citizenship responsibilities, but certainly do not let us stultify ourselves by leaving in this Act a section that debars persons from exercising their franchise for reasons of race.

Mr. SINCLAIR (*Vancouver North*): We have had Mr. Knowles speaking before the committee on another question and in order that we might have some outside evidence on this matter Mr. Green who is not a member of the committee is present. If you would hear him then you could be sure that you are not just having my own opinion.

Mr. MARIER: How many Japanese who are Canadians now are deprived of the right to vote?

Mr. SINCLAIR (*Vancouver North*): I could not answer that.

Mr. MARIER: Have you any idea?

The CHAIRMAN: What is your wish, gentlemen, with respect to the suggestion that we hear Mr. Green?

Mr. MACINNIS: I would like to move that we hear him.

Mr. MARQUIS: I would like to know how many Doukhobors are in this section of the country?

Mr. MARIER: This does not apply to them now.

Mr. MARQUIS: Clause (i) applies only to Japanese.

Mr. SINCLAIR (*Vancouver North*): It would only apply in British Columbia at the minute.

Mr. MACNICOL: Would the Japanese in other provinces be allowed to vote?

Mr. SINCLAIR (*Vancouver North*): Yes. I might say that the Hindus and the Chinese got their vote on February 19.

The CHAIRMAN: Well, is the committee agreed to hear Mr. Green.

Agreed.

Mr. H. C. GREEN: Mr. Chairman and members of the committee, I thank you for allowing me to say something on this matter. I do not like to interfere in any committee of which I am not a member but we do feel very deeply about this subject in British Columbia. I would not have you think for a moment that we are not as greatly interested in citizenship as are other Canadians, but we have been faced for the past fifty years with this problem of the Orient right in our province. Frankly, we feel that the problem has largely arisen because the members from other parts of Canada have not listened to our members. Mr. Cahan has been mentioned here and I think he is one of the men who did not listen. In any event, the position got very serious until, as you know, when the Japanese struck, our coast was open to invasion. It was only because the Japanese went into the Malayan States rather than around by Alaska that our coast was not invaded. There is no doubt many of the Japanese Canadians were prepared to help the Japanese army. Over 700 Japanese males out of a total Japanese population, men, women and children, of 22,000 had to be interned. You have heard the debate in the House and you know that the government is trying to disperse the Japanese and is holding out every inducement to have them settle across Canada. Even with that policy we still have one-third of their number in the province of British Columbia and we think that many of those who are now living in Alberta will return to British Columbia as soon as the ban is lifted.

Now the question regarding voting was settled many years ago and it is not a war question at all. Many years ago the members of parliament did back us by putting this restriction in the Dominion Elections Act so that we were not faced with Orientals having a vote in our province. Mr. Castonguay can say how long that provision has been in the Act but it certainly has been there twenty-five or thirty years.

The CHAIRMAN: Would you answer that question Mr. Castonguay?

The WITNESS: I remember quite well it was included in 1919 when a By-Election Act was passed. Prior to 1919, from 1897 to 1919, for dominion election purposes, we used the provincial list and thereby followed provincial disqualifications.

Mr. GREEN: Then, in fact it has been there for all time.

Mr. MARQUIS: May I ask a question? I would like to know it the people in this class are deprived of other civil rights?

Mr. GREEN: I think they have certain disqualifications. For example, they cannot become members of the bar and they cannot become members of the druggists' association.

Mr. MARQUIS: They are competent to contract.

Mr. GREEN: I beg pardon?

Mr. MARQUIS: They are competent to contract and they can do other business as other citizens can?

Mr. GREEN: Oh yes.

The CHAIRMAN: Before you proceed further, Mr. Green, I would point out to the committee, that it would be more appropriate to let Mr. Green finish his statement before interrupting in any way.

Mr. GREEN: Well the question of votes for Orientals has been very carefully canvassed in British Columbia during the past year. The session of the provincial legislature in 1946 appointed a committee of the House to go around the province taking evidence in all centres on the whole question of voting. Their report was given this year to the provincial House and it was against giving the vote to the Japanese. Then it was brought up in the legislature and thoroughly fought out there. The Liberal and Conservative parties who, as you know, form a coalition government in British Columbia, voted against or turned down the request for the vote to the Japanese. The C.C.F. voted for the Japanese and it is a clear cut political issue in our province. There is no doubt that the majority of people of British Columbia are against giving them the vote and that is the reason why the British Columbia members other than myself are so interested in what this committee decides. We do suggest, Mr. Chairman, and we do ask that you stand behind public opinion in British Columbia. Do not let us down at this time by recommending that the Japanese be given the vote. That is contrary to the wish of the people of our province. The Oriental question has always and will always be one of the most difficult question we have to deal with in that province. It does not seem to affect our C.C.F. friends at all, and when I say it does not affect them I do not say they do not give their genuine opinions as they have a right to do. Certainly however, the vast majority in British Columbia are against giving the vote to the Japanese at this present time. As I said we are just as much interested in citizenship as anybody else in Canada but we are faced with this problem and we ask you to support us.

The CHAIRMAN: Are there any questions to Mr. Green?

Mr. MARQUIS: I would like to ask a question. I would like to ask if the status of the Japanese has changed since the end of the war or was it during the war when you were under a particular set of circumstances? Has there been any change in the law concerning administration?

Mr. GREEN: At the present time the whole policy towards the Japanese has not been definitely settled.

Mr. MARQUIS: It is not definitely settled.

Mr. GREEN: It is in a state of flux for the time being. Their moves in British Columbia are still under control.

Mr. RICHARD (*Gloucester*): They are considered as an enemy?

Mr. GREEN: They are under a certain amount of control. They are not allowed to be given fishing licences for example. The whole policy is in a state of flux and this is the worst possible time to give them a vote and upset the whole thing. It would throw the whole policy into confusion.

Mr. MacINNIS: May I ask a question of Mr. Green? I am sorry that he brought a political issue into this matter. But did not the Conservatives and the Liberals up until 1947 oppose giving the vote to Orientals and East Indians as they did oppose giving the vote to the Japanese? They were all excluded as Orientals. And the C.C.F. were accused of wanting to enfranchise Chinese and East Indians as well as Japanese. Now the vote is extended to the East Indians and the Chinese. Would not that indicate we were just that far ahead of the others?

Mr. GREEN: I think my answer to that would be that both the Liberals and Conservatives of British Columbia feel that the Hindus and the Chinese by their actions during the last two years have very well merited the vote.

Mr. FOURNIER: They were not potential enemies.

Mr. GREEN: No, they were not potential enemies. We do not feel that the Japanese situation is the same.

Mr. MUTCH: I should like, if possible, to bring this back to the point under discussion. I am one of those who think that the introduction of this particular amendment now is unfortunate; but in view of what Mr. Sinclair and Mr. Green have said of the reconsideration which the province of British Columbia is giving to the question—in my view long overdue—mainly for that reason may I say, Mr. Chairman and gentlemen, that this is a question we cannot settle in this committee. It makes no difference whether or not we decide in favour of the amendment proposed by Mr. MacInnis or whether we decide against the amendment, this whole business is going to be threshed out in the House again.

Mr. MacInnis: That is true of all provisions in the Act.

Mr. Mutch: No, it is particularly true of this matter. We have had this question ad nauseam for twelve years. As far as I am concerned, while I may question the methods or the practices which prevail in the province of British Columbia I am not prepared to criticize what they do within their own field in spite of the fact that the amendment is untimely at present. I say if it comes to a vote in this committee or in the House I am not—whether I like it or not—going to deny to any Canadian born citizen of any race the right to vote in a dominion election. I do not impose my will on the people of British Columbia and I am not going to be swayed by their convictions in the matter. Having said that, I shall act in accordance with what I have said, both here and in the House if necessary. I think in regard to this amendment as in regard to many other movements there is a time to propose it. There is a time to do things and a time not to do them. This matter cannot be settled without a certain amount of bitterness both here and in the House, and whichever way it goes the province of British Columbia, is most affected. I was going to say it only is affected but that is not true. In principle we are all equally affected, but I say the representatives from British Columbia would be affected. I should have been happy to give them for all these things the time which they asked for to carry out and tidy up their own house; but so far as I am concerned I shall not be a party to making any distinction between Canadian born of any race whatsoever.

Mr. Marquis: Mr. Chairman, I wish to say a few words, because when Mr. MacInnis moved that this clause should be repealed I said that it struck me that this clause seemed to cause some discrimination. For that reason I put my questions to Mr. Green. I understand that the situation as regards Japanese is not actually settled in British Columbia. As a permanent law I would not favour this clause, but as long as the matter is not settled in British Columbia I will not impose my views on the decision of that province. I think that for the time being we should keep that clause, and when the situation with regard to the Japanese is settled out there it will be time to repeal that section.. I do not like the drafting of a section of that kind as such. As a matter of principle we should not have that in our laws, but we must accept some exceptions sometimes. Now, I think this is a case where we should accept the exception as long as British Columbia has this problem and it is not settled. I believe that within two or three years that matter will be fixed up, and it will be time to bring in an amendment in order to repeal that clause.

Mr. Zaplitny: Mr. Chairman, I want to agree with one particular sentence which Mr. Mutch uttered when he said that this question cannot be settled without bitterness. I think it will be settled without bitterness provided we do not put it on a narrow basis. I say that the objection Mr. MacInnis has to this subsection or clause is the same as we have, and that is that it puts the whole question on the basis of race. That is my first objection. We must realize that this subsection or clause does not refer to any one province or race, it does not specify British Columbia, it does not specify the Japanese race; it applies to all provinces and to all races. Now, that must be clearly understood. Therefore, it is a question of principle and not of expediency. As a question of principle I do not think that any of us can subscribe to the idea that because someone in some province has some objection to a particular race that they should be in a position to tell this parliament what laws shall be made for the election of members to this House. I think that is a bad principle to establish in the first place. We do not interfere with the voting qualifications of the provinces or the municipalities; conversely, they should not interfere with the laws that we make here.

I also want to bring to the attention of the two gentlemen who have spoken for British Columbia, that this can be very dangerous; not for the reason that they brought up here, but can they not imagine what might happen if at some future time some race of people concentrated in one province—perhaps people from a different continent entirely—and they went ahead and passed a law that no other race except themselves might have the vote in their province. They could disenfranchise all the rest of the people. It is a double-edged sword, and it is something that may have far-reaching consequences. I think it is a very dangerous and sinister thing to put into any election Act. I also object to it for the reason that what it amounts to in plain English is this: we are attempting by means of this clause to penalize a certain race because we feel their actions have not been in the best interests of this country. I say that if we are going to apply penalties in the form of withdrawing privileges of citizenship then they should be applied on the basis of a crime that has been committed, and if the person has been guilty of breaking the law of this country he should be punished for breaking the law. The only crime that can be placed at this time is against a certain race.

Mr. MARQUIS: Do you not think that the word "race" here refers to some people originating in a country which has fought against us during the last war?

Mr. ZAPLITNY: It does not say so.

Mr. MARQUIS: It does not say so, but if you read the clause to the effect that some legislative assembly has deprived them of the right of voting, do you not think it means that those people were Japanese and that Japan was an enemy during the last war?

Mr. ZAPLITNY: If I were to follow your point of view to its logical conclusion it would mean that all former enemy aliens should not be allowed to vote—all those who were enemy aliens during the war or who came from a nation originally which was an enemy of this country during the war. You can see where that leads us; Japan was not the only country qualifying. There are other people in this country who come from areas that were opposed to us. For that reason we cannot pass a law of this kind which throws its weight around, so to speak; and I would ask you where is it going to end? If we are going to punish people for what they have done the penalty should be based on a crime that they committed, and if persons of the Japanese race or any other race or colour have been guilty of treason or anything else which is punishable under the law, they should be punished for that crime; but to punish people because they belong to a certain race is to punish them for something for which they can never be guilty. None of us are responsible for the race from which we spring. I say that a good citizen of this country needs no ancestors.

Mr. MARIER: I put a question to Mr. Sinclair a few moments ago. I understand that the majority of those who would have the right to vote would be Canadians by birth.

Mr. SINCLAIR (*VancouverNorth*): Birth or naturalization.

Mr. MARIER: I do not see why we should deprive Canadian citizens of the right to vote. They must have reached the age of twenty-one years to vote, and that has been passed already by this committee. These young people who have been living among Canadians for twenty-one years must have learned something about our way of life and must be prepared to fulfill their duties as Canadians to a certain extent.

Mr. SINCLAIR (*Vancouver North*): Very little.

Mr. Marier: Maybe not so much as some other races; that clause was put there in 1919, when the large majority of Japanese at that time were still Japanese or Canadians by naturalization, but now it is different. At the present time I cannot see why we should maintain that clause in our federal law. Maybe it can affect British Columbia to a certain extent, but it is a dangerous principle to maintain in our law. The French Canadian or any minority group living in that country might be deprived of the right to vote because they do not please or because they do not belong to, a certain group of people there forming the majority. Take it farther. If the province of Quebec decided that people of English descent, because they are not liked by those in power, would be deprived of the right to vote in the province of Quebec, then can we ask the federal government to decide that those so deprived in the province of Quebec of the right to vote will be deprived of the same right in a general election. It will be for the province of British Columbia to try to convince young people coming in to be good citizens in the future. I am pretty sure that they will come and many of them, at least, will be good citizens and will fulfill their duty as they must do as Canadian citizens. It will be for you to educate them. If you leave that clause there, after passing the Canadian citizenship law, I think everyone will say that we have a law giving to every citizen certain rights, considering every man of every race whether he be of German or Italian descent or of some other nationality, as a Canadian citizen, but that you exclude the Japanese because they do not please a certain group in a certain province. I do not think it is fair and if the matter is brought before the House I am afraid I shall have to vote against this attitude.

Mr. Sinclair: I want to remind Mr. Marier of one thing. He voted for the Omnibus bill, and when he voted for that bill he voted for a law which said that this group of Japanese citizens are one group, that for the next year are going to be treated differently from anybody else. You yourself voted to restrict the Japanese. You are not being consistent.

Mr. Marier: It is different. We have put some restrictions on them.

Mr. Sinclair: We have put one more restriction. The second point which should be appreciated, and it is one that so few people in eastern Canada appreciate, is that the Japanese never have tried to be Canadians. They went to Japanese schools and 1,650 of them fought in Japan. It is only now that they start to be Canadians, after the defeat of Japan. Sure, they want to be Canadians now; they want Canadian friendship and Canadian citizenship. If you had gone to New Westminster you would have seen these Japanese children, after public school hours, being taught by a Japanese professor. If you saw—

Mr. Marier: Did they attend the public schools?

Mr. Sinclair: Yes, they did. Like the Doukhobors they were forced to attend our schools. When you stand up and support the Mackenzie King policy of restricting their movements I do not see how you can talk as you are now except with your tongue in your cheek.

Mr. Marier: There is a difference between that restriction and the restriction of the right to vote. I am deprived from doing certain things which I would like to do. In this case you are depriving Canadian citizens who are working in Canada and living in Canada of the right to vote as Canadian citizens.

Mr. McKay: Mr. Chairman, I do not always agree with Mr. Marier, but I do in this particular instance. I am not going to speak at any great length except to say that I am going to support this amendment for the reason that there is a definite principle involved which I must support. As it appears now there is a definite indication of racial prejudice and racial discrimination, and I am opposing that because I have always opposed this idea expressed by some of our members regarding preferred races. I do not like the idea of placing barriers against people because they may have a different religion from ours or because they may have a different colour from my own. The first thing we will know, if we persist in this sort of thing is that we will extend this attitude to other peoples. There is an agitation on foot now in parts of our country against the Jewish people; in other areas there are agitations against the French people; there may be other agitations against the English people, for all I know. I do not like any of these agitations. My forebears came from Scotland for a definite purpose; they were driven out of Scotland because of oppression and discrimination. They came here looking for freedom. I hope we are going to be able, one way or another, to preserve the freedom of our people. I do not like to see these things creeping in. I do not like discrimination, as I said before, whether it be of a religious nature or a racial character. If we do not want the Chinese and Japanese coming to this country we should have taken that into consideration before admitting them; but we did admit them. I do not suppose that any members of this committee had any hand in it. Those people came to this country seeking a new home, and now they are here and we should treat them as people of our own flesh and blood, as Canadian citizens. Otherwise, we have not a free and open democracy. I want to say in closing, because there is a principle involved here, that I must support this amendment.

Mr. MacInnis: May I just say a word in closing the debate. I would not have said this except for the issues that were brought into the discussion. I tried to base my argument for the deletion of this clause on the rights of citizenship. It has been said that these people were disloyal. There is not one iota of evidence to prove it. As a matter of fact a member of the House asked a question on the order paper the other day if any person of Japanese origin was convicted of any misdemeanors during the war, that is sabotage or subversive activity, and the information was that "the government has no information".

Mr. Sinclair (Vancouver North): 700 were interned.

Mr. MacInnis: Certainly and thousands of Germans and other were interned. Some of these people were interned because they were objecting to the taking away of their land. You have only to go into the Public Accounts Committee to know what was done there. They were taken off their land and they were not given the opportunity of attending to their affairs and that is why they were resistant.

Also the question was asked whether any Canadian Japanese resident had been convicted of any crime or charged with any crime and the answer again was "the government has no information in that regard". So that there was no criminal action or action of any kind taken against persons of Japanese origin in Canada during the war for any of those purposes. The reason I mention that is because the question has been raised. I would say this, they had their language schools. Is there any group of any other nationality in Canada which has not language schools?

Mr. Sinclair: Every day in the week.

Mr. MacInnis: I do not know about every day in the week but I would say that there is to-day a relatively greater percentage of Japanese who can speak the English language than Chinese who can speak the English language both of whom have been here for the same number of years. So there is nothing in that at all. So Mr. Chairman, I would suggest that we deal with this particularly because of the fact that if we leave this disqualification in we are depriving a certain number of people, solely on the basis of race, of their rights and privileges of citizenship and to the extent that in doing that we are saying in Canada that we have first class citizens and we have second class citizens.

Mr. Marier: I would like to make one more remark. There is a very dangerous principle which would apply here, which is that some people could be disqualified from voting because they could not vote at an election in some legislative assembly. That is a very bad principle. If tomorrow any province decides that Mr. so-and-so or a certain group of people will not have any right to vote for certain reasons, the federal election's law will follow the same way and say every person of that group in that province who are deprived of a vote will also be deprived of their vote in a federal election. That is a bad principle because you will submit our own law to the law of the province. That is what you are doing. If a person is disqualified by reasons of race at an election for his legislative assembly and you put that through now, who can prevent any province deciding tomorrow that it will deprive some of their people from voting for some other reasons? If Quebec or Ontario or New Brunswick decides that a certain group of people would not have the right to vote that precedent will be invoked; does it mean that we should follow it. I say that is a very bad principle to follow. I am afraid it is not wise to include that principle in the Act as we did in 1919 when we left it as it is now.

Mr. Marquis: Mr. Marier says we have to be cautious because of the fact that we are guided by the legislature in this matter, but I represent a part of the country which is not concerned with this problem. I know we are supposed to legislate in the interests of Canada as a whole, but we have to deal with a situation and take care of particular situations too. In this particular case it is a provincial problem. One province has difficulty with these people; so I will not take it upon myself to impose my views upon the will of that province. As a general rule, every citizen should vote, but in this case the status of the Japanese is not settled yet. This is a post-war time, and as long as the situation is not clarified I think we should wait until the problem is settled before repealing this section.

The Chairman: Gentlemen, are you ready for the question? The question is on the motion of Mr. MacInnis that clause (i) of subsection (2) of section 14 be deleted. All those in favour please rise.

(On a standing vote the motion was lost.)

Before we adjourn may I say that I would like to conclude our examination of section 14 at the next meeting.

Mr. Mutch: Are we going to deal with the advance poll matter? I am rather anxious to have that dealt with as soon as possible.

The Chairman: Yes, if that is the wish of the committee.

The committee adjourned to meet on Tuesday, June 3, at 4 o'clock.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT
1938

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 10

TUESDAY, JUNE 3, 1947

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,

Tuesday, June 3, 1947.

The Special Committee on the Dominion Elections Act, 1938, met at 4.00 o'clock p.m. Mr. Paul E. Coté (*Verdun*). Chairman, presided.

Members present: Messre. Coté (*Verdun*), Fair, Gladstone, Hazen, MacInnis, MacNicol, McKay, Marier, Murphy, Mutch, Richard (*Gloucester*), Richard (*Ottawa East*), Sinclair (*Vancouver North*), Zaplitny.

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

The Committee resumed the adjourned study the Dominion Elections Act, 1938, and considered various proposed amendments thereto.

Mr. Jules Castonguay was called. The Chief Electoral Officer was questioned in regard to the various proposed amendments under consideration.

On Section 14 of the said Act, Mr. Fair moved in amendment thereto that paragraph (*k*) of subsection 2 thereof be repealed.

After some discussion and the question having been put thereon the said proposed amendment of Mr. Fair was agreed to on the following division: Yeas, 10; Nays, 1.

Paragraph (*a*) of Section 95 as amended (see Minutes of evidence of to-day) was agreed to, but the said Section was allowed to stand for further consideration at a later date in respect to paragraph (*b*) thereof.

Resulting from the amendments to paragraph (*a*) of Section 95, the committee agreed to amend Section 2 of the Act and such Section 2 as amended (see Minutes of evidence of to-day) was agreed to.

Sections 94 and 96 were approved without change.

Section 97 as amended (see Minutes of evidence of to-day) was agreed to.

Section 98 was approved without change.

The committee thereafter considered further proposed amendments to the Act arising out of the recommendations of the Auditor General and in accordance with the resolution passed by the Committee at its meeting of Thursday, May 22, 1947. As a result the following sections of the said Act as amended were agreed to, namely: Section 17 and Schedules A and B thereto; Sections 21, 56, 60, 61 and 70 (see Minutes of evidence of to-day).

On motion of Mr. MacNicol, the discussion on a proposed amendment to Section 6 of the said Act was adjourned to the next meeting.

At 6.00 o'clock p.m., the committee adjourned to meet again at 4.00 o'clock p.m., Thursday, June 5, 1947.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,

June 3, 1947.

The Special Committee on the Dominion Elections Act, met this day at 4.00 p.m. The Chairman, Mr. Paul Coté, presided.

The **Chairman**: Gentlemen, will you come to order. We are today on section 14, subsection (2), clause (*k*). Before proceeding further I would refer you to the printed copy of the draft amendment, page 1, where the chief electoral officer suggests as follows: "Clause (*k*) of subsection (2) of section 14 of the said Act, is amended by inserting the words 'or in the war that began on the 10th day of September, 1939' at the end thereof."

The discussion is open.

Mr. **Fair**: Mr. Chairman, I want to thank you and the other members of the committee for allowing this section to stand until now. On the occasion when it might have come up two weeks ago I was busy and forgot the meeting entirely until after six o'clock. I also want to thank Mr. Castonguay for calling my attention to it at the last meeting. Clause (*k*) is one which I have brought up, by way of a bill in the House, to have deleted from the Dominion Elections Act. I might say I took the matter up when the Elections Act was being revised in 1936, 1937 and 1938, but the committee at that time did not see fit to have the clause deleted. We then had four provinces that had disqualifications with this section in the Act. The four were Nova Scotia, New Brunswick, Ontario and British Columbia. A few years ago British Columbia saw fit to remove their disqualification.

Mr. **Sinclair** (*Vancouver North*): What are the three remaining provinces

Mr. **Fair**: Nova Scotia, New Brunswick and Ontario. I have the sections here and will be glad to place them on the record. Clause (*k*) of section 14, subsection (2), reads as follows: "In any province, every person who is an inmate of an institution which is maintained by any government or a municipality for the housing and maintenance of the poor, if such person is by the law of that province disqualified from voting at an election of a member of the legislative assembly of that province, and did not serve in the military, naval or air forces of Canada in the war of 1914-18."

In discussion of this question in the House on different occasions, I have stated, and I want to state today, these people in these institutions are not there of any choice of their own. I feel and have stated before if we had proper laws in the country these people would be allowed to earn enough and keep enough so that they would be able to take care of themselves in their old age. Now that we are bringing in a bill of rights and have also passed the citizenship bill I contend that we should remove this clause from the Election Act. I therefore move that clause (*k*) of subsection (2) of section 14 be deleted.

The **Chairman**: It is moved by Mr. Fair that clause (*k*) of subsection (2) of section 14 be deleted.

Mr. **Murphy**: I wonder, Mr. Chairman, if Mr. Castonguay could give some expression regarding that particular section? Have representations been made in the past, or have any objections been made, or have any suggestions been made for its removal?

Jules Castonguay, Chief Electoral Officer, called:

The WITNESS: There have been recommendations coming regularly asking for the repeal of this clause. I might state that prior to 1920 for dominion election purposes the list of electors as prepared by the various provinces was used without revision and whatever disqualifications existed in the province was carried through at a dominion election. During the period 1920 to 1929 inmates of charitable institutions were qualified as electors in every province and voted at dominion elections. In 1929 an amendment was passed disqualifying inmates of charitable institutions in every province. This disqualification lasted until 1938, when the amendment to the Dominion Elections Act provided that the inmates of charitable institutions shall be disqualified from voting at dominion elections in any province which disqualifies them for voting at provincial elections. That is about all I can say on the matter.

Mr. HAZEN: Between 1929 and 1938 what was it? I did not quite get what you said. They were disqualified?

Mr. MUTCH: They were all allowed to vote.

The WITNESS: They were qualified as electors and allowed to vote.

By Mr. Hazen:

Q. I understood you first to say they were qualified between 1920 and 1929.—A. I think I slipped on that. They were disqualified from 1920 to 1929.

Q. Disqualified?—A. Disqualified. They were qualified between 1929 and 1934.

Q. And what happens from 1934 to 1938?—A. They were disqualified between 1934 and 1938. Since 1938 they were only disqualified in provinces that disqualified those inmates at provincial elections.

Mr. MACINNIS: Mr. Chairman, I wish to support the amendment to delete this clause. I grant that the member moving it has a rather double standard in that he could not support an equally valid amendment to clause (i) the other day. I cannot understand where he gets the difference but I do not believe that in any enlightened society there should be a disqualification such as this in an Election Act. We are coming more and more to the condition where we are providing for pensions. Some of those pensions are very generous and some of them not very generous but persons can take care of themselves to some extent. After their working days are over, if we provided for those people who are in poor houses or charitable institutions sufficient to maintain them, possibly they would not be in those institutions. As a matter of fact it is more than likely many of them would not be in those institutions.

I see no reason in the world why, because a person is in a home for the aged, he should have any less right to his franchise or why he should have his citizenship curtailed in any way. The disqualification does not apply now as far as the province of British Columbia is concerned, but in that province there are people in institutions maintained by the municipalities, (I am thinking more of those operated by the city of Vancouver now and also by the province) who are in receipt of old age pensions, and they turn their old age pensions over to the administering authority. They do that in preference to living with their friends.

Mr. RICHARD (*Gloucester*): They are inmates of the institution and yet they do have to sign over their pension?

Mr. MACINNIS: Yes. They sign over their cheques and they do that in preference to being outside by themselves or with their relatives. I do not see why we should leave this section in the Act.

Mr. MUTCH: Mr. Chairman, I can express my point of view in about two sentences.

Mr. RICHARD (*Gloucester*): Will you do so?

Mr. Mutch: I object in principle to any provincial imposition limiting the federal franchise and for that reason I am supporting the motion.

Mr. Hazen: This particular section seems to have gone through many vicissitudes over the years. From 1920 to 1929 these people were disqualified. From 1929 to 1934 they were qualified. From 1934 to 1938 they were disqualified again. Then in 1938 the Act was changed and they were disqualified in those provinces where they were not allowed to vote in the provincial elections. Now looking over this section, and in examining the other subsections of section (2), you will find that there are three clauses which provide that if an elector has not the right to vote in a provincial election he has not the right to vote in a dominion election. We have held that principle in two cases after a debate in at least one case. Now it is proposed that we change the principle in connection in these municipal homes. We are going to say they have the right to vote in dominion elections even though they have no right to vote in the provincial election. It seems to me there is a good deal in taking that stand but I am opposed to it. I think if we are going to lay down the principle, as has been laid down with the other two sections, that, if you cannot vote at a provincial election you cannot vote at a dominion election, then, I can see no ground why we should change this. However, there is another reason I am opposing the changing of it. If you get down to brass tacks, most of the people in those institutions, while you may feel sympathetic towards them, are more or less imbeciles and people of feeble minds.

Mr. Richard (*Gloucester*): No, no, no.

Mr. Hazen: They are in my part of the world. They are ignorant of what is going on and their vote would be of no value whatsoever in most cases in improving the government or helping to maintain good government in this country.

Mr. Richard (*Gloucester*): If you remove this would you be giving people the vote in the provincial mental hospitals such as are in our province?

Mr. Hazen: No, just people in these municipal homes.

Mr. Mutch: There is a possibility of everyone over sixty becoming senile?

Mr. Hazen: Those people in ordinary everyday life may have reasons for becoming senile but there are a good many people in the institutions who have got there through over-indulgence in alcohol and other liquors. They are down-and-outers. There are others who are syphilitic cases whose minds have been reduced and I do not think you are going to improve the standard of elections or government if you permit them to vote. I am going to be frank about it and I propose to vote against this motion.

Mr. Sinclair *(Vancouver North)*: I would like to support Mr. Fair in his amendment, although I must confess I am unable to follow Mr. Hazen's reasoning at all. He talks about the other two sections of the Act but, as I remember, he did not support the argument I put forward as far as the restrictions on the Japanese were concerned and I cannot quite see what he is getting at. Mr. Hazen points out that some of these people are getting on in years and are senile. That is also true of a great number of people who are not in the old people's homes who have the right to vote. In our province as Mr. MacInnis points out, some of the people who receive the old age pensions go to these homes where they spend some very pleasant years of their lives. If they stayed in shacks in the woods around Vancouver they could vote, but if they prefer to take their old age pension and turn it over to the institution they are deprived of their vote. I say they would be in a much better position in those institutions to appreciate the questions of the day because they are where they can discuss things with other people. Generally in our province, where they have had the vote for almost twenty years, the vote from the institutions, I am thinking of Vancouver North, Point Grey, and also Vancouver South, reflects almost exactly the vote in the rest of the riding. I think these people are just as capable of exercising their vote as other people over seventy over whom we have no control. Mr. Hazen speaks of these people being there for reasons of alcoholism and disease and as far as those persons are concerned I would be glad to support him.

Mr. MARIER: I am pleased to agree with my friend Mr. Sinclair. I am repeating the principle that I proposed the other day in connection with clause (i). I am opposed, like Mr. Mutch, to disqualify some people because they are disqualified by provincial law. I do not see why a clause of the province which has disqualified some people for some reasons, should be carried on here and that we should disqualify them in the federal elections. The question should be judged on the merits, and, if the people inside those institutions are as well qualified to vote as people outside, I do not see why they should be deprived of their vote and I am in favour of the motion.

Mr. MUTCH: In other words, while consistency has its value no one wants to be consistently wrong.

Mr. MURPHY: Since Ontario is one of the provinces affected I would like to express my opinion as coming from Ontario and it would appear to me that in this committee we have discussed dominion powers as well as the provincial powers when interpreting or making suggestions to this Elections Act. There may be inmates in these institutions who are old age pensioners and are not disqualified, and I would like to be corrected if I am wrong.

Mr. FAIR: With Mr. Murphy's consent I would like to read the Ontario section. This is section 17 of the Election Act of Ontario, and it reads as follows:—

> No person shall be entitled to be entered on the voters' list, or shall vote, who is a prisoner in a jail or prison undergoing punishment for a criminal offence, or is a patient in a mental hospital, or is maintained in whole or in part as an inmate receiving charitable support or care in a municipal house of refuge or house of industry.

Mr. MURPHY: In that case there are many inmates in these institutions who have the franchise in any case.

Mr. MUTCH: Mr. Fair read the words, ". . . maintained in whole or in part . . ."

Mr. MURPHY: We in Ontario must have a very liberal interpretation, and I think in many ridings they do exercise that franchise.

Mr. RICHARD (*Ottawa East*): They certainly do.

Mr. MURPHY: I am going to be very brief, but I think this committee should determine the qualifications regardless of what any province may or may not do. I am going to support the amendment purely on that ground for one reason, and secondly, I do not think we should disqualify those who may be so unfortunate as to be placed in those institutions. I believe, as Mr. Sinclair has said, that there are those outside who are no better qualified to exercise the franchise than some of those inside. I do not think there is any reason to-day under our democracy whereby we should disenfranchise the inmates of these institutions, and I am going to support this amendment.

The CHAIRMAN: Is the committee ready for the question?

Mr. FAIR: I should like to answer Mr. MacInnis. He said that I voted against clause (i) the other day. I did not do that on principle but because we were discussing people who were still potential enemies, and as soon as we get that case settled I shall be only too glad to support such an amendment as this.

The CHAIRMAN: The question is on the amendment.

Mr. GLADSTONE: Mr. Chairman, I should like to ask Mr. Castonguay what his instructions to returning officers will be relative to registration in the case of inmates in provincial asylums, there being there many people who are as sane as many who are outside the institution?

Mr. MACINNIS: That is all covered by the Act.

Mr. FAIR: Subsection (*h*) of the Act states: "every person who is restrained of his liberty and movement or deprived of the management of his property by reason of mental disease."

Mr. GLADSTONE: Some of the persons in some of these other government institutions are not in much better mental condition than those who are in an asylum.

The CHAIRMAN: The question is on the amendment by Mr. Fair to have clause (*k*) of subsection (2) of section 14 deleted. All those in favour please rise.

Carried.

As our next order we shall deal with section 94 under the heading of "Advance polls." Before throwing the discussion open I wish to remark for the benefit of one of our members, Mr. MacNicol, that the communication which he has referred to from the member for Bruce, Mr. A. E. Robinson, has been dealt with by the committee. It appears at page 160 of the minutes of evidence. Now, a general discussion has already taken place on the matter of advance polls which is covered on pages 160 to 178 of the minutes of evidence. We are still at the stage of the general discussion because the principle which has been debated if changed at all by the discussion of the committee will affect equally each of the sections relating to advance polls. So, the discussion is now open.

Mr. SINCLAIR: Mr. Chairman, I regret I was not here when this matter was last discussed. I am interested in this matter because my riding contains a large number of fishermen. The fishermen of the west coast when elections are held in the spring, summer or fall are inevitably a long way from their ridings, and the provincial government, as Mr. MacInnis has pointed out in this discussion, has over the years developed a very excellent system, a foolproof system, of absentee voting which I think might be used in federal elections and which will avoid the advance poll entirely. The system was started in 1924 at the time the results so greatly favoured the government in power that there was set up a royal commission and a thorough investigation was made. Since that time, however, the system has been improved. The provincial government did declare a public holiday which meant a great number of people would leave their places of residence and not cast their vote. However, under the provincial system no matter where the voter is in the province he is able to vote for the member of the riding in which he is domiciled. As you know in British Columbia there is a great deal of seasonal labour and a great number of men are far from their homes during the summer season, and the fishermen for at least three-quarters of the year are away from their homes; therefore the absentee ballot would be of great advantage in federal elections. I do not believe that a dominion-wide absentee vote could be held; I think you would have to restrict it to the provinces. For instance, anyone from Vancouver Island who was fishing off the Queen Charlotte islands could go to Prince Rupert and cast an absentee vote. It is a simple matter. The returning officer has a list of all the candidates in all the ridings, and when an absentee voter comes in he takes the oath that he is a qualified voter and is on the list in the riding where he resides. That oath is actually taken on the outer part of the envelope. The returning officer then advises the voter who are the candidates in the riding in which he resides, and the man again writes his vote naming the candidate he wishes to vote for. These envelopes are then mailed at the end of the day by registered mail to the returning officer of the district concerned. Within two or three days the returning officer holds a formal opening of these registered parcels before the scrutineers, and before the vote actually is counted the returning officers check against their lists to see whether that man who has taken the oath is really on the list and if so whether or not he is a voter.

Mr. RICHARD (*Gloucester*): What must he show to qualify as an absentee voter and to prove that he cannot be at his home to vote?

Mr. SINCLAIR: There is nothing now; there used to be. In the summer season on the south coast of British Columbia many people have their summer homes, and they are there for no other reason than that they are at their summer homes and they cast their vote. You have the full franchise no matter where you are. Now, having satisfied themselves that this man is the right man and has a right to vote, the envelope is clipped and the ballot dropped into a box. There is complete secrecy. That vote is not removed, and the vote is cast. That system has been working in British Columbia since 1924 with, I am sure Mr. MacInnis will say, the greatest satisfaction to the three major parties. It is a simple system and it could be well used, I am sure, to cover this very difficult problem of giving votes to people who, by necessity or by choice, happen to be away from their electoral district on election day.

The CHAIRMAN: I might point out to you, Mr. Sinclair, that this point has already been discussed to a certain extent previously.

Mr. SINCLAIR: I have read that, yes.

The CHAIRMAN: Gentlemen, to help the discussion along I might say, to add to my preliminary remarks, that at the last meeting when the advance polls sections were discussed Mr. MacInnis suggested that the chief electoral officer might offer a draft amendment which could be considered in the event that the majority of the members of the committee would favour the inclusion of fishermen in section 95, subsection (*a*). Mr. Castonguay has presented the following amendment:—

> Clause (*a*) of section ninety-five of the said Act is amended by the insertion of the words "to such persons as are employed as fishermen as defined in subsection 12A of section two of this Act" after the word "Act" in the second line thereof.

Now, if this amendment is considered favourably by the committee we would have to draft a definition of the word "fishermen" in section 2, and this would call for another amendment which reads as follows:—

> The said Act is further amended by inserting therein, immediately after subsection twelve of section two thereof, the following subsection:—
>
> > (12A) "fishermen" means and includes all persons who are engaged or employed on inland, coastal, or deep-sea waters, on salary or wages, or on shares in association with others, or on their own behalf, in the process of fishing as an industry, including sealing and whaling.

Mr. MUTCH: Mr. Chairman, before you come to consideration of this amendment may I say what I said the other day that I was at that time prepared to support the extension to include fishermen as suggested by Mr. MacInnis, but that I urged at the same time—and in that I had the support of some members of the committee; I think Mr. Hazen and Mr. McKay in any event—the broadening of the list of those who could vote at advance polls. I am not sympathetic to the idea of selecting specific groups and extending to them special electoral privileges. If I cannot get anything else, I shall be as consistent as I was a little while ago in taking what I could get. But I raised the question in the committee the other day and it appears on page 176 of the evidence, when we were discussing this matter and after you had read Mr. Castonguay's views on the matter from a previous meeting, and I said:—

> I wonder if we would get very much further if we followed out Mr. McKay's motion? Would he consider, if he still feels that we should let this stand over, asking the chief electoral officer if he could draft or suggest a wording which would carry out the liberalizing thought I brought out a few moments ago and for which Mr. Hazen suggested a definition.

In the discussion the chief electoral officer pointed out that if we were to expand the opportunities for voting at advance polls it might involve opening a large number of additional advance polls to those which are now customarily open; and the other objection was brought out that this would cost a lot of money. I said then, and I repeat now, that I am not primarily concerned so much with the cost of people exercising their franchise as I am with their being able to do so, because elections are never cheap in any case. I do think it is possible, by definition, without placing too much power in the hands of the constituency returning officer, to permit persons who are legitimately away from their poll on election day to exercise their franchise during the period of time that the advance polls are open. I do not ask that we shall have additional advance polls, nor do I ask that the advance polls shall open five minutes earlier. I concern myself with the business men and women, the professional men and women, who for perfectly legitimate reasons are called upon to leave their constituency during the time that the advance poll is open under present regulations and who are presently debarred from casting their vote. I think it is a matter of definition which should not be beyond the capabilities of the law officers of the department, and if it leaves some responsibility on the returning officer of the constituency, I am not averse to that; they are responsible people; they already have a not inconsiderable amount of responsibility. But what I had hoped we would get to-day and what I still hope we can get, which I do not believe is beyond the capabilities of the chief electoral officer or the law officers of the department, is some definition of those who may vote at the advance poll; so that in a place where there is an advance poll, when that advance poll is opened, if I or anyone else has occasion to leave a riding during the time the poll is opened that vote shall not be lost. That is all I asked for in the discussion the other day. I conceive it would be unlikely that the number of those who would seek to take advantage of this privilege would be very materially increased. I do know that even now all kinds of people who would like to go away for personal reasons try to work the oracle, and the returning officer has to say no. He would still have to say no. I am not concerned with the holidayer or the tripper; I am only concerned with business and professional people who for good and sufficient reason have to go away at the time the advance poll is open. If someone says that if we introduce this principle and relax it for them we will have pressure from all kinds of people asking for the same privilege. I agree. I know we will. But I can see no good and sufficient reason why railway men and fishermen should have any more consideration given them than have trained nurses, doctors, insurance agents, business executives, or a carpenter who, in order to make his living, finds that he has to leave during the time the polls are open to hold his job. I am bound to say I see no objection to extending that privilege which is already given to the fishermen and which is already given to railway men. They are in the same position. I see no more reason for giving the privilege to them than to trained nurses, medical people or any other professional person whose duties take them away from the area. Now, if there is no suggested amendment to that, what I want to know is can we try it? Can we get it? Is it the view of the committee that we have extended this privilege far enough already?

Mr. Richard (*Gloucester*): May I ask the chief electoral officer if when we did have the absentee voters' method of voting was that restricted to certain classes?

The Witness: Four classes: fishermen, miners, lumbermen and sailors.

Mr. Richard (*Gloucester*): I think you pointed out the other day that you only had throughout the dominion about 5,000 such voters?

The Witness: That is right.

Mr. Richard (*Gloucester*): I think you referred to the cost.

The Witness: Yes, the cost was about $60 per vote.

Mr. Richard (*Gloucester*): $60 a vote? You have to consider that, after all. I quite agree with Mr. Mutch that probably any man who is absent from the place where he ordinarily votes because he is forced to be absent, is either working at his occupation or is away probably for reasons of health; but I am afraid we are going to open this principle out so widely that we are going to have two election days or a week of election days. Any man may absent himself from his district where he ordinarily resides without any reason at all and vote the next time. The change involves expense, and we do not want too much expense. But when you talk about an expense of $60 a vote, if we are going to extend that principle it is going to run into a large expense.

Mr. Sinclair: Perhaps I should not speak again, but I would like to point out to the committee that the amendments which are submitted by Mr. Castonguay would be of very little value to the B.C. fishermen unless the elections were held in December, January or February when most of the fishermen are at home. Let us take a concrete example. I am thinking of a Scotch fishing town called Pender Harbour. These fishermen leave in February for the early spring fishing. They go out to the Queen Charlotte islands for the halibut fishing, and they come back to the west coast, and it is not until July that they are back in the vicinity of Vancouver. For most of that time they are fishing at sea. They do go to the west coast of Vancouver Island or the Queen Charlotte islands for provisions, but holding a poll a week or two weeks in advance is of no value to them. The old fishermen and the young boys who do their fishing around home might get some value out of it, but the great bulk of the professional fishermen go fishing the year round in British Columbia and these amendments would offer but little help to them.

Mr. Zaplitny: I regret that the amendment as drawn up does not fill the bill for the situation Mr. Sinclair has referred to. However, I do want to say that the amendment will be of definite value to fishermen in inland waters, and it so happens that in the province of Manitoba we do have a very considerable number of fishermen. I would, therefore, feel that even though the amendment does not provide for all that this committee would like we support the amendment in the hope that we do what we can to provide for others. If it is the wish of the committee I would like to move the adoption of the amendment.

Mr. Gladstone: I wonder if the members of the committee fully understand and appreciate the situation that Mr. Sinclair has been presenting. As he pointed out, there may be fishermen from Vancouver who go to the waters north of Vancouver Island, say, opposite Prince Rupert, and are away for weeks. They do not even come in to land their catch of fish. There are special boats, iceing boats that take the fish from them, and they are out there day after day and do not come on land at all. Now, there is no opportunity—and I presume it is the same on the Atlantic coast—for these men to exercise their franchise.

I think the committee ought to make an effort to see if we cannot work out some provision for these men beyond what is at present suggested.

Mr. Hazen: It seems to me that we are discussing two things. One is the advance polling booth and the other is an opportunity for people to vote on election day when they are away from home. Those are two different things. In the province of British Columbia the voter can vote on election day when he is away from home. Under this plan you are going away from that and giving an opportunity to vote before he leaves to the man who is engaged in a profession or a business or is a commercial traveller.

Mr. Sinclair: The great bulk of the fishermen are from the south coast and they are away for two or three months, and the advance poll is no good to them.

Mr. MacInnis: Mr. Chairman, I do not agree with Mr. Hazen that these are two separate things. As a matter of fact, the question we are trying to resolve is how to enable people who are away from home to vote on election day, whether they vote at advance polls or by absentee ballot. If they vote at the advance poll they vote a few days before the ordinary poll is opened; if they vote on the absentee ballot they vote on the day of election no matter where they are. I am afraid that Mr. Sinclair is inclined to be a little provincial minded in this matter. It is quite true as he says that this amendment may not help many of the fishermen in British Columbia, but we are not legislating solely for the province of British Columbia; we are legislating for the whole of the dominion; and if it did not help anyone in British Columbia but did help people in the prairie provinces or throughout the dominion, the amendment would be worth while.

Mr. Sinclair: I quite agree with that.

Mr. MacInnis: I am not pressing the amendment particularly. I realize it has limitations, but I put it forward in lieu of the fact that the committee were not ready to accept the British Columbia system of absentee voting which Mr. Sinclair has spoken of. I believe he made his point clearer than I did mine. As a matter of fact, I am satisfied that the people of British Columbia to-day would not forego the absentee ballot under any circumstances; it has given perfect satisfaction.

Mr. Sinclair: Certainly up to the present time.

Mr. MacInnis: Even at that the absentee ballot might not help the fishermen; but would help a large number at the advance poll, but it would not cover them all. We have to give the opportunity to the largest number to exercise their franchise.

Mr. Sinclair: Would the committee think of this? Since we are in doubts of the advantages of the absentee ballot when there is only one province which has it but where the people know the system and are sold on it, would it be possible in the next general election to have such an absentee ballot only in British Columbia either to prove or disprove to the rest of Canada that the thing is advantageous?

Mr. Marier: It was applied before.

Mr. Sinclair: Not this way.

Mr. Murphy: How many would take advantage of their franchise?

Mr. Sinclair: It would depend entirely on the season of the year.

Mr. Murphy: Suppose it was at the season when the most would be away, how many would be disenfranchised?

Mr. Sinclair: It would run into thousands.

Mr. MacInnis: The absentee ballot helps not only fishermen but all kinds of people. As I mentioned here the other day in the provincial election of 1941

I was speaking up in the northern part of the province and I voted at Prince George. The candidates I voted for were in Vancouver-Burrard.

The CHAIRMAN: Now gentlemen, since the point of procedure has been raised by Mr. Hazen as to whether we are in order in letting the discussion cover both these points, the absentee vote and the advance polls, I want to say that I am of the opinion expressed by Mr. MacInnis. As a matter of fact in the discussion which took place in 1937 before the special committee on Elections and Franchise Act the two matters were studied concurrently and that is why I let the discussion proceed. It is in order to discuss advance polls and the absentee vote. Since I have referred to the minutes of the Election and Franchise Act of 1937 I wonder if each member has received a copy of that report from the chief electoral officer? There is a very interesting discussion of the same problem that we are on to-day which may be found on page 31. At that time the motion was on a wider scope but it was placed before the committee in the following terms: "That the privilege of voting at an advance poll be extended to sheriffs, bailiffs, court officials, students at a university, doctors, nurses, teachers and casual travellers".

Later on in the discussion some other classes of voters were added. The opinion expressed by the Honourable Mr. Stewart at page 74 did prevail and the motion was negatived. The opinion of Mr. Stewart was as follows: "I am opposed to extending the privileges or widening the clause for those who may vote at the advance polls. Let us think where it is going to lead us. You open this door a bit farther, and the next time a little farther, and you will have an election running over four or five days for all people within the next few years. It does seem to me that in a sense it is cheapening the franchise, and that we are considering compulsory voting, which may have some relation to this. But it does appear to me that if you are going to go much farther, you will have to open the door all the way and say 'anybody who wants to come in and vote three or four days ahead may do so.' Mr. MacIntosh suggests that there is discrimination. That will occur if you open the door much wider, surely. There will be a demand from everybody."

This is only to provide material for discussion and I have no definite opinion on this. I would not dare to give any opinion but since this report is in your hands I draw it to your attention.

Mr. MUTCH: I was not a member of the committee in 1937 but I would have disagreed very violently with the gentleman whom you have just quoted and I still disagree.

The CHAIRMAN: Now we have the motion which would cover the case of fishermen. The draft amendment by Mr. Castonguay is just a re-wording of the motion by Mr. MacInnis.

Are you ready for the question?

Mr. HAZEN: Would you please read it again?

The CHAIRMAN: Moved by Mr. MacInnis that clause (a) of section 95 of the said Act be amended by insertion of the words "to such persons as are employed as fishermen as defined in subsection (12A) of section 2 of this Act, after the word 'Act' in the second line thereof."

Mr. HAZEN: Section (12A)?

The CHAIRMAN: That will be a new subsection in the interpretation section, are you ready for the question? I have already read the proposed subsection (12A) of section 2 which is as follows:

Mr. HAZEN: I am looking at section 12 on page 204.

The CHAIRMAN: Page 197 of the Act.

Mr. HAZEN: Oh, subsection 12 of section 2.

The CHAIRMAN: If this motion carries the committee will have to give a definition of the word "fishermen".

The new subsection (12A) of section 2 will read as follows: "Fishermen means and includes all persons who are engaged or employed on inland, coastal, or deep-sea waters, on salary or wages, or on shares in association with others, or on their own behalf, in the process of fishing as an industry, including sealing and whaling."

Mr. SINCLAIR (*Vancouver North*): Does that include cannery workers?

The WITNESS: No.

Mr. SINCLAIR (*Vancouver North*): The cannery workers come to the same villages on the west coast as the fishermen, a great many of them from Vancouver, and they all belong to the same union. If you are going to say the ones who are catching fish can vote and those who are processing the fish cannot vote you are going to have the union down on your head.

Mr. MACNICOL: Would the processing be done on land?

Mr. SINCLAIR (*Vancouver North*): Yes.

Mr. MACNICOL: Would they be away at the time of enumeration, or at the time of the election?

Mr. SINCLAIR (*Vancouver North*): Yes, they are all away from their homes. Their ordinary residences would be in Vancouver.

Mr. MACNICOL: If a hundred men went up from Vancouver, say to Bella Coola, and I am only using Bella Coola as an arbitrary name, to process fish and the enumeration came along while they were engaged there, would they be enumerated at Bella Coola as well as Vancouver or what would happen?

Mr. SINCLAIR (*Vancouver North*): Don't ask me, ask Mr. Castonguay.

The WITNESS: Those workers would come under rule (7A) of section 16, which provides for them by including seasonal or temporary workers. This amendment was passed some time ago.

Mr. SINCLAIR (*Vancouver North*): Which clause was that?

Mr. MUTCH: Seasonal or temporary workers; the amendment suggested by Mr. Castonguay.

The WITNESS: On page 2.

Mr. MUTCH: Opening up that question, of course, Mr. Chairman, if they are covered as suggested by Mr. Castonguay, it is just re-opening the whole question of including everybody whose work takes him away from home. If the seasonal portion of the Act does cover these people, then I say it is so wide that it loses its point. There are at least twenty groups I know of who are entitled to just as much consideration as railway men or fishermen.

Mr. SINCLAIR (*Vancouver North*): As far as fishing is concerned, anyone in British Columbia may pay a dollar and get a fishermen's licence which entitles him to drop a line into the river and troll and sell fish. It includes many, many, people out there. Every four years, at the time of the big run, everybody in the Fraser Valley, every rancher, who can buy fifty feet of net, gets a licence. In the maritimes it may be a different thing because they are fishing the year round. As I see it to differentiate between the cannery workers and the fishermen is going to be bad. Take for example the fishermen who work out of those canneries on contracts. Are they temporary workers in that area? I mean the fishermen for example on the west coast who work out of Alberni.

Mr. ZAPLITNY: Would they be outside their electoral divisions?

The WITNESS: They could be enumerated under clause 16.

The CHAIRMAN: Are you ready for the question or shall I read the motion again?

Mr. HAZEN: Before the motion is put I would like to ask Mr. Castonguay if it is impractical to take Mr. Mutch's suggestion and widen this up to include practically any person who has to be away on business on election day?

The WITNESS: To my mind it would mean the opening up of a large number of advance polls.

Mr. MUTCH: Would you mind telling us just why?

The WITNESS: If you give the privilege to electors in a place that has an advance poll, you would have to provide an advance poll for electors who live some distance away in sparsely settled districts, and who are obliged to be away from home on polling day. At the present time there are one hundred electoral districts where advance polls are not authorized. I feel if the privilege were widened, advance polls would have to be opened in every one of those electoral districts, and not only in one place, but in several places. I think it would be difficult for the returning officer to exercise his discretion. There are electoral districts two hundred miles wide and two hundred miles long and the returning officer lives in one corner and it would be difficult for him to keep himself available for all the distant electors who might want to resort to the advance poll privilege.

Mr. MUTCH: Just on that point, I may be stupid, but I will be darned if I can see it. There are all kinds of railroad workers in this country for whom there are no advance polls. I know of a station in my province where there are probably five or six or seven permanent railroad employees and they do not have any advance poll whatever, although they are occasionally away from home on election day. I cannot see why, because you allow a few of some type of people to vote, that the demand for advance polls is going to be prohibitively greater. You are not going to increase the demands for advance polls, you are decreasing it. I admit that it applies mostly to the city but I cannot see why, if there are thirty advance polls in Winnipeg at the next election, it should make any difference to a person out in Zaplitny's riding who is not going to be home on election day. I think if there are sixteen people there, or whatever the number is, which you set arbitrarily—

The WITNESS: Not arbitrarily, it is set out in the Act.

Mr. MUTCH: Yes, but I think that they should have a poll; not that I want them to vote for Zaplitny, but I think they should have a poll. I am not a lawyer and sometimes I thank God for that, but on occasions like this I am sorry. It seems to me to be a matter of definition. Here is a man who comes to the advance poll when the poll was open. It is an advance poll authorized by the Act, not a new one. The voter is being sent away, he is a doctor, a lawyer, a nurse, an insurance agent or a carpenter. I do not care what he is. He comes down to the advance poll and they say "No, you are not a railroad man or you could vote now; and he is disqualified. That to me does not make any sense.

Mr. RICHARD (*Gloucester*): Won't you have this happening? Some of these electors will go to the advance polls and say: I have to go away for this reason or that reason, and you will not know who is going to present himself, or how many will present themselves.

Mr. MUTCH: The Act provides that if in the past a certain number have presented themselves the electoral officer may open an advance poll.

Mr. SINCLAIR (*Vancouver North*): You are thinking in terms of a city riding but if this were thrown open I have at least two places in my riding where there would be a hundred advance polls required. You would have to have eight or nine times the number of advance polls across the country.

Mr. MUTCH: The fact remains if you do not make it wide open, and that is the only consistent thing to do, you might as well close up the advance polls altogether. I am not going to urge this point but I am coming back to my conception of consistency and my argument is that if you are not going to give the privilege of advance polls to everyone who deserves that privilege, you might as well close up those you have now.

Mr. MARIER: If you give this matter over to the discretion of the returning officer it will be a second day for voting and I would prefer the absentee vote as proposed by Mr. Sinclair. Then everyone in the country would have a right to vote without any trouble. If a man is working ten or fifteen or a hundred miles away from his home he would have the absentee vote and I would prefer that to the case of permitting the returning officer to use his discretion. I think he has enough discretion already.

Mr. MUTCH: It comes to this, unless a group of people in this country has a large vote and a lot of power (they must have 55,000 or 60,000 votes) they cannot be included. The ordinary man has just as much right to the advance poll privilege or the absentee vote but he is not tied up with a group who have that privilege.

Mr. MARIER: There is too much chance of people voting when they want to. All the voter would have to do is say to the returning officer "I am going for a business trip and it is very important". He may know that it is just for a short trip but he may not tell that to the returning officer and it leaves too much up to the discretion of the returning officer and I am against it. The returning officer's discretion is wide enough already.

Mr. MUTCH: As far as I am concerned I am not to be put in the position of throwing the advance polls wide open. I have never advocated that. I have read what I said the other day very carefully and I think I have a pretty good idea of what I have advocated to-day. I am not in favour of giving the advance poll privilege to fishermen for instance, because there are thousands of them, or to railroad men because there are sixty thousand of them in the country, and to deny any other small group whose reasons for being absent are equally legitimate. You are putting it back flatly on the basis where, if there are enough people included in this particular business, we will let them vote over a period of three days. We will not let them vote at the advance poll if they happen to be a group of nurses, or doctors, or any other group, unless they are a nice tight power in an election. To be consistent in this opinion, and there has been too much said already about the virtue of consistency, I ought to object to fishermen and I ought to object to the people who have already been given the privilege. It is not put on a basis of equity. You are putting on this basis, here is a large group of people and so none of us are stupid enough, politically stupid enough, to take that privilege away. Here is another group, a large group of fishermen, so we will tie them in as well. I do not see any more reason for putting in fishermen than chiropractors as far as that is concerned, except that there are a lot more people engaged in fishing.

Mr. RICHARD (*Gloucester*): Would not that power lead or cause them to absent themselves several weeks before the advance poll was established?

Mr. MUTCH: Yes, that is true, but I have never spoken for anybody who is away from home. The man I speak for is the man whose business takes him away during the time the advance poll is open.

Mr. MARIER: If you could define some of these people as well as we have defined railroad men I have no objection to the principle. To give the discretion to the returning officer to accept a man who comes along and says "I have a good reason" is not right and I am against it. It is a good principle to widen the field for these people who have good reason to be absent but as long as you cannot define these people and mention them in the exceptions I am against it.

Mr. MACINNIS: I was going to ask Mr. Mutch how would he define in the Act, or formulate in the Act, the proposal that he has made? I do not think I am quite clear on it.

Mr. Mutch: Mr. Chairman, in answer to Mr. MacInnis I pointed out the other day that I was not prepared, with my background to attempt this. I have had enough experience with lawyers not to attempt to draft a proposal but I asked if the authorities would not attempt a definition. I have a certain modicum of common sense but I have not any legal training and would not try to start and define these people. I do realize that you have to give some discretion to the returning officer and I have no objection to that.

Mr. MacInnis: If you are going to ask the chief electoral officer to draw up a draft clause or section, you will have to give him some idea of what you want in that clause or section. Who would you suggest that you want the privilege for?

Mr. Richard (*Gloucester*): For anybody who wants to be away.

Mr. Mutch: Not at all. That is why I suggested a definition. If I may follow this through, (although I know a lost cause when I see it,) I would like to make my point clear. Here is a man living in the city of Winnipeg, who is a director of one of the national licensed banks; or it happens that the annual meeting of the Canadian Broadcasting Commission, takes place. Nobody from Manitoba ever gets appointed to one of those boards, however something of that type is what I mean. They have the annual meeting and it happens to fall on a date just three days from the election. The bank director gets a summons to go to that meeting in Toronto and it is his job. It happens that he is a high-priced executive and not a fisherman or a switchman. Under those circumstances I see no reason why that man should not take his notice regarding the annual meeting to the returning officer. Any returning officer who has any sense can read a time-table and knows how long it takes to get from Winnipeg to Toronto. The director can say "Here, I have to be away on election day and I would like to vote at the advance poll". By the same token a car painter in the C.N.R. shops, that is a bad example, but any man may be sent by his employer to go work somewhere two or three hundred miles away. In order to take that job he has to leave twenty-four hours before the poll is open. He ought, by bringing his work order in to the returning officer, to be given the privilege of voting. I would not want to give it to someone who wants to go down to the lake to spend a couple of days with his wife and children, although that is a commendable thing. You have got to give some discretion to the returning officer.

Mr. Marier: There would be some cases that would be proper if you could define those you are including. You could perhaps make an amendment to cover anyone who could prove before the returning officer that they are summoned or that they are called away for some good reason and you should mention some of those reasons. Maybe you will not cover everyone but you will cover many people who could vote at the advance poll and you will have defined a certain class of people.

Mr. Hazen: If you were amending this section would you have to keep out any particular class of persons? You could have this, "Any person who, by reason of his employment will be necessarily absent from his ordinary place of residence". I am following the words pretty well on form 62. If it were wise to be as broad as that it could be provided for. Then, when they went to vote, they could take the affidavit or take the declaration, there are lots provided in the Act, to the effect they will be necessarily absent on account of their business on election day. That affidavit or that declaration would be filed with the returning officer at the advance poll and would provide the right to vote.

Mr. Marier: It will still be left to the returning officer to decide.

Mr. Gladstone: Part of their business might be their two weeks' holidays.

Mr. Hazen: Well, you have an affidavit that would cover it and they would have to swear to it. Sometimes people swear false affidavits but there is no way of getting around that.

Mr. MacInnis: I am firmly of the opinion you will have to have this advance vote limited to certain groups or categories of voters. Otherwise I think it would mean instead of having an election on one day you would have it open for three or four days. I do not think, no matter how desirable it is, that there is anything we can do about it.

Mr. Richard (*Ottawa East*): May I ask Mr. Castonguay how many people voted at the advance polls at the last election?

The Witness: There were 10,000.

Mr. Richard (*Ottawa East*): Well, I would be in favour of cancelling the advance polls altogether. They are a relic of the past.

Mr. Sinclair (*Vancouver North*): I agree with Mr. Mutch that we should give everybody who is away from home on election day the right to vote at the advance poll. Getting back to British Columbia the principle is just to have one election day. Everybody in the country knows there is one election day and if they want to vote on that day they can vote. I can quite see Mr. Mutch's objection but every parliament has had more pressure to include some other groups and finally we are going to degenerate down to a four-day election. I mean to say I would support the cancellation of the advance poll and I would be happy to substitute the absentee ballot on election day.

Mr. Mutch: While I said, to be consistent that I thought we should do away with the advance poll, I am once more placed in this position: While I do not think it is fair or equitable to give the vote to one group and not give it to the others, I am not, at the moment, prepared to urge, because somebody has something to which I think everybody is entitled, that we should take the privileges away from those people who have it because we cannot give it to those who have not got it.

Mr. Zaplitny: I would like to say I have every sympathy for what Mr. Mutch is trying to accomplish, that is to extend the principle as far as possible. Obviously we have run up against a technicality or a difficulty of definition. No one is able to properly define the groups so I would urge the committee not to turn down this amendment because of the difficulties before us. I would therefore suggest we support the amendment regardless of the difficulties. With respect to what Mr. Sinclair has said about other groups which are urging for their inclusion, I think that is inevitable.

Mr. Gladstone: Elections are held on Monday and commercial travellers, many of them, now cover their territories by motor car. They could just as well delay their trip on Monday morning a couple of hours before starting out on their business. However, the manager of an industry wants to be in Montreal on Monday and has to take the train on Sunday. He has an important appointment and he has to be there. We are in the position where the manager of an industry is unable to vote but his commercial traveller can vote at the advance poll. As the discussion proceeds I find myself inclined towards doing away with the advance poll entirely without any substitute. Do away with it, or bring in the absentee vote system of British Columbia.

Mr. MacNicol: When the present Act was revised we went through everything that has been gone through here. The same discussions were heard; the same arguments were advanced; and all of it had merits. I do not see that we are going to get anywhere. The amendment that we have before us widens the Act a little bit and, although I am not particularly concerned myself, I do not think we will get anywhere. There has been nothing new added this time to what we have had before. In the end we have always followed pretty well what the chief returning officer advised. He has been at the job a long time, I do not know how many years, but he has been through elections and he knows all the troubles and trials from beginning to end and this committee is likely to accept his advice after discussion, the same as we are doing today.

Mr. MUTCH: Well, "fishermen," includes everybody who ever caught a fish, pretty nearly.

Mr. MACNICOL: It is pretty broad.

Mr. MUTCH: Some of them who will be classed as fishermen have never left dry land.

The CHAIRMAN: Are you ready for the question?

It is moved by Mr. MacInnis that "clause (a) of section 95 of the said Act is amended by the insertion of the words 'to such persons as are employed as fishermen as defined in subsection (12A) of section 2 of this Act' after the words 'Act' in the second line thereof."

All those in favour of the amendment please say aye. All those against please say nay. The motion is carried. Is clause (a) of section 95 as amended carried?

Carried.

Before we go any further, gentlemen, if it is agreeable to Mr. MacInnis it would be in order for him to sponsor a definition of the word "fisherman".

Mr. MACINNIS: I will be glad to do that. I so move.

The CHAIRMAN: It is moved by Mr. MacInnis that section 2 of the Act be amended by adding immediately after subsection 12 thereof, the following:

> (12A) "Fishermen" means and includes all persons who are engaged or employed on island, coastal, or deep sea waters, on salary or wages, or on shares in association with others, or on their own behalf, in the process of fishing as an industry, including sealing and whaling.

Is the motion carried? All those in favour? Those against?

Carried.

I revert now to section 95, clause (*b*). At the suggestion of the Chief Electoral Officer that should be allowed to stand until we have completed the study of the regulations on servicemen's votes.

Mr. MACINNIS: Was section 94 passed?

The CHAIRMAN: No. I am reverting to section 94 concerning the establishment of advance polls. There is no specific suggestion from the Chief Electoral Officer on that section. Is the section carried?

Carried.

By Mr. Sinclair (Vancouver North):

Q. How is the Chief Electoral Officer going to determine where he is going to establish these polls?—A. I did not get the question.

Q. How are you going to determine where you are going to establish these new advanced polls to serve fishermen?—A. They will be established according to section 94. I will receive representations for the establishment of advance polls at various points. If the representations are satisfactory the names of those places will be included in schedule 2 of the Act which is printed on page 328.

By Mr. Zaplitny:

Q. As a matter of information, in the case of those electoral divisions that are already included in the schedule the establishment of the advance poll is then a question for the returning officer?—A. The establishment of the advance poll is made by the returning officer upon instructions from my office.

Q. He must have the approval of your office?—A. If the name appears in schedule 2 I have no alternative, and the name must be in schedule 2 before I can instruct the returning officer to proceed with the establishment of an advance poll.

By Mr. Fair:

Q. That would mean where any particular group wanted an advance poll established representations would be made to the Chief Electoral Officer?—A. Make representations to my office and the matter will be looked into.

The CHAIRMAN: Is section 94 carried?

Carried.

Section 96. There is no change here. Is the section carried?

Carried.

Section 97. Please refer to the mimeographed copy, page 8.

> Subsections one, two and three of section ninety-seven of the said Act are repealed and the following substituted therefor:—
>
> > 97 (1). At the opening of the advance poll, at two o'clock in the the afternoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall be securely closed and sealed with one of the special metal seals provided by the Chief Electoral Officer for the use of deputy returning officers. The ballot box shall then be placed on a table in full view of all present and shall be maintained so placed until the close of the poll on such day.

Is subsection (1) carried?

By Mr. Hazen:

Q. That is altogether new?—A. That is altogether new. The purpose is to provide for the special metal seal which was discussed at previous meetings.

The CHAIRMAN: Is subsection 1 carried?

The WITNESS: It follows the procedure at ordinary polls.

Mr. MACNICOL: I must say that I never at any previous election appointed anyone to go to an advance poll to see that the poll was properly conducted or the ballots properly counted.

The WITNESS: Candidates are entitled to have agents at the advance polls as well as at the ordinary polls.

Mr. MACNICOL: It is usually lawyers who are appointed, and a lawyer would not do anything wrong, anyway.

The CHAIRMAN: Is the new subsection 1 carried?

Carried.

97 subsection (2)?

> (2) At the re-opening of the poll, at two o'clock in the afternoon of the second and third days of voting, the ballot box shall be unsealed and opened by the deputy returning officer in full view of such of the candidates or their agents or the electors representing candidates as are present, and the special envelope containing the unused ballot papers shall be taken out and opened. The special envelope or envelopes containing the ballot papers cast on the preceding day or days shall, unopened, remain in the ballot box. The ballot box shall then be closed, sealed and placed upon the table as prescribed in subsection one of this section.

Mr. MacNicol: Has that been in the Act right along?

The Witness: There is no change in the principle of subsection (2). It was subsection (1) I think of the old Act. It provides only for the metal seal.

Mr. Hazen: Where previous to this Act did you find the hours "two o'clock" for the opening of the poll?

The Witness: That is in section 94.

The Chairman: Is the subsection carried?

Carried.

Subsection (3).

> (3) At the close of the advance poll, at ten o'clock in the evening of each voting day, the deputy returning officer shall in full view of such of the candidates or their agents or the electors representing candidates as are present,
>
> (*a*) unseal and open the ballot box;
>
> (*b*) empty the ballot papers (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;
>
> (*c*) seal such envelope;
>
> (*d*) count the unused ballot papers and the certificates in Form No. 62 which up to that time have been presented;
>
> (*e*) place the unused ballot papers and certificates in Form No. 62 in another special envelope supplied for the purpose;
>
> (*f*) endorse thereon the number of such unused ballot papers and certificates in Form No. 62; and
>
> (*g*) seal the said envelope.
>
> The deputy returning officer and such of the candidates or their agents or the electors representing candidatas as are present, shall affix their signatures on both of the above mentioned special envelopes, before such envelopes are placed in the ballot box. The ballot box shall then be closed and sealed as prescribed in subsection one of this section.

Is subsection (3) carried?

Carried.

Subsection (4).

> (4) In the intervals between voting hours at the advance poll and until six o'clock in the afternoon of the day fixed as ordinary polling day, the ballot box shall remain sealed in the manner prescribed in subsection one of this section, and such of the candidates or their agents or the electors representing candidates as are present at the close of the poll on each of the three voting days at the advance poll may, if they so desire, take note of such serial number at the re-opening of the poll on the second and third days of voting and at the counting of the votes on the ordinary polling day.

Is subsection (4) carried?

Carried.

Now, gentlemen, we will deal with the implementation of the principle underlying the recommendations of the Auditor General. I understand that each member has received a list of the draft amendments which should be considered to put the principle referred to into effect. The first section to be considered would be section 61 of the Act.

Mr. MacInnis: Mr. Chairman, I wonder if we are averse to adopting the principle of this. We had it long enough to go over it.

Mr. Hazen: We did that.

The CHAIRMAN: The recommendation of the Auditor General has been fully discussed.

Mr. MACINNISS: Have we adopted it in principle?

The CHAIRMAN: The principle has been adopted.

Now the chief electoral officer's suggestions to the committee are that the following changes be made in the Act. Section 61 happens to be the key section in the whole question. Section 61 is to be repealed and the following substituted therefor:—

> 61. The chief electoral officer shall, in accordance with the Tariff of Fees established pursuant to subsection one of section sixty of this Act, tax all accounts relating to the conduct of an election and shall transmit such accounts forthwith to the Comptroller of the Treasury.

Is section 61 carried?

Carried.

> Clause (a) of subsection three section sixty of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the sixth line thereof.

Shall clause (a) carry?

Carried.

> Clause (b) of subsection three of section sixty of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the fifth line thereof.

Shall clause (b) carry?

Carried.

> Clause (c) of subsection three of section sixty of the said Act is repealed and the following substituted therefor:—
>
> (c) in the electoral district of Yukon-Mackenzie River, the accounts of deputy returning officers, pollclerks and landlords of polling stations, shall be paid by separate cheques issued from the Office of the Comptroller of the Treasury after such accounts have been taxed by the Chief Electoral Officer as hereinafter provided:—

Shall clause (c) carry?

Carried.

> Subsection four of section sixty of the said Act is amended by substituting the words "Chief Electoral Officer" for the words "Auditor General" in the second line thereof.

Shall the subsection carry?

Carried.

> Subsection five of section sixty of the said Act is amended by substituting the words "Chief Electoral Officer" for the words "Auditor General" in the eleventh line thereof.

Shall the subsection carry?

Carried.

> Subsection five of section sixty of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the thirteenth line thereof.

Shall the subsection carry?

Carried.

> Subsection five of section sixty of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the thirteenth line thereof.

Shall the subsection carry?

Carried.

> Subsection six of section seventy of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the ninth line thereof.

Shall the subsection carry?

Carried.

> Subsection five of section fifty-six of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the eighth, tenth and thirteenth lines thereof.

Carried.

> Subsection thirteen of section twenty-one of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the second line thereof.

Mr. MacInnis: Mr. Chairman, could we not shorten this? We have approved of the principle, and these contain merely verbal changes. Could we not adopt them in bulk?

Mr. MacNicol: I agree.

The Chairman: There are just a few more amendments of that type before we come to section 6 where the phraseology will be subject to discussion, so I think we should proceed in this way for the moment. Shall that subsection carry?

Carried.

> Subsection eleven of section twenty-one of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the third and fourth lines thereof.

Carried.

> Rule nine of Schedule B to section seventeen of the said Act is amended by substituting the words "Chief Electoral Officer" for the words "Auditor General" in the ninth line thereof.

Mr. Hazen: No, we are going too fast. I want to look at these things. What page is that on?

The Chairman: Page 223 of the Act. It is amended to substitute the words "Chief Electoral Officer" for the words "Auditor General" in the ninth line thereof.

Carried.

> Rule twelve of Schedule A to section seventeen of the said Act is amended by substituting the words "Chief Electoral Officer" for the words "Auditor General" in the eighth and fifteenth lines thereof.
>
> Carried.
>
> Rule twelve of Schedule A to section seventeen of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the tenth line thereof.
>
> Carried.
>
> Subsection six of section seventeen of the said Act is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the twentieth and twenty-first lines thereof.
>
> Carried.
>
> Subsection three of section seventeen of the said Act is amended by substituting the words "Chief Electoral Officer" for the words "Auditor General" in the eighth line thereof.

Carried.

Section 6 will be found at page 201 of the Act.

> Section six of the said Act is repealed and the following substituted therefor:—
>
> 6. (1) Excepting the Chief Electoral Officer and one assistant, to be known as Assistant Chief Electoral Officer, two stenographers and eight clerks, all of whom shall be appointed by the Governor in Council and be eligible as contributors under the Civil Service Superannuation Act, with all the benefits therein prescribed, there shall be no permanent officers or employees in the office of the Chief Electoral Officer, appointed or paid to perform any duties in connection with elections.

Shall that carry?

Mr. MacNicol: Is this a sufficient staff to look after everything?

The Witness: It will also look after the Auditor General's work.

Mr. Hazen: Does this mean that there will be an increase of five?

The Witness: In practice it is only an increase of one.

Mr. Hazen: Then you must have been violating the Act before; it says two stenographers and eight clerks.

The Witness: Some employees were employed under subsection (2) of section 6.

Mr. Hazen: Do you propose to cut out subsection (2) of section 6?

The Witness: No, this subsection will be needed as well. But it is felt that the present temporary employees should be made permanent. The staff is required and will be fully occupied between elections and it is advisable to keep the persons who have been trained at this work. Representations have been made to me on the subject.

Mr. Hazen: This is a very difficult thing for this committee to be called upon to deal with—to say that there should be five additional permanent clerks. It seems to me that should be somebody else's authority. We are asked to provide five additional clerks. I do not know what it amounts to in salaries. We cannot investigate a matter like that. There should be somebody else who can do that.

The Witness: This increase is partly in view of the adoption of the Auditor General's suggestion.

Mr. Hazen: Did the Auditor General recommend this?

The Witness: The persons who will be doing the work to implement the Auditor General's suggestion will have to be employed under this section.

Mr. Hazen: Who recommends this?

The Witness: I have made the recommendation. But the adoption of the Auditor General's suggestion to have the accounts taxed in my office instead of in his own office means, as I said before, that it will require the employment of two additional clerks permanently.

Mr. MacInnis: Mr. Chairman, I do not see that there is any way in which this committee can get over the difficulty in which Mr. Hazen finds himself unless we approve of a section of this kind. If we approve of the section in which it is provided that the chief electoral officer or the Governor in Council will provide for such staff as may be necessary to carry out the duties of the office, we can either give a blanket approval or in the terms set out here. We have to do one or the other.

Mr. MacNicol: Should it not be the Governor in Council?

Mr. MacInnis: They are appointed by the Governor in Council.

The Witness: It will mean the employment of two additional employees.

Mr. GLADSTONE: And there will be fewer employees for the Auditor General?

The WITNESS: He has been employing between elections these two employees to look after the settlement of election accounts. They were permanent officials. One, he says in his report, is ranked as a chief clerk.

The CHAIRMAN: Shall subsection (1) carry?

Mr. HAZEN: I am not going to vote for it.

Mr. FAIR: How long will the work of taxing these accounts take after the election is over?

The WITNESS: Some of the accounts are not yet paid. It takes a year and a half to clear up the accounts, and then there is a lot of straightening up to do, which is still going on since the last election.

Mr. MACNICOL: It is 6 o'clock. We had better leave this section over until we meet again.

The CHAIRMAN: Very well. We will adjourn to meet on Thursday at 4 o'clock.

The committee adjourned to meet again on Thursday, June 5, at 4 o'clock p.m.

SESSION 1947

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 11

THURSDAY, JUNE 5, 1947

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,
Thursday, June 5, 1947.

The Special Committee on The Dominion Elections Act, 1938, met at 4.00 o'clock. Mr. Paul E. Coté (*Verdun*), Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Coté (*Verdun*), Fair, Gladstone, Hazen, MacInnis, McKay, Murphy, Richard (*Gloucester*), Richard (*Ottawa East*), Stirling, Zaplitny.

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

The Committee resumed the adjourned consideration of the said Act and considered various proposed amendments thereto.

Mr. Jules Castonguay, the Chief Electoral Officer, was recalled and he was questioned on the various proposed amendments under consideration.

Section 6 of the said Act, as amended (See Minutes of Evidence of to-day) was agreed to.

Section 17 was further amended by an amendment (See Minutes of Evidence of to-day) made to the new subsection (15A) and as such was agreed to.

Section 28 was amended by inserting after the word "in" in the seventh line of subsection (1) thereof the following words: "the heading of", and the said Section as amended was agreed to.

Schedule One was then considered by the Committee, and various forms thereof were severally examined and adopted.

Forms 1 to 6 inclusive, 8 to 11 inclusive, 15, 17, 19 to 23 inclusive, 25 to 30 inclusive were approved without change.

Forms 7, 12, 13, 14, 16, 16, (Concluded), 18, 24, as amended (See Minutes of Evidence of to-day) were agreed to.

Forms (new) 9A, 9B, 18A, were added and agreed to. (See Minutes of Evidence of to-day).

At 6.00 o'clock p.m., the Committee adjourned to meet again at 4.00 o'clock on Monday, June 9, 1947.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
June 5, 1947.

The Special Committee on the Dominion Elections Act, met this day at 4.00 p.m. The Chairman, Mr. Paul E. Cote, presided.

The CHAIRMAN: Gentlemen, we have a quorum. A good deal of discussion has already taken place on section 6 which we were considering at the last meeting. We are still on section 6, subsection (1).

Mr. HAZEN: I am taking exception or objection to this section. I do not think I am in a position to say how many persons shall be employed in the office of the chief electoral officer, and I doubt if any other member of this committee is in a position to say how many permanent employees there shall be in that office. Before we would be in a position to say how many employees there should be we would have to have a full investigation of the internal workings of the chief electoral officer's office. I doubt very much if our terms of reference are that wide. I do not think it was ever intended that we were to investigate the office of the chief electoral officer and it seems to me that the responsibility for the appointments of the employees and officers must be with the responsible minister. The responsibility should be with the minister who is in charge of the chief electoral officer's office. By the way might I ask what minister that would be?

Mr. BERTRAND: The secretary of state.

Mr. HAZEN: Then it seems to me the responsibility must rest with the secretary of state. This amendment asks that the number of clerks be increased from three to eight. The Auditor General, apparently, has recommended two as I understood the other day. How, then, can we be in a position to say that there shall be five more persons employed in that office? I am very surprised to read this section and I wonder how it ever got into the Act. It says "there shall be no permanent employees in the office of the chief electoral officer except two stenographers and three clerks, all of whom shall be appointed by the Governor in Council."

I fail to understand how this committee can fix the number of employees required in the chief electoral officer's office, and I think the thing has been gone about in absolutely the wrong way. I think the section should read "permanent employees in the office of the chief electoral officer appointed to perform any duties in connection with an election shall be appointed by the Governor in Council" leaving the responsibility to him.

Mr. RICHARD (Ottawa East): Would you mention the chief electoral officer?

Mr. HAZEN: Yes.

Mr. RICHARD: (Ottawa East): And what staff as may be necessary from time to time?

Mr. HAZEN: Yes, something like that.

Jules Castonguay, Chief Electoral Officer, called:

The WITNESS: I might tell the committee that the office of the chief electoral officer is not considered as being a branch of the Department of the Secretary of State. I am responsible to parliament. The secretary of state is mentioned in the act as being the channel of communication between my office and the Governor in Council or Parliament. I do not think that my office should be considered as one of the branches of the secretary of state.

Mr. MURPHY: That is what I thought.

Mr. FAIR: The secretary of state usually sponsors your bills in the House.

The WITNESS: The secretary of state pilots the estimates of my office through the House and sometimes bills amending the Elections Act. In 1920 when the Franchise Bill was before Parliament, it was Mr. Guthrie, the Minister of National Defence, who was sponsoring it. Later on it was another minister and the secretary of state only came into the picture in the last few years.

By Hon. Mr. Stirling:

Q. Mr. Cahan was the secretary of state at the time of the Dominion Franchise Act?—A. Yes.

Q. Did he not pilot the Dominion Franchise Act?—A. Yes, he did pilot the Franchise Act.

Q. Might not the office of the Auditor General be put on a par with your office because in both cases they are responsible to parliament rather than the government. In the case of the Act setting up the Auditor General, is there any provision which says how much assistance he shall have in his office? —A. I do not think there is.

Q. I do not remember an Act of parliament which states how many there shall be in the office.

By Mr. MacInnis:

Q. The only office comparable to this, because the officer concerned has direct responsibility to parliament, would be the office of the Auditor General. —A. I think that would also apply to the Civil Service Commission.

Q. Perhaps it applies to the Civil Service Commission. It seems to me we are going to say there shall be one chief electoral officer and one assistant to be known as the assistant chief electoral officer. Even though we say the chief electoral officer is responsible to parliament and has complete control of his office outside of the government, the staff must be in pretty much the same position. They must be responsible to the chief electoral officer.

The CHAIRMAN: I was going to invite some remarks from Mr. Fraser. Is it the wish that Mr. Fraser offer some comment?

Agreed.

Mr. FRASER (Joint law clerk): Mr. Chairman, in looking over the proposed amendment, and in examining the Act in that respect, I came to the same conclusion as Mr. Hazen did. It is a very singular provision. I have never come across it although we have scores of commissions and boards and the like which are set up under government auspices where the clerks must be appointed by the Governor in Council. I never saw a case where there was a limit put apart from classification. This is unique in legislation.

There is a further objection to it. The draft is exceedingly poor. This purports to deal with the permanent staff but the Act does include the chief electoral officer. The chief electoral officer is taken care of by section 4, with respect to his tenure of office, his removal, his entitlement to superannuation on the same basis as a judge of the Supreme Court of Canada. He is not referred to particularly as one of the staff. This section was designed to cover those in the chief electoral officer's office, namely one assistant, the clerks and stenographers, so that I have redrafted for consideration of the committee the following amendment:—

> The permanent staff of the chief electoral officer shall consist of an officer known as the assistant chief electoral officer appointed by the Governor in Council and such other officers, clerks, and employees as may be appointed from time to time by the Governor in Council all of whom may be contributors under and entitled to all the benefits of the Civil Service Superannuation Act.

The control is then with the Governor in Council as to the members, classifications, etc., on the recommendation of the chief electoral officer. The chief electoral officer himself should not be included in that section because he is taken care of in another place.

Mr. MacInnis: Will you read the amendment again?

Mr. Fraser (Joint law clerk):—

> The permanent staff of the chief electoral officer shall consist of an officer known as the assistant chief electoral officer appointed by the Governor in Council and such other officers, clerks, and employees as may be appointed from time to time by the Governor in Council all of whom may be contributors under and entitled to all the benefits of the Civil Service Superannuation Act.

I am leaving the chief electoral officer out because he is taken care of by section 4.

Mr. Fair: Section 4, I believe, says the chief electoral officer reports to parliament through the secretary of state. He shall rank as and have all the powers of a deputy head of a department and be entitled to superannuation on the same condition as a judge of the Supreme Court of Canada.

Mr. MacInnis: Number 6 (1) as we have it, reads: "one assistant to be known as the assistant chief electoral officer" and then it says for superannuation purposes "all of whom may be contributors."

Would not that be excepting the chief electoral officer and his assistant?

Mr. Fraser (Joint law clerk): I could not take it that way.

Mr. MacInnis: What is the use of the word "excepting"?

The Chairman: I would say that relates to the third last line.

Mr. Fraser (Joint law clerk): That is superfluous. You say here that you will have so many officers so what is the use of saying there shall be no more.

Mr. Murphy: I was going to inquire about the payment, perhaps Mr. Castonguay could explain.

The Chairman: Well will you put your question?

By Mr. Murphy:

Q. Are the appointments to be under the Civil Service Commission or under the Governor in Council?—A. As the Act reads, under the Governor in Council, but I might tell the committee the practice has been for the Governor in Council to refer all recommendations or proposed appointments to the Civil Service Commission and the Civil Service Commission issues a report on each recommendation. The Governor in Council has acted upon the recommendation of the Civil Service Commission. This applies also in the case of promotion. Any promotion that is being recommended is reported on by the Civil Service Commission before the Governor in Council takes any action.

Q. After they are appointed by the Governor in Council do they come under the Civil Service Commission?—A. They do as far as the Act goes.

Q. You would have to have the special clause entitling them to the benefits of the Civil Service Superannuation Act?—A. Section 6 (1) gives them the benefits under the Civil Service Superannuation Act.

Q. What I was getting at was that if they were appointed by the civil service that particular section would not be necessary?—A. No I do not think it would be necessary.

Q. The other point I had in mind was that in connection with the objection raised regarding the Auditor General's recommendations as to the increased number of employees. There was some remark made about that. The Auditor General suggested two or three more employees and you are asking for more. I was wondering if you would give us an explanation on that point?—A. Prior to 1938 the Dominion Franchise Act was operating and franchise officers did part of the work that my office is now doing. At that time the Elections Act stipulated only two stenographers and we got along with one or two temporary clerks. In 1938 when the Dominion Franchise Act ceased to operate, and the Dominion Election Act was reenacted, I thought that two stenographers and three clerks were all that would be required. The work, however, has proved to be far more considerable than was expected and since 1939 three temporary clerks were employed under subsection (2) of section (6). These temporary clerks had to be employed continually to carry out the work of this office.

Mr. MacInnis: Mr. Castonguay is there any reason why there should not be a provision in the Act for the appointment of the staff of the office of the chief electoral officer by the Civil Service Commission?—A. I would not object to the permanent staff being appointed by the Civil Service Commission but with reference to subsection (2) of section 6 I think it is preferable that it should be left as it is. The temporary clerks that we have been able to select have always been most satisfactory. These clerks are only employed for two or three months and election work is very strenuous, and they are always willing to work overtime hours.

Mr. MacNicol: Are they paid by the hour?

The Witness: They are paid a monthly salary but sometimes when the number of hours of overtime is considerable I apply to the treasury board to pay them so much per hour for overtime.

By Mr. MacInnis:

Q. If there is no objection to the appointment of the permanent staff by the Civil Service Commission, could a change in the amendment be made Mr. Fraser? Could it be drafted to provide that the permanent staff, such as would be approved by the Governor in Council, would be appointed by the Civil Service Commission.—A. You mean appointed by the Governor in Council with the approval of the Civil Service Commission?

Mr. Murphy: I think Mr. MacInnis has in mind that the number should be approved by the Governor in Council.

Mr. MacInnis: Yes.

Mr. Fraser (Joint law clerk): You would immediately have a conflict there and it might not work out at all between the commission and the Governor in Council. If you make it a pre-requisite that one or the other of those bodies should concur in the appointment, and, if you did not get the concurrence nothing is going to happen.

Mr. MacInnis: Maybe I am wrong in this but I understood the Civil Service Commission selects the employees required by each department but it does not say directly what the number of employees shall be.

Hon. Mr. Stirling: It does now, as I understand it.

Mr. MacNicol: Would Mr. Fraser read his suggested amendment again?

The Chairman: This is the amendment which has been suggested by Mr. Fraser for the consideration of the committee.

> 6. (1) The permanent staff of the chief electoral officer shall consist of an officer known as the assistant chief electoral officer, two stenographers and three clerks, appointed by the Governor in Council who may be contributors under and entitled to all the benefits in the Civil Service Superannuation Act.

Hon. Mr. STIRLING: Is that the amendment?

The CHAIRMAN: That is the draft amendment which Mr. Fraser has just handed to me.

Hon. Mr. STIRLING: You have altered that since it was read before.

The CHAIRMAN: It is the same amendment.

Hon. Mr. STIRLING: There is a misunderstanding there. When it was first read it did not state the number of clerks nor stenographers.

Mr. FRASER (Joint law clerk): I had the original draft set out to include the numbers but I have had so many proposed amendments drafted in this matter that we have got them mixed up now.

The CHAIRMAN: I have it here now.

> The permanent staff of the chief electoral officer shall consist of an officer known as the assistant chief electoral officer appointed by the Governor in Council and such other officers, clerks, and employees, as may be appointed from time to time by the Governor in Council all of whom may be contributors under and entitled to all the benefits of the Civil Service Superannuation Act.

Mr. MACNICOL: Mr. Fraser's amendment covers the point that was raised a moment ago by Mr. MacInnis regarding the superannuation.

Mr. FRASER (Joint law clerk): That provision is necessary if they are going to be appointed by the Governor in Council. If Mr. MacInnis' suggestion is to be carried out and if they are appointed by the Civil Service Commission then it is "according to law," as we say, and there is no need to have that reference to the Civil Service Superannuation Act.

By Mr. Murphy:

Q. Mr. Castonguay would know how it would operate most efficiently. Would you prefer to have them appointed as they are now by the Governor in Council or would you prefer having them appointed by the Civil Service Commission?—A. This provision has been in force for twenty seven years and it has worked satisfactorily and I would prefer to carry on the way it is.

Q. As far as I am concerned I am quite willing to accept the recommendation of Mr. Castonguay. He is responsible for the successful operation of this Act and I am satisfied with his suggestion.

Mr. MACINNIS: I would perhaps put it in another way. My experience with the chief electoral officer's office has been satisfactory during the years with respect to what little contact I have had with his office. Perhaps taking it all round it was not just a small contact. I would hesitate to make any suggestion opposed to what he would want or what he would prefer. Unfortunately, Mr. Castonguay will not always be the chief electoral officer but I am not pressing for a change.

The CHAIRMAN: Do you not anticipate any serious objection in restricting the size of your staff as will be the case if you limit the number of stenographers to two and the number of clerks to eight?

The WITNESS: I think this will work out satisfactorily. I think this will supply ample assistance to carry on the work of the office.

Mr. MacInnis: Would you not have any objection if the section were drafted as Mr. Fraser suggested "such employees as are approved by the Governor in Council".

The Witness: I would have no objection.

The Chairman: Otherwise you would require an act of parliament to amend this section to increase your permanent staff.

The Witness: I have taken that into consideration and I do not expect it will be necessary to increase the permanent staff for many, many years. I think the proposed amendment will provide ample staff.

The Chairman: What is the wish of the committee?

Mr. MacNicol: I would move the motion as suggested by Mr. Fraser's amendment.

The Chairman: The two suggestions are not identical. We have a suggestion by Mr. Fraser and one by Mr. Castonguay.

Hon. Mr. Stirling: I understood Mr. Castonguay to say Mr. Fraser's amendment was acceptable to him. He was referring to the amendment that does not mention the numbers.

The Witness: Yes.

The Chairman: Then would you move, Mr. MacNicol, that subsection (1) of section 6 be deleted and we will substitute therefor the following:—

> The permanent staff of the chief electoral officer's office shall consist of an officer known as the assistant chief electoral officer appointed by the Governor in Council and such other officers, clerks and employees as may be appointed from time to time by the Governor in Council all of whom may be contributors under and entitled to all the benefits of the Civil Service Superannuation Act.

Mr. MacNicol: Yes, I will move that.

The Chairman: Is the motion carried?

Carried.

Now subsection (2) of section 6. The following subsection is recommended as a substitution.

> (2) The chief electoral officer shall from time to time select and appoint such temporary employees as he may require for the proper performance of the duties of his office. The rate of remuneration to be paid to such temporary employees shall be determined by the Governor in Council. All such temporary appointees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

Mr. MacNicol: That sounds all right.

Mr. Fraser: (Joint law clerk): I have made a few minor changes in drafting but the only substantial point I would draw the attention of the committee is the determination of the remuneration to be paid to those employees by the Treasury Board. I have never come across any occasion where the Treasury Board was given jurisdiction of that kind. The Treasury Board as you gentlemen know, is a committee of the cabinet. It does not make orders. The treasury minutes are a record of their proceedings and they are all by way of recommendations to the government. The cabinet takes full responsibility, makes appointments, and determines this and that and the other thing. I think this properly should be the Governor in Council. I do not think the Treasury Board would accept the responsibility and I do not think they are competent.

The CHAIRMAN: For my personal information would you say the Treasury Board would have no legal status to act as a corporation, as a special entity?

Mr. FRASER (Joint law clerk): No, no. It is just a group of two or three ministers. It is a subcommittee.

Hon. Mr. STIRLING: At the present time, Mr. Chairman, the question of remuneration within the department is a matter in which the Civil Service Commission has a big say if not the whole say. In this case, as Mr. Castonguay mentions, with regard to temporary staff, the Civil Service Commission does not have anything to say as to the amount of remuneration. The only body that can have any say is the Governor in Council.

Mr. MACNICOL: Have they not been appointed in the past by the chief electoral officer?

The WITNESS: The temporary employees have been selected and appointed by the chief electoral officer.

Mr. MACNICOL: Why should we not leave it that way?

The WITNESS: Well in view of the practice followed during the last ten or fifteen years the remuneration of the temporary employees has, during that time, been subject to the approval of the Treasury Board and the Treasury Board approves on reports from the Civil Service Commission. If you put it Governor in Council it makes no difference. What the Governor in Council will do is just to refer the matter to the Treasury Board.

Mr. MACINNIS: I do not know whether the Treasury Board is a legal entity or not but from my experience with its activities it appears to be a very powerful institution. It is a very good thing for carrying the buck, or passing the buck or, something of that kind, because, whenever it is said that a certain thing cannot be done, the reason given is that the Treasury Board does not approve.

The CHAIRMAN: Is it your wish that we carry the amendment?

Mr. MACINNIS: As it is, or with the Governor in Council instead of the Treasury Board?

The CHAIRMAN: I will read it again. The only change I will make will be substituting the words "Governor in Council" for "Treasury Board".

> The chief electoral officer shall from time to time select and appoint such temporary employees as he may require for the proper performance of the duties of his office. The rate of remuneration to be paid to such temporary employees shall be determined by the Governor in Council. All such temporary appointees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

Shall the amended subsection (2) carry?

Carried.

Now we have subsection (3). This is a new subsection to replace the present subsection (3) of section 6 in the Act. It reads:—

> (3) In the classification of the Civil Service of Canada, the rank of the permanent employees in the office of the chief electoral officer shall be determined by the Governor in Council.

Hon. Mr. STIRLING: What is the object of that?

The WITNESS: The subsection is somewhat like the old one but there has been a change with regard to the assistant chief electoral officer. The old provision has not worked out satisfactorily. It provided that the assistant chief electoral officer had the rank of a chief clerk. Some years ago an appointment was made of an assistant chief electoral officer and he began performing his duties with the rank of chief clerk. During two or three years at least, I thought that his remuneration was too high. Time went on and he reached the maximum for his class of chief clerk and he thought, and I thought myself, that he was not paid enough during the last few years. This person, a few months ago, resigned and one of the reasons he gave for resigning was because he saw no chance of advancement. The proposed amendment would obviate the difficulties that have been encountered in the last ten years.

Hon. Mr. STIRLING: It emanates from the Auditor General's suggestions does it?

The WITNESS: The Auditor General does not come into this. This is subsection (3) of section 6. It deals with the classification or ranks of permanent employees.

Mr. MACNICOL: How is it suggested that it read now? Would you please read it again?

The CHAIRMAN: The suggested amendment reads as follows:—

> (3) In the classification of the Civil Service of Canada, the rank of the permanent employees in the office of the chief electoral officer shall be determined by the Governor in Council.

Mr. MACINNIS: Mr. Chairman, does not the Civil Service Commission decide the classification of civil service employees? If that is the case, would it not be more simple to say that the classification of the permanent employees of the office of the chief electoral officer shall be determined by the Civil Service Commission.

The WITNESS: The Civil Service Commission fixes the ranks or classes, grades 1, 2, 3, 4, principal clerks, head clerks, chief clerks and so on. The object of this provision is that the ranks established by the Civil Service Commission for other employees shall prevail in the office of the chief electoral officer.

Mr. MACINNIS: That the classification established by the Civil Service Commission should apply in the chief electoral officer's office?

The WITNESS: Quite right.

Mr. MACINNIS: Well that seems rather a cumbersome way of saying so.

Hon. Mr. STIRLING: It certainly does not say that.

By the Chairman:

Q. Mr. Castonguay, if I may ask, do I understand that the position of the assistant chief electoral officer was automatically classified as that of a chief clerk?—A. Yes. Chief clerk.

Q. According to the ranks of employment?—A. No, according to the provision of subsection (3) of section 6 of the old Act which read as follows:—

> In the classification of the Civil Service of Canada, the assistant chief electoral officer shall rank as a chief clerk and the rank of the other permanent employees shall be determined by the Governor in Council upon the recommendation of the chief electoral officer.

Q. "Shall rank as a chief clerk" and what was the remuneration given to him under the Act?—A. During his service his remuneration varied between $3,120 and $3,720.

Q. And you found this was not satisfactory?—A. The first couple of years he knew nothing about elections. I thought then his salary of $3,120 was too high. As he acquired knowledge and became competent he thought, and I thought also, that $3,720 was not enough remuneration and I repeat that is one of the reasons why he resigned the office at the beginning of this year.

By Mr. Murphy:

Q. Does not the proposed amendment tend to promote efficiency in this organization? Mr. Castonguay has, as he explained, by reason of the classification, lost a good man; and this will eliminate that happening again?—A. Yes.

Q. And it will provide for greater efficiency in your department?—A. Yes, no employee will be blocked by a provision of the Act.

Q. By the classification under the provision.—A. Yes.

By Hon. Mr. Stirling:

Q. What puzzles me is that subsections (1) and (2) do not recognize the Civil Service Commission. The permanents are appointed on the advice of the Governor in Council and the temporaries on the advice of the chief electoral officer; and in clause (3) we suddenly say that the Civil Service of Canada shall enter into this.—A. Into the Civil Service of Canada—the classification. They refer to the classification laid down by the Civil Service Commission. It does not give them any standing at all. We use their classification and rank for the employees of the office; otherwise, we would have to establish a classification of our own.

Mr. GLADSTONE: Perhaps Mr. Fraser could suggest a wording for clause (3) to make it consistent with clauses (1) and (2).

Mr. A. FRASER: If you are going to leave the question of remuneration or salary in respect of the assistant chief and/or the other salaries with the Governor in Council, this subsection (3) is not necessary at all. The appropriate words would be put into subsection (1), "appointed by the Governor in Council", and the fixing of the salaries, the determination of their salaries—that would cover the case.

The WITNESS: Rank and salary.

Mr. FRASER: Rank has no importance except with regard to salary. If the Governor in Council fixes the salary, both minimum and maximum, rank already is set. Assistant chief electoral officer; that is his rank. There is no corresponding rank in the Civil Service proper. If the assistant chief electoral officer is appointed by the Governor in Council, and if you give the Governor in Council power to determine his salary you have covered the whole case.

Mr. MACNICOL: That is how it strikes me.

Mr. MURPHY: That is incorporated in that proposed change.

Mr. FRASER: That should be in subsection (1) and subsection (3).

The CHAIRMAN: Would the specification of rank be required for the purpose of superannuation, Mr. Fraser?

Mr. FRASER: No, it is based entirely on salary; rank has nothing to do with it.

Mr. GLADSTONE: Could we revert to clause (1) and put in the words suggested by Mr. Fraser?

The CHAIRMAN: What would be your suggestion, Mr. Gladstone?

Mr. GLADSTONE: Mr. Fraser had a suggestion.

Mr. FRASER: First, would you give me the sense of the committee as to whether wou want the determination of salary and remuneration to stop.

Hon. Mr. STIRLING: I think we were referring to the remuneration of the assistant chief. They would not want to include the whole staff, would they?

Mr. GLADSTONE: It was left in the hands of the Governor in Council, was it not?

Hon. Mr. STIRLING: There was nothing said in subsection (1) on account of the suggested subsection (3). Undoubtedly the Governor in Council when making appointments, and there is no other provision of salary, would determine salaries.

Mr. MacInnis: If the classification is made, we do not need to mention salary at all because the classification provides for the salary.

Mr. Fraser: You would have to take the classification of the Civil Service Commission.

Mr. MacInnis: Yes.

Mr. Fraser: I understood that Mr. Castonguay objected to that. That is what he is trying to get away from.

The Witness: No, it is quite all right as it is. It is quite satisfactory to me that the classes laid down by the Civil Service Commission be followed with regard to the staff—the ranks of grade II, grade III, grade IV, principal clerk and head clerk and so on.

The Chairman: Your objection was to their ranking the assistant chief electoral officer as chief clerk?

The Witness: Yes, to ranking him as a chief clerk. With regard to subsection (2), I would prefer that the temporary employees be selected as has been done for the last twenty-seven years by the chief electoral officer.

Mr. MacInnis: Would the wording I used, Mr. Fraser, meet the situation? The classification of the permanent employees of the chief electoral officer shall be determined by the Civil Service Commission?

The Witness: No, that will not do.

Hon. Mr. Stirling: What would that amount to? Somebody would convey to the Civil Service Commission a list of permanent employees and the Civil Service Commission would be asked to rank them. As Mr. Fraser says, the salary that they receive ranks them.

Mr. MacInnis: The salary would fit into the classification as it prevails all over the Civil Service. What you call a chief clerk in the chief electoral officer's office would receive the same salary as a chief clerk in any other office. The grade III stenographer would receive the wages of a grade III stenographer and the grade II stenographer would receive the wages of a grade II stenographer, and so on.

Hon. Mr. Stirling: Mr. Castonguay was trying to get away from that very thing in the case of the assistant chief.

Mr. MacInnis: No, I do not think so. I suggest that subsection (3) of section 6 would meet the situation if it were to read as follows: "The classification of the permanent employees in the office of the chief electoral officer shall be determined by the Civil Service Commission"; and in my opinion this substitute in the mimeographed form does not differ materially from subsection (3) as in the Act.

Hon. Mr. Stirling: Well, Mr. Castonguay explained that he wanted to get away from the statement contained in subsection (3) of section 6 in the Act, ranking the assistant chief electoral officer as a chief clerk.

The Witness: That is the purpose of this amendment.

Mr. Zaplitny: Could it be put this way: "With the exception of the assistant chief electoral officer, the rank of permanent employee shall be determined by the Civil Service Commission"? You exclude the assistant chief electoral officer from that ranking system but include all the others.

Hon. Mr. Stirling: Who would then rank the assistant chief electoral officer?

Mr. Zaplitny: The Governor in Council.

The Witness: The need of the Civil Service Commission is that it provides automatic statutory increases; otherwise recommendations would have to be made in each case, in each year, that these employees are eligible for a statutory increase, and when the employees reach their maximum, well that is all there is to it. Otherwise they would be requesting and trying to get more than the maximum if it were regulated by a provision of this kind.

Mr. FRASER: Mr. MacInnis makes an unusual suggestion to deprive the authorities, to take away from the appointing officer the fixing of the salary.

Mr. MACINNIS: I move that we adopt—

The CHAIRMAN: Mr. Bertrand has asked me to read the amendment, and I shall read it. It appears in the mimeographed copy under subsection (3) and reads as follows:—

> In the classification of the Civil Service of Canada, the rank of the permanent employees in the office of the chief electoral officer shall be determined by the Governor in Council.

Hon. Mr. STIRLING: Does that satisfy Mr. Castonguay?

The WITNESS: Yes.

The CHAIRMAN: It is moved by Mr. MacInnis that the amendment be carried.

Carried.

We have one last amendment that has to be considered following the recommendation of the Auditor General. That will be the reconsideration of section (15A). Section (15A) has been adopted following a suggestion by Mr. Castonguay which appears in the printed draft of amendments at page 3. This new amendment would imply the substitution of the words "chief electoral officer" for "Auditor General" at the three places where they appear in the section.

Mr. MACNICOL: Did we not pass that before?

The CHAIRMAN: Section (15A) has been adopted here as an addition to the Act. Since we have implemented the suggestions of the Auditor General we have now to consider this change here in this section which would thereafter read, for instance, as follows:

> Before any account relating to the printing of the lists of electors is taxed by the Chief Electoral Officer . . . . .

The two words "and paid" would be deleted and the words "Auditor General" would be replaced by the words "Chief Electoral Officer." There is a similar change in the third line and in the twelfth line of the section. Is this further amendment agreeable to the committee?

Mr. MACNICOL: It is in accordance with what has already been done before?

The CHAIRMAN: Yes, it is following out what has been done before.

Carried.

Now, gentlemen, we shall take the schedules of the Act and deal with the various forms required in the handling of an election. These forms will be found at page 290 of the Act. I suggest it should not be necessary to read each of these forms. I shall call them one after another and we can carry them as we proceed.

Schedule one, form 1: There is no change. Shall form No. 1 carry?

Carried.

Form 2: Here there is no change. Shall form No. 2 carry?

Carried.

I might point out, gentlemen, that at a previous meeting there was an objection to a form of oath, where the words "solemnly affirmed" as an alternative did not appear. I would like you to draw my attention on any correction of this kind, as we proceed.

Mr. HAZEN: I remember bringing it up, but I have forgotten about it now.

The CHAIRMAN: Form 3?

Carried.

Form 4?

Carried.

Form 5?

Carried.

Form 6?

Carried.

There was no change in any of those. Now, we come to form No. 7. At page 11 of the printed draft you will see a new form which the chief electoral officer suggests to replace the actual form No. 7.

Form No. 7 of Schedule One of the said Act is repealed and the following substituted therefor:—

FORM No. 7

(Sec. 17, Sched. A, Rule 7)

Electoral District of..

City (or Town) of..

Urban Polling Division No..

ENUMERATORS' NOTICE TO ELECTOR

Notice is hereby given that the undersigned enumerators for the above mentioned urban polling division will include in their preliminary list of electors, now in course of preparation for use at the pending Dominion election, an entry as undernoted. Notice is also given that if any entry made in this notice or in the preliminary list of electors is in any respect incorrect, such list may be corrected on application to the revising officer at the place and times of which notice will in due course be given by the returning officer for the above mentioned electoral district.

Name of Elector..................................
(family name first)

Occupation ....

Post Office Address..................................

....
(Enumerator)

....
(Enumerator)

NOTE.—This notice should be preserved until after polling day at the pending election.

Mr. Castonguay, would you comment on this suggestion?

The WITNESS: The slight alterations in form 7 are in line with rule 7 of schedule A of section 17 of the Act. The old form, as you will notice, required the enumerator to strike out one of the inapplicable words at the end "granted or refused". An examination of the returns of the enumerators will show that this is very seldom done, and the form left at the elector's residence is hardly intelligible without one of these words being struck out. I consider that the new form 7, which will obviate the necessity for the enumerators to strike out any inapplicable words, is quite an improvement over the other.

Mr. MacNicol: It must be signed by both enumerators?

The Witness: Yes, it must be signed by both enumerators. The only change is the elimination of the striking out of one of the inapplicable words, which is practically never done.

The Chairman: Shall the amendment carry?

Carried.

Form 8.

The Witness: Now, with reference to form 8 I received several suggestions from all over Canada. Form 8 gives the outline of a printed urban list, and this list is sent to every elector several days before polling day.

Mr. MacNicol: In fact, in lots of time for him to have his name put on the list if it is not there?

The Witness: Yes. At the end of the form is a notice with reference to the location of the polling station and another notice with reference to the sittings of the revising officer. The representations we have received were to the effect that the electors did not pay any attention to the location of the polling station and then threw the list away before observing where their poll was located. The two notices and certificate—printed at the foot of the list—should be printed immediately under the heading of the list.

Mr. MacNicol: That is a good suggestion.

The Chairman: Would you make a motion to that effect, Mr. MacNicol?

The Witness: If the committee agrees, in the consolidation of the Act, I will simply put these three forms immediately under the heading at page 294, and I do not think a motion is needed.

The Chairman: Shall the suggestion carry?

Carried.

Form 9. There is no change here.

Carried.

Now, we come to a new form, form 9A, which is being advocated in the printed list at page 12. It is entitled "Printer's affidavit respecting the printing of lists of electors."

The said Act is further amended by inserting therein, immediately after Form No. 9 of Schedule One thereof, the following Forms No. 9A and No. 9B.

Form No. 9A.

Printer's Affidavit Respecting the Printing of Lists of Electors

(Sec. 17 (15A).)

Electoral District of ....

I, ... of the .... of
(*insert City or Town or Village*)
.........................., ..., do swear (*or* (*insert occupation*)
solemnly affirm):

1. That I am ....
(*Insert "the sole member" or "one of the members of the firm*
....
of" or "the of the Col Ltd.", or as the case may be.)
by whom or by which lists of electors have been printed for use at the Dominion election which has been ordered to be held in the above mentioned electoral district.

2. That neither I nor any member of my firm has paid, agreed or promised to pay, given or promised to give any monetary or other reward, to the returning officer of the above named electoral district, or to any person on his behalf, or to any person whatsoever, as consideration for the granting of an order of any kind for the printing of lists of electors required for use at the 19...... Dominion election in such electoral district.

Sworn (*or* solemnly affirmed) before
me at ....
in the province of ....
this .... day of ....
19 ......
.... (*Signature of deponent*).
....
Justice of the Peace (or Notary Public or Commissioner for taking affidavits).

Mr. Castonguay, would you tell us the purpose of this new form?

The Witness: This form is required because of the adoption of the new subsection (15A) of section 17, which prescribes that before any accounts for the printing of the lists are sent to the chief electoral officer the printer must file an affidavit with the chief electoral officer that no commissions have been paid.

Mr. MacNicol: That is good. It is sworn to.

The Chairman: Shall this carry?

Carried.

Now we come to page 13 of the printed draft, the new form 9B.

Form No. 9B

RETURNING OFFICER'S AFFIDAVIT RESPECTING THE PRINTING OF LISTS OF ELECTERS.

(Sec. 17 (15A).)

Electoral District of...

I, the undersigned, returning officer for the above mentioned electoral district, do swear (*or* solemnly affirm):—

That I have not, nor has any person for me and on my behalf, received or requested, demanded, accepted, or agreed to accept from any person whatsoever, any monetary or other reward as consideration for the granting of an order of any kind for the printing of the lists of electors required for use at the 19.... Dominion election which has been ordered to be held in the above named electoral district.

Sworn (*or* solemnly affirmed before
me at ....

in the province of.................

this.............day of.........

19....

....

Justice of the Peace (*or Notary Public or Commissioner for taking affidavits*).

....
(*Signature of returning officer.*

The Witness: This also is the result of the amendment to subsection (15).

Mr. MacNicol: Exactly. That is very necessary.

Mr. Hazen: I do not think it is any safeguard. I think if people are going to take money they might swear to that sort of thing.

Mr. MacNicol: It would be perjury if they swore to it. I think it is a good provision.

The Witness: It will be perjury, but it will be perjury that will be known to another person anyway.

The Chairman: That will be an additional security.

The Witness: When another person knows he has committed perjury.

Carried.

The Chairman: Form 10 contains no change.

Carried.

Form 11 contains no change.

Carried.

I would remark here that in this form 11 following the words "do solemnly swear" there is just part of what your suggestion was.

Mr. Hazen: Which section are we on?

The Chairman: No. 11. Would it not be better to have an identical alternative?

The Witness: In the consolidation I will make them all identical.

Mr. MacInnis: The affirmation?

The Witness: Yes, the affirmation.

Mr. MacInnis: It is in the second last line: "...the substitute revising officer above named made and subscribed before me the above set forth oath (or affirmation)."

The Chairman: What I had in mind was that we had agreed on the words "solemnly affirmed". I think it would be advisable to have this alternative to the oath expressed similarly in each form of oath.

Carried.

The Chairman: Form 12. The new form will be found in the mimeographed copy. We had one suggestion in the printed list but the one in the mimeographed will supersede the other. It is entitled "Notice of Revision".

FORM No. 12 of Schedule One of the said Act is repealed and the following substituted therefor:—

FORM No. 12.

NOTICE OF REVISION

(Sec. 17, Sched. A, Rule 23.)

Electoral District of..

Public Notice is Hereby given That the sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held at ten o'clock in the forenoon of each of the following three days, namely: Thursday, Friday and Saturday, the........

....

......................and................days of ...., 19....

(Insert the dates of the 18th, 17th and 16th days before polling day.) when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the places specified below:

City (or Town) of...............................

For Revisal District No. 1, comprising polling divisions Nos. .... of the above mentioned electoral district, included within an area described as follows: *(Insert description of area included in revisal district)*, the sittings for revision will be held at *(Insert exact location of the revisal office)* before *(Insert full name of the revising officer)* who has been appointed revising officer and whose ordinary post office address is *(Insert address of revising officer)*, where he will be found between the hours of..........and........P.M. on Monday, Tuesday, and Wednesday, the............and............days of ....19......

(Insert the dates of the three days immediately preceding the sittings for revision) to complete affidavits of objection in Form No. 13.

(Proceed as above in respect to any other revisal district).

Notice is Further Given That on the three days immediately preceding the first day fixed for the sittings for revision, as above mentioned, a qualified elector in any of the above mentioned revisal districts may make, before the revising officer for such revisal district, an affidavit attacking the qualification as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

That at any of the sittings for revision aforesaid the revising officer shall dispose of the following applications and objections:—

(*a*) personal applications made verbally by electors whose names were omitted from the preliminary lists of electors;

(*b*) sworn applications made by agents on Forms Nos. 15 and 16 on behalf of persons claiming the right to have their names included in the lists of electors, pursuant to Rule (33) of Schedule A to section seventeen of *The Dominion Elections Act, 1938*, as amended;

(*c*) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors; and

(*d*) objections made on affidavits, in Form No. 13, to the retention of names on the lists of electors, of which the revising officer has given notice, in Form No. 14, to the persons concerned, pursuant to Rule (28) of Schedule A to section seventeen of *The Dominion Elections Act, 1938*, as amended.

That each of the sittings for revision will open at ten o'clock in the forenoon and will continue for such time as may be necessary to deal with the business ready to be disposed of.

That, moreover, on the above mentioned Thursday, Friday and Saturday fixed for the sittings for revision each revising officer will sit continuously in his revisal office from seven to ten o'clock in the evening of each of these three days.

And that the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours at my office at *(insert location of office of returning officer)*.

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

(Print name of returning officer.)

Returning Officer for the Electoral District of...........................

EXPLANATORY NOTE:—This Form is included in the printed Draft Amendments suggested by the Chief Electoral Officer. However, in view of the proposed modifications to Rule 28 of Schedule A to section 17, it has become necessary to suggest a further amendment to the said Form.

I would ask Mr. Castonguay to enlighten the committee on this change.

The WITNESS: There have been two or three changes in this form. The first one corresponds to the change made in rule 23 which prescribes that the sittings of the revising officer should be held two or three days earlier. This had to be mentioned on this form. It also prescribes that the revising officer is to keep himself available for three days before the first day of the sittings of the revision. The form of this notice makes it necessary for the officer to state the hours that he will be available to receive affidavits of objection and to send out notices of objection to the electors concerned.

Mr. MACNICOL: Would it not be better if the poster stated that.

The WITNESS: Form No. 12 is the poster. It will give the name and address of the revising officer and also the three hours that he is to keep himself available, prior to the sittings, to receive affidavits of objection. This change was made at the suggestion of a Chief Justice of the Superior Court in Montreal.

Mr. MACNICOL: Would it be all right to add three hours, "morning, afternoon or evening"?

The WITNESS: "Afternoon or evening" and he would have to state the exact hours in this form.

The CHAIRMAN: Is this new form carried?

Carried.

Form No. 13 is shown in the mimeographed copy on page 12. It is entitled "Affidavit of Objection".

FORM No. 13 of Schedule One to the said Act is repealed and the following substituted therefor:—

FORM No. 13 C

AFFIDAVIT OF OBJECTION

(Sec. 17, Sched. A, Rule 28)

Electoral District of.................................
Revisal District No............

I, the undersigned..whose address is..........................., and whose occupation is....................., do swear (*or* solemnly affirm):—

1. That I am the person described on the preliminary list of electors prepared for use at the pending election, for polling division No..............., comprised in the above mentioned revisal district, and that my address and occupation are set out above as given in the said preliminary list.

2. That there has been included in the preliminary list of electors prepared for use at the pending election, for polling division No............, comprised in the said revisal district, the name of (*name as on preliminary list*), whose address is given as (*address as on preliminary list*), and whose occupation is given as (*occupation as on preliminary list*).

3. That I know of no other address at which the said person is more likely to be reached than that so stated on the said preliminary list, except (*give alternative or better address, if one is known*).

4. And that I have good reason to believe and do verily believe that the name, address and occupation mentioned in paragraph two of this affidavit should not appear on the said preliminary list of electors, because the person described by the said entry (*insert the ground of disqualification as hereinafter directed*).

Sworn (*or* solemnly affirmed)
before me at................ }.............................
(*Signature of deponent*)
this.........day of.........
19........

....
Revising Officer for Revisal District No...........

EXPLANATORY NOTE—The suggested changes will become necessary in connection with the modification suggested to Rule (28) of Schedule A to section seventeen.

The WITNESS: This form is very much like the one printed in the book. It embodies amendments made to rule 28. It is the affidavit of objection that is subscribed to in the cases of persons whose names it is desired be struck off the list. It is substantially the same as the one printed in the book.

By Mr. MacNicol:

Q. Before he signs does he not give his address?—A. The deponent has to give the address. He has to give two addresses if he knows them. That is under paragraphs 2 and 3. He gives the address as stated on the list and he gives a better address if he knows one.

Q. I mean the deponent's address?—A. It is given under paragraph 1.

Q. How would he give the address of a person that is dead?—A. He would give the address of that person as it is given on the list.

Mr. HAZEN: What reasons do you have to give except death?

Mr. MACINNIS: They are on page 29.

The WITNESS: The reasons given are on page 15 of the printed amendments.

Mr. HAZEN: Yes, I see them now.

The CHAIRMAN: Is this form carried?

Carried.

Form 14 is in the mimeographed copy at page 13.

FORM No. 14 of Schedule One of the said Act is repealed and the following substituted therefor:—

FORM No. 14.

NOTICE TO PERSON OBJECTED TO

(Sec. 17, Sched. A, Rule 28.)

Electoral District of ....

Revisal District No. ....

To (*set out name, address and occupation of the person objected to, as these appear on the preliminary list of electors, also addressing a copy of the notice and affidavit to any other address given in the Affidavit of Objection in Form 13).*

Take notice that the attached affidavit of objection to the retention of your name on the list of electors for one of the polling divisions comprised in the above mentioned revisal district, has been subscribed before me and that the objection will be dealt with during my sittings for revision which will be held at No......... ....street, in the City (or Town) of .... on the ...., ... and .... days of ....19......, where I may be found at ten o'clock in the forenoon and also between seven and ten o'clock in the evening of each of these three days.

Take notice also that you may appear before me in person or by representative, during any of the above mentioned sittings for revision, and sustain your right, if any, to have your name retained on such list of electors.

This notice is given pursuant to Rule 28 of Schedule A to section seventeen of *The Dominion Elections Act, 1938,* as amended.

Dated at.......................... this ....
day of ....19......

....
Revising officer for Revisal District No. ......

EXPLANATORY NOTE.—This Form is included in the printed Draft Amendments suggested by the Chief Electoral Officer, but in view of the proposed modifications to Rule 29 of Schedule A to section seventeen, it has become necessary to suggest a further amendment to the said Form.

The WITNESS: This form has been much simplified in view of the changes that have been made to rule 28 of schedule A of section 17, which prescribe that, under the present Act, the burden of proof is upon the elector objected to. We have now changed rule 28 so that the burden of proof is on the person who is making the objection. It is now immaterial if the person who has been objected to attends before the revising officer. It is the objector that will now have to prove his case. This form No. 14 has been much simplified and it is in line with rule 28 as it now stands where the burden of proof has been changed so that it is on the obiector.

Mr. MACNICOL: It certainly should be in that form too.

The WITNESS: This form states only that the person objected to may appear before the revising officer. Before it said he had to appear and if he did not his name would be struck off.

The CHAIRMAN: Shall form 14 carry?
Carried.

Form 15. There is no change.
Carried.

Form 16. This form appears in the printed draft amendments on page 17.

Form No. 16 of Schedule One of the said Act is repealed and the following substituted therefor:—

FORM NO. 16.

APPLICATION TO BE MADE BY AN ELECTOR FOR REGISTRATION AS SUCH.

(Sec. 17, Sched. A, Rule 33).

(To be presented to the revising officer by the agent of an elector)

Electoral District of..
Polling Division No.....................
Name of Applicant..
(In capital letters with family name first)

Address ....
Occupation.......................

I hereby apply to be registered at the now proceeding revision of lists of electors as an elector in the above mentioned polling division.

I am of the full age of twenty-one years, or will attain such age on or before polling day at the pending election.

I am a Canadian citizen or a British subject by birth or naturalization.

I have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election, and was ordinarily resident in the above mentioned polling division on the day of , 19 *(naming the date of the issue of the writ for the pending election)*: (and, at a by-election, I have continued to be ordinarily resident in such polling division until this day).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of *The Dominion Elections Act, 1938*, as amended.

Dated at.................................., this....................
day of......................, 19....

....
(Signature of applicant)

FORM No. 16—*Concluded.*

ALTERNATIVE APPLICATION TO BE SWORN BY A RELATIVE OR EMPLOYER WHEN ELECTOR IS ABSENT FROM ORDINARY PLACE OF RESIDENCE

(Sec. 17, Sched. A, Rule 33).

(To be presented to the revising officer by the agent of an elector)

Electoral District of........................
Polling Division No..

I, ... of......................
(insert name of relative or employer) *(address)*
......................................, do swear (or solemnly affirm):—

1. That I am hereby applying for the registration of the name of
.................................., of ....
(in capital letters with family name first) *(address)*
....
(occupation)
on the list of electors for the above mentioned polling division, at the now proceeding revision of lists of electors.

2. That the said...
(Name of person on whose behalf the application is made)

(*a*) is of the full age of twenty-one years, or will attain such age on or before polling day at the pending election in this electoral district.

(*b*) is a Canadian citizen or a British subject by birth or naturalization.

(*c*) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election, and was ordinarily resident in the above mentioned polling division on the day of 19 *(naming the date of the issue of the writ for the pending election)*; and, at a by-election, has continued to be ordinarily resident in such polling division until this day).

3. That the said...
(Name of person on whose behalf the application is made)
is at this time temporarily absent from his ordinary place of residence, and that, to the best of my knowledge and belief, he is not disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of *The Dominion Elections Act, 1938,* as amended.

4. And that I am {a relative by blood or marriage,} of the said
{or the employer}
....

Sworn (*or* solemnly affirmed)
before me at ....
this........... day of.........
19....

....
Revising Officer (or as the case may be)

....
(Signature of relative or employer)

The WITNESS: The purpose of the amendment to this form is to include the words "Canadian citizen" in front of the words "British subject." Actually it includes the words "Canadian citizen or a".

Mr. MACNICOL: British subject should appear everywhere that it is required.

The WITNESS: Yes, "Canadian citizen or a British subject."

The CHAIRMAN: Is Form 16 carried?

Form 17. Is form 17 carried?

Carried.

Form 18, there is no change.

Carried.

Form 18. We have a reference in the printed draft amendments at page 19.

FORM No. 18 of Schedule One of the said Act is repealed and the following substituted therefor:—

FORM No. 18

CERTIFICATE TO BE ISSUED BY THE RETURNING OFFICER TO AN ELECTOR, DULY ENUMERATED, WHOSE NAME WAS INADVERTENTLY LEFT OFF THE OFFICIAL URBAN LIST OF ELECTORS.

(Sec. 17(14).)

Electoral District of..
Urban Polling Division No..

This is to certify that a carbon copy of the Notice in Form No. 7 in the enumerators' record books now in my possession show that such notice was duly issued to ....

(insert name)

................................, ...

(insert address) *(insert occupation)*

advising such elector that his name would be included in the preliminary list of electors for the above mentioned polling division, and that it now appears that his name was thereafter inadvertently left off the official list of electors for the said polling division.

This is to certify also that, pursuant to subsection fourteen of section seventeen of *The Dominion Elections Act, 1938*, as amended, the official list of electors for the above mentioned polling division is deemed to have been amended to include the name of the above mentioned elector, and that such elector is therefore entitled to vote at the pending election at polling station No.................established for the above mentioned polling division.

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

....

(Returning Officer)

The WITNESS: This change conforms to the change made to rule 7 in the cases of names which have been inadvertently left off the lists by the enumerators. Form 18A provides for other similar cases.

The CHAIRMAN: Shall Form No. 18 carry?

Carried.

Form No. 18A is found on page 20 of the printed list and this new form will be required in connection with the newly adopted paragraph (14A) of section 17.

The said Act is further amended by inserting therein, immediately after Form No. 18 of Schedule One thereof, the following Form:—

FORM No. 18A.

CERTIFICATE TO BE ISSUED BY THE RETURNING OFFICER TO AN ELECTOR, DULY REGISTERED BY A REVISING OFFICER, WHOSE NAME WAS INADVERTENTLY LEFT OFF THE OFFICIAL URBAN LIST OF ELECTORS.

(Sec. 17 (14A).)

Electoral District of ....

Urban Polling Division No..

This is to certify that the Revising Officer's record sheets, now in my possession, show that an application for registration on the list of electors made by or on behalf of ....

(insert name)

..................................., ...

(insert address) *(insert occupation)*

was duly accepted by the Revising Officer for Revisal District No............., of the above stated electoral district, during his sittings for revision, and that it now appears that his name was thereafter inadvertently left off the official list of electors for the said polling division.

This is to certify also that, pursuant to subsection 14A of section 17 of *The Dominion Elections Act, 1938*, as amended, the official list of electors for the above mentioned polling division is deemed to have been amended to include the name of the above mentioned elector, and that such elector is therefore entitled to vote at the pending election at polling station No...........established for the above mentioned polling division.

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

....

(Returning Officer)

Shall new form 18A carry?
Carried.

Form 19, there is no change.
Carried.

Form 20, no change.
Carried.

Form 21, no change.
Carried.

Form 22, no change.
Carried.

Form 23, no change.

Form 24. I have specially annotated this form to suggest an amendment
Carried.
to conform with the motion adopted by the committee at page 112 of minutes of evidence.

The WITNESS: That must be the amendment to the qualification of candidates.

By the Chairman:

Q. I will make sure. The motion was by Mr. Richard (*Ottawa East*) that "section 28 be amended so that the family name in heavy type will appear first and the christian names in smaller type thereafter on the ballot paper, and that no number appear thereon".

Now, as the nomination paper is the key to the ballot paper, would there not be any change required to the draft of the nomination paper in line with the motion we have carried?—A. It is possible.

Q. In the second line of form 24 I read: hereby nominate (here give name in full, residence and occupation of person nominated)". That is what I had in mind. Should there not be any specification here that the family name would appear first and the christian name would follow. The name of the candidate on the ballot paper has to be printed the same way as it appears on the nomination paper and if, in the nomination paper, the christian name is given first and the family name given second you could not put it in the same way. Would it not be advisable to amend form 24 by inserting after the words: "here given name in full", in the second line, the words: "with surname first".

Mr. Gladstone: I was wondering if the provision for signature of the witness is what is regularly followed in the form? There are so many columns I doubt if the width of the paper provides enough room for all the information that is required if you use that many columns?

The Witness: The nomination paper is printed in an altogether different form than it is in the Act. The columns are wide enough for any signatures of witnesses and the form contains ample information as to how those signatures have to be witnessed and how the oaths should be taken afterwards. At the next meeting I will have forms of nomination papers to pass around to the members of the committee.

Mr. MacInnis: They have always been satisfactory in the past.

Mr. Gladstone: This does not indicate the exact form that is used?

The Witness: No.

Mr. MacNicol: Mr. Chairman, further down in the form would the name of the candidate not again have to be written with the surname first?

The Witness: In the acceptance?

Mr. MacNicol: "I said MacNicol, John R."

Mr. MacInnis: I would think it would make a great difference. "I the said MacInnis, Angus", that is not my name.

Mr. Richard (*Gloucester*): You do not put your surname in a phrase like that.

The Chairman: The first part of the form I understand is the formal nomination. The second part is the acceptance.

The Witness: The first part covers a full page and the acceptance and the other nominations are printed on the back of the form.

The Chairman: I would say that in the acceptance, the candidates' name should appear in the same way as he will sign further down.

Mr. MacNicol: I would hope so. Would not the printer be confused in printing ballots "MacNicol, John R."

Mr. Richard (*Gloucester*): Why is the change necessary?

The Chairman: On account of a previous amendment by the committee.

Mr. Richard (*Gloucester*): Well, no court would hold that the man you voted for was not the one who was nominated. Supposing the ballot is printed "MacNicol, John', and the acceptance shows "John MacNicol". Do you think you could upset an election on that? No court would uphold you.

The CHAIRMAN: Mr. Richard, if you will allow me to say so, the purpose of this amendment which I have suggested is—

Mr. RICHARD (*Gloucester*): I know what the purpose is, but if you have the ballot show that you nominate "MacNicol, John", and then, in the acceptance, you find that the surname is last, no court would hold that it was not the same person described in the ballot.

Mr. MACNICOL: I was thinking there would be some confusion.

Mr. RICHARD (Gloucester): Yes, there would be if I signed Richard first and my Christian name afterwards. That would not be my signature.

The CHAIRMAN: I would refer you to section 28 subsection (1). which has been carried. I will read part of it. "All ballots shall be of the same description and as nearly alike as possible. The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names, addresses and occupations of the candidates alphabetically arranged in order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as they are set out in the nomination papers;"

That is why you have either to further amend subsection (1) of section 28 or change the form we are considering now.

Mr. HAZEN: Would it not be all right if the first part of form 24 had the surname first and when the person so nominated makes his declaration he can write or sign his own name as he would on an ordinary document.

The CHAIRMAN: That is what I would assume.

Mr. FAIR: The first part of the form would be the actual nomination and the rest would be the acceptance.

The CHAIRMAN: Yes, I would think so, but there still might be some confusion as was pointed out by Mr. MacNicol and Mr. Richard. Would it be possible to clear up any misunderstanding there might be about this?

Mr. MACNICOL: What does Mr. Castonguay say?

The WITNESS: In the second part of the nomination paper a person would naturally write his name as he signs it. I think if you put it in the heading of the nomination paper under section 28 there could not be any difficulty.

Mr. MACINNIS: May I point out that you did not read far enough "shall, subject as hereinafter provided, be printed exactly as they are set out in the nomination paper"; then if you will turn to subsection (3) "any candidate may, within one hour after the close of nominations, supply in writing to the returning officer any particulars of his address or occupation which he considers to have been insufficiently or inaccurately given in his nomination paper, or may in writing direct the returning officer to omit any of his given names from the ballot paper or to indicate the same by initial only, and the returning officer shall comply with any such direction and include in the ballot paper any such additional or corrected particulars".

The CHAIRMAN: That would not affect the order in which the surnames and the christian names should be given. I may be inscribed on a nomination paper as "P. E. Cote" but I may in accordance with what you have just read, give direction to the returning officer that it should read "Paul Emile Cote" on the ballot paper. That is the purport of that subsection.

The WITNESS: The purpose of that subsection was to have all candidates names and surnames printed on one line. Some of them had unusually long christian names and this could not be done. This subsection permits the curtailing of names to some extent and permits using initials in order that the name could be placed on one line.

The CHAIRMAN: Well in line with the point made by Mr. MacInnis, in my own constituency at the last election there was a candidate whose name was Edward Wilson. Now he specially directed the returning officer to describe him as Edward (Ted) Wilson. He was generally known as Ted Wilson and he wanted to identify himself more properly but it was a nickname.

Mr. MACINNIS: That would be in brackets.

The CHAIRMAN: Yes.

The WITNESS: I think a candidate can describe himself as he wishes. You will remember the case of "Bucko" McDonald. There was some question as to whether he could describe himself in that fashion and it was referred to me. I replied that he could describe himself with any name he pleased.

Mr. FAIR: I have a suggestion that may help here. In connection with printing, the names on the ballot paper shall, subject as hereafter in this subsection provided, be printed exactly as they first appear in the nomination. Put in the words "first appear" instead of the words "are set out".

The WITNESS: "As they first appear in the heading".

Mr. RICHARD (*Gloucester*): The acceptance is part and parcel of the nomination.

The WITNESS: I prefer to use the word "heading", because the nomination paper consists of four pages and they are not numbered, and some person may take the last page and say "this is the first one". If you use "heading of the nomination paper" there cannot be any mistake.

The CHAIRMAN: Would you, Mr. Fair, sponsor the change to section 28 as suggested by Mr. Castonguay to the effect that the words "the heading of" be inserted after the words "set out in the".

The WITNESS: I think that is preferable.

The CHAIRMAN: That would be in the seventh line of subsection (1) of section 28.

Mr. McKAY: I would make a motion that we adjourn. It is five minutes to six and we have a long way to go.

The CHAIRMAN: Could we just go on for a moment or so? Section 28, subsection (1) is amended by inserting in the seventh line thereof, after the words "are set out in", the words "the heading of".

Carried.

Is form 24 amended by inserting after the words "here give name in full" in the second line thereof, the words "with surname first"?

Carried.

Form 25, no change

Carried.

Form 26, no change.

Carried.

Form 27, no change.

Carried.

Form 28, no change.

Carried.

Form 29, no change.

Carried.

Form 30, no change.

Carried.

Well if it is your desire we may adjourn here. Before we leave I understand on Tuesday the minds of the population in Ottawa and of the members in the House here may be quite away from the matters of our discussions, in view of the presence of President Truman in Ottawa. Now I think it would be advisable not to sit on Tuesday. We can sit either on Monday or Wednesday afternoons.

Mr. McKay: There is not a great deal to do is there?

The Chairman: Not much. We have the examination of the remaining forms which run to a total of 62. We are adjourning on Form 31. After these are concluded we shall consider the regulations suggested by Mr. Castonguay for the taking of the servicemens' vote. Immediately after that we shall revert to a few sections which have been left in abeyance pending the actual adoption of the regulations on soldiers' votes. After that the committee will be free to take up any other matter which may fall within our terms of reference. If there are no such matters, well, then we shall adjourn until the steering committee has submitted a draft final report for the consideration of the whole committee.

McKay: In view of he fact that we have done pretty well up to now, I suggest that we meet only on Thursday of next week. There is quite a pressure on Monday and as you suggest there are other things the next day.

The Chairman: Even though we have about concluded our business I wish to point out that it may take several weeks before the steering committee can conclude its examination of our work and its drafting of the final report. I would not like to table our report too late in the session. As you will anticipate this report will be the subject of discussion in the House and I would not like to be blamed for coming to the House with a final report at the end of the session.

Mr. MacInnis: I suggest that we meet on Monday.

The Chairman: Is it agreed that we meet on Monday?

Agreed.

The meeting adjourned at 6.00 p.m. to meet again on Monday, June 9, 1947 at 4.00 p.m.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

MONDAY, JUNE 9, 1947

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,
Monday, June 9, 1947.

The Special Committee on The Dominion Elections Act, 1938, met at 4.00 o'clock p.m. Mr. Paul E. Cote (*Verdun*), Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Brooks, Cote (*Verdun*), Fair, Gladstone, Hazen, MacInnis, MacNicol, Marquis, McKay, Murphy, Mutch, Stirling, Zaplitny.

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

The Committee resumed study of The Dominion Elections Act, 1938, and considered various proposed amendments thereto.

Mr. Castonguay was recalled and was questioned in regard to the said proposed amendments.

On Schedule One to the Act:

Forms Nos. 31, 33, 35, 36, 40, 42, 43, 44 and 47 to 60 inclusive were approved without change.

Forms Nos. 32, 34, 37, 38, 39, 41, 45 and 46 as amended (see amedments in to-day's Minutes of Evidence) were agreed to.

Forms Nos. 61 and 62 were allowed to stand.

Schedules Two and Three to the Act were also allowed to stand.

The Committee then considered the draft regulations for the taking of vote of defence service electors at a general election, as suggested by the Chief Electoral Officer. Letters from Hon. George Black, M.P., and Mr. W. S. Woods, Deputy Minister of the Department of Veterans Affairs, in this connection, were read.

Paragraphs 1 to 3 inclusive of the said Canadian Defence Service Voting Regulations, with certain modifications from their original terms (see to-day's Minutes of Evidence) were agreed to.

At 6.00 o'clock p.m., the Committee adjourned to meet again at 4.00 o'clock p.m., Thursday, June 12, 1947.

ANTOINE CHASSE,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,
June 9, 1947

The Special Committee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Coté, presided.

The Chairman: Order, gentlemen. We have a quorum. We will hear Mr. Castonguay again today.

Jules Castonguay, Chief Electoral Officer, recalled:

The Chairman: At the last meeting of the committee we considered and adopted form No. 30. We are today at form No. 31: Employment of a poll clerk by a poll clerk acting as deputy returning officer. There is no change advocated to that form. Shall it carry?

Carried.

Form No. 32: Form of ballot paper. It would be in order to have this form amended to conform with the amendments which we have made to some sections of the Act.

Mr. MacNicol: Those amendments consist in leaving off the numbers 1, 2, 3 and so on; and having the surname in full face type.

The Witness: In other words, the adoption of the Alberta ballot paper.

The Chairman: Yes;

Hon. Mr. Stirling: It still carries the name, the address and the occupation.

The Chairman: It carries the name of the candidate, his post office address and his occupation.

Mr. MacNicol: Have we an amendment there that the surname shall be set in heavy type and the christian name in smaller type.

The Witness: Yes. It means, in the case of the sample ballot, that the name "Brown" would be in heavy type and the christian name, "William" and the initial "R.," would be in a slightly smaller type.

The Chairman: A motion to adopt this would be in order, gentlemen.

Mr. MacNicol: I would so move, Mr. Chairman.

The Chairman: You have heard the motion, gentlemen; what is your pleasure?

Carried.

Form No. 33; there is no change there.

Carried.

Form No. 34.

The Witness: I would like to make a suggestion with regard to form No. 34. The first two paragraphs are causing some confusion in electoral districts where electors vote for only one member. The present form has been the cause of quite a number of rejected ballots. I am inclined to recommend a special form No. 34; this is the form which has to be posted up in and around polling stations on polling day—in an electoral district in which only one member is to be elected, and we should have a form No. 34A to be used exclusively for electoral districts electing two members.

Mr. MacNicol: And there is only one such riding in the whole of Canada now, I understand.

The Witness: Yes, Queens, P.E.I. I have an amendment prepared and I will have it passed around.

FORM No. 34

DIRECTIONS TO ELECTORS

Each elector may vote only at one polling station and for only one candidate.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will place a cross, thus X, within the white space provided on the ballot paper opposite the name of the candidate for whom such elector desires to vote.

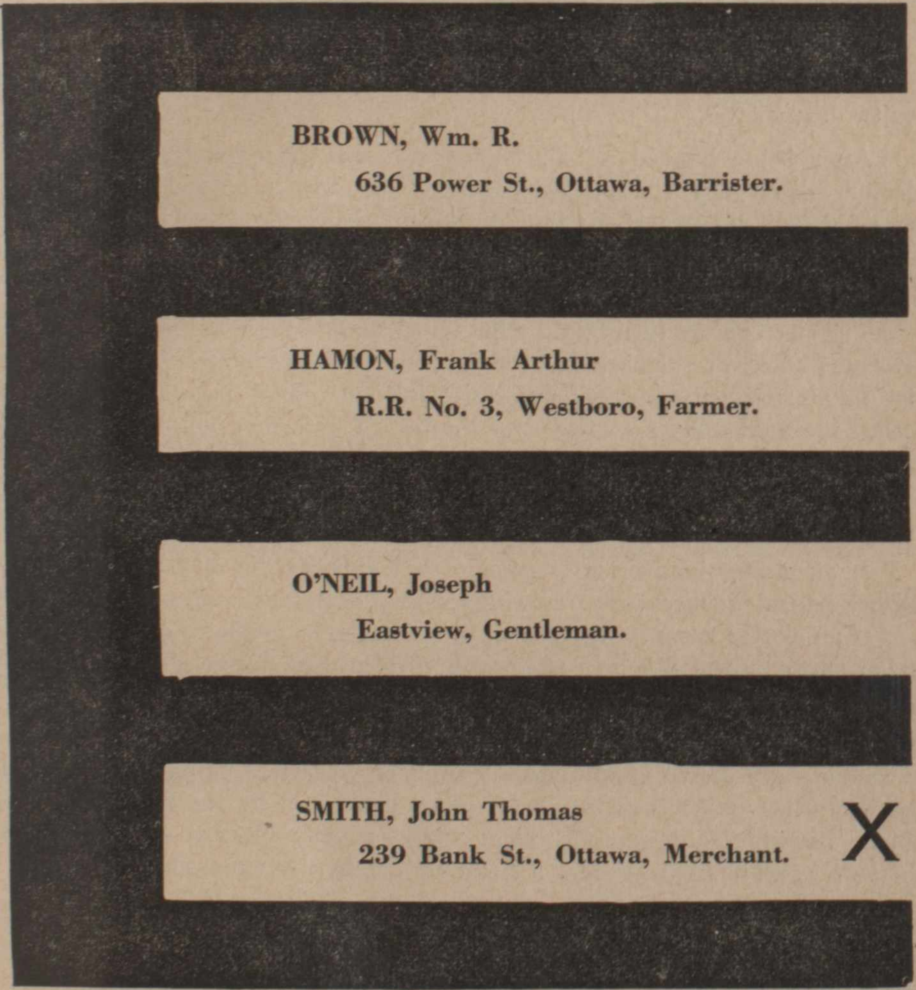
The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the numbers on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box. The elector shall then forthwith quit the polling station.

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer, who, on being satisfied of the fact, will give him another.

If an elector votes for more than one candidate, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at any election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following form of ballot paper, given for illustration, the Candidates are Wm. R. Brown, Frank Arthur Hamon, Joseph O'Neil, and John Thomas Smith, and the elector has marked his ballot paper in favour of John Thomas Smith.



BROWN, Wm. R.
636 Power St., Ottawa, Barrister.

HAMON, Frank Arthur
R.R. No. 3, Westboro, Farmer.

O'NEIL, Joseph
Eastview, Gentleman.

SMITH, John Thomas
239 Bank St., Ottawa, Merchant. X

FORM No. 34A

DIRECTIONS TO ELECTORS

APPLICABLE ONLY TO AN ELECTORAL DISTRICT IN WHICH TWO MEMBERS ARE TO BE RETURNED

Each elector may vote only at one polling station but he is entitled to vote for two candidates.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will place a cross, thus X, within the white space provided on the ballot paper opposite the names of the two candidates for whom such elector desires to vote.

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the numbers on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and place the ballot paper in the ballot box. The elector shall then forthwith quit the polling station.

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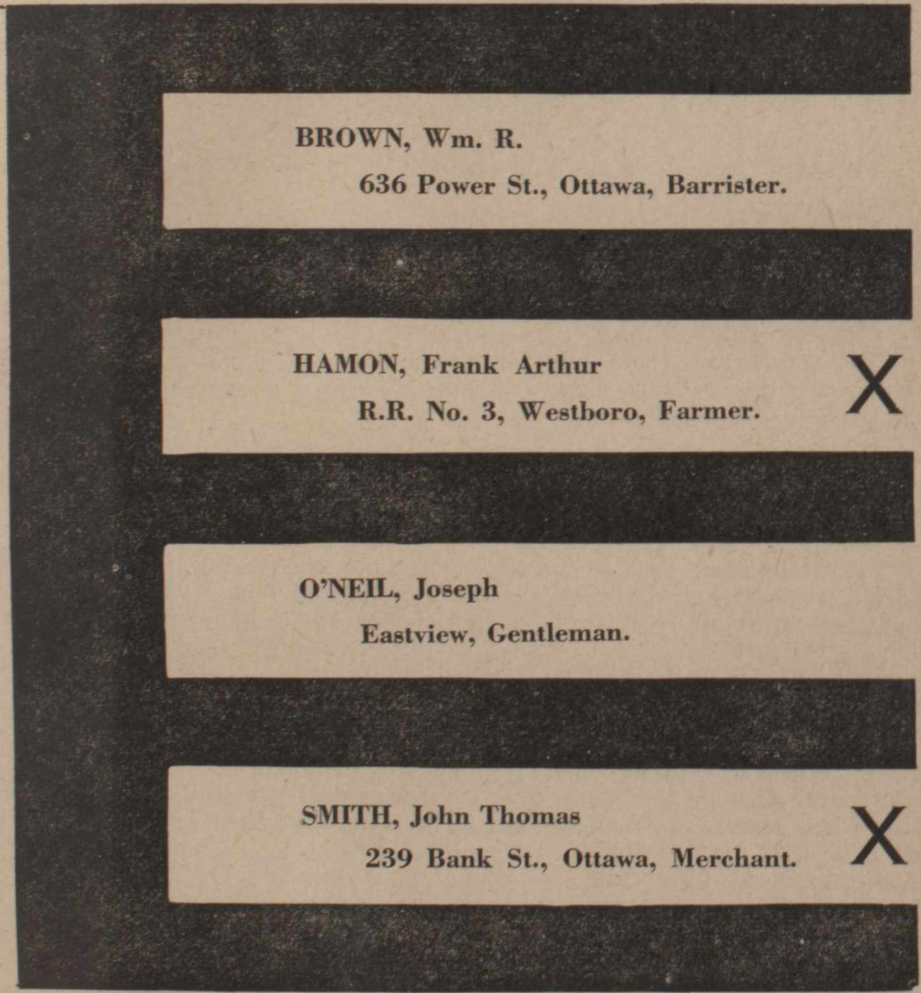
If an elector votes for more than two candidates, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be void and will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at any election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following form of ballot paper, given for illustration, the Candidates are Wm. R. Brown, Frank Arthur Hamon, Joseph O'Neil, and John Thomas Smith, and the elector has marked his ballot paper in favour of Frank Arthur Hammond and John Thomas Smith.



BROWN, Wm. R.
636 Power St., Ottawa, Barrister.

HAMON, Frank Arthur
R.R. No. 3, Westboro, Farmer. X

O'NEIL, Joseph
Eastview, Gentleman.

SMITH, John Thomas
239 Bank St., Ottawa, Merchant. X

Mr. MacNicol: This new form No. 34A would apply to the one riding?

The Chairman: From what I gather from the final report of the committee on redistribution there will be still one dual constituency left, and that will be Queens, Prince Edward Island.

Mr. MacNicol: Yes, they are all single member seats except that one in Prince Edward Island.

The Witness: Form No. 34 would read: "Each elector may vote only at one polling section and for only one candidate," instead of paragraph 1 of the present form which states: "Each elector may vote only at one polling station and for only one candidate, unless two members are to be returned for the electoral district, in which case he may vote for one or for two candidates as he thinks fit."

In electoral districts returning only one member that instruction is causing some confusion. I think it will be better if it was stated that an elector can vote for only one candidate; and with reference to an electoral district where two members are to be returned a new form, No. 34A could be used.

Mr. MacNicol: Mr. Chairman, take a riding—let us call it X,—where there are two members to be elected. I go to vote and I just vote for the one candidate. Someone else goes there and he votes for two candidates. Wouldn't my vote have twice the weight of his?

Mr. Murphy: Isn't that what you call plumping?

Mr. MacNicol: Is it fair that there should be any difference in the value of each man's vote?

Mr. MacInnis: Which vote did you say was worth twice the weight of the other?

Mr. MacNicol: If there are two to be elected.

Mr. MacInnis: Yes?

Mr. MacNicol: And I only vote for one man. I only use half my vote—I will put it this way—so it has the same value as a vote polled by any voter who votes for two candidates.

Mr. Murphy: Yes, at the same time suppose we had three councillors to be elected, say, at a municipal election—three out of five or seven, as the case may be—instead of exercising your full right to vote you only vote for one man—

Mr. MacNicol: Yes. In the city of Toronto when voting for the board of control, we have four to be elected and I go in and I only vote for one, my vote has four times as much value as the vote of the man who votes for all four.

Mr. Murphy: That is right.

Mr. MacNicol: You are not voting for all the candidates, only one. One elector votes for only one candidate and another elector maybe does not vote at all. Where I vote for only one man and there are four marked on the ballot paper does not that make my vote more valuable than if I voted for two—the whole slate? As I understand it, it has always been considered that if you only vote for one out of two to be elected you give more than double strength to the man for whom you vote. I would like to figure that out.

Mr. Murphy: Suppose you do mark that ballot just where you have two representatives—

Mr. MacNicol: Yes.

Mr. Murphy: I am not familiar with that picture, but the ballots only count once anyway.

Mr. Mutch: You really vote for one in place of the two which you might cast.

Mr. MacNicol: You take in Halifax now, there may be three sets of names on the ballot, two representatives for the C.C.F., two representatives for the Liberals, and two representatives for the Progressive-Conservatives. There are six names on the ballot paper but you can only vote for two. Now, if you go in there and vote for John Smith only, doesn't that give your ballot more strength than if you voted for two candidates?

Mr. MacInnis: If there are two names on the ballot paper and you only vote for one, of course what you say is that you want to see Brown elected and you don't care what happens to Smith. You are not interested so your vote is not worth anything to Smith, and it is not worth anything to anybody but Brown. That does not mean it is of any greater value as a vote for Brown because you voted for him alone.

Mr. Mutch: All that is true in that case is that you only vote for one man, and that you throw away half of your voting power without any advantage to either candidate. There might be good reasons why you would vote, say in the case of a convention where there are six to be elected. Applied to the case you cited, it would merely mean that you were only counting half your voting power. As Mr. MacInnis says, you would indicate in that way that you wanted to see Brown elected but you didn't care what happened to Smith at all.

Mr. Murphy: I disagree with you. There is some way of figuring it out. To say that there are a hundred ballots and a hundred voters—

Mr. Mutch: Yes.

Mr. Murphy: And we have fifty who go in and vote for one man, we will say Brown, and he gets 50 votes. If you take the other 50 and put them over the other 50, split it two ways, the other 50 voters split it you will in the final analysis have 75 votes for Brown to 25 for someone else.

Mr. Mutch: The other would get 100 votes.

Mr. Murphy: They vote for two candidates at the same time, one half of them would vote for Brown only, and the other half would vote for Brown and Smith. 50 could be plumping for one man; and in that case Brown would come out ahead because he would have 75 votes as against 25 votes for the other fellow. Is that right?

Mr. MacNicol: Oh, I see how it works.

Mr. Murphy: It just goes to show what can be done when you use what they call plumpers.

Mr. Mutch: Plumping, as we understand it Mr. Chairman, applies more particularly where you have proportional representation, unfortunately.

Mr. MacNicol: Did you say fortunately, or unfortunately?

Mr. Mutch: Unfortunately. Say you want to vote and elect a certain group of people; a lot of people plump a vote for one man, and that often has the effect in the long run of defeating others. They simply say, "If I cannot elect the man I am voting for I do not care who gets in", and they resign all interest in the ballot. I am not answering your interjection. I am not in favour of proportional representation in multi-member constituencies. At the proper time I hope I shall have the occasion to say how much I favour the single transferable vote.

Mr. MacNicol: I am opposed to that, too. That is worse than the other.

The Chairman: Before I put the question as to this suggestion of Mr. Castonguay that a new form 34 be substituted for the similar form in the Act Mr. Castonguay wishes to point out, of course, that the ballot paper which is reproduced in his suggestion will have to be changed also to comply with the new ballot paper which we have adopted. With that qualification is there anybody who will move a motion?

Mr. Fair: I will so move.

The Chairman: It is moved by Mr. Fair that the new form 34—

Mr. MacNicol: And 34-A.

The CHAIRMAN: And form 34-A be substituted for form 34 in the Act. All in favour?

Carried.

Form 35. There is no amendment suggested.

Mr. MUTCH: Before you pass on from form 34 I was not here in the early minutes of the meeting and I should like to understand it. Do I understand that in a seat where there is more than one member to be elected that you cast one vote for two men?

Mr. MACNICOL: You can vote for two men.

Mr. MUTCH: You have got to vote the slate? In other words, if a voter in Queens wants to vote for a Conservative and a Liberal he cannot do it?

Mr. MARQUIS: Yes, there is a special form for that constituency.

Mr. MUTCH: I am looking at it in front of me, and it is not clear to me. I missed the first three or four minutes of the meeting. If he wants to divide his support can he divide it?

The WITNESS: Certainly.

Hon. Mr. STIRLING: He can vote for any two candidates.

Mr. MUTCH: Thank you.

Mr. MACNICOL: But the ballot is perfectly valid if it is only marked for one candidate.

The WITNESS: Yes.

The CHAIRMAN: Form 35. No change. Carried?

Carried.

Form 36. No change. Carried?

Carried.

Form 37. Please refer to the printed draft amendments, page 21.

Form No. 37 of Schedule One of the said Act is repealed and the following substituted therefor:—

FORM No. 37

OATH OF QUALIFICATION. (Sec. 39 (1).)

(1) You swear (*or* solemnly affirm) that you are (*name, address and occupation*) as given on the list of electors now shown you;

(2) That you are a Canadian citizen or a British subject by birth or naturalization of the full age of twenty-one years;

(3) That you have been ordinarily resident in Canada for the twelve months immediately preceding this polling day and that you were ordinarily resident in this polling division on the
day of , 19 (*naming the date of the issue of the writ of election*); and, at a by-election, that you have continued to be ordinarily resident in such polling division until to-day).

(4) That, to the best of your knowledge and belief, you are not disqualified as an elector in this polling division, at the pending election, under any of the provisions of the *Dominion Elections Act;*

(5) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(6) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

By Mr. Marquis:

Q. It is in order to insert the words, "Canadian citizen"?—A. Yes, and the form has been revised. There are some slight changes made besides that.

The CHAIRMAN: I should like to point out that in the tenth line the words "in such polling division" should be deleted and replaced by the words "in this electoral district."

Mr. MACNICOL: What page are you on?

The CHAIRMAN: Page 21 of the printed draft amendments.

By Mr. Marquis:

Q. Would the same words appear three lines above where it says "in this polling division"? Is there any change there?—A. No, because that refers to the elector's residence on the date of the issue of the writ, but the second one refers to his residence on polling day.

The CHAIRMAN: Is this new form 37 as amended carried?

Carried.

Mr. MACNICOL: Just a moment. I am not sure I understand it. Clause 2 reads:

> "That you are a Canadian citizen or a British subject by birth or naturalization."

Yes, that is all right.

The CHAIRMAN: Form 38.

Mr. MARQUIS: There is another form 37, clergymen, preachers, students.

The WITNESS: These alternative oaths have been very confusing in the past. I have redrawn form 37 in such a way that I think these alternatives are no longer necessary by requesting the applicant elector to swear that to the best of his knowledge and belief, "you are not disqualified as an elector in this polling division at the pending election under any of the provisions of the *Dominion Elections Act.*"

By Mr. MacInnis:

Q. Are all the words after "God" deleted? I do not know what line it is.—A. I do not think they are necessary.

By Mr. Marquis:

Q. It shortens the form?—A. Yes.

The CHAIRMAN: Form 38. We have a reference at page 22 of the printed draft amendments.

Form No. 38 of Schedule One of the said Act is repealed and the following substituted therefor:—

FORM NO. 38

AFFIDAVIT OF QUALIFICATION. (Sec. 39 (2).)

Electoral District of..

Polling Division No...

I, the undersigned.., do swear (*or* solemnly affirm)

(1) That I am of the full age of twenty-one years;

(2) That I am a Canadian citizen or a British subject by birth or naturalization;

(3) That I have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(4) That I was ordinarily resident in the above mentioned polling division on the day of , 19 *(naming the date of the issue of the writ for the pending election);* (and, at a by-election, that I have continued to be ordinarily resident in such polling division until to-day).

(5) That I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of *The Dominion Elections Act, 1938,* as amended;

(6) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election;

(7) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto.

(8) That I am the person intended to be referred to by the entry in the official list of electors for this polling station under Consecutive No. .... of the name of .... *(name as in list of electors),* whose occupation is given as .... *(occupation as in list of electors),* and whose address is given as...................................... *(address as in list of electors).*

(9) That... is my true name and that the signature hereto is in my usual handwriting (or in the case of an illiterate person—that the mark placed hereto is my usual method of signing my name).

SWORN (*or* solemnly affirmed) before
me at ....
this .... day of ....
19....

....
Signature of deponent.

....
Deputy returning officer

Mr. MacNicol: That is again "Canadian citizen or British subject"?

The Chairman: In this form at the end of paragraph 4 the words "such polling division" should be deleted and the words "this electoral district" should be inserted.

Mr. Marquis: "Resident in such electoral district."

The Chairman: "In this electoral district". "Continued to be ordinarily resident in this electoral district."

By Mr. MacNicol:

Q. Of course, in clause 2 you again have, "I am a Canadian citizen or British subject"?—A. Yes.

The Chairman: Is this new form 38 as amended carried?

Carried.

Form 39. This is the type of oath, and we should insert the words "or solemnly affirm" after the word "swear" in the first line. Would someone make a motion?

Mr. MacInnis: I so move.

The Chairman: It is moved by Mr. MacInnis that the words "or solemnly affirm" be inserted in the first line of form 39 after the words "you swear."

Is this amendment carried?

Carried.

Form 40. No change. Carried?

Carried.

Form 41. I would ask you to refer to the printed draft amendments, page 23.

Form No. 41 of Schedule One of the said Act is repealed and the following substituted therefor:—

FORM No. 41

AFFIDAVIT OF A CANDIDATE'S AGENT TO BE SUBSCRIBED TO BEFORE VOTING ON A TRANSFER CERTIFICATE.

(Sec. 43 (2).)

Electoral District of ....

I, the undersigned, do swear (*or* solemnly affirm):

(1) That I am the person described in the above transfer certificate;

(2) That I am actually agent of ....
(*insert name of candidate*)

(3) That it is my intention to act in that capacity until the poll is closed on this polling day; that I have taken the oath of secrecy in Form No. 35 of *The Dominion Elections Act, 1938,* as amended; that I am a Canadian citizen or a British subject by birth or naturalization of the full age of twenty-one years; that I have been ordinarily resident in Canada for the twelve months immediately preceding this polling day and that I was ordinarily resident in this electoral district on the day of 19 (*naming the date of the issue of the writ of election*); (and, at a by-election, that I have continued to be ordinarily resident in this electoral district until to-day).

(4) That I am not, to the best of my knowledge and belief, disqualified as an elector at the pending election in this electoral district, under any of the provisions of *The Dominion Elections Act, 1938,* as amended;

(5) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election; and

(6) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto. So help me God.

SWORN (or solemnly affirmed)
before me at polling station
No.............. this...........
day of ...., 19....

....
(*Signature of deponent*)

....
Deputy Returning Officer

The WITNESS: The purpose of this amendment was to insert the words "Canadian citizen or British subject."

Mr. MACNICOL: I so move.

By Mr. Marquis:

Q. You add "or solemnly affirm"?—A. Yes. This is printed in this book they all get, "or solemnly affirm."

The CHAIRMAN: Is this new form 41 carried?

Carried.

Form 42. No change. Carried?

Carried.

Form 43. No change. Carried?

Carried.

Form 44. No change. Carried?

Carried.

Form 45. I would ask you to refer to the printed draft amendments, page 24.

Form No. 45 of Schedule One of the said Act is repealed and the following substituted therefore:—

FORM No. 45

OATH OF A PERSON WHOSE NAME IS NOT ON THE OFFICIAL LIST OF ELECTORS FOR A RURAL POLLING DIVISION AND WHO IS QUALIFIED TO VOTE THEREIN. (Sec. 46.)

(1) You swear (*or* solemnly affirm) that you are (*name, address and occupation*) and that you are a Canadian citizen or a British subject by birth or naturalization of the full age of twenty-one years;

(2) That you have been ordinarily resident in Canada for the twelve months immediately preceding this polling day and that you were ordinarily resident in this polling division on the day of , 19 (*naming the date of the issue of the writ of election*);

(3) That you are now ordinarily resident in this polling division;

(4) That, to the best of your knowledge and belief, you are not disqualified as an elector in this polling division, at the pending election, under any of the provisions of the *Dominion Elections Act;*

(5) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(6) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

By Mr. MacNicol:

Q. This is the same thing again?—A. Yes.

The CHAIRMAN: The same change.

The WITNESS: The same change as in form 37.

By Mr. Marquis:

Q. You have in the second paragraph, "in this polling division." Is there not any change to be made?—A. No, because he has to be a resident of the polling division on the date of the issue of the writ, but the other change is for by-elections. This is an oath which is to be taken on polling day, and it is to permit an elector who has changed his residence within the electoral district to be able to vote in that electoral district notwithstanding his change of residence.

The CHAIRMAN: Is this new form 45 carried?

Carried.

By Hon. Mr. Stirling:

Q. Then the italics will be cut out?—A. The alternatives at the end, yes.

The CHAIRMAN: Carried?

Carried.

Form 46. I refer you to page 25 of the printed draft amendments. The change is an identical one. Is this new form 46 carried?

Form No. 46 of Schedule One of the said Act is repealed and the following substituted therefor:—

FORM No. 46

OATH OF PERSON VOUCHING. (Sec. 46.)

(1) You swear (*or* solemnly affirm) that you are (*name, address and occupation*) as given on the list of electors now shown you;

(2) That you are now ordinarily resident in this polling division;

(3) That you know (*naming the applicant and stating his address and occupation*) who has applied to vote at the pending election in this polling station;

(4) That the said applicant is now ordinarily resident in this polling division;

(5) That you verily believe that the said applicant is a Canadian citizen or a British subject by birth or naturalization of the full age of twenty-one years, that he has been ordinarily resident in Canada for the twelve months immediately preceding this polling day and that he was ordinarily resident in this polling division on the day of , 19 (*naming the date of the issue of the writ of election*); and

(6) That you verily believe that the said applicant is qualified to vote in this polling division at the pending election. So help you God.

Carried.

Form 47.

The WITNESS: The alternatives are not included in the draft for the same reason that they are excluded in the case of form 37.

By Mr. MacInnis:

Q. It will be deleted?—A. It will be deleted. There will be no alternative.

The CHAIRMAN: Form 47. No change. Carried?

Carried.

Form 48. No change. Carried?

Carried.

Form 49. No change. Carried?

Carried.

Form 50. No change. Carried?

Carried.

Form 51. No change. Carried?

Carried.

Form 52. No change. Carried?

Carried.

Form 53. No change. Carried?

Carried.

Form 54. No change.

Mr. MARQUIS: Pardon me, I see in forms 47 and 48 you have not the same thing as in the other one. It says "taken and sworn" and does not have any reference to "solemnly affirm." I do not know if the committee intends to make the change there, too.

Mr. MACNICOL: They should all be the same.

Mr. MARQUIS: In form 51 I see "sworn or affirmed before me." In 47 and 48 it is not there.

Mr. Fraser: Under the Canada Evidence Act a person who may be sworn may affirm if he elects.

Mr. Marquis: This is the form that you give to the deputy returning officer. If it is inserted in the form he can take a solemn declaration. If he does not see it in the form perhaps he will refuse.

The Chairman: Thank you for drawing our attention to that. The principle has been laid down and agreed to by the committee. In the draft of the final report we shall take care of that. Form 55. No change. Carried?
Carried.

Form 56. No change. Carried?
Carried.

Form 57. No change. Carried?
Carried.

Form 58. No change. Carried?
Carried.

Form 59. No change. Carried?
Carried.

Form 60. No change. Carried?
Carried.

Form 61. At the suggestion of Mr. Castonguay, I would ask leave to let form 61 stand pending consideration of the regulations for the soldier vote. Is that agreed?
Carried.

Form 61 stands. It is the same for form 62. Is it agreed that form 62 stand?
Carried.

Schedule 2, "names of places where advance polls shall be established by returning officers."

The Witness: I was asked the other day how I will have the names of places where fishermen are likely to vote inserted in schedule 2. I replied that I would add such names upon representations. I might say, however, that if the members of the committee have any names to suggest it would be simpler and more readily done if schedule 2 were amended in the proposed election Bill.

Any names that I insert in schedule 2 pursuant to section 94 cannot be effective until a notice has been published in the *Canada Gazette* for sixty days, but any amendment made by the committee will be effective immediately. It is possible that representations, regarding names of places where fishermen desire to vote, might reach me too late to be of any help at the next election. Representations should be made early or the schedule should be amended by parliament at the present session.

Mr. Murphy: Mr. Chairman, these places mentioned here in schedule No. 2; does the mentioning of them mean that there is only one advance poll at each one of these places?

The Wihness: Yes, but the name of Montreal means the opening of twenty advance polls. That is one advance poll in each electoral district comprised in that city. This applies also to Toronto, Vancouver and Winnipeg. Outside of those places the establishment of one advance poll has always been found sufficient. The largest number of votes polled at an advance poll was in St. Thomas where 350 votes were polled. In the other places the number very rarely exceeds 100.

Mr. Fair: Mr. Chairman, I would suggest that schedule be allowed to stand and members who are interested may bring in names to the chief electoral officer.

Mr. MacNicol: Yes.

The Chairman: Shall schedule 2 stand?

Stand.

Schedule 3.

The Witness: With reference to schedule 3 the Representation Act may make it necessary to make several changes. I have not worked out these changes for the reason that the proposed regulations to take the votes of the members of the forces require a period of two weeks between nomination and polling day throughout Canada. If these regulations are adopted by parliament this schedule 3 would not be necessary at all.

The Chairman: Shall we allow this schedule to stand?

Mr. MacNicol: Before it passes do you think two weeks between nomination and polling day is sufficient in the Yukon? There are 750,000 square miles.

The Witness: With air travel as it is now I do not think any difficulty will be encountered.

Mr. MacNicol: I think it would be enough anywhere in the rest of Canada but I suggest we give the longest possible time in the Yukon.

The Witness: One way would be to have the election deferred but that may not be desirable.

Mr. MacNicol: I do not think that would be good either.

The Chairman: Shall the schedule stand?

Schedule 3 stands.

Mr. Gladstone: On the index at the top I wonder if there could not be any improvement made. It might enable the returning officers to just catch the explanation a little more readily. I think most of the lines could be shortened a little and, on the first line which refers to black type, black printing might be used, and, in the next line where reference is made to italics, the line should be printed in italics.

The Witness: There is something in that suggestion and I will give it careful consideration.

The Chairman: Our next order of business gentlemen, is the study of the draft "Regulations for taking of the votes of defence service electors at a general election". I think each member has received a copy of the draft regulations. Before we proceed with the draft, clause by clause, I think it might be proper for the chief electoral officer to make a short statement which could be introductory to a general discussion on this matter.

The Witness: As I said at the first meeting of the committee I thought it advisable that the votes of the members of the armed forces stationed at various places in Canada should be allocated to the electoral district from whence they came. Prior to 1939 members of the forces did not constitute a very large number and those stationed, we will say, at Victoria, B.C., were entitled to vote at a dominion election and their vote was attributed to Victoria. At that time there was only a small number but now I understand the number of servicemen runs into thousands. It has occurred to me that the candidates in Victoria would object to having such a large number of votes attributed to their district. I explained at the time that I was prepared to look into the matter and prepare a draft recommendation for the taking of the vote of the armed services and to allocate those votes to their own electoral districts. The draft regulations that I have prepared are quite similar to those prepared in 1944 and which were in force at the general election of 1945. When distributing these copies of the regulations to the members of the committee I distributed them to the three services, the navy, the army and the air force. I have had several meetings with the representatives of the three services in my office and at our last meeting they told me they were quite satisfied with the regulations and they even expressed the opinion that they could not think of any other method by which the votes could be attributed to the various electoral districts. These same regulations were in force at the general election of 1945. The number of voting territories has been reduced from eleven to three and other changes have been made at the suggestion of the members of the forces and upon the experience gained at the last election. The members of the forces who studied the regulations have made a few suggestions for improvement but those suggestions are not very numerous or contentious.

Mr. MARQUIS: Mr. Chairman, I see in these draft regulations that they do not apply at by-elections. What will happen if a by-election is held in a constituency where these veterans are living? Will they have the right to vote at a by-election?

The WITNESS: The members of the forces entitled to vote at a by-election would be only those who happened to be in their home polling division on polling day. I might add that in all the regulations for taking soldiers votes in Australia, South Africa and New Zealand, no provisions were made for the taking of the vote of the members of the forces at by-elections. It was simply laid aside It would entail a large expenditure. You would have to keep the same set-up of voting officials during four or five years. It would be a difficult and costly task.

Mr. MARQUIS: I understand Mr. Castonguay these veterans will not vote at a by-election if they are temporarily residing in a constituency where the by-election is held.

The WITNESS: No, they would not. If there were 5,000 members of the air force stationed in Rockcliffe and a by-election was held in Russell, I would certainly like to see the regulations framed in such a way as to prevent those men from voting at such by-election.

Hon. Mr. STIRLING: Well would you consider Esquimalt, the naval base, which has some considerable strength. If a by-election is called there the list is set up and probably the enumerators will enter the names of most of those men and their wives, would they not?

The WITNESS: If these regulations are carried in their present form my instructions to the enumerators would be not to include the names of members of the forces, but with regard to their wives, with the new amendment that has been passed, it seems to me they will be included on the list.

Mr. MACINNIS: It would depend, Mr. Castonguay, on whether or not they are permanent or ordinary residents of that particular area.

The WITNESS: Yes.

Mr. MACINNIS: Either the wives or the men themselves.

The WITNESS: If a man ordinarily resides in an electoral district he should be entitled to vote as a civilian elector in his home polling division.

Mr. MARQUIS: If it is his own polling division he would have the right to vote at a by-election the same as he would at a general election?

The WITNESS: This right is preserved under the regulations in which it is stated that any defence service elector who happens to be in his home polling division on polling day will be entitled to vote, but there is a proviso, he must be twenty-one years of age and in urban divisions his name must be on the list.

Mr. FAIR: May I ask Mr. Castonguay, if you have experienced any difficulty with the regulations as they existed in 1945?

The WITNESS: These regulations worked out very satisfactorily.

Mr. FAIR: The committee were very generous in arranging every facility for the serviceman's vote.

The WITNESS: The experience during the last election has not prompted me to suggest any different procedure.

The CHAIRMAN: Gentlemen, I have here a communication which I shall read into the record at this stage, for your consideration. It is signed by Mr. George Black and is dated Ottawa, May 13, 1947. It is addressed to the chief electoral officer and reads:—

> Mr. JULES CASTONGUAY,
> Chief Electoral Officer,
> Ottawa.
>
> DEAR SIR,—At a meting of the Special Committee on Dominion Election Act on March 28, 1947, it was unanimously agreed that the Chief Electoral Officer consult heads of the various branches of the Permanent Force with a view to finding ways and means whereby the vote of the members of the Forces could best be taken—concrete proposals to be submitted later.
>
> At the general election 1945 members of Permanent Force—Army and Air Force—stationed at Whitehorse and Watson Lake in Yukon—many of them permanently and with wives and families—were not allowed to vote in the Electoral District of Yukon, it being decided, I believe by you, that they could only vote in the constituency in which they formerly lived, which was impossible and they were disfranchised.
>
> With all respect I recommend that if it is necessary the Election Act should be amended to allow members of the Permanent Forces have the right to vote in the Electoral District in which they are stationed on election day.
>
> Yours truly,
>
> GB/MD (*Sgd.*) GEORGE BLACK.

By Mr. MacInnis:

Q. Has the chief electoral officer any comment on that?—A. I replied to Mr. Black that I did not rule that any of these electors were unable to vote. I ruled that the men, I did not say anything about the women, but the men's vote should be attributed to the electoral district in which they resided prior to enlistment in the same manner as any other members of the forces. With regard to their wives, I remember on many occasions I was asked where they should vote, and I very reluctantly told them they could vote where they happened to be stationed with their husbands. I was not quite comfortable about the ruling but at the same time I thought they should have a vote some place.

By Hon. Mr. Stirling:

Q. But you did not extend that to the men?—A. The forces were provided with all the documents and materials to conduct their vote. Each of the forces, air force, navy and army, had instructions to have the material forwarded to every place where it was needed. There were several votes polled in the Yukon.

Q. Mr. Castonguay said he had met with spokesmen for the three services and they had expressed their approval of the suggestions which he had laid before them for this voting, but do I understand that to mean that they desired to see this done or that they approved of these arrangements which were proposed because they had been instructed that the service vote should so be dealt with?—A. No. They approved of the procedure laid down for the taking of the vote

Q. That is not quite the same thing as saying that these three spokesmen for the services agreed it was proper that the service vote should be divided up?—A. No.

Q. They did not express an opinion on that?—A. No. They agreed that the procedure was feasible. In these proposed regulations, the services have to do 90 per cent of the work. They provide the deputy returning officers, poll clerks, etc., and look after the taking of the vote of the members of the forces.

By Mr. Brooks:

Q. Is there not quite a difference between the taking of the vote of the men in the permanent forces serving in Canada in peace time and the taking of the vote of the men serving overseas during war time or men who are in camps in the different parts of Canada? For instance, at headquarters in some districts there are men who have been there for five or six years. Those men look on the place they are residing at that time as their permanent residence. Under this regulation they have to go back to their original home. It seems to me there is a difference between the permanent forces in Canada during peace time and the men serving overseas during war. I do not think the same thing applies?—A. I think it is nearly the same thing. There is not much difference in the draft regulations. The cases which you mentioned are looked after. It is provided that any member of the forces on a certain date, I think it is the first of August, next, may make a declaration as to his place of residence if he has changed it since his enlistment. A person who has been five or six years at headquarters and who has established his residence in the locality of headquarters can change his place of residence, for the purpose of voting, from where he lived at the time of enlistment to where he is now.

Q. He has an option?—A. He has an option. He has two or three months in which to do it. He does not have to go back home to vote. His vote would be attributed to the electoral district from which he came. For the members of the forces who enlist after August 1 next, their place of residence for the purpose of voting would be the place where they lived prior to enlistment.

Q. After the first of August?—A. After the first of August. The date is mentioned in one of the paragraphs.

The Chairman: Now, gentlemen, I have another point here which deserves your consideration concerning the taking of the vote in the hospitals operated by the Department of Veterans Affairs. I have a letter from Mr. W. S. Woods, Deputy Minister of the Department of Veterans' Affairs, dated June 6, 1947, addressed to Mr. Jules Castonguay, Chief Electoral Officer, Ottawa.

> Dear Mr. Castonguay,— Reference is made to our telephone conversation on May 28, 1947, and to your conversation of May 20, with Mr. C. N. Senior, relative to the proposal that The Canadian Defence Service Voting Regulations should include regulations whereby officers of the Department of Veterans Affairs would be required to take the vote of veterans of World War I or World War II who are under treatment in our departmental hospitals or in any contract or other hospital at our expense.
>
> I am authorized by my minister to inform you that it would not be desirable to put forward such a proposal.
>
> The department had, last week, 8,788 patients in departmental hospitals and 2,438 in other hospitals. It will be readily apparent that it would be almost physically impossible for the staff of this department to take the vote of 2,438 patients who are scattered in hospitals throughout the country, many at outlying points.

> As to the hospitals which are operated by the Department of Veterans Affairs, it is felt that it is logical and proper for the chief electoral officer to make such arrangements for taking the vote as he would do for any other similar civilian institution. With a few exceptions (whose vote, it is understood, would be taken by commissioned officers of the armed services), the patients of this department are all civilians and any attempt to introduce voting methods paralleling those which the armed services found necessary is not regarded favourably from the standpoint of departmental administration. If it is intended that the vote of the department's patients should be allocated to the riding in which the patient ordinarily resides, it is suggested that the whole matter should be left in your hands as your representatives would be most conversant with any technical problems which might arise.
>
> Yours very truly,
>
> (Sgd) W. S. Woods,
> *Deputy Minister.*

Have you any comment to make on that, Mr. Castonguay?

The Witness: Paragraph 41 of the draft regulations tentatively provides for the taking of the vote of the veterans of the last two world wars who are in hospitals receiving treatment under the Department of Veterans Affairs. It provides that the vote be taken by commissioned officers of the armed forces. The armed forces do not agree with this procedure. They do not think it would work out satisfactorily. This procedure was followed in the general election of 1945 for the veterans of the first world war who were hospitalized at the time. I was following the same procedure, but the armed forces claim they may not have a commissioned officer anywhere near the hospitals.

By Mr. MacNicol:

Q. What was that?—A. They were reluctant to agree to the proposition.

The Chairman: If you wish, we shall take these regulations clause by clause. Is the committee sufficiently familiar with the draft regulations to dispense with the reading of each clause?

Some Hon. Members: Oh, yes.

The Witness: There is one other thing which the forces have suggested to me. These regulations are called "The Defence Services Voting Regulations." The Forces would prefer the regulations to be known as, "The Canadian Armed Forces Voting Regulations." I told them I would lay the matter for the decision of the committee.

Mr. MacNicol: I do not see any objection to that.

Hon. Mr. Stirling: The department is known as the Department of National Defence, isn't it?

The Witness: It is known as, "The Department of National Defence." The 1944 regulations were called, "The Canadian War Services Regulations."

Hon. Mr. Stirling: But that was another thing.

The Witness: That was another thing. I know, in so far as the Canadian armed forces are concerned, there are still a number of women in those services.

Mr. Brooks: I think it would be better to leave it the way it is.

Mr. Gladstone: Would it be better to put in the word "National" to make it the same as the department?

The Witness: It might bring it too close to the department.

Mr. MacInnis: I think the title, "The Canadian Armed Forces Voting Regulations" is all right.

Mr. BROOKS: That only adds weight to the argument of the Department of Veterans Affairs. They are all civilians and they would not come under this at all.

The WITNESS: No, they are all under the Department of Veterans Affairs.

Mr. BROOKS: They are dismissed from the army and are no longer in the forces.

The WITNESS: The forces no longer have jurisdiction over them.

Mr. BROOKS: It is a separate department entirely. They are discharged from the army.

The WITNESS: They are completely discharged from the army. They have no further connection with the army.

The CHAIRMAN: Section 1 is the short title:

Short title.

1. These Regulations may be cited as *The Canadian Defence Services Voting Regulations.*

Shall this section carry:

Mr. MACINNIS: This is the matter we have been discussing. Have we decided to leave it this way or to make it read: "Canadian Armed Forces"? I have no objection to either one.

Hon. Mr. STIRLING: I prefer it the way it is.

Carried.

The CHAIRMAN: Section 2:

Application.

2. These Regulations shall apply only to a general election held in Canada and shall not apply at by-elections.

Shall this section carry?

Carried.

Section 3 deals with 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 purposes 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.

Shall this section carry?

Carried.

Section 4 deals with interpretation.

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 11 of these Regulations, as chief assistant to a special returning officer;

"Chief Electoral Officer."

(*b*) "Chief Electoral Officer" means the person who holds office as Chief Electoral Officer under sections three and four of *The Dominion Elections Act, 1938,* as amended;

"Clerical assistant."

(*c*) "clerical assistant" means a person appointed by a special returning officer for duty as clerical assistant in his office;

"Commanding Officer."

(*d*) "commanding officer" means the commanding officer of a unit, as hereinafter defined;

"Commanding Officer."

(*e*) "commissioned officer" means the commissioned officer designated by the commanding officer, pursuant to paragraph 30 of these Regulations, to take the votes of Defence Service electors; it shall include a non-commissioned officer designated by the commanding officer for that purpose where a commissioned officer is not available;

"Defence Service."

(*f*) "Defence Service" means engagement in any of the services or duties referred to in paragraph 5 of these Regulations;

"Hours of the day."

(*g*) "hours of the day" and all other references to time in these Regulations relate to standard time;

"Inner envelope."

(*h*) "inner envelope" means the plain envelope in which the ballot paper is to be placed after it has been marked by a Defence Service elector, before it is transmitted to the special returning officer in the outer envelope hereinafter defined;

"Liaison Officer."

(*i*) "Liaison Officer" means the member of the Naval, Military or Air Forces of Canada who has been designated by the Minister of National Defence to act as liaison officer between the special returning officer and the various commanding officers pursuant to paragraph 18 of these Regulations, with regard to the taking of the votes of Defence Service electors;

"Outer envelope."

(*j*) "outer envelope" means the envelope provided for the transmission by mail of the ballot paper (after such ballot paper has been marked and enclosed in the inner envelope hereinbefore defined) of a Defence Service elector to the appropriate special returning officer, which envelope has been printed as follows: on the face with the full name and post office address of such special returning officer, and on the back with a blank declaration in Form No. 7 of these Regulations;

"Polling day."

(*k*) "polling day" means the date fixed, as prescribed by section twenty-one of *The Dominion Elections Act, 1938,* as amended, for holding the poll at a general election;

"Scrutineers."

(*l*) "scrutineers" means the persons appointed by the Chief Electoral Officer, under paragraph 13 of these Regulations, for duty as scrutineers in the office of the special returning officer;

"Special returning officer."

(*m*) "special returning officer" means a person appointed by the Governor in Council, pursuant to paragraph 9 of these Regulations as special returning officer to superintend the taking, receiving, sorting and counting of the votes cast by Defence Service electors in a given voting territory;

"Unit."

(*n*) "unit" means a formation, unit, detachment, ship or establishment to which Defence Service electors are posted or attached for the time being;

"Voting territory."

(*o*) "voting territory" means a specified area, within Canada, where a special returning officer shall be stationed and where the votes of Defence Service electors shall be taken, received, sorted and counted, as prescribed in these Regulations.

Shall this section carry?

Mr. MARQUIS: Perhaps you could refer to the clauses as clause (*a*), (*b*) and so on.

The CHAIRMAN: Yes. Clause (*a*) refers to the chief assistant.

By Mr. MacNicol:

Q. Does this conform to what we passed the other day?—A. It is the same as the 1944 regulations.

Q. The chief assistant conforms to what we passed the other day?—A. No, it is the chief assistant to the special returning officer.

The CHAIRMAN: Shall clause (*a*) carry?
Carried.

Shall clause (*b*) carry?
Carried.

Shall clause (*c*) carry?
Carried.

Shall clause (*d*) carry?
Carried.

Shall clause (*e*) carry?
Carried.

Shall clause (*f*) carry?
Carried.

Clause (*g*) deals with hours of the day. Shall this clause carry?
Carried.

Shall clause (*h*) carry?
Carried.

Clause (*i*) deals with the liaison officer. Shall this clause carry?
Carried.

Shall clause (*j*) carry?

By Mr. MacNicol:

Q. These envelopes are similar to those used during the last general election? A. They are the same.
Carried.

The CHAIRMAN: Shall clause (*k*) carry?
Carried.

Shall clause (*l*) carry?

Carried.

Shall clause (*m*), dealing with special returning officers carry?

Carried.

Shall clause (*n*) carry?

Carried.

Section (o), voting territory.

Carried.

Is section 4 carried?

Carried.

Section 5—Qualifications of defence service electors.

QUALIFICATIONS OF DEFENCE SERVICE ELECTORS

Qualifications.

5. Every person, man or woman, irrespective of age, who is a Canadian citizen or a British subject, shall be deemed to be a defence service elector and qualified to vote under these regulations, if he or she

IN THE ROYAL CANADIAN NAVY:

(*a*) is a member of the Royal Canadian Navy other than those on the retired list, or

(*b*) is a member of the Royal Canadian Navy (Reserve) who is performing (i) periodic training; (ii) voluntary service; (iii) special naval duty.

IN THE CANADIAN ARMY:

(*a*) Is a member of the Canadian Army Active Force, or

(*b*) is a member of the Canadian Army Reserve Force, 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 Reserve Force, 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.

IN THE ROYAL CANADIAN AIR FORCE:

(*a*) is a member of the Royal Canadian Air Force (Regular) employed on continuous general service, or

(*b*) is a member of any other component of the Royal Canadian Air Force employed on continuous training or duty.

Now, the Royal Canadian Navy, clause (*a*).

Hon. Mr. STIRLING: What is the implication of "other than those on the retired list?"

Mr. MACINNIS: Those on the retired list would vote, I imagine, as civilians.

Mr. MARQUIS: Many of them still consider themselves members of the Royal Canadian Navy even when they are on the retired list.

The WITNESS: There are numbers of the Royal Canadian Navy who are on the retired list who are subject to call.

Hon. Mr. STIRLING: Yes.

The WITNESS: And the object of this is to give them the vote when they are on duty.

The CHAIRMAN: Shall clause (*a*) carry?

Carried.

Clause (*b*)?

Mr. HAZEN: Clause (*b*); I am looking at the next paragraph, clause (*b*)—Canadian army. Why is there such a difference there? A member of the Royal Canadian Naval Reserve who is performing identical training—that is a voluntary service—whether he is a member of the naval reserve or of the army reserve, he is a person qualified for training camp or any special schools. I see it applies in the case of the navy when they go to take such courses. Is it not necessary in the case of the army to refer to a training school the same as it is in the navy?

The WITNESS: Paragraph 5 of the draft regulations was prepared by each of the services who have given it a good deal of thought and it is intended to include all the members who may be regular members of the forces and those who are members of the reserve army who may be training or on special duty. I am not clear on the meaning of the terms as they are used. All that I can say is that it has been prepared by the services with a great deal of care.

Hon. Mr. STIRLING: Is it in their terms?

The WITNESS: It is their own definitions.

Mr. HAZEN: Did the services prepare their definitions before submitting them to you?

The WITNESS: Yes. I have had several meetings in my office with the three services and know that they worked jointly on the definitions.

The CHAIRMAN: Clause (b)?

Carried.

Now, Canadian army, clause (*a*).

Carried.

Clause (b)?

Carried.

Now, the Royal Canadian Air Force, clause (*a*).

Carried.

Clause (*b*)?

Carried.

Section 5?

Carried.

Section 6—residence requirements:

> 6. In order to be entitled to vote under these regulations, a defence service elector shall specify, in the declaration in form No. 7 of these regulations, the name of his or her place of ordinary residence in Canada as defined in the next following paragraph, and his or her vote shall be applied only to the electoral district in which such place of ordinary residence is situated.

Carried.

Section 7—definition of ordinary residence:

> *Definition of ordinary residence*
>
> 7. (1) For the purpose of these regulations, the place of ordinary residence in Canada of a defence service elector, as defined in paragraph 5 of these regulations, shall be as follows:—
>
> *Place of ordinary residence prior to enlistment.*
>
> (*a*) In the case of a person who becomes qualified as defence service elector after August 1, 1947, his or her ordinary place of residence shall be deemed to be the city, town, village or other place in Canada, wherein he or she was ordinarily residing prior to his or her appointment or enlistment in the naval, miltary or air forces of Canada;

Place mentioned in statement of ordinary residence.

(*b*) In the case of a person qualified as defence service elector on August 1, 1947, who has changed his or her place of residence since his or her appointment or enlistment, his or her place of ordinary residence, for the purposes of these regulations, shall be the city, town or village, or other place in Canada, mentioned in a statement of ordinary residence completed before January 1, 1948, and filed either at the Naval Service, or Army or Air Force Headquarters. Whenever no such certificate is made and filed at such headquarters during the period herein specified, the ordinary residence of such defence service elector shall be deemed to be the city, town, village, or other place in Canada, wherein such elector resided prior to his or her appointment or enlishment in the naval, military or air forces of Canada;

Residence qualifications of members of Reserve Forces.

(2) In the case of a defence service elector, as described in clause (B) of either the Royal Canadian Navy, the Canadian Army or the Royal Canadian Air Force, in paragraph 5 of these regulations, he or she shall be deemed to be qualified to vote at a general election in the electoral district wherein he or she ordinarily resided on the date of the commencement of the period of his or her special service or on the date of the commencement of each of the individual periods of his or her training in the naval, military or air forces of Canada. The commencement of special training above referred to is that period of special training or duty on which he or she is engaged during the voting period prescribed in these Regulations.

Clause (*a*):

The WITNESS: This has been changed at the request of the services. It should be 7(1). This provision would be clause (*a*) to 7(1).

Hon. Mr. STIRLING: You mean they want to call it 7(1) instead of 7(*a*)?

The WITNESS: 7(1): the paragraph would be 7(1) and then clause (*a*) and clause (*b*) to paragraph 7(1).

Mr. MACINNIS: That would be section 7, subsection 1, paragraph (*a*) and paragraph (*b*).

The WITNESS: Yes, and then (*c*) would become subparagraph (2) of paragraph 7.

Hon. Mr. STIRLING: Oh, I see.

The WITNESS: The services have suggested some small changes in the paragraph. For instance, in (*b*) of subparagraph (1) in the 8th line it says in the draft, "before October 1, 1947". They have suggested that this date be put back to January 1, 1948.

Mr. MACINNIS: That should be January 1, 1948?

The WITNESS: Yes. The last three words in the same line "the applicable"; they asked that it read "either at the naval service or army or air force" instead of "the applicable". So the last line of 8 would read "before January 1, 1948" and, 5 add "either at the naval service or army or air force headquarters". Then (*c*) becomes subparagraph (2), at the very end of (*c*) they have asked that the following words be included: "The commencement of special training above referred to is that period of special training or duty on which he or she is engaged during the voting period prescribed in these regulations".

The CHAIRMAN: Now, gentlemen, the question is on section 7, subsection (1); does the new subsection carry?

Carried.

Mr. FRASER: Might I ask Mr. Castonguay would it not be better where the expression, "city, town or village" appears to be used instead of the words "electoral district?"

The WITNESS: "City, town or village" is preferable, I think, because the electoral district is more difficult to describe, for a serviceman to give. For instance, in the city of Montreal there are twenty electoral districts. What really is required of the elector is to give the facts as to his address, where his residence is. If you ask him to state his electoral district and he lives in Montreal he might not be able to name it. It is more convenient for the special returning officer if the place of residence and the address of the elector are given. He can then immediately find in which electoral district the elector is entitled to vote.

The CHAIRMAN: Carried.

Subsection (2)?

Carried.

Mr. BROOKS: Just a moment. I do not see where this option about which Mr. Castonguay spoke appears? You recall that he referred to that some time ago. He says there is an option, the soldier can vote either in his own district, the place from which he came, or the polling district in which he was stationed at the time.

The WITNESS: Section 7 sets that out.

> For the purpose of these regulations, the place of ordinary residence in Canada of a defence service elector, as defined in paragraph 5 of these regulations, shall be as follows:—
>
> (*a*) In the case of a person who becomes qualified as defence service elector after August 1, 1947, his or her ordinary place of residence shall be deemed to be the city, town, village or other place in Canada, wherein he or she was ordinarily residing prior to his or her appointment or enlistment in the naval, military or air forces of Canada.

The next clause deals with the option.

> (*b*) In the case of a person qualified as defence service elector on August 1, 1947, who has changed his or her place of residence since his or her appointment or enlistment, his or her place of ordinary residence, for the purposes of these regulations, shall be the city, town or village, or other place in Canada, mentioned in a statement of ordinary residence completed before January 1, 1948, and filed at headquarters. Whenever no such certificate is made and filed at such headquarters during the period herein specified, the ordinary residence of such defence service elector shall be deemed to be the city, town, village, or other place in Canada wherein such elector resided prior to his or her appointment or enlistment.

By Mr. Brooks:

Q. That gives him the right to vote at his home place he came from before he joined, but my point is does it give him the right to vote where he is stationed performing military duties?—A. It gives him the right to elect a new ordinary residence since his appointment. If a man comes from Saint John and has been stationed in Ottawa for five, six, or even two years, or even one year, and desires that his ordinary residence should be Ottawa he files a certificate to that effect and his vote would be applied to Ottawa.

The CHAIRMAN: You might also refer to section 40 which may meet your point. Section 8, voting by defence service electors. Is that carried?

Voting by Defence Service electors.

8. Every Defence Service elector as defined in paragraph 5 of these Regulations shall be entitled to vote at a general election only according to the procedure prescribed by these Regulations, unless such elector is, on polling day, in his or her place of ordinary residence in Canada as defined in paragraph 7 of these Regulations, in which case the Defence Service elector may vote as a civilian, subject to the limitations set out in paragraph 40 of these Regulations.

Carried.

Next, "Special returning officers and their staffs."

SPECIAL RETURNING OFFICERS AND THEIR STAFFS

Appointment of special returning officers.

9. For the purpose of these Regulations the Governor in Council shall, with respect to a general election, appoint a special returning officer to superintend the taking, receiving, sorting and counting of the votes of Defence Service electors in the following voting territories:

Ontario and Quebec

(*a*) The provinces of Ontario and Quebec shall constitute a voting territory, with the headquarters of the special returning officer located at Ottawa;

Nova Scotia, New Brunswick and Prince Edward Island

(*b*) 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, British Columbia and Yukon—Mackenzie River

(*c*) The provinces of Manitoba, Saskatchewan, Alberta, British Columbia, and the electoral district of Yukon-Mackenzie River, shall constitute a voting territory, with the headquarters of the special returning officer located at Edmonton;

Defence Service Electors stationed outside of Canada

(*d*) If, at the time of a general election, there are Defence Service electors, as defined in paragraph 5 of these Regulations, stationed outside of Canada, and the taking, receiving, sorting and counting of the votes of such electors can be efficiently superintended from one of the voting territories established as above prescribed, the Chief Electoral Officer shall direct the appropriate Liaison Officer and special returning officer for such voting territory to deal with such Defence Service electors as though they were stationed in their voting territory.

Section 9, appointment of special returning officers. Clause (*a*), Ontario and Quebec.

Carried.

Clause (*b*), Nova Scotia, New Brunswick and Prince Edward Island. Carried?

Carried.

Clause (*c*), Manitoba, Saskatchewan, Alberta, British Columbia and Yukon-Mackenzie river. Carried?

Carried.

Clause (*d*), Defence Service electors stationed outside of Canada. Carried?

Carried.

Is section 9 carried?

Carried.

Section 10:

Oath and tenure of office

10. Every special returning officer shall be sworn, in Form No. 1 of these Regulations, before the Chief Electoral Officer, to the faithful performance of his duties. Upon the completion of such duties the tenure of office of the special returning officer shall cease.

Carried.

Appointment and oath of chief assistant

11. The Governor in Council shall appoint a person to act as chief assistant to each special returning officer. After his appointment, the chief assistant shall be sworn, in Form No. 2 of these Regulations, before the special returning officer, to the faithful performance of the duties imposed upon him by these Regulations.

Carried.

When S.R.O. unable to act

12. If, during a general election, the 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 is able to resume his duties, assume and perform the duties of such special returning officer.

Carried.

Selection, appointment and oath of scrutineers

13. 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 ten or more. Each scrutineer shall be appointed in Form No. 3 of these Regulations, and shall be sworn in the said Form No. 3, before the special returning officer, to the faithful performance of the duties imposed upon him by these Regulations.

Carried.

Remuneration

14. 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.

Carried.

Appointment, oath, etc., of clerical assistants

15. 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. 4 of these Regulations.

Carried.

Duties of special returning officers

16. Every special returning officer, upon being instructed by the Chief Electoral Officer, shall:—

(*a*) Secure suitable quarters to be used as an office for the proper performance of his duties;

(*b*) Maintain such office until all the duties imposed upon him by these Regulations are completed;

(*c*) Retain in his possession the oaths of office of his chief assistant, scrutineers, and clerical assistants, and, after the election, transmit such oaths of office to the Chief Electoral Officer, as prescribed in paragraph 58 of these Regulations;

(*d*) Select and appoint the clerical assistants required for the performance of his duties, as prescribed in paragraph 15 of these Regulations;

(*e*) Secure a list of the names, ranks, and numbers of Defence Service electors from the liaison officer, as prescirbed in paragraph 20 of these Regulations;

(*f*) Cause to be prepared an alphabetical list of all the names of Defence Service electors reported by the commanding officers to be stationed in his voting territory, pursuant to paragraph 21 of these Regulations;

(*g*) Secure from the liaison officer a list of the names, rank and number of every commissioned officer and non-commissioned officer designated by each commanding officer to take the votes of Defence Service electors, as prescribed in paragraph 31 of these Regulations;

(*h*) 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 officialy 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 28 of these Regulations;

(*i*) Receive completed outer envelopes containing ballot papers marked by Defence Service electors in the voting territory under his jurisdiction, as prescribed in paragraphs 43 and 44 of these Regulations;

(*j*) Stamp each completed outer envelope with the date of its receipt, as prescribed in paragraph 44 of these Regulations;

(*k*) Provide that each completed outer envelope shall be sorted to its correct electoral district, as prescribed in paragraph 44 of these Regulations;

(*l*) On the day immediately following polling day, proceed with the counting of the votes cast by Defence Service electors, as prescribed in paragraphs 49 to 57, inclusive, of these Regulations;

(*m*) Communicate by telegraph, or otherwise, to the Chief Electoral officer the number of votes cast by Defence 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 59 of these Regulations;

(*n*) 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 58 of these Regulations;

(*o*) Perform all other duties prescribed to be performed by him under these Regulations.

The WITNESS: With reference to clause (*h*) in the fifth line it says "of candidates nominated." I would suggest that the word "officially" be put before "candidates", and that it should read "of candidates officially nominated."

As to clause (1) I should like to have the last word in the first line and the following five or six words deleted. I should like the clause to read, "on the day immediately following polling day, proceed with the counting of the votes cast by defence service electors."

Section 16, carried.

Liability of special returning officer and staff.

17. Every 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, chief assistant, scrutineer of 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.

Carried.

PROCEDURE FOR TAKING THE VOTES OF DEFENCE SERVICE ELECTORS

Communication with the Minister of National Defence.

18. (1) As soon as possible after a general election has been ordered, the Chief Electoral Officer shall advise the Minister of National Defence, as to the names and addresses of the special returning officers appointed to superintend the taking, receiving, sorting and counting of the votes of Defence Service electors, setting out the voting territory assigned to each of them. In the case of each voting territory, the Minister shall designate a member of each of the Naval, Military and Air Forces of Canada to act as Liaison Officer in connection with the taking of the votes of Defence Service electors and the Minister shall advise the Chief Electoral Officer of the name, rank and post office address of each Liaison Officer so designated.

Carried.

Communication with the special returning officers.

(2) The Chief Electoral Officer shall forthwith advise each special returning officer of the names, ranks and post office addresses of the Liaison Officers designated as above provided, with whom arrangements shall be made for the taking of the votes of Defence Service electors. The Chief Electoral Officer shall at the same time direct each special returning officer to proceed with the duties imposed upon him by these Regulations.

Carried.

Duties of Liaison Officer

(3) The Liaison Officer designated in each of the respective Forces shall immediately communicate with the commanding officer of every unit, as herein defined, stationed in the voting territory, stating all necessary particulars relating to the taking of the votes of the Defence Service electors at the pending general election. During the period between the issue of the writs ordering a general election and polling day thereat, the Liaison Officer shall cooperate with the special returning officer and the various commanding officers, in the taking of the votes of Defence Service electors.

Carried.

Section 19:

Publication of notice of general election.

19. (1) Every commanding officer shall, forthwith upon being advised by the liaison officer, publish as a part of Daily Orders, a notice, in Form No. 5 of these Regulations, advising all Defence 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. It shall also be stated in the said notice that every Defence Service elector, as defined in 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 fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and nine o'clock in the evening, of the six days from the Monday next following nomination day and the Saturday immediately preceding polling day, both inclusive. The commanding officer shall afford all necessary facilities to Defence Service electors attached to the unit to cast their votes in the manner prescribed by these Regulations.

Notification of days, hours and places of voting.

(2) At least two days before the period fixed for voting by Defence Service electors, and every day thereafter until the Saturday immediately 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 Defence Service electors may cast their votes; (*b*) the exact locations of the voting places established for each unit. and (*c*) the hours during which Defence Service electors may cast their votes at each of such voting places.

The WITNESS: In the fifth line from the end of section 19, subsection 1, it reads "the six days between." It should be "the six days from the Monday next following nomination day."

By Mr. MacInnis:

Q. That is "from" instead of "between"?—A. Yes.

The CHAIRMAN: Is subsection 1 as amended carried?

Mr. MACNICOL: That means "six" or "sixth"?

The WITNESS: "Six days from the Monday next following nomination day."

The CHAIRMAN: Carried?

Carried.

Mr. HAZEN: Under section 19, subsection 1, I might ask this question. If a man wants to vote does he have to apply to his commissioned officer to vote? It reads:—

> It shall also be stated in the said notice that every defence service elector, as defined in these regulations, may cast his vote before any commissioned officer designated by the commanding officer for that purpose, on application to such commissioned officer.

Mr. BROOKS: "Application" simply means coming in and asking for a ballot.

The WITNESS: He seeks to vote. He demands to vote.

By Mr. Fair:

Q. The commissioned officer takes the place of a deputy returning officer? —A. He is in the same position.

Mr. HAZEN: The word "application" means that he comes into the booth for his ballot.—A. Yes.

The CHAIRMAN: Subsection 2, notification of days, hours and places of voting. Carried?

Carried.

Is section 19 as amended carried?

Carried.

Section 20:

List of names, etc., of Defence Service electors.

> 20. As soon as possible after publication of a notice in Daily Orders, in form No. 5 of these regulations, each commanding officer shall, through the liaison officer furnish to the special returning officer for the appropriate voting territory a list of the names, ranks and numbers of all defence service electors attached to his unit.

By Mr. Brooks:

Q. Is there any provision made for getting names on the lists if any of the soldiers' names are left off?—A. The purpose of the list is not to be used as a roll upon which they will vote later on. The purpose of that list is to have in each special returning officer's office a list of the members of the forces who are entitled to cast their vote in order that when an envelope comes in the scrutineers may look at that list to see whether that name has been reported at the beginning of the election.

Q. Suppose a name is not there. Suppose it has been left off and has not been reported?—A. There is no provision dealing with such a case.

Q. We know that names are left off lists?—A. It would not disenfranchise him. The services are going to bring in their rolls. It will not be like a voters' list which is prepared on the eve of an election. It will be the roll upon which the personnel of the unit is entered. That is more dependable than a list of electors.

By Mr. MacInnis:

Q. Every person in the unit is entitled to vote?—A. Every member of the unit is entitled to vote, but the purpose of this list is to enlighten the scrutineers when the votes are coming in.

By Mr. Brooks:

Q. Could a scrutineer say "your name is not on the list I have here before me. You cannot vote".—A. Of course, he would have voted then.

Q. The list is made after the vote is taken?—A. This list is made long before the vote. The scrutineers are not present at the voting station. They are stationed in the office of the special returning officer, and it is their duty to allocate votes and to count votes, but that operation takes place long after the preparation of the lists and after the voting.

The CHAIRMAN: Is section 20 carried?

Mr. HAZEN: Just a moment, could I ask about this paragraph (2) of section 19. "At least two days before the period fixed for voting by defence service electors", and then it goes on and says "until the Saturday immediately preceding polling day". What bothers me is the period for voting.

The WITNESS: Paragraph 19 (1) fixes the period for voting. The last part of 19 (1) reads: "on application to such commanding officer for that purpose and application to such commissioned officer during such hours as may be fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and nine o'clock in the evening of the six days from the Monday next following nomination day and the Saturday immediately preceding polling day". That is the period for voting.

Mr. FAIR: It means the full week prior to the general election.

The WITNESS: Six week days.

Mr. HAZEN: How many hours a day?

The WITNESS: That is left to the discretion of the commanding officer. Sometimes six or twelve hours but not less than three hours.

Mr. HAZEN: This section means that there are two days of notice to be given before the voting starts.

The WITNESS: That is what it is; two days before that Monday.

Mr. HAZEN: Two days before voting starts.

The WITNESS: Yes.

The CHAIRMAN: Have you any other questions, Mr. Hazen?

Mr. HAZEN: No.

The CHAIRMAN: Is section 20 carried?

Carried.

Section 21:

Preparation of alphabetical lists of names, etc.

> 21. Forthwith upon receipt of the list of names, ranks, and numbers of defence service electors furnished pursuant to the next preceding paragraph, the special returning officer shall cause to be prepared a complete alphabetical list of all the names of defence service electors included in the lists furnished by the liaison officer.

It is suggested here in the marginal note that the words "preparation of alphabetical" be inserted instead of the words "purpose of."

With the amendment is section 21 carried?

Carried.

Section 22:

Defence Service elector in hospital, etc.

> 22. Every defence service elector in a service hospital or convalescent institution during the period prescribed by these regulations for the taking of the votes of defence service electors 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.

There is an amendment here in the first line the word "service" should be inserted after the words "elector in a".

Mr. MACINNIS: How would it read then?

The CHAIRMAN: "Every defence service elector in a service hospital".

Is the section as amended carried?

Hon. Mr. STIRLING: Does that cover veterans' establishments?

The WITNESS: No, that is entirely different.

The CHAIRMAN: Is section 22 carried?

Carried.

Section 23:

Supplies to special returning officer.

> 23. 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 Defence Service electors.

Carried.

Section 24:

List of names and surnames, etc., of candidates.

24. As soon as possible after the nominations of candidates at a general election have closed, on the 14th 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. 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.

Mr. MacInnis: Before we carry this I believe in the armed services voting that you not only supply the names of the candidates but you also supply their party affiliation.

The Witness: Yes, this is provided in the last three or four lines of paragraph 24.

The Chairman: Shall section 24 carry?

Carried.

Section 25:

Form of ballot paper.

25. The ballot papers supplied by the Chief Electoral Officer for the taking of the votes of Defence Service electors, shall be in Form No. 6 of these Regulations.

Carried.

Section 26:

Books of key maps, etc.

26. The books of key maps referred to in paragraph 23 of these Regulations, supplied by the Chief Electoral Officer, shall be used by Defence Service electors from large 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 Defence Service electors from other places in Canada.

Carried.

Section 27:

Special procedure in electoral district returning two members.

27. Each Defence Service elector shall vote only for one candidate, unless he is qualified to vote in the electoral district of Queens in the Province of Prince Edward Island, which returns two members to serve in the House of Commons. In the case only of the said electoral district of Queens, the Defence Service electors may vote for two candidates.

There is a change here, deleting the word "Halifax".

Mr. MacInnis: Providing you have an election before the Distribution Bill is passed.

The Chairman: I would suggest by the time the committee considers the draft final report we may have further information.

Mr. MacNicol: Why not strike it all out?

The Witness: "Each Defence Service elector shall vote only for one candidate, unless he is qualified to vote in the electoral district of Queens in the province of Prince Edward Island which returns two members to serve in the House of Commons. In the case only of the said electoral district of Queens, the Defence Service electors may vote for two candidates."

Hon. Mr. STIRLING: You are cutting out the words "Halifax in the province of Nova Scotia"?

The WITNESS: Yes, making it read "the electoral district of Queens in the province of Prince Edward Island".

Mr. MACNICOL: Is it provided here that he may vote for one of two candidates?

The WITNESS: He may vote for two candidates. I may tell the committee there was very, very, little plumping done in Queens or Halifax.

The CHAIRMAN: Is section 27 as amended carried?

Carried.

Section 28:

Distribution of supplies to and by commanding officers.

28. (1) Each special returning officer shall as soon as possible 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 Defence Service electors.

Carried.

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.

Carried.

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 38 of these Regulations.

Carried.

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 58 of these Regulations.

Carried.

Section 29:

Publication in Daily Orders, etc., of list of candidates.

29. Forthwith upon the receipt of printed copies of the list of names and surnames of candidates from the special returning officer, pursuant to the next preceding paragraph, the commanding officer shall cause such list to be published as part of Daily Orders and posted upon the bulletin boards of their units, and in other conspicuous places.

Section 29. Here again there is an amendment to the marginal note and the words "of names and surnames" are deleted. Is the section carried?

Carried.

Section 30:

Before whom votes to be cast.

30. The vote of every Defence Service elector shall be cast before any commissioned officer who has been designated by the commanding officer for that purpose, and who is himself a Defence Service elector, and has not been officially nominated as a candidate in any electoral district at the pending general election. Provided, however, that in the case of a small detachment in which no commissioned officer is available, the commanding officer may designate a person of or above non-commissioned officer status, subject to the above mentioned limitations.

There is an amendment in the second last line of section 30 where the words "non-commissioned officer" should be deleted and the following substituted therefor: "person of or above non-commissioned officer status".

Shall section 30 as amended carry?

Carried.

Section 31:

Name, etc., sent to special returning officer.

31. As soon as a person has been designated as provided in the next preceding paragraph to take the votes of Defence Service electors, the commanding officer shall, through the liaison officer, communicate the name, rank and number of such commissioned officer or non-commissioned officer to the appropriate special returning officer.

There is a change here in the first line deleting the words "commissioned officer or non-commissioned officer" and substituting therefor "person has been designated as provided in the next preceding paragraph".

Is this section as amended carried?

Carried.

Section 32:

Posting up of card of instructions, etc.

32. In any place or premises, and at any time in which Defence 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. 9 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 Canadian Postal Guide and one printed list of the names and surnames of candidates readily available for consultation by Defence Service electors.

Carried.

Section 33:

Representative of political party.

33. (1) Any person qualified to vote as a civilian elector at a general election, may, upon delivery of a declaration, completed and signed by himself, in Form No. 10 of these Regulations, to the commissioned officer who is taking the votes of Defence Service electors, act as representative of a political party at the taking of such votes.

(2) In any voting place where it is not possible for a civilian elector to act as a representative of a political party, as provided in the next preceding paragraph, a Defence Service elector may, with the approval of the commanding officer, act as such representative as though he was a civilian elector.

Disposition of declarations.

> (3) After the voting period has ended the commissioned officer shall transmit every completed declaration in Form No. 10 of these Regulations to the appropriate commanding officer.

Section 33. It is suggested here that a new subsection be inserted immediately after subsection (1) which would read as follows:—

> (2) In any voting place where it is not possible for a civilian elector to act as a representative of a political party, as provided in the next preceding subparagraph, a defence service elector may with the approval of the commanding officer act as such representative as though he was a civilian elector.

And then subsection (2) would become subsection (3).

Mr. MacInnis: We are talking about section 33?

The Chairman: Yes.

The Witness: Subsection (1) should read this way:—

> (1) Any person qualified to vote as a civilian elector at a general election may, upon delivery of a declaration completed and signed by himself, in form No. 10 of these regulations, to the commissioned officer who is taking the votes of defence service electors, act as representative of a political party at the taking of such votes.

Then new subsection (2) goes in.

The purpose of this change as explained by the forces is that they want a civilian representative of political parties. They do not want to have members of the forces acting as scrutineers, but they will permit them to do so if there is no civilian representative available.

By Mr. Hazen:

Q. I suppose there is no way of getting around the words, "with the approval of the officer commanding"?—A. With the approval of the commissioned officer.

Q. I do not suppose there would be much difficulty about it anyway?—A. I do not suppose it would create any difficulty.

By Mr. Brooks:

Q. They are under military discipline. They would have to have the approval of the commanding officer?—A. The forces very specifically asked for that.

The Chairman: Now, gentlemen, before agreeing to this section would you like to have the new section 33 read as amended?

The Witness: Section 33 (1) reads as follows:—

> Any person qualified to vote as a civilian elector at a general election may—

Then, the rest is the same.

> —may, upon delivery of a declaration completed and signed by himself, in form No. 10 of the said regulations, to the commissioned officer who is taking the votes of defence service electors, act as representative of a political party at the taking of such votes.

The Chairman: Subsection (2) reads as follows:

> In any voting place where it is not possible for a civilian elector to act as a representative of a political party, as provided in the next

preceding paragraph, a defence service elector may with the approval of the commanding officer act as such representative as though he was a civilian elector.

Subsection (3) would be in the same phraseology as the actual subsection (2) in the draft which you have before you.

Shall this section 33 as amended carry?
Carried.

Section 34 is further amended—

Mr. MacInnis: It is almost six o'clock, would it not be as well to stop here?

The Chairman: Since we have some amendments, could we not conclude this page?

Mr. MacInnis: I am not pressing the point.

Mr. Hazen: I think these are important sections. What I have in mind is this: I presume these are the same as the regulations which were used when the vote was taken at the last Dominion Election?

The Witness: Almost exactly the same.

Mr. Hazen: I have met fellows who seem to be under the impression, probably quite wrongly, that this was not a secret ballot. They have this in their head because they signed their name on the outer envelope. They say somebody is going to find out the way they voted. Has that been considered? Is there any way of getting around that? There is no doubt some fellows have this in mind. They have signed their name on the outside of the envelope. Once they put their name on the outside of the envelope it goes in a box and they think somebody is going to find out how they voted when the ballot is taken out of the inside envelope.

Mr. MacNicol: Once the outer envelope is opened the outer envelope is thrown away, is it not?

The Witness: I am firmly convinced that the voting by the armed forces personnel was more secret than the voting by the civilian electors.

Mr. Hazen: The point I am bringing up is that these fellows think otherwise. They say, "We are not going to vote because everybody knows the way we vote." They say, "We signed that outer envelope."

Mr. MacNicol: If whoever was in charge wanted to open the envelope he could easily tell how a man voted, of course.

Mr. MacInnis: You have the scrutineers around when the envelope is being opened. As a matter of fact, the voting here is very much like the absentee ballot in British Columbia.

Mr. Hazen: Perhaps it is a matter of education more than anything else but certainly, at the present time, these fellows have the impression when they sign their name people are going to know how they vote.

The Witness: In that connection I might say I was called upon prior to the last election to issue a statement in reply to criticism of the kind you have just brought up. I explained fully the procedure and said I was convinced it was secret. What I propose to do if these regulations are passed is to print on the last page or the cover of the regulations the statement I made at the last election explaining the secrecy of the thing. As these regulations are distributed in large numbers among the forces, any person who is suspicious of the secrecy will be enlightened by the commanding officer or each of the persons who has this book before him.

It would be all explained. Once a ballot paper is marked it is put in the inner envelope. It is placed in the outer envelope. It is required that it be mailed by the voter himself. Once that outer envelope reaches the office of the special returning officer, there are scrutineers there from the four main parties. We are protecting the secrecy of that ballot and that secrecy is very well protected by the inner envelope.

Mr. HAZEN: What is done then? Is the inner envelope taken out and put in a box?

The WITNESS: When it reaches the special returning officer, the work is done by the scrutineers. The scrutineers oversee the work. There are six scrutineers in each office. The scrutineers allocate that envelope to its proper electoral district. At the end of the day, they take all the outer envelopes and place them in a large envelope. The scrutineers seal it. The regulations prescribe that the scrutineers can look at this large envelope any time they want. When the counting time comes, they take all the ballot papers for one district, say Ottawa West, they take all the envelopes and look them over again. They start to open them. They take the inner envelopes and drop them in the ballot box. They keep dropping them in until all the outer envelopes are opened. They open the ballot box and dump it on the table. Then, you could not trace one of the inner envelopes.

Mr. MACINNIS: Is not the reason for having the name on the outer envelope to ascertain if the person is on the voters' list in the polling division or in the constituency in which he says he is on the list?

The WITNESS: The main reason for having the details on the outer envelope is to allocate the envelope to its proper electoral district. The second reason for having the name on the outside is to prevent duplication, double voting or illegal voting. It is a protection.

Mr. CHAIRMAN: I suppose your motion would be in order now, Mr. MacInnis, to adjourn until Thursday at four o'clock.

The committee adjourned at 6.00 p.m. until Thursday, June 12, 1947 at 4.00 p.m.

SESSION 1947

HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 13

THURSDAY, JUNE 12, 1947

WITNESSES:

Mr. Jules Castonguay, Chief Electoral Officer,
Mr. F. L. Barrow, Secretary, and
Mr. W. G. Gunn, Solicitor, of the Department of Veterans Affairs.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,
Thursday, June 12, 1947.

The Special Committee on The Dominion Elections Act, 1938, met at 4.00 o'clock p.m. Mr. Paul E. Coté (*Verdun*), Chairman, presided.

Members present: Messrs, Coté (*Verdun*), Fair, Gladstone, Hazen, MacInnis, Marier, Marquis, McKay, Richard (*Ottawa East*), Stirling, Zaplitny.

In attendance: Mr. Jules Castonguay, Chief Electoral Officer; Mr. F. L. Barrow, Secretary, and Mr. W. G. Gunn, Solicitor, of the Department of Veterans Affairs.

The Committee resumed the adjourned study of the Canadian Defence Service Voting Regulations.

Mr. Castonguay was recalled and he answered questions regarding the said proposed Regulations.

Mr. F. L. Barrow and Mr. W. G. Gunn were called and questionad in regard to Paragraph 41 of the said Regulations.

All remaining paragraphs from Nos. 34 to 69 inclusive, with the exception of No. 41, dealing with voting as defence service elector by veterans of last wars in hospital, etc. which after considerable discussion was allowed to stand were agreed to.

Forms Nos. 1 to 10 inclusive were also agreed to.

At 5.55 o'clock p.m., the Committee adjourned to meet again at 4.00 o'clock p.m., Tuesday, June 17, 1947.

ANTOINE CHASSE,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,

June 12, 1947.

The Special Committee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Coté, presided.

The Chairman: Order, please. We are to-day discussing section 34 of the Canadian defence service voting regulations. That is on page 10.

Now, gentlemen, if you will refer to the communication which you received yesterday or the day before from the clerk of the committee you will see that this section 34 has been further amended; the present and only paragraph of section 34 is to become subsection (1) of section 34. In that the word "ordinary" is to be inserted before the word "residence" at the end of line 13, and a new subparagraph (2) is to be added.

Declaration by defence service elector.

"34. (1) Before delivering a ballot paper to a defence service elector, the commissioned officer before whom the vote is to be cast shall require such elector to make a declaration in form No. 7 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 defence service elector's name, rank, and number, that he is a Canadian citizen or a British subject, has not previously voted at the pending general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as defined in paragraph 7 of these regulations. The name of the electoral district and of the province in which such place of ordinary residence is situated shall also be stated in the spaces provided for that purpose. The commissioned officer shall cause the defence 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."

The Chairman: This will be subsection (1). Subsection (2) is to be added. I have the terms of that here. I think every member has a copy of it. Shall I read it?

Mr. MacInnis: I think you better, Mr. Chairman.

The Chairman: It reads:

Warning to elector and Commissioned officer.

"(2) At this stage, the defence service elector and the commissioned officer shall bear in mind that, as prescribed in paragraph 47 of these regulations, any outer envelope which does not bear the signature of both the defence service elector and the commissioned officer concerned, (except in cases referred to in paragraph 37 of these regulations), or any other envelope upon which a sufficient description of the place of ordinary residence in Canada does not appear, shall be laid aside unopened by the special returning officer, and the ballot paper contained in such unopened outer envelope shall not be counted."

Are you ready for the question, gentlemen? Shall Section 34 as amended carry?

Carried.

Hon. Mr. STIRLING: Just in order to clarify this; is this in any sense incorporated in the bill, or does it just refer to a clause in the bill which orders regulations to be issued.

Jules Castonguay, Chief Electoral Officer, recalled:

The WITNESS: The Dominion Elections Act will have to contain a provision of some kind to connect these regulations with the Act itself.

Hon. Mr. STIRLING: I see.

The WITNESS: A draft section has been prepared and I will present it to the committee when the opportunity arises. I have no doubt that the regulations will have to be linked with the Act in some manner or other.

The CHAIRMAN: I might point out, Mr. Stirling, that we have left standing the few sections of the Act which had to do with the voting of service men until we had completed our study of these regulations.

And now, gentlemen, section 35:

Manner of voting of defence service elector.

"35. After the declaration has been completed and signed by the defence service elector and the certificate thereunder has been completed and signed by the commissioned officer, as prescribed in paragraph 34 (1) of these Regulations the commissioned officer shall hand a ballot paper to such elector, who shall cast his vote secretly by writing thereon, in ink or with 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 defence service elector. When this has been done, the commissioned officer shall hand an inner envelope to the defence 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 defence service elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the defence service elector."

This has been amended by striking out the words "the next preceding paragraph" in line 4 thereon and substituting therefor the following "paragraph 34 (1) of these regulations".

Shall section 35, as amended, carry?

Carried.

Section 36:

Subsection (1):

Disposition of completed outer envelope.

"36. (1) The commissioned officer before whom the vote of a defence service elector has been cast shall, as prescribed in the next preceding paragraph hand the outer envelope containing the ballot paper to the defence 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."

Shall the subsection carry?

Carried.

Subsection (2):

Warning to defence service elector.

"(2) The commissioned officer shall at the same time inform the defence service elector that his ballot paper must be received by the special returning officer to whom the envelope is addressed not later than nine o'clock in the forenoon of the day immediately following the date fixed for polling day at the then pending general election otherwise it will not be counted."

There is an amendment to this subsection, as follows: to strike out the words "ballot paper" in line two and to substitute therefor the following: "outer envelope"; also, to strike out the words "it will" in line 6 and to substitute therefor the following: "the ballot paper enclosed in such outer envelope shall".

Shall the subsection, as amended, carry?

Carried.

Subsection (3):

Mailing of outer envelopes.

"(3) Every such envelope despatched by ordinary mail in Canada shall be carried free of postage. Whenever it appears to be expedient to despatch an outer envelope by air mail to the special returning officer, the necessary postage stamps will have to be affixed to such envelope by the defence service elector."

Here, again, there is an amendment proposed:—

> Strike out the last three words 'defence service elector', at the end of subparagraph, and substitute therefor the following:—
>
> > Commissioned officer or other person before whom the vote is taken. The appropriate special returning officer shall, upon written requests, refund to such commissioned officer or other person any expenditure properly incurred for the purchase of such air mail postage stamp.

Shall the amended subsection carry?

Carried.

Subsection (4):

Postal facilities.

"(4) Every commanding officer shall, whenever possible, provide that polling places established for taking the votes of defence service electors shall be located in close proximity to a post office or mail box. The commissioned officer before whom a defence 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."

Carried.

Shall the section, as amended carry?

Carried.

Section 37:

Subsection (1):

Voting by designated commissioned officer.

"37. (1) A commissioned officer before whom defence service electors have cast their votes may cast his own vote after completing the declaration in form No. 7 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."

Carried.

Subsection (2):

Voting by officials.

"(2) Special returning officers, chief assistants and scrutineers appointed pursuant to paragraphs 9, 12 and 13 of these regulations shall be entitled to vote in the same manner as defence service electors, if qualified to vote at the pending general election."

The amendment recommended here is:

"Strike out the numeral '12' in line two and substitute therefor numeral '11'."

Shall the subsection, as amended, carry?

Carried.

Subsection (3):

Procedure.

"(3) For the purpose of the provisions set out in this paragraph, the special returning officer and his chief assistant may act in the capacity of a commissioned officer designated, as herein prescribed, to take the votes of the special returning officer, the chief assistant and scrutineers."

Carried.

Shall the section, as amended, carry?

Carried.

Section 38:

Spoiled ballot paper.

"38. (1) A defence 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 defaced 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 designated commissioned officers."

Carried.

Section 39:

Incapacitated defence service elector.

"39. If a defence 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 wohm 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 defence service elector who is able to read and to write. Such other elector shall be selected by the incapacitated defence service elector."

Carried.

Section 40:

Defence service elector voting as civilian.

"40. (1) Any defence 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 general election may cast his vote in the manner prescribed by *The Dominion Elections Act, 1938,* as amended, for civilian electors. In such case, however, the defence 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 defence service electors on leave or furlough

(2) A defence service elector who is absent from his unit, on leave or on furlough, during the voting period prescribed by paragraph 19 (1) 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 designated to take the votes of defence service electors by the commanding officer of a naval, military or air force unit, when such commissioned officer is actually engaged in the taking of such votes."

Carried.

Section 41:

Subsection (1):

Voting as defence service electors by veterans of last wars in hospitals, etc.

"41. (1) Every person who (*a*) is a Canadian citizen or a British subject, (*b*) has been ordinarily residing in Canada during the last twelve months, (*c*) was a member of the naval, military or air forces of Canada during the war 1914-18, or in the war that began on the 10th day of September, 1939, (*d*) during a general election is, in Canada, receiving temporary treatment or domiciliary care in any hospital or institution operated by the Department of Veterans Affairs, or is receiving treatment or domiciliary care in any other hospital or institution at the request or on behalf of such department, shall, whenever such hospital or institution is situated outside of the place of the ordinary residence of such person, be entitled to vote at a general election as a defence service elector and may cast his vote before a commissioned officer specially designated for that purpose by a appropriate commanding officer, on the production to such commissioned officer of satisfactory proof of identity.

Special designation of commissioned officer.

(2) Upon the request of the appropriate special returning officer, any commanding officer, conveniently stationed, shall designate a commissioned officer to take the votes of the persons referred to in the preceding subparagraph.

Facilities for voting.

(3) The superintendent of every hospital or other institution, where such persons are receiving treatment or domiciliary care as aforesaid, shall afford all necessary facilities to such persons to cast their votes in the manner prescribed by these Regulations."

NOW, I might point out to the committee that a communication which I read to the committee at our last meeting and which was received from Mr. Woods, the Deputy Minister of Veterans Affairs, brings up a point which comes under this section.

Mr. MARIER: I am sorry I was not present then. What was the suggestion?

The CHAIRMAN: Would you care to give us a few words on this, Mr. Castonguay?

The WITNESS: This subsection has been suggested in the draft regulation because a similar provision was adopted by order in council just prior to the 1945 general elections; it gave the right of voting to veterans of the first World War as war service electors and prescribed that their vote be taken by commissioned officers of the forces. The procedure prescribed by this provision worked out satisfactorily at the last election, and that is the only reason I can give for having submitted section 41 as it stands. I did not realize that in 1945 the Department of National Defence had several of their members in hospitals under the administration of the Department of Veterans Affairs. This has been entirely separated since, and the situation to-day is quite different. Members of the forces came to my office and made representations that it would not be logical or sometimes even possible for commissioned officers of the forces to take the vote of veterans in hospitals operated by the Department of Veterans Affairs. They explained that it was two entirely different departments, that they would have no control over the men receiving treatment in such hospitals and that they could not take that vote as they did in the 1945 election.

Mr. MARQUIS: Would it not be possible for you to appoint a commissioned officer to take that vote instead of having the department appoint someone to do it?

The WITNESS: Well, I was not going to suggest it right away, but since I am asked the question I may as well make my suggestion now. After receiving the letter from the Deputy Minister of the Department of Veterans Affairs and reading what he had to say about the matter and after having given the matter further consideration I have come to the conclusion that it may be possible for the special returning officer stationed in each of the three voting territories established in Canada to detail members of his staff to take the vote of veterans in hospitals under care of DVA.

Mr. MARQUIS: You have an amendment drafted to that effect?

The WITNESS: It would, of course, require an amendment to the Act, but that appears to me to be the only solution. The persons I was going to suggest to take that vote were the scrutineers who should work in pairs and be stationed at the hospital, not for the full six days of voting but for one or two days only in order that one pair of scrutineers might be able to cover more than one hospital during the six days of voting for defence service electors. That is the conclusion I have reached, and it seems to me that it is the only practical solution to this difficulty. Further, the votes would be attributed to the electoral district of the veteran receiving care at the hospital. His place of ordinary residence might give some difficulty because, as I understand it, the records of some of these men give the place of enlistment as the place of ordinary residence; the place of ordinary residence of some of these persons may have changed since their enlistment. That, however, is something which would have to be worked out; but I do not see any serious difficulty in drafting a procedure that would meet the situation.

The CHAIRMAN: Now, gentlemen, I saw the Minister of Veterans Affairs yesterday and I suggested that he might send over two officers from his department to the committee this afternoon to help us in a full discussion of this particular section 41. We are privileged in having with us to-day Mr. W. G. Gunn, the departmental solicitor, and Mr. F. L. Barrow, the departmental secretary. They are here at your disposal if you care to ask them for any information with regard to the taking of votes. What are the facilities in hospitals of the DVA for the taking of votes?

Hon. Mr. STIRLING: Who would these two certain scrutineers be?

The WITNESS: The regulations provide for the appointment—I should say the draft regulations now provide for the appointment of six scrutineers in the office of each of the special returning officers. You will recall that there are to be three special returning officers appointed in Canada, one at Halifax, one at Ottawa—for Ontario and Quebec—and a third one at Edmonton, for the western provinces. When I spoke a moment a go I intended to mention that it might be difficult, if not impossible, to take a vote at all the hospitals. I understand that there are many hospitals in Canada where only two or three or four, or ten or twelve patients are receiving care under the Department of Veterans Affairs. It may be difficult for these special returning officers to cover all these hospitals especially when the poll would have to be open for a certain length of time; and I would suggest that in any hospital where the number of patients under DVA is less than, let us say, twenty-five, such patients might be given the right to vote as civilian electors; that is with their vote to be applied in the polling division where the hospital is situated. I was referring to the appointment of six scrutineers. It is suggested that two of them will be nominated by the leader of the government; two will be nominated by the leader of the opposition, and two on the joint recommendation of the leaders of the groups who have ten or more members. This is provided in paragraph 13 of the draft regulations. If this proposal is adopted it may be necessary to recommend the appointment of more than six scrutineers. It may be necessary to appoint as many as ten or twelve in the same manner. I would like to have Mr. Gunn, or Mr. Barrow tell us whether the number of patients likely to be affected in the smaller hospitals would be considerable.

Mr. BARROW: Yes, it is very considerable, Mr. Chairman and gentlemen. The department has contracts with perhaps 300 or more hospitals throughout the country, and under our present regulations the veteran is allowed to get treatment from the doctor of his choice which means that in many cases a man can be admitted to his home hospital and we pay the bill. There would certainly be hundreds with patients varying in number from one patient to as many, in the case of some of the larger hospitals, of perhaps 50 or even 75.

Mr. McKAY: I wonder if there is any way of ascertaining how many hospitals there would be with 25 or more patients in them?

Mr. MACINNIS: That would be difficult to say. Of course, it would vary from time to time.

Mr. GUNN: Yes.

Mr. McKAY: What would it work out at on the average?

Mr. BARROW: Are you speaking now of departmental hospitals?

Mr. MARQUIS: Yes.

Mr. BARROW: We have about 35 departmental institutions; including general treatment, special centres, veterans' homes for the older men, and health and occupational centres. Those are the four main groups. They would all have more than 25 patients in them I would think. There may be the occasional institution besides, when we have a set-up like we have at the Ottawa Civic hospital with a veterans' wing. That usually runs to more than 25.

Mr. MARQUIS: How many of those would there be?

Mr. BARROW: There are three or four institutions of that type where the wing is actually run by the hospital itself, we do not actually administer the wing. Apart from that there are three or four fairly large hospitals with a substantial number of patients; I would say, 25 or over. As the other member pointed out it is impossible to say or even to hazard a guess as to the average having 25 throughout the year. It varies.

Mr. MARQUIS: There might be less than 40 hospitals which your department operates or are operated by a general hospital as a wing. Is that right?

Mr. BARROW: That is about right.

The CHAIRMAN: Mr. Barrow, if you would allow me, could you tell me which are the most important of your departmental hospitals and the approximate average number of patients you have in them?

Mr. BARROW: In the statement here, dated the 24th of May, it shows the number of patients: at Christie street, 887; at St. Anne's, 804; at Westminster (near London, Ontario), 1,142; Deer Lodge, Winnipeg, 604; Shaughnessy, Vancouver, 897. Those are the largest. Westminster is the largest one, and has the greatest number of mental patients.

The CHAIRMAN: Would you think that a scheme such as has been outlined by the Chief Electoral Officer (Mr. Jules Castonguay) could be operated easily in each and all of the departmental hospitals?

Mr. BARROW: If I might, Mr. Chairman, I would like to draw attention to one point. This matter came to our notice on an inquiry from the Chief Electoral Officer as to what officers we could suggest in substitution to the old plan using commissioned officers. In replying, the department felt obliged to state its views. Prior to World War II, so far as we know, no arrangements were made for the taking of the vote of patients in our hospitals. In 1944 and 1945 a very great percentage of the patients in our hospitals were in the service. They were actually still in service and were actually still in uniform. For that reason, we thought, these regulations to which Mr. Castonguay has referred were introduced in 1944. After the first order in council was passed it appeared that the World War I veterans were not included and another order in council was passed bringing in World War I veterans which simplified the difficulty which arose that one man was entitled to vote where another man was not. Now, however, the department has taken the view that very few of our patients are service personnel, that with very few exceptions they are civilians, and that the vote of those patients might well, in effect, be taken in the same way as is provided in ordinary civilian hospitals for ordinary civilian patients. There are a few is really a very small percentage. They might, I would presume from these regulations, have their vote taken by officers. That is a question, sir, which perhaps one should consider, whether the wartime system of taking the vote should be perpetuated in peacetime.

Mr. MACINNIS: In connection with patients, let us say, in hospitals such as the Ottawa Civic hospital, would they be largely personnel ordinarily resident in Ottawa?

Mr. BARROW: I would say so, sir, at the Ottawa Civic; of course, that would not apply in hospitals like Christie street or St. Anne's.

Hon. Mr. STIRLING: Or to Shaughnessy.

Mr. BARROW: No; or to Shaughnessy, where they are drawn into that centre. But the Ottawa Civic is not a departmental institution and the patients come largely from the locality; of course, I do not mean necessarily from the constituency in which the hospital is, but from the general locality—although a man might be admitted for treatment who had been sent in there from an outside point. Generally speaking, however, I think the patient strength would be drawn largely from the immediate vicinity.

Mr. MACINNIS: Mr. Castonguay, would there be a poll at the Ottwa Civic hospital?

The WITNESS: The Ottawa Civic hospital is included as one of the polling divisions of Ottawa West.

Mr. MACINNIS: That is what I wanted to know. That would take care of at least some of the patients there, though not necessarily all of them. What I had in mind was, there are 10,000 of them and that is quite a large number of the electors who might be disfranchised, and if we could make provision for this in the D.V.A. hospitals or in any hospitals where there were, say, 25 or over, or whatever figure we might arrive at—if that could be done I think an effort should be made.

The CHAIRMAN: Mr. Gunn may have some remark to make on this.

Mr. GUNN: I merely want to say, Mr. Chairman, that when the deputy minister wrote this letter he seemed to be of the belief that there was provision in the Act at the present time for the taking of the ordinary civilian institutional vote; as is the case, for instance, with old folks' homes. In other words, Mr. Woods had the idea there was provision for the taking of that kind of a vote, the old folks' home vote; and he suggested, as I would, that the provision for the taking of a civilian vote in institutions apply in the case of veterans. May I ask if that is the case? Is there such a provision for the taking of ordinary institutional votes?

The WITNESS: In the province of Ontario, these old men's homes, are generally places where the inmates are receiving charitable support and they have been disfranchised. In some of the other provinces they are not disfranchised. These homes are included in one polling division or another, and I know that special precautions were taken to give voting facilities to the inmates of such homes, unless the institution was large enough to warrant the establishment of a separate poll.

Mr. GUNN: That answers my question. I merely wish to add this, that what the deputy minister is concerned with is every veteran everywhere or anywhere shall have an opportunity of registering his vote. While I am on my feet, Mr. Chairman, may I just point out to the committee that these patients may be classified in two principal categories; those who are bedridden at the moment or permanently—I mean, at the moment of an election; or those who are ambulatory. In other words, there are some who are capable of moving around and who are able to get out. The ones who are bedridden can be divided into two categories; those who would ordinarily vote in the poll in which their hospital is situated—or perhaps I should say the constituency, or the electoral district; and those who ordinarily would vote in some other constituency or electoral district. As I said, there are two main groups of patients, those who are bedridden and those who are ambulatory; and they may be found in hospitals proper or in institutions set up for the purpose of providing shelter; both of these classes are found largely in our purely departmental hospitals, and in the contract hospitals as well. It does seem to me that it would be much easier to take care of the larger places which are now under the departmental care quite easily, much more easily than would be the case with those who are in smaller places, perhaps in outlying parts of the provinces, where there are relatively small number of patients at any particular time. I notice that "temporary" treatment is queried here in this draft or that there was a query as to whether it should be left in; who is to decide, Mr. Chairman, if the treatment is temporary or otherwise?

The WITNESS: I was going to recommend that the word temporary be struck out.

Mr. GUNN: Oh, I see.

Mr. MCKAY: There is a point there which I think perhaps will require a little special consideration, I refer to mental cases. According to the Act, as I understand it, an insane person cannot vote. Who has the right to determine in the case of these people whether they are insane or not insane? Many of them are not insane from a layman's point of view, and they may never be. They are merely in there for treatment. A good many of them at Ste. Anne's and Westminster are merely there for treatment. How are they going to be taken care of?

Mr. MARQUIS: I suppose they are not all of the same category?

Mr. GUNN: No, there are varying degrees of mental incapacity.

Mr. MCKAY: Many of them may be perfectly sane.

Mr. GUNN: I take it that what you mean there is that they have never been committed under any provincial statute; that is, they are not placed there as a result of any judicial inquiry, they are there as a result of a decision of a doctor that there is something abnormal in their mental equipment.

Mr. MACKAY: The point is this, are they not transferred to departmental mental institutions when they are declared to be incurable?

Mr. GUNN: No, they are still under our care.

Mr. MCKAY: That is what I mean. I have the figures for Westminster. If I remember correctly there is something like 1,200 taken in there since 1940 and there are still 198 apparently there, which indicates that these people are not—of course, this whole situation has got to be dealt with. I was just querying the possibility of the difficulties that might come up there.

Mr. GUNN: I think there is a real problem there, Mr. Chairman. As one of the members put it, there are varying degrees of what you might call mental deterioration or mental upset.

The CHAIRMAN: I would think if, for instance, the superintendent of your departmental hospital might agree to act as a deputy returning officer or in a similar capacity to supervise the voting in the institution, he would be the right man who could make up a list of those mentally apt to vote, and that would ease the situation very much.

Mr. GLADSTONE: Is there a separate section of the hospital in which the mentally ill are kept?

Mr. BARROW: If the hon. member who spoke a moment ago was referring to the figures I gave I must emphasize that this figure of 1,142 indicates the number of patients actually in Westminster on May 24, 1947, as of midnight. On a point raised about their competency to vote; that is just one of the reasons why the department does not want to be responsible in a system of that kind.

Mr. MARIER: Referring to the figures you gave for Ste Anne's, I think you said there were 814; they are not all mental cases?

Mr. BARROW: Oh, by no means; no.

Mr. MCKAY: Have you the number of patients for Queen Mary Road?

Mr. BARROW: 609, as of the 24th of May last.

Mr. MCKAY: Are there persons undergoing treatment?

Mr. BARROW: Yes.

Mr. MCKAY: What mental treatment is given to them?

Mr. MARIER: Not much.

Mr. MCKAY: The reason I ask that is that it seems to me that I may be wrong—but as I get it there are only two where mental patients are taken care of: Ste. Anne's and Westminster. If that is the case it should not be such a big problem to deal with.

Mr. BARROW: Those are the large groups in hospitals. There may be more. There are mental wings, the mental wards. But at Westminster they have various degrees of mental illness, and it will be a grave responsibility to decide that a man was to be disenfranchised—a responsibility which I do not think the deputy minister of the department would care to have placed upon the department.

Hon. Mr. STIRLING: Could you suggest who should make the decision? The decision must be made.

Mr. BARROW: I might answer this way: the decision should be given in the same way as applies to civilian population.

Hon. Mr. STIRLING: The same way as such a decision would be made with the civilian population? How is that made, Mr. Castonguay, where a person is mentally unbalanced?

The WITNESS: In Subsection 2 of section 14, it reads: "The following persons are disqualified from voting at an election and incapable of being registered as electors and shall not vote nor be so registered, that is to say—"and then clause (*h*) "every person who is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease."

Mr. MARQUIS: Perhaps that clause could be amended in order to include all the persons who are mentally incapacitated while in civilian hospitals or as veterans in hospitals in order that the enumerators could not have the right to put their names on the list. Naturally, you will have to see the directors of the hospitals, I presume, to know those who are incapacitated and those who are not.

The WITNESS: Special provision will have to be made to that effect in the regulations, because the provisions I read only refer to civilian electors; but if the veterans in the D.V.A. hospitals are given the right to vote as defence service electors, a disqualifying clause will have to be included, because the disqualification presented by the Elections Act would not apply to them.

Mr. HAZEN: Could not we put in "except those who are being treated for mental disease" after the words "institution operated by the Department of Veterans Affairs"?

Mr. MARQUIS: If they are treated for a mental disease perhaps they are not insane.

Mr. HAZEN: We cannot split hairs about it. How can it be made that fine?

The WITNESS: You might leave it at the discretion of the superintendent of the hospital.

Mr. MARIER: You are going pretty far to leave it in his hands.

The CHAIRMAN: I think it would be the superintendent of the hospital who would be in a position to draw the dividing line as between those who are apt to vote and those who are not, according to their mental disability.

Mr. GUNN: I am inclined to agree with you on this being a medical problem. It seems to me that a psychiatrist or a board of psychiatrists might have to make a determination. A board of psychiatrists belonging to our institution might have to determine whether or not the person concerned is sufficiently in possession of his intellect to vote intelligently.

Mr. HAZEN: Might I say that we have not gone that far into the Dominion Elections Act yet, and if we get that far so far as the returned men are concerned we are going to get into great difficulty. Under the Dominion Elections Act, if a person has been deprived of his property by reason of mental disease he cannot vote, and yet that person might be of pretty keen intelligence and might be able to cast his vote, certainly as well as some men do. We do not apply to a board of psychiatrists to decide whether a man has a right to vote. I do not think we should go as far as that to decide who is able to vote in a hospital. We shall have to make a broad division, and that is as far as we can go.

Mr. McKAY: I think we will have to follow the same section—subsection 2 of section 14 (h). It definitely says: "Every person who is restrained of his liberty". All those people in these institutions are not restrained.

Mr. HAZEN: You have not read all the section.

The CHAIRMAN: Gentlemen, will you please address the chair and give the reporter a chance to get the discussion on the record?

Mr. McKAY: The point I want to make is that there is a certain differentiation between a person under treatment and who is restrained of his liberty and one who is not. For instance, a veteran is under treatment and probably is a fairly capable person and may be there for three or four months. He can be treated under that section as any other civilian; but if he is restrained in his liberty and under the direction and control of that hospital, then he would not be permitted at all—the same as the civilian.

Hon. Mr. STIRLING: Did I not understand Mr. Castonguay to say that if the regulations are adopted, this 14(h) would not be applicable?

The WITNESS: Some provision will have to be made in the regulations, as section 14(2) (h) only applies to the civilian elector. If a patient in hospital and under the Department of Veterans Affairs has to be considered as a defence service elector for the purpose of voting then the civilian procedure would not apply to him.

Hon. Mr. STIRLING: Suppose this was picked up bodily and put into these regulations?

The WITNESS: It might be put in as suggested a moment ago in a provision similar to paragraph 41.

Mr. MARIER: Even if you do so it will not apply to all the inmates because many of them may be deprived of their liberty to a certain extent because they are sent to the hospital for medical care and they are free from mental diseases. They are not deprived of their property, providing no proceedings have been taken. In a civilian case, when you refer to (h) it means these persons have had some action taken against them by relatives to intern them in a hospital or in an asylum. This does not apply to veterans who are in the hospital without proceedings having been taken. I think I would be in favour of Mr. Hazen's proposal that we should put in that case those who are under medical care for mental diseases, which would cover all these cases. Maybe we will deprive some of these people who are capable of voting—a few of them—at the time of an election; but it will be only a small number in my opinion and it will be something that will be determined in the law. If we leave it under the control of the medical authorities or the superintendent we do not know what will happen.

Mr. MARQUIS: In the case of those in hospitals suffering with mental disease —particularly in the province of Quebec—when some proceedings are taken and certain forms are signed by the superintendent, they are deprived of their liberty and their property is transferred to the guardianship of the superintendent.

The CHAIRMAN: I may say in that regard that this clause (h) is not restricted to cases where the mentally unfit are confined in a hospital; it goes much further than that.

Mr. MARIER: There are proceedings taken in these cases; something is done about the property, and someone is looking after the person.

Mr. MARQUIS: If somebody is insane but is not deprived of his liberty and if he manages his own property he has the right to vote. He may be insane or not according to this law.

The CHAIRMAN: That is right.

Mr. MARQUIS: I think the suggestion made by Mr. Hazen is quite a proper one.

Mr. MACINNIS: Mr. Chairman, I am not sure that I heard the suggestion made by Mr. Hazen, but I think that if we are going to differentiate between persons in hospitals as to whether they are sane or insane, we are going to get into all kinds of trouble. I think what we will have to do is to mention the institutions themselves, and that such persons as are in institutions for mental disease will not be included amongst those who can vote. Otherwise, you are going to get into difficulties.

Hon. Mr. STIRLING: Are they not all segregated? Are all those mentally afflicted segregated in Westminster and Ste. Anne's hospitals?

Mr. BARROW: No, there are some in many hospitals. There are wings where mental cases are treated for varying kinds of disability.

Hon. Mr. STIRLING: Would Mr. MacInnis' suggestion work in that way—that those in that ward may not vote?

Mr. GUNN: I do not think so, for the reason that one would have to define what a mental hospital was, and you get back to where you started.

Mr. McKAY: Mr. Castonguay might tell me if I am correct in making this statement, that in the past if a person is an inmate of a mental institution—whether he has the right to vote or not—I think a flat rule is used that once he is an inmate he does not vote regardless of his condition whether temporary or definite. I refer to civilian life.

The WITNESS: There is no direct rule in the Act about that matter. I am convinced however that the persons who are inmates of mental institutions are not enumerated and are not allowed to vote.

Mr. FAIR: How would it be to have a similar provision made in the regulations covering the taking of service men's votes or those in the institutions getting treatment for mental disease?

Hon. Mr. STIRLING: They are all over the place and not only in certain mental establishments.

Mr. BARROW: Yes, that is so. May I ask a question, Mr. Chairman? How was it done in 1945? The same problem must have been encountered then.

The CHAIRMAN: Are you referring to the service men's vote or the civilian?

Mr. BARROW: The vote in our hospitals in 1945.

The WITNESS: No distinction was made and every one of them was given a vote.

Mr. MARQUIS: I presume that those who were insane did not vote because they did not put them on the list.

Mr. MARIER: They put a lot of those names on the list and they voted at that election because nobody drew the line at that time, except the enumerators, when going to the hospitals. There were some went to the hospitals and they put on the list everybody in the hospital except a few in one ward, because there was no doubt that those people could not vote.

Mr. MARQUIS: If we have to interpret the law as to civilian voters, the same situation applies here, and perhaps it will be time to discuss the matter for civilion votes and soldier votes also; because if you leave that clause as it stands we understand that only those who are deprived of their liberty and property are prevented from voting. Many insane persons may vote now. We see some people who are insane and they are not in hospital. I understand that probably the enumerators do not take their names if they are known publicly to be insane persons, but they have the right to vote. It is the same with that clause as it is construed.

The CHAIRMAN: And a good number of them are not under guardianship.

Mr. MARQUIS: They are not under a guardianship. That is the point.

Mr. HAZEN: Probably they have no property that anybody wants to control.

Mr. GLADSTONE: If there is an exclusion of mental patients from voting then that section should apply to the enumeration, and the amendment then would properly come under sections 20, 21 and 22, would it not, in connection with registration?

The CHAIRMAN: Special provisions would have to be made for enumerating.

Hon. Mr. STIRLING: Somebody would have to give that decision.

The CHAIRMAN: Yes, still.

Mr. MARQUIS: It cannot be left to the enumerators. You cannot leave them the right to decide that someone is insane and that someone else is sane.

The CHAIRMAN: Mr. Castonguay, have any representations been made by the deputy returning officers with regard to this matter in the past?

The WITNESS: The provision seems to have worked out very well. This time it is broadened with respect to taking the vote of the defence service electors. At last election in some of the hospitals that we are discussing now—it seems to me that the commissioned officers and the superintendent of the hospitals used good judgment in deciding who was too mentally afflicted to vote, because no objection or criticism reached me from any source.

Mr. GLADSTONE: There might be some serious objection providing the superintendent was extremely partisan.

Mr. GUNN: Mr. Chairman, there are, as we all well know, medical aspects here upon which you might wish to call some evidence from our medical people. For example, it is just possible that our chief psychiatrist—as Mr. Barrow has pointed out—might say that it might probably impair the health of somebody who might be on the fringe of insanity, let us say, to be told that he had no vote—to be deprived of his vote. It seems to me that unless your committee is anxious to dispose of this matter to-day it might be well to have one of our doctors, a psychiatrist, come before the committee.

Mr. McKAY: Have you a psychiatrist that you can send up?

Mr. GUNN: I think so. I think we can find one.

Mr. FAIR: Mr. Chairman, I would rather see us err on the side of giving too many the vote than too little. I think the point made by Mr. Gunn is a good one. I believe you will find that many outside of the institutions do not always use their best judgment in voting, and I think we should extend every right we possibly can to these persons in the institutions.

Mr. MARQUIS: Perhaps we might include clause (h) of subsection (2) of section 14 of the Act in the regulations, and if this clause was interpreted in a fair way for the civilians I think it would be workable for the veterans' vote also.

Mr. HAZEN: I had in mind that it might drive somebody insane if he was denied the right to vote.

The CHAIRMAN: Mr. Marquis, I might point out that that will not settle the main point at issue under subsection (1). We still have to determine the set-up for the taking of the vote in hospitals under the D.V.A. But your suggestion could go as a proviso.

Mr. MARQUIS: Yes, as to the insane.

The WITNESS: Mr. Barrow, how many hospitals would there be in the maritime provinces where there are a minimum of 25 veterans receiving care?

Mr. BARROW: In the maritime provinces?

Mr. MACINNIS: Could we allow this to stand for the time being and go ahead with something else and come back to this again?

The CHAIRMAN: Perhaps we could get the information asked by Mr. Castonguay. That would be just so much more material on which we could work.

The WITNESS: I could get that information later on.

The CHAIRMAN: We could have Mr. Castonguay get in touch with Mr. Barrow and Mr. Gunn and at a later stage he could make a report to the committee.

Hon. Mr. STIRLING: And we could listen to a report from medical men as well.

The CHAIRMAN: Mr. Castonguay says there is still the principle under section 41, subsection (1), which has not been discussed properly yet, as to the general set-up.

Mr. MARIER: I think the principle should be agreed upon, because it is only fair that these people should be voting in their own constituency. In the Christie Street Hospital I am told there are—how many patients?

Mr. BARROW: Nearly 900.

Mr. MARIER: And there are 800 at Ste. Anne's. There is a hospital in my own constituency which has quite a number. That means over 2,000 people in the three hospitals who come from different constituencies. They could vote in their own constituencies instead of voting in one. This is the principle which is mentioned in paragraph 41. They would vote in their own constituencies where they are ordinarily resident.

The CHAIRMAN: Gentlemen, would you favour the idea of the attribution of the votes of these patients to their respective home ridings?

Mr. MACINNIS: Definitely.

The CHAIRMAN: If so, Mr. Castonguay could work out a properly drafted section that would take into account the views of the Department of Veterans Affairs which he could submit to us at the next meeting. We will allow section 41 to stand.

Mr. HAZEN: In this section there is a (*d*). I do not know if (*d*) is needed. It goes on to say "(*b*) has been ordinarily residing in Canada during the last twelve months". It ends there. The last twelve months. From what date? I think Mr. Fraser might look at that.

The CHAIRMAN: Mr. Hazen, that will be the twelve months immediately preceding polling day. It would be in order to clarify the phraseology.

Mr. HAZEN: It is not quite clear.

The CHAIRMAN: Mr. Castonguay will take a note of your observation.

The WITNESS: Am I to understand from the committee that they will be agreeable to a procedure whereby the vote of veterans in D.V.A. hospitals be taken by scrutineers appointed by the office of the special returning officers for the various voting territories?

The CHAIRMAN: That has been decided upon. The main principle laid down which would get the agreement of the whole committee would be the principle involving the actual draft of section 41 which would meet the views of the Department of Veteran Affairs.

Mr. MARIER: It says here "by an appropriate commanding officer".

The CHAIRMAN: That is the point to which the Department of Veterans Affairs have objected.

The WITNESS: No; the forces.

Mr. MARIER: That is why Mr. Castonguay suggested it should be by the special officers—the returning officers appointed.

Mr. MARQUIS: It is the set-up of the vote. I think the chief electoral officer is well aware of the situation and can decide what kind of officers may be designated to take that vote.

The WITNESS: I think the taking of the vote of the patients in the D.V.A. hospitals should be under the administrative control of the special returning officer in each voting territory, and that the votes should be taken by scrutineers appointed under paragraph 13 who should be stationed in pairs representing two different opposing political parties. I think also with regard to the taking of the vote of patients in D.V.A. hospitals that the line should be drawn somewhere. It would hardly be logical to send scrutineers to a hospital where there were only two patients and keep those scrutineers there for five or six days. I was prompted to suggest that in hospitals that have less than 25 or 50 patients should be taken as local civilian electors.

Mr. GUNN: That might deprive some veteran of his vote. Unless the returning officer at the particular poll in which this institution is situated could go to the hospital and pick out that veteran and let him cast his vote. Unless that is included in what you have in mind?

The WITNESS: He would vote as a civilian elector in the same manner as the other electors residing in the polling division where the hospital is situated.

Mr. MACINNIS: This elector should be in the same position. He is deprived of his vote under the circumstances mentioned by the chief electoral officer. He will be in the same position as hundreds and thousands of other voters throughout Canada who because of lack of voting facilities are not provided for where they are and cannot vote. I refer to trappers, fishermen and many of the loggers. Where there are small groups there will be no polling division; consequently, those people are deprived of their vote.

The CHAIRMAN: As it is now if there is a poll in a civilian hospital and if a voter is bedridden and cannot go down to the room where the poll is held that patient loses his vote.

Mr. GUNN: Mr. Chairman, I understood it was the intention of this committee to extend that preference to the veterans so that even though there is this situation they will cast their vote. I may be out of order in that respect.

The CHAIRMAN: I understand we had some intention of providing more facilities for the veterans in the hospitals. That is why we had this provision here as one of the regulations for the defence service electors—to provide more facilities. Now, if you wish we will allow section 41 to stand and Mr. Castonguay will make a report to us at the next meeting. Section 41 stands.

I do not think we will have any further need for the attendance of Mr. Gunn and Mr. Barrow, and I wish to thank both these gentlemen for coming here. Mr. Castonguay will get in touch with them later.

Section 42.

Elector must vote only once.

"42. No elector, whether defence service or civilian, shall be entitled, because of anything in these Regulations contained, to vote more than once at a general election."

Carried.

PROCEDURE TO BE FOLLOWED AT THE RECEIVING AND SORTING OF THE VOTES CAST BY DEFENCE SERVICE ELECTORS

Supervision, etc.

43. (1) Every operation relating to the receiving and sorting to the proper electoral districts of outer envelopes containing ballot papers marked by defence service electors, shall be conducted under the supervision of the 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.

Carried.

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 initials thereto.

Carried.

Disposition of completed outer envelopes.

44. On receipt of outer envelopes containing ballot papers marked by defence service electors, the special returning officer or 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 defence service elector and the commissioned officer concerned (except in cases referred to in paragraph 37 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 defence 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.

Carried.

Packaging used outer envelopes.

45. (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 to each electoral district separately.

Carried.

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.

Carried.

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.

Carried.

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 49 to 57, 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.

Carried.

Disposition of outer envelopes not sorted at end of day.

46. All used outer envelopes which have not been sorted, as prescribed in paragraph 44 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.

Carried.

Disposition of outer envelope when declaration incomplete.

47. (1) An outer envelope which does not bear the signatures of both the defence service elector and the commissioned officer concerned (except in cases referred to in paragraph 37 of these Regulations), 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. The special returning officer shall endorse upon each 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.

Carried.

Disposition of outer envelope received too late.

(2) All outer envelopes received by a special returning officer after nine o'clock in the forenoon of the day immediately following 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.

Carried.

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 safe custody, and, after the counting of the votes is completed, transmit them to the Chief Electoral Officer, as prescribed in paragraph 58 of these Regulations.

Carried.

Procedure when defence service elector votes more than once.

48. If, during the receiving and sorting of the outer envelopes, as prescribed by paragraphs 43 to 47 inclusive of these Regulations, or the counting of the votes cast by defence service electors, as prescribed by paragraphs 49 to 57 inclusive of the said Regulations, it is ascertained that a defence service elector has voted on more than one occasion, the outer envelopes relating to such elector shall be laid aside unopened. The special returning officer shall endorse on such envelopes the reason why they have not been opened, and such endorsement shall be initialled by at least two scrutineers. The ballot papers contained in such unopened outer envelopes shall be deemed to be rejected ballot papers. After the such unopened outer envelopes to the Chief Electoral Officer with the other parcels and documents mentioned in paragraph 58 of these Regulations. The special returning officer shall at the same time send to the Chief Electoral Officer a detailed report in every case in which it has been ascertained that a defence service elector has voted on more than one occasion.

Carried.

Procedure to be Followed in the Counting of the Votes Cast by Defence Service Electors

Commencement of the counting.

49. On the day immediately following polling day, the special returning officer shall cause the actual counting of the votes cast by defence service electors to be commenced. Such counting shall be carried on with all possible despatch, and shall be completed not later than the Saturday next following polling day.

Mr. HAZEN: It was in section 49 that it was considered best not to fix the time.

The WITNESS: There is a provision in the regulations whereby any envelope that reaches the office of the special returning officer before 9 o'clock a.m. of the day after polling shall be counted, and these envelopes shall be laid aside when received after 9 o'clock. The purpose of this change is to give the special returning officer time to sort the envelopes he has received before 9 o'clock a.m. This means that he can commence counting any time after he has sorted the envelopes thus received.

Carried.

Scrutineers to work in pairs.

50. In the counting of votes, the 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.

Carried.

Ballot box used at the count.

51. 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 found empty, shall be locked and the key thereof retained by either the special returning officer or the chief assistant.

Carried.

Opening special large envelopes—Opening outer envelopes.

52. 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 taken out of such special large envelope in order to ascertain if it belongs to the electoral district for which the ballot papers are about to be 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 safe custody 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 all the outer envelopes sorted to a given electoral district 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.

Carried.

Procedure when counting votes.

53. 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 opened for 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 prepare copies of a statement of the count on Form No. 8 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 may each retain a copy thereof. The ballot papers counted for each candidate shall then be placed separately in the special envelopes provided for that purpose. The empty inner envelopes shall then be destroyed.

Carried.

Application of votes cast.

54. Subject to the provisions of paragraph 55 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 attributed.

Carried.

Rejection of ballot papers.

55. (1) In the counting of the votes the scrutineers shall, with the approval of the 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 for more than one candidate in any electoral district except Queens, P.E.I.; *or*

(*d*) which have been marked for more than two candidates in the electoral district of Queens, P.E.I.;*or*

(*e*) 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 attributed; *or*

(*f*) upon which the defence 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 defence service elector intended to vote.

Exception in case of designating letters.

(3) No ballot paper shall be rejected if, in addition to the names and surname of the candidate of his choice, a defence service elector has written on such ballot paper any of the designating letters printed on the list of names and surname of the candidate of his choice, a defence service elector has written on

Carried.

Disposition of rejected ballot papers.

56. After the counting of the ballot papers attributed 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 57 of these Regulations.

Carried.

Disposition of ballot papers, etc.

57. The outer envelopes from which the ballot papers have been taken out, 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 the parcel. The scrutineers, the special returning officer, and the chief assistant shall exercise the utmost 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 defence service electors in each electoral district. The procedure prescribed in this and the five preceding paragraphs relating to the counting of votes cast by defence service electors shall be repeated in the case of every electoral district.

Carried as amended.

FINAL DUTIES

Transmission of ballot papers, etc., to Chief Electoral Officer.

58. Immediately after the counting of the votes cast by defence service electors has been completed for every electoral district, the special returning officer shall forthwith transmit or deliver to the Chief Electoral Officer, the following parcels and documents:

(*a*) The parcels containing the outer envelopes from which ballot papers have been taken out, 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 57 of these Regulations;

(*b*) The official statements of the count completed by the scrutineers, pursuant to paragraph 53 of these regulations;

(*c*) The unopened outer envelopes, laid aside pursuant to paragraph 47 and 48 of these regulations;

(*d*) The oaths of office of chief assistant, scrutineers, and clerical assistants, as prescribed in paragraph 16 (*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 defence service electors and the declarations in Form No. 10 of these regulations received from the commanding officers, pursuant to paragraph 38 of these regulations;

(*g*) The record of ballot papers distributed to commanding officers and the record of unused ballot papers returned by commanding officers, pursuant to paragraph 28 of these regulations; and

(*h*) The alphabetical list of the names of defence service electors prepared pursuant to paragraph 21 of these regulations.

Carried as amended.

Result of the count to be communicated to the Chief Electoral Officer.

59. Immediately after the counting of the votes cast by defence service electors has been completed for every electoral district, but not later than the Saturday next following polling day, the special returning officer shall advise the Chief Electoral Officer by telegraph, or otherwise, as to the number of votes counted at his headquarters 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.

Carried.

Disposition of results by Chief Electoral Officer.

60. Upon receipt of the result of the votes cast by defence service electors from every special returning officer, the Chief Electoral Officer shall compute the total number of votes counted for each candidate officially nominated in every electoral district, and forthwith communicate by telegraph or otherwise such result to the appropriate returning officer.

Carried.

OFFENCES AND PENALTIES

Liabilty of defence service elector.

61. Any defence service elector who

(*a*) attempts to obtain or communicate any information as to the candidate for whom any ballot paper has been marked by defence service elector; *or*

(*b*) prevents or endeavours to prevent any defence service elector from voting at a general election; *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. 7 of these Regulations signed by him before a commissioned officer; *or*

(*e*) makes any untrue declaration in the statement of ordinary residence completed pursuant to paragraph 7 of these Regulations;

shall be guilty of an offence against these Regulations punishable as in these Regulations provided.

Carried.

Penalty for intimidation, etc., of defence service elector.

62. Every person is guilty of an offence against these Regulations punishable as in these Regulations provided, 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 defence 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 defence 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.

Carried.

Procedure.

63. (1) Any offence against these Regulations may be prosecuted alternatively on indictment or by way of summary conviction.

Penalty for offence.

(2) Any person who is guilty of an offence against these Regulations is liable on indictment or on summary conviction to a fine not exceeding five hundred dollars and costs of prosecution or to imprisonment for a term not exceeding six months, 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.

Carried.

SUPPLEMENTAL PROVISIONS

Procedure on withdrawal of candidate.

64. In the case of the withdrawal of a candidate during the period between nomination day and three days before the date fixed as polling day at a general election, the Chief Electoral Officer shall, by the most expeditious means, advise every special returning officer 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 defence service electors of such withdrawal, and such commissioned officer shall inform the defence service electors concerned as to the name of the candidate who has withdrawn, when such electors are casting their votes. Any votes cast by defence service electors for a candidate who has withdrawn shall be null and void.

Carried.

Procedure on death of candidate.

65. In the case of the death of a candidate between nomination day and the date fixed as polling day at a general election, 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 defence service electors to be sorted or 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 58 of these Regulations.

Carried.

Validity of election not affected by non-compliance.

66. The validity of the 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 defence service elector under such Regulations.

Carried.

Recounting of votes.

67. The provisons of sections fifty-four and fifty-five of *The Dominion Elections Act, 1938,* as amended, relating to a recount of votes by a Judge shall apply, *mutatis mutandis,* to all ballot papers counted and rejected after being

cast by defence service electors under these Regulations, which have been transmitted by the special returning officers to the Chief Electoral Officer, pursuant to paragraph 58 hereof.

Carried.

Custody, inspection or production of documents.

68. The provisions of sections fifty-nine and eighty-eight of *The Dominion Elections Act, 1938,* as amended 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 58 of these Regulations.

Carried.

Taxation and payment of accounts.

69. All accounts for services and expenses incurred in connection with these regulations, shall be taxed by the Chief Electoral Officer, and paid by the Comptroller of the Treasury out of unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

Carried as amended.

FORM No. 1.

OATH OF A SPECIAL RETURNING OFFICER. (Par. 10)

I, the undersigned...

appointed special returning officer for the voting territory of................

....

pursuant to the provisions of paragraph nine of *The Canadian Defence Service Voting Regulations,* do swear (*or* solemnly 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 Defence Service elector has marked his ballot paper at the pending 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

Carried as amended.

FORM No. 2.

OATH OF CHIEF ASSISTANT. (Par. 11)

I, the undersigned, appointed chief assistant for duty in the office of the special returning officer for the voting territory of.......................... pursuant to paragraph eleven of *The Canadian Defence Service Voting Regulations,* do swear (*or* solemnly 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 Defence Service elector has marked his ballot paper at the pending 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

Carried as amended.

FORM 3

APPOINTMENT OF SCRUTINEERS. (PAR. 13)

To .... whose address is ....
.........................and whose occupation is.........................

Know you that, pursuant to the authority vested in me under paragraph thirteen of *The Canadian Defence Service Voting Regulations,* I do hereby appoint you as scrutineer for duty in the office of the special returning officer for the voting territory of

....

Dated at Ottawa this .... day of .... 19..

....
Chief Electoral Officer

OATH OF SCRUTINEER (PAR. 13)

I, the undersigned, appointed scrutineer as above mentioned, pursuant to paragraph thirteen of *The Canadian Defence Service Voting Regulations,* do swear (*or* solemnly 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 Defence Service elector has marked his ballot paper at the pending 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

Carried as amended.

FORM NO. 4

APPOINTMENT AND OATH OF CLERICAL ASSISTANT (15)

APPOINTMENT

To .... whose address is ....
.... and whose occupation is ....

Know you that, pursuant to the authority vested in me under paragraph fifteen of *The Canadian Defence Services Voting Regulations,* 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 for duty in the office of the special returning officer for the voting territory of .... pursuant to paragraph fifteen of *The Canadian Defence Service Voting Regulations,* do swear (*or* solemnly 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 Defence Service elector has marked his ballot paper at the pending 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

Carried as amended.

FORM No. 5

NOTICE TO DEFENCE SERVICE ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA (Par. 19)

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 Defence Services Voting Regulations*, all Defence 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 Defence Service electors will take place on each of the six days from 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 above mentioned voting period.

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

....
Commanding Officer.

Carried as amended.

FORM No. 6

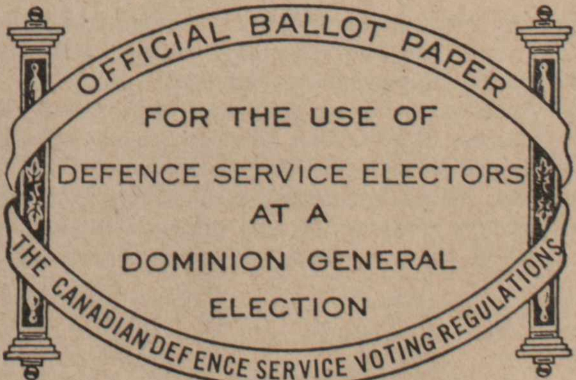
FORM OF BALLOT PAPER (Par. 25)

Front

THE DEFENCE 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



Supplied by the Chief Electoral Officer for Canada, pursuant to the provisions of paragraph twenty-three of *The Canadian Defence Service Voting Regulations.*

Printed by...
(Insert name and address of printer)

Carried as amended.

Mr. GLADSTONE: Would it not be better for them to say "write in the name?" Are you deleting the line?

Hon. Mr. STIRLING: No.

Mr. GLADSTONE: Supposing they do it the other way, are you going to throw it out?

The WITNESS: Oh, no.

Mr. MACINNIS: I think we have provided for that already, if it indicates how the man wanted to vote reasonably well.

The WITNESS: Yes, we did. Subparagraph (2) of paragraph 55 reads:—

> "(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 defence service elector intended to vote."

Mr. HAZEN: I wonder if a man will know the name of his electoral district; say a man living in Sussex, that is in Kings county and the electoral district is Royal. Then again, you are making a change under redistribution. Would the elector know the electoral district? He knows where he lives all right.

The WITNESS: That was one of the weaknesses of the 1940 regulations. Then, the voting officials were not provided with satisfactory material with which to inform the voter as to his electoral district. In the 1945 elections, as prescribed in the regulations, each voting place was provided with an excerpt from the postal guide which showed in what electoral district Sussex, for instance, or any other place in Canada would be situated. In the case of larger centres such as Montreal, Toronto and Ottawa, the voting places were provided, and will be provided under these regulations, with key maps which will show the street numbers at the intersections of each electoral district. For instance, supposing that Sparks street was in the city of Montreal, and it ran through three or four electoral districts. The key map will show the number on Sparks street where one electoral district commences and where it ends.

FORM No. 7.

DECLARATION TO BE MADE BY A DEFENCE SERVICE ELECTOR BEFORE BEING ALLOWED TO VOTE. (Par. 34)

I hereby solemnly declare:

1. That my name is..
(Insert full name, family name last)
2. That my rank is..
3. That my number is..
4. That I am a Canadian citizen or a British subject.
5. That I have not previously voted as a Defence Service elector at the pending general election.
6. That my ordinary residence in Canada, as defined in paragraph 7 of *The Canadian Defence Services Voting Regulations*, is........................

....
(Here insert the name of the city, town or village, with street address, if any, or other place of ordinary residence)

....
(Here insert name of electoral district)

....
(Here insert name of province)

I solemnly declare that the above statements are true in substance and in fact.

Dated at............................ this..................day of .... 19....

....
Defence Service elector

Certificate of Commissioned Officer

I hereby certify that the above named Defence Service elector did this day make before me the above set forth declaration.

....
Signature of commissioned officer

....
(Here insert rank, number and name of unit)

Carried as amended.

FORM No. 8

Statement of the count to be Completed after the Ballot Papers Attributed to a Given Elecoral District have Been Counted. (Par. 53)

Electoral District of...............................

Insert name of candidate *Insert number*

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

Carried.

FORM No. 9

Card of Instructions. (Par. 32)

A DEFENCE SERVICE ELECTOR IS ENTITLED TO VOTE ONLY ONCE AT A GENERAL ELECTION

1. A Defence Service elector must vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as defined in paragraph 7 of *The Canadian Defence Services Voting Regulations.*

2. During the hours fixed by the commanding officer for voting, any Defence Service elector may cast his vote before the commissioned officer designated for that purpose.

3. The commissioned officer shall require each Defence Service elector to complete the declaration printed on the back of the outer envelope.

4. After the declaration has been duly completed and signed by the Defence Service elector and the certificate printed thereunder is completed and signed by the commissioned officer, the Defence Service elector shall cast his vote in the following manner:

5. Each Defence 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 Defence 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 Defence 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.

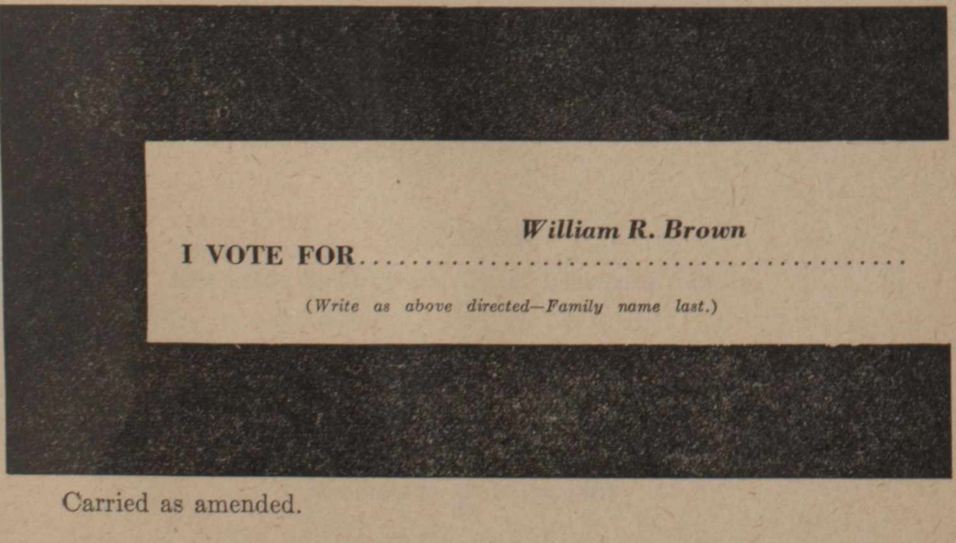
8. The commissioned officer shall then, in full view of the Defence Service elector, place the inner envelope in the completed outer envelope and seal such outer envelope.

9. The commissioned officer shall then hand the completed outer envelope to the Defence Service elector.

10. The Defence 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 Defence Service elector has market his ballot paper for William R. Brown.

THE DEFENCE SERVICE ELECTOR WILL WRITE HEREUNDER THE NAME (OR INITIALS) AND SURNAME OF THE CANDIDATE FOR WHOM HE WISHES TO VOTE



William R. Brown

I VOTE FOR..

(Write as above directed—Family name last.)

Carried as amended.

Mr. GLADSTONE: Is that form in which you want the ballot to be, form No. 9?

The WITNESS: That is a facsimile of the ballot. This form No. 9 is printed on a card which is posted up in the voting place, for the guidance of the electors in the nearest post office or mail box.

Mr. MARQUIS: I suppose that if there is a candidate by the name of William R. Brown you will put in another name, say, Smith?

| Mr. GLADSTONE: Does this conform to the other part of the Act which provides for the writing of the name of Brown first?

The WITNESS: These names have to be written in full by the voter, and the voter is used to writing, it seems, the Christian name first, John Jones, or Bill Smith—he is not used to putting in the "Smith" before the "Bill." The purpose of putting the family name last is to facilitate voting by Defence Service electors.

FORM No. 10

DECLARATION OF REPRESENTATIVE OF POLITICAL PARTY (Par. 33)

To the commissioned officer designated to take the votes of Defence Service electors at..

Pursuant to the provisions of paragraph thirty-three of *The Canadian Defence Services Voting Regulations*, I hereby declare that I am qualified to vote at the general election now pending in Canada, and that I have undertaken to represent the interests of the..............................party, during the taking of the votes of Defence Service electors in this voting place.

Given under my hand at..........................this..................

day of..............................19....

....

Representative

Carried.

The CHAIRMAN: The meeting is adjourned. The next meeting will be on Tuesday next, at four o'clock.

The committee adjourned at 5.55 p.m. to meet again on Tuesday next, June 17, 1947, at 4 p.m.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 14

TUESDAY, JUNE 17, 1947

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 429,
TUESDAY, June 17, 1947.

The Special Committee on The Dominion Elections Act, 1938, met at 4.00 o'clock p.m. Mr. Paul E. Coté (*Verdun*), Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Coté (*Verdun*), Fair, Gladstone, Hazen, MacNicol, Marquis, McKay Richard (*Gloucester*), Stirling, Zaplitny.

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

The Committee resumed study of the Canadian Defence Service Voting Regulations and reconsidered various proposed amendments to The Dominion Elections Act, 1938.

Mr. Castonguay was recalled and was questioned thereon.

It was agreed that paragraph 5 of the said regulations to fix the voting age of defence service electors at 21 years, with proviso regarding discharged personnel of the active forces, who have not attained 21 years of age, be redrafted, and Mr. Castonguay was requested to prepare an amendment to the said regulations accordingly.

The Dominion Elections Act, 1938, was further amended in the following sections and schedules thereof:—

1. Rule 4 of section sixteen.
2. Subsection three of section twenty-one.
3. Clause (*b*) of section ninety-five.
4. A new section, 109A was added.
5. Clauses (*a*) and (*b*) of the third paragraph of Form No. 61 in schedule 1 to the Act.
6. Paragraph three of Form No. 62 in schedule 1 to the said Act.
7. Schedule 3 to the Act was repealed.

Clauses (*f*) and (*i*) of subsection two of section fourteen of The Dominion Elections Act, 1938, were each respectively amended by adding after the figures "1914-1918" as they appear therein the following words:—

"or in the war that began on the 10th day of September, 1939."

Section 104 of The Dominion Elections Act, 1938, was further amended by adding after the words "election clerk" in the eighth line thereof the words "a postmaster".

(NOTE:—All amendments referred to above may be read in today's minutes of evidence appended thereto).

On motion of Mr. Richard (*Gloucester*), it was agreed that the Committee would recommend to the House the repeal of Chapter 26 of the Statutes of 1944-45 "An Act to provide regulations and to amend The Dominion Elections Act, 1938. The said Chapter provided for "regulations enabling Canadian war service electors to exercise their franchise, and Canadian prisoners of war to vote by proxy, at any general election held during the present war, also to provide amendments to The Dominion Elections Act, 1938, consequential to such regulations, or made necessary by the advent of the said war."

On motion of Mr. McKay, the Committee agreed to reconsider section sixty-six of The Dominion Elections Act, 1938. After some discussion, however, it was agreed that no change be made to the said section.

On motion of Mr. Zaplitny, the Committee agreed to reconsider section 107 of The Dominion Elections Act, 1938. Whereupon Mr. Zaplitny moved as follows:—

> That Section 107 of The Dominion Elections Act, 1938 be deleted, and the following substituted therefor:—
>
> > No person, company or corporation shall publish the result of the polling in any electoral district in Canada whether such publication is by radio broadcast, newspaper, news-sheet, poster, bill-board, handbill or in any other manner, before the closing of the polls in such province; or transmit such results of polling by radio, telegraph or telephone from one province to another or outside Canada before the polls have been closed in all provinces.

After a brief discussion on the said proposed amendment of Mr. Zaplitny, it was agreed that further debate thereon would be continued at the next meeting of the Committee.

The Chairman informed the members that at its next meeting the Committee would first resume consideration of the terms of paragraph 41 of the Canadian Defence Service Voting Regulations, which deals with the taking of votes of veterans of the two great wars undergoing treatment in departmental hospitals of the Department of Veterans Affairs.

Mr. Castonguay was requested to supply the members of the Committee with copies of the amended Canadian Defence Service Voting Regulations a few hours prior to the next meeting.

At 5.45 o'clock p.m., the Committee adjourned to meet again at 4.00 p.m., Thursday, June 19, 1947.

ANTOINE CHASSE,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,
June 17, 1947.

The Special Committee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Cote, presided.

The CHAIRMAN: Today, gentlemen, as our first order of business, we have the further consideration of section 41 of the defence service voting regulation. The chief electoral officer was invited to prepare the necessary draft amendments to express the views and principles agreed upon by the committee which would provide the necessary facilities for the taking of the vote of veterans in the D.V.A. hospitals. These amendments are not ready for consideration today, gentlemen. They will be ready for next Thursday.

I would therefore suggest that we first revert to section 5 of the regulations for the service men's vote. Through the inadvertence of all and more particularly that of the chairman, we have carried this section leaving in the first line the words, "irrespective of age." The presence of those words in that section, I am sure, does not meet the views of this committee. This would mean that the members of the permanent forces are exempted from the provisions of section 14 of the Act with regard to the qualifying age of twenty-one. If those persons were eighteen or nineteen, they might vote.

Now, the committee has expressed itself on that point. The committee favours the enfranchisement of an elector who has signed with the active forces prior to V-J day, who has been discharged or who is still serving in the permanent forces and who will not be 21 at the next election if the next election takes place at an early date. Is it really the wish of the committee that section 5 stand as it reads now, and as we have carried it? It would be going much further than the discussion on that point indicated the committee was prepared to go. I would invite an expression of opinion on this particular subject.

Mr. GLADSTONE: I think it should be reconsidered, Mr. Chairman, if that is in order.

The CHAIRMAN: My suggestion would be to bring that section 5 in line with the exception which we have made in section 14 of the Act and which you may find at page 201 of the *minutes of evidence*. This amendment reads as follows:

> Notwithstanding anything to the contrary in this Act contained, any person, man or woman, who prior to August 9, 1945, was a member of the naval, military or air forces of Canada—who has not attained the full age of 21 years—

Mr. RICHARD: Probably the point was brought up when I was not here but are those words necessary, "man or woman"?

Jules Castonguay, Chief Electoral Officer, recalled:

The WITNESS: They are set out in section 14 of the Act and are carried into the regulations.

Mr. RICHARD: In the Interpretation Act, does not a person include a man or woman?

The CHAIRMAN: I recall that the law officer gave as his opinion that the word "man" included a woman.

Mr. MARQUIS: That is in the Act but here we are dealing with the regulations. The Interpretation Act does not apply to these regulations. I think this was the reason given by the chief electoral officer the other day for including the word, "woman." Women who are not in the service have the privilege of voting in the same polling division as their husband or father because they are living in that area. They may not be in the service at the time of voting and it was for this reason the word, "woman" was put in the regulations.

The CHAIRMAN: What I have just read to the committee, Mr. Marquis, was an amendment to section 14 of the Dominion Elections Act.

Mr. MARQUIS: That is right.

Mr. RICHARD: Since the words, "man and woman" are repeated, I was wondering whether the Interpretation Act would not cover that without the repetition.

Mr. MARQUIS: Yes, excuse me, I thought you were referring to the regulations. As it concerns the Act, I agree with Mr. Richard. There is no need to put in the words, "man or woman."

By Hon. Mr. Stirling:

Q. Does the word "woman" occur in the Act anywhere else?—A. It occurs in section 14. It has been in section 14 ever since women were given the franchise. It was put in there in 1920 in order to amplify the voting privilege granted to women.

Hon. Mr. STIRLING: If it is in section 14, it is not out of place to repeat it. What you have just read I presume will appear as 14 (*e*), will it?

The CHAIRMAN: It would be subsection (3) of section 14.

Mr. MARQUIS: It could not do any harm.

By Hon. Mr. Stirling:

Q. Is it not more in place as 14 (*e*)? 14 (*a*) deals with the age at which any elector may vote. This also deals with age and I should have thought it would have been more proper to put it in as 14 (*e*)?—A. 14 (*a*), (*b*), (*c*) and (*d*) are general clauses. This new provision will apply only to a very few electors and that is why I thought it might be better not to insert it in the general clauses.

Q. I thought it was a qualification of 14 (*a*)?—A. Section 14 (1) lays down the general rule for the qualifications of electors. Subsection (3) of section 14 only applies, as I said a moment ago, to a small number of electors. In section 16 there are qualifying provisions for certain classes of persons. If you put all the qualification provisions in section 14, it might be cumbersome. I think it is advisable to have the general rule as clear as may be.

Hon. Mr. STIRLING: How do you propose to modify this, Mr. Chairman?

The CHAIRMAN: I would ask Mr. Castonguay to draft an amendment to section 5 of the regulations to follow the lines of the proviso which we have added to section 14 of the Act which I read a few moments ago.

Mr. MARQUIS: You would delete the words, "irrespective of age" in the first line.

The CHAIRMAN: Yes.

Mr. FAIR: Is that all that is necessary to straighten this out, the striking out of the words, "irrespective of age"?

The WITNESS: I think section 5 should read,

> Every person, man or women, who has attained the full age of 21 years and who is a Canadian citizen or a British subject, shall be deemed to be a defence service elector and qualified to vote under these regulations.

Then, as subparagraph number (2) of paragraph 5, there should be a provision of this kind inserted.

> Notwithstanding anything to the contrary in these regulations contained, any person, man or woman, who prior to August 9, 1945, was a member of the naval, military or air forces of Canada and who has not attained the full age of 21 years, shall be entitled to vote under these regulations.

Mr. RICHARD: In other words, you mean to give the right to vote to those who, prior to that date, are not of age but after that date they will have to be of age.

Mr. MARQUIS: Yes.

The WITNESS: No, this gives the right to vote to members of the forces who had enlisted prior to V-J day.

Mr. RICHARD: But who had not attained twenty-one?

The WITNESS: At the time of the next election.

Mr. RICHARD: But after that date in 1945, if they are not 21, they cannot vote.

The WITNESS: Those who enlisted after August 9, and who, at the next election will not be 21, will not be entitled to vote either as a civilian or as a defence service elector.

Paragraph 5 might begin,

> Except as hereinafter provided every person, man or woman,—

This would be the proviso if the committee agrees.

Mr. MARQUIS: If you say, "Notwithstanding anything to the contrary in these regulations," it is not necessary to put in the word "except" because you have the provision contained in those words.

Mr. FAIR: In order to get some action on this matter, I move that section 5 of the defence service voting regulations be amended.

The CHAIRMAN: Amended as suggested by the chief electoral officer?

Mr. FAIR: Yes.

The CHAIRMAN: Shall the motion carry?

Carried.

There is another point to which Mr. Castonguay draws my attention which should be considered by the committee. It concerns the period of time between nomination day and voting day so far as these regulations are concerned. I would ask Mr. Castonguay to give his views on this point.

The WITNESS: Although it is not clearly stated in the draft regulations, I feel that these regulations will not operate unless there is a period of two weeks between nomination day and polling day in every electoral district. Voting by defence service electors begins one week before the date fixed as polling day and these electors cannot vote intelligently, in fact, cannot vote at all without having before them a list of the names and surnames of the candidates nominated in each electoral district. A list of this kind cannot be prepared, printed and distributed in a day. It would take at least three or four days. The distribution of the ballot papers and envelopes which has to be made by the special returning officer cannot commence until copies of that list are in his hands. The furnishing of ballot papers and envelopes to commanding officers of units scattered all over the country would serve no purpose unless it was accompanied by a list of the nominated candidates. For this reason, I think that it is imperative that a period of two weeks be fixed between nominations and polling day in every electoral district.

At the present time there are between 75 and 80 electoral districts in which a similar period is fixed. In other districts the period is only seven days.

By Mr. Marquis:

Q. Will the period of two weeks cause any heavier expenses?—A. The period of two weeks for the civilian vote will make it less expensive because the returning officer will be able to send 95 per cent of the ballot boxes for the outlying polls by mail while when only a period of seven days is provided between nomination and polling days the delivery of the ballot boxes has to be done by messengers in most outlying polling districts.

By Mr. Richard:

Q. Then I take it that a service man has the right to vote seven days before polling day?—A. The voting begins.

Q. He has a right to vote seven days before polling day.—A. The voting will begin on Monday one week after nomination day, and it will end on the Saturday preceding polling day.

Q. In that case in order to get that list in for the first man who wants to vote a week before polling day you have only got seven days?—A. I think it is sufficient.

Q. Do you think it is sufficient?—A. Yes.

Q. To get your list of candidates there?—A. It would not have been sufficient at the last general election. At that time the period between nomination and polling day was 28 days, but in peace time, after consultation with the services, I am convinced that there will be no difficulty in getting the list of candidates in the hands of every unit where defence service electors are stationed by Monday, one week before polling day.

Q. Then where is your trouble now?—A. My trouble now is because in 150 electoral districts the Act stipulates a period of only seven days between nomination and polling day.

Mr. BERTRAND: It would be fourteen days instead of seven days.

The CHAIRMAN: This will be found at page 230 of the Act, section 21, subsection 3.

Mr. MARQUIS: We have to amend that section.

Mr. RICHARD: You will have to make it uniform.

Mr. GLADSTONE: I do not think Mr. Richard understands what the Chief Electoral Officer is saying. He is proposing nomination two weeks before in order that there should be one full week.

Mr. RICHARD: That is what I mean. He says in certain cases if there are only seven days he will not be able to get the list of nominees there.

Hon. Mr. STIRLING: Fourteen days in all of the 255 ridings.

Mr. RICHARD: I think it is a good thing.

Mr. MARQUIS: At the last election we had a delay of four weeks.

Mr. BERTRAND: Twenty-eight days.

Mr. MARQUIS: I think there would be no harm in having it fourteen days.

The WITNESS: I might say that at the very recent by-election held in Parkdale the returning officer made a very strong plea to extend the period between nomination and polling day by one week. At other by-elections returning officers have made representations that the period of seven days was too short.

By Mr. MacNicol:

Q. It has been seven days in the cities?—A. It was seven days in Parkdale at the last by-election.

Mr. Bertrand: If it were amended to read fourteen days instead of seven days that would cover the whole thing.

The Chairman: The amendment reads:

> Subsection three of section twenty-one of the said Act is repealed and the following substituted therefor:—
>
> *Nomination day*
>
> (3) The day for the close of nominations (in this Act referred to as nomination day) shall be Monday the fourteenth day before polling day in every electoral district in Canada excepting that of Yukon-Mackenzie River, where the day for the close of nominations shall be Monday the twenty-eighth day before polling day.

Mr. Bertrand: I move that amendment.

The Chairman: It is moved by Mr. Bertrand that this amendment be carried? All in favour?

Carried.

The Witness: This means that there will be no further use for schedule 3 of the Act. That is the list of places where the interval between nomination and polling day is two weeks.

By Mr. Bertrand:

Q. It will be ipso facto cancelled?—A. It might be advisable to have a motion to repeal it.

The Chairman: Schedule 3 of the Act will have to be repealed.

Mr. Marquis: I move that that schedule be repealed.

The Chairman: It is moved by Mr. Marquis that schedule 3 of the Election Act be repealed.

By Mr. Hazen:

Q. When did that schedule come into force originally? Why was this difference made in the first place, some places have two weeks and some one? I see in Manitoba there are twelve constituencies that have two weeks instead of one. That is most of the constituencies in Manitoba.—A. There were seventeen last time. Saskatchewan was all two weeks.

Q. Was there a great difference of opinion at one time about this?—A. I think the first time this schedule 3 was introduced was in 1920. It has been revised at various times since then. I remember in 1930 the whole of Saskatchewan was included in the two weeks' period. There were changes made after the 1924 and 1933 representation acts to make it correspond to the new list of electoral districts.

Q. I cannot see any objection to two weeks but I was wondering if other people had any objection, and if so, on what grounds?

Mr. MacNicol: There has never been any objection to the rural ridings having two weeks but there was objection in the cities. However, I have arrived at the same conclusion as the returning officer in Parkdale has recommended, that the cities now be two weeks, too.

Mr. Bertrand: They will all be the same.

Mr. McKay: Has anyone moved that motion?

Mr. Marquis: Yes, I did.

The Chairman: Is the motion carried?

Carried.

Gentlemen, on the first page of the new amendments which have just been circulated I would refer you to the last item on the page with reference to clause (*b*) of section 95. Would you refer to section 95 of the Act? Subsection (*b*) was allowed to stand, if you will recall. It is proposed to repeal subsection (*b*) of the said section and to make a substitution therefor. The amendment reads:

> Clause (*b*) of section ninety-five of the said Act is repealed and the following substituted therefor:
>
> > (*b*) such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

The WITNESS: The purpose of this amendment is to strike out the members of the naval, military and air forces who were included previously. With the regulations for taking the vote of the defence service forces, which includes all these members, I do not think that they should be allowed to vote at advance polls. Furthermore in the draft regulations it is stated that members of the naval, military and air forces are only entitled to vote as civilian electors if on polling day they are at their ordinary residence. Therefore advance poll privileges are no longer necessary for those members. These privileges are not required because there will be ample facilities for voting under the defence service regulations.

By Mr. Hazen:

Q. I am a little puzzled by that word "from" in the sixth line. I do not see what it is there for.—A. "That he will be necessarily absent on polling day at the pending election, from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears." It is "absent from his polling division." I followed the wording of the old Act. It is absent from, "and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears."

The CHAIRMAN: Is this amendment carried?

Mr. HAZEN: I do not think it is properly worded at all. I cannot understand that word "from", and I have read it over four times.

Mr. ZAPLITNY: It is "from the polling division."

The CHAIRMAN: The word "from" refers to the words "polling division."

Mr. MARQUIS: "From" and "in"; the two words are connected with the words "the polling division."

Mr. MACNICOL: The word "from" could be left out without hurting anything.

The CHAIRMAN: I think if the comma immediately preceding the word "from" was taken out that would clear the meaning of the paragraph.

Mr. RICHARD: I think so.

Mr. HAZEN: That might make it clear.

The WITNESS: The comma should be struck out.

Mr. MACNICOL: I do not see any use for the word "from" anyway.

The CHAIRMAN: That would mean that he has reason to believe that he will be necessarily absent from the polling division on the list of electors for which his name appears and that he is likely to be unable to vote on that day in the polling division for which his name appears.

Mr. RICHARD: I think if you cut out the comma after "election" that will fix it up.

The CHAIRMAN: I think that will clear up the meaning of the section. Is the amendment carried?

Carried.

I refer you to rule 4 of section 16 which was allowed to stand. It is suggested by the Chief Electoral Officer that the subsection be repealed. The amendment reads:

> Rule four of section sixteen of the said Act is repealed and the following substituted therefor:—
>
> *Person on Defence Service.*
>
> (4) Any person on Defence Service, as defined in clause (*f*) of paragraph four of the Canadian Defence Service Voting Regulations, which are appended as Schedule Three to this Act, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as defined in paragraph seven of the said Regulations.

Is this new rule 4 carried?

Carried.

Now a new addition is suggested, to section 109 of the Act. This suggested addition has no connection with 109 at all but it is thought that it should come immediately after and it would read as follows:—

> *Voting by Defence Service electors at a general election.*
>
> 109A (1) The qualifications of Defence Service electors and veterans electors at a general election and the procedure to be followed in the taking, receiving, sorting and counting of the votes cast by such electors shall be as set forth in the Canadian Defence Service Voting Regulations which are appended as Schedule Three to this Act.

Mr. HAZEN: Do we use those words "veterans electors" any place else?

The WITNESS: The regulations to permit veterans receiving treatment in hospitals, which have been suggested by the committee, will consist of no less than twenty-three paragraphs and, in preparing those regulations in co-operation with the officers of the Department of Veterans Affairs, it has been found necessary to name those veterans receiving care in those hospitals as "veterans electors."

Mr. HAZEN: Will there be a definition of them?

The WITNESS: They will be fully defined.

Mr. HAZEN: So there will be no misunderstanding?

The WITNESS: They will be fully defined in the draft regulations which will be laid before the committee at its next meeting.

The CHAIRMAN: Is this new subsection (1) carried?

Carried.

Subsection (2).

> (2) The returning officer for each electoral district shall, immediately after three o'clock in the afternoon on nomination day, at a general election, communicate to the Chief Electoral Officer, by telegraph, the names and surnames of all candidates officially nominated in his electoral district, as these appear *in the heading of* the nomination papers.

Is this subsection carried?

The WITNESS: It is the same as provided in 1945.

Mr. ZAPLITNY: There is a point there. We had some discussion about the words "as they appear on the nomination paper." It seems to me it ought to read "as they appear in the heading of the nomination paper."

The WITNESS: That would be a logical change to make.

Mr. ZAPLITNY: That is to bring it into line.

Mr. HAZEN: How would it then read?

The CHAIRMAN: "As they appear in the heading of the nomination paper."
Is this subsection (2) as amended carried?
Carried.
Subsection (3).

> (3) For the purpose of a general election 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 Monday, the seventh day after polling day.

The WITNESS: This is somewhat the same as provided for the last general election. The counting of the votes of defence service electors will not begin until the Tuesday following polling day and with the staff provided in the regulations it is not expected they will be finished counting such votes until late in the week. At the 1945 election no final addition of the votes could be held earlier than the Tuesday, the eighth day after polling day. This will make it one day earlier.

The CHAIRMAN: Is this subsection carried?
Carried.
Subsection (4).

> (4) The Chief Electoral Officer shall, on a day not later than the Saturday next following polling day, at a general election, advise, by telegraph, the returning officer of every electoral district as to the total number of votes cast by Defence Service electors and veterans electors, in every voting territory, for each candidate in his electoral district, under the procedure laid down in the Canadian Defence Service Voting Regulations. The returning officer shall thereupon enter on his recapitulation sheets the total number of votes cast for each candidate, and shall deal with such telegraphic communication as though it were a statement of the poll received from a deputy returning officer.

Shall the subsection carry?
Carried.
Subsection (5).

> (5) If the result of the vote taken under the procedure laid down in the Canadian Defence Service Voting Regulations, at a general election, 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.

Mr. MACNICOL: That is all right, but what is the excuse for not carrying out the regulations.

The WITNESS: Well there might be a breakdown in some of the voting territories and for some reason they might not have their counting finished.

Mr. RICHARD: Do you make any provision; supposing you did not get a communication at the adjourned date what are you going to do?

The WITNESS: The final addition of the votes can only be adjourned according to the Dominion Elections Act for two weeks. I suppose after a delay of two weeks it would have to be held in compliance with the Act.

Mr. RICHARD: It would have to be declared.

The WITNESS: It would have to be declared in the same manner as the returning officer does if some ballot boxes are missing. He waits for two weeks and he declares the candidate elected without those results.

The CHAIRMAN: Shall the subsection carry?
Carried.

Now will you refer to form 61 of the Act. It is recommended by the chief electoral officer that clause (*a*) and (*b*) of the first paragraph of form No. 61 be repealed and the following substituted therefor:—

> (*a*) such persons as are employed as commercial travellers as defined in subsection four of section two of the Dominion Elections Act, 1938, or such persons as are employed as fishermen as defined in subsection 12A of section two of the said Act, or such persons as are employed upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of the said employment, and in the course thereof, he is necessarily absent from time to time from his place of ordinary residence and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day, in the polling division on the list of electors for which his name appears; and

Shall clause (*a*) carry?

Carried.

Clause (*b*).

> (*b*) such persons as are members of the Royal Canadian Mounted Police Force and to any of such persons only if on account of the performance of duties or training, in such Force, he has reason to believe that he will be necessarily absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

Shall clause (*b*) carry?

Carried.

Now form No. 62 of the Act, paragraph (3) is repealed and the following substituted therefor:—

> (3) That he has reason to believe that he will be so absent on polling day at the pending election, from, and that he is likely to be unable to vote on such polling day in, the undermentioned polling division on the list of electors whereon his name appears, or—that he is a member of the Royal Canadian Mounted Police Force and that, on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on such polling day from, and that he is likely to be unable to vote on that day in, the undermentioned polling division on the list of electors for which his name appears.

Shall clause (3) carry?

Carried.

Now would you refer to Section 111 of the Act. It is suggested to amend same by inserting therein the following as clause (*d*) thereof:—

> (*d*) An Act to provide Regulations and to amend the Dominion Elections Act, 1938, chapter twenty-six of the Statutes of 1944-45, excepting sections four and nine thereof.

There is a point here which I have brought to the attention of Mr. Castonguay. I do not feel that the committee can recommend the repeal of that Act just leaving two sections outstanding.

Mr. Richard: I doubt that myself.

Mr. Marquis: We should insert these sections in this Act, repeal the old Act, and put the sections in this one.

The Chairman: I would ask Mr. Castonguay to give us a general idea of what the sections mentioned here refer to.

The Witness: Section four of chapter twenty-six of 1944 provides for the insertion of the words "or in the war that began on the 10th day of September 1939" in two clauses of subsection two of section fourteen. That is one of the purposes. That was section four of chapter twenty-six. Section nine provided for the swearing of oaths by deputy returning officers, enumerators, and other election officials before a postmaster. It reads:

> "Section 104 of the said Act is amended by adding after the words 'Election Clerk' in the eighth line thereof the words 'a postmaster'."

Mr. MARQUIS: I would suggest, Mr. Chairman, that these amendments be inserted at the proper place in the Dominion Elections Act. We can insert one at section 14, and one at section 104.

Mr. RICHARD: If you are going to retain the clauses we would have to amend that Act by cutting out all the others.

Mr. MARQUIS: It will be better to put both these sections in the present Act because you have to keep the preliminary section in order to have only two sections in the Act. It would mean nothing at all otherwise.

The CHAIRMAN: Now, Mr. Castonguay suggests that in line with the views expressed by the committee the following amendment be made.

Mr. HAZEN: Might I ask why chapter 26 of the former Act was made?

The WITNESS: It is a very long title. It was the chapter which provided for the "regulations enabling Canadian war service electors to exercise their franchise, and Canadian prisoners of war to vote by proxy, at any general election held during the present war, also to provide amendments to The Dominion Elections Act, 1938, consequential to such regulations, or made necessary by the advent of the said war."

Mr. RICHARD: Well, the title is long enough.

Mr. MARQUIS: If we are going to do way with that we have to incorporate something to take its place in the present Act. Of course, we cannot repeal the former Act, all we can do is to recommend its repeal to parliament.

The CHAIRMAN: You are right there, Mr. Marquis; all we can do is include as one of our recommendations, in our final report to the house, that that be repealed.

Mr. RICHARD: Will the Chairman read to us the amendment which Mr. Castonguay proposes to this Act?

The CHAIRMAN: The draft amendment which Mr. Castonguay has handed to me reads that he will recommend the repeal of chapter 26, in the first place; and, in the second place, the amending of section 14, subsection (2), clauses (*f*) and (*i*)—

> Clauses (*f*) and (*i*) of subsection two of section fourteen of the said Act are each respectively amended by adding after the figures "1914-1918", as they appear therein, the words "or in the war that began on the tenth day of September, 1939".
>
> Section one hundred and four of the said Act is amended by adding after the words "election clerk" in the eighth line thereof, the words "a postmaster".

Mr. RICHARD: That would cover section 4 of chapter 26?

The CHAIRMAN: Yes, and it would cover section 9 of chapter 26. Mr. Castonguay suggests: "That section 104 of the said Elections Act be amended by adding after the words 'election clerk' in the eighth line thereof, the words 'a postmaster'."

Mr. MARQUIS: That is included in 104.

The WITNESS: Yes, it is included in the consolidation of the Act, but it was included after the passing of chapter 26 of 1944; and, if you repeal chapter 26 then the provisions to insert "a postmaster" would thereby cease and it would have to be re-enacted.

The CHAIRMAN: This would require a distinct motion in each case. Dealing first with the motion for the repeal of chapter 26 of the statutes of 1944-45—

Mr. RICHARD: I would move that.

The CHAIRMAN: Gentlemen, you have heard the motion by Mr. Richard. What is your pleasure?

Carried.

Now, a motion embodying the following clause:—

> Clause (*f*) of subsection two of section fourteen of the said Act is amended by adding after the figures "1914-1918", as they appear therein, the words "or in the war that began on the tenth day of September, 1939".

Mr. MARQUIS: I would so move.

The CHAIRMAN: Moved by Mr. Marquis accordingly; what is your pleasure?

Carried.

Would somebody move a similar motion to amend clause (*i*) to subsection 2?

Mr. MARQUIS: I do.

The CHAIRMAN: Is the motion to amend that clause agreeable?

Carried.

Now, section 104: I would need a motion to add after the words "election clerk" in the eighth line of that section the words "a postmaster"?

Mr. MACNICOL: Is it not there now?

The CHAIRMAN: Yes, but that is the same reason Mr. MacNicol; it goes out of existence with the repeal of chapter 26, if the recommendation which we are considering is carried out by the House.

Mr. BERTRAND: I would move that.

The CHAIRMAN: You have heard the motion by Mr. Bertrand; what is your pleasure?

Carried.

Now, gentlemen, I would draw the attention of the committee to the fact that Mr. McKay intends to ask leave of the committee to reopen the discussion on section 66 of the Act. He has intimated that he would move the deletion of the last five lines of section 66, starting with the words "and every elector." In his absence I suppose we might permit that to lay over until our next sitting.

Now comes Mr. McKay. Are you ready to proceed? I have just brought to the attention of the committee the change which you have mentioned you would like to bring up in connection with section 66.

Mr. McKAY: Yes, Mr. Chairman.

The CHAIRMAN: I have already given the committee an idea of your amendment.

Mr. McKAY: I am sorry, Mr. Chairman, that I was not here to hear what your remarks were; but it was brought to my attention that it seems almost impossible to lay a charge of infraction under this section.

The CHAIRMAN: Before you go further I take it that the committee has granted you leave to reopen the discussion on that section, because it had already been carried.

Some Hon. MEMBERS: Yes.

The CHAIRMAN: Will you proceed, Mr. McKay.

Mr. McKAY: It seems that under this section it is almost impossible to lay a charge because those who are treated by an individual will not appear as witnesses against him, because according to this section they are as liable as he is. I know of several cases which have come to my attention where there are obvious infractions of this section and the individuals of course would not act as witnesses for the simple reason that they were involved too. My suggestion, Mr. Chairman, would be that we delete the latter part of this section; that all the words be deleted following the word "election" to the end of the section; which would mean that portion reading:—

> ...and every elector who corruptly accepts or takes any such meat, drink, refreshment or provision or any such money or ticket, or who adopts such other means or device to enable the procuring of such meat, drink, refreshment or provision is guilty likewise.

I would like to have some discussion of this. Probably some of the others have had an experience similar to my own.

Mr. MARQUIS: How would you delete those words? According to the Criminal Code the one who is treated is an accomplice and is equally guilty according to the general law. If you delete those lines you will be in this position that the man who treats can be denounced by the one who is treated, and the one who is treated is an accomplice. If the other one denounces there will be no evidence. The only evidence you can get in cases like that is from a third person who sees them and denounces them.

Mr. MCKAY: And he may be treated.

Mr. MARQUIS: Perhaps not. He sees two persons together, the one treating the other. It is for that reason that the provision was inserted in the existing Act. I want to go a little bit further. Perhaps some person will act as a stool pigeon and go and be treated by an elector and later denounce him and have him pay a fine. I understand that has been done. There are not many cases that come before the courts, but it is a protection, and such cases may be laid on some future occasion. I understand your point of view very well.

Mr. MCKAY: I appreciate what you say.

Mr. MARQUIS: It is in accordance with the provisions of the Criminal Code.

Mr. MACNICOL: It provides a measure of control in any event.

Mr. MCKAY: Are there any cases where people have been prosecuted under this section?

Mr. MARQUIS: I know of cases where people have been treated.

The CHAIRMAN: Order. Perhaps the Chief Electoral Officer could answer your question; have there ever been any prosecutions under section 66?

The WITNESS: Not to my knowledge.

Mr. MCKAY: In that case it is very ineffective.

Mr. RICHARD: It is much better to keep the provision there.

Mr. MCKAY: Why have the provision if it is not going to have any effect?

Mr. RICHARD: Why can't you prosecute? It may be hard to get a conviction; but nevertheless you are not going to efface the offence because it is hard to get a conviction. Like arson, you can't get one out of twenty-five convicted; but it is an offence. Let's keep it there.

Mr. MACNICOL: Mr. Chairman, this same subject was thoroughly discussed on previous occasions and it was decided to leave it as it is. I would so move, that it be left just as it is.

Mr. MCKAY: If it does not do any harm, it is doing no good.

Mr. MARQUIS: It might do good if a thorough investigation were made and the matter brought before the court in certain cases. They could be prosecuted. I appreciate that it is pretty hard to get a conviction even when a case is prosecuted; but if there are abuses in the elections an investigation should be made.

Mr. RICHARD: A man may admit the charge. You do not need any more proof than that.

Mr. McKay: Just one point; Mr. Marquis referred to the Criminal Code. I wish he would clarify that statement.

Mr. Marquis: The principle to which I refer to the Criminal Code is that it takes two persons, two parties, to make an offence and they are both equally guilty; and, if I am stating it correctly, an accused cannot be convicted on the evidence of an accomplice. That is one of the reasons that makes it very difficult to get a conviction under a section of this kind.

Mr. Hazen: Reading this section over, it is not the giving or the making of the gift; it is the giving for the purpose of corruptly influencing another person. There is your difficulty. That is the words you have in there say. How are you going to prove that it was given for the purpose of corruptly influencing?

Mr. Marquis: That is where the third person comes in.

Mr. Richard: And the other part of the section says, "who corruptly accepts"; how are you going to prove that a person corruptly accepted anything?

Mr. Hazen: There is your whole difficulty in proving anything under this section. I do not see how you are going to make it work.

Mr. Gladstone: Section 66 is for the purpose of being a deterrent. I think it is equally important to have a deterrent against the one who would accept a bribe as against the one who would offer it.

Mr. McKay: It is more ethical than legal, because you cannot get a prosecution.

The Chairman: Mr. McKay do you wish to put your motion?

Mr. McKay: I am not insisting upon it. It was brought to my attention by a lawyer who wanted to prosecute but could not because he could not get the witnesses.

The Chairman: Is the committee agreeable to letting the section stand as it is?

Agreed.

Gentlemen, we have practically completed our work. We still have before us the reconsideration of section 41 of the regulations for the serviceman's vote. This item will come up at the next meeting on Thursday afternoon at which time Mr. Castonguay will have the amendments ready for submission to the committee to take care of that particular point.

Under our terms of reference, gentlemen, the discussion could then go beyond the fields which we have actually covered.

By Mr. MacNicol:

Q. Before we leave the Act, do you mind if I ask Mr. Castonguay to give the section which pertains to the employment of helpers at an election? I have forgotten the section.—A. Section 15 of the Act, concerning clerical assistants and the like.

Q. It allows the employment of one, if necessary, for every what number of voters?—A. Five hundred.

The Chairman: At this stage, gentlemen, it is fitting to recall to your minds the order of reference which we have before us. It is as follows:—

> To study the several amendments to the Dominion Elections Act, 1938, and amendments thereto, suggested by the chief electoral officer, to study the said Act, to suggest to the House such amendments as the committee may deem advisable, and report from time to time with power to send for persons, papers, records, etc.

Mr. Zaplitny: Mr. Chairman, if I may have the permission of the committee to revert to section 107 of the Act, I should like to move an amendment. If the committee is not disposed to deal with it today, it might be left as notice to be dealt with at the next meeting.

I will read the amendment and then I will say a word or two as to why I think it is necessary. The amendment is as follows:

> That section 107 of the Dominion Elections Act, 1938, be deleted, and the following substituted therefor:—
>
> > No person, company or corporation shall publish the result of the polling in any electoral district in Canada whether such publication is by radio broadcast, newspaper, news-sheet, poster, bill-board, handbill or in any other manner, before the closing of the polls in such province; or transmit such results of polling by radio, telegraph or telephone from one province to another or outside Canada before the polls have been closed in all provinces.

The change that has been suggested is in the last part of the amendment wherein it is stated that in the case of the transmitting of polling results outside the province or outside the country no person shall be allowed to do that until all polls have been closed in all the provinces. As the section reads now there is provision made to prevent a person from broadcasting or distributing news of polling results in that province while there are any polling divisions open within that province, but there is nothing in the section to prevent a person from broadcasting results on the radio, for example, after the polls have been closed within his province. That is no protection as far as the other provinces are concerned. For example, as soon as the polls have been closed in Nova Scotia there is nothing to prevent anyone from publishing the results within that province in Nova Scotia. If they get on the radio they will be heard in provinces right across Canada while the vote is still going on. They may still be voting in Manitoba, Saskatchewan, Alberta and British Columbia.

Mr. Richard: They will go to the American stations. They may go across to Maine.

Mr. Bertrand: You cannot help it.

Mr. Zaplitny: Just a moment. I will make that clear. In my amendment I have tried to avoid preventing people from notifying their committee headquarters by telephone of the results of the various polls because that would be quite a restriction if that privilege were taken away. The amendment, as I have tried to draft it, would prevent anyone from transmitting from that province to another province or outside the country, by telephone, telegraph or radio, the results of polling in that province as long as there were polling stations still open anywhere in Canada. In that way we would prevent the results in one part of the country influencing the vote in another part of the country. I think that is the objection of the section, but I do not think it carries it out effectively.

Mr. MacNicol: In your amendment how do you prevent anyone in Prescott, Ontario, for example, from crossing the river to Ogdensburg by ferry and there giving information in Ogdensburg of the results of polling in eastern Canada? Then somebody in Ogdensburg could wire the west or publicize it by radio. How would you prevent that?

Mr. Zaplitny: I will admit that it is not absolutely airtight, and I do not suppose it can be made so.

Mr. MacNicol: I agree with the purpose.

Mr. Zaplitny: I believe the amendment as drafted would make it more effective than it is at the present time.

Mr. Richard: At the same time even within my own province I would not know the results until voting had concluded in your province.

Mr. ZAPLITNY: No, I have avoided that by drafting the amendment in two parts. The first part restricts the publication of results as long as any polling division is still open within that province. The second part deals only with the transmission of results outside the province or outside the country. There would be nothing to prevent the results from being published within the province as long as they did not get outside of the province.

Mr. BERTRAND: I believe we should think this over until the next meeting.

Mr. ZAPLITNY: I am quite willing to do that.

Mr. BERTRAND: It does not seem to me you could very easily broadcast in one province without other provinces listening.

Mr. ZAPLITNY: Anyone broadcasting with a short wave set in Nova Scotia could be heard by powerful receiving sets in the west. This amendment prevents that.

Mr. BERTRAND: You say it allows broadcasting within the province. It does not limit the possibility of giving news to the province by that means, and consequently it could be heard.

Mr. ZAPLITNY: I think we had better leave it until the next meeting.

Mr. MARQUIS: I would suggest that this motion be held over until the next meeting.

The CHAIRMAN: Before we take any decision on this motion or allow it to stand perhaps Mr. Castonguay may have something to add to the discussion.

The WITNESS: The provision as it stands seems to have worked very satisfactorily since it was enacted in 1938. There have been no complaints that radio reports were received in the west of the results of the voting in the east, by radio or in any other manner. No complaints have reached me.

Mr. ZAPLITNY: That may be generally correct but, as a matter of fact, we do know that results of polling in the east have been heard in western Canada before the polls were closed there. I have been told that from personal experience. How much influence that has on those who have not yet voted is debatable, but it is the purpose of the amendment to prevent that.

Mr. RICHARD: How much time do you say there would be between the time we receive the results until your closing time?

Mr. ZAPLITNY: That would depend on the province and the time zone you happen to be in. The difference in time between Manitoba and the maritimes is not as great as it would be between British Columbia and the maritimes. It depends on the time zone you happen to be in. It might mean as much as two hours, and the last two hours of election day usually are the time when the heaviest polling is done.

Mr. RICHARD: We hardly ever know the ultimate result in our province two hours after closing.

Mr. ZAPLITNY: It is not accurate.

By Mr. MacNicol:

Q. May I ask the Chief Electoral Officer what is the difference in time between the closing of the polls in Nova Scotia and the closing of the polls in British Columbia under the present regulations?—A. I think it is four hours.

Q. I thought we amended the regulations.—A. No, the hours were not staggered.

Q. Is it still four hours?—A. It is four hours difference in time between Nova Scotia and Vancouver.

Mr. MACNICOL: I would suggest to the Chief Electoral Officer that he take the amendment under consideration, having heard the discussion, and then at the next meeting make a suggestion.

The CHAIRMAN: At the next meeting we shall take up as our first order or business section 41 of the regulations. The Chief Electoral Officer has made a consolidation of those regulations. A new set will be distributed in time for the members to have them under consideration a couple of hours before the next meeting. In the second place we will take up the reconsideration of section 107, at the suggestion of Mr. Zaplitny. In the third place we can take up any other questions that the committee may wish to consider which fall under our order of reference. I hope we will be able to conclude our business at the next meeting which will be on Thursday next at 4 o'clock.

Mr. GLADSTONE: I would suggest, with respect to Mr. Zaplitny's proposed amendment, that the chief electoral officer might tell us at our next meeting what the practice is in the United States.

The WITNESS: I will try and get some information on it.

The meeting adjourned at 5.45 p.m. to meet again next Thursday, June 19, 1947, at 4.00 p.m.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 15

THURSDAY, JUNE 19, 1947

WITNESSES:

Mr. Jules Castonguay, Chief Electoral Officer;
Dr. J. P. S. Cathcart, Chief Neuro-Psychiatrist, Mr. W. G. Gunn, Solicitor, and Mr. F. L. Barrow, Secretary, of the Department of Veterans Affairs.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,

Thursday, June 19, 1947.

The Special Committee on The Dominion Elections Act, 1938, met at 4.00 o'clock p.m. Mr. Paul E. Coté (*Verdun*), Chairman presided.

Members present: Messrs. Brooks, Coté (*Verdun*), Fair, Gladstone, Hackett, Hazen, Kirk, MacInnis, MacNicol, Marquis, McKay, Zaplitny.

In attendance: Mr. Jules Castonguay, Chief Electoral Officer; Dr. J. P. S. Cathcart, Neuro-psychiatrist, Mr. W. G. Gunn, Solicitor, Mr. F. L. Barrow, Secretary, of the Department of Veterans Affairs.

The Committee resumed the adjourned study of the Canadian Defence Service Voting Regulations, with particular regard to the procedure for taking the votes, at the general election, of veterans of the war 1914-1918, and the war that began on the 10th of September, 1939, who are receiving treatment or domiciliary care in certain hospitals or institutions.

During the debate thereon the following officers were called and questioned: Mr. Castonguay, Dr. Cathcart, Mr. Gunn and Mr. Barrow.

After lengthy discussion the said proposed regulations, with certain modifications (*See Minutes of to-day's Evidence appended hereto*) were agreed to.

Consequent upon the adoption of the said regulations section fourteen of The Dominion Elections Act, 1938, was further amended by adding thereto immediately after subsection four thereof new subsections numbered five, six and seven. (*See to-day's Minutes of Evidence appended hereto*).

The Committee thereafter considered a proposed amendment to section one hundred and seven of the said Act, submitted by Mr. Zaplitny. After a brief debate thereon the Committee agreed to adjourn its discussion until the next meeting.

At 6.10 o'clock p.m., the Committee adjourned to meet again at 4.00 o'clock p.m., Tuesday, June 24, 1947.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,

June 19, 1947.

The Special Commmittee on the Dominion Elections Act met this day at 4.00 p.m. The Chairman, Mr. Paul E. Coté, presided.

The CHAIRMAN: Will you come to order please, gentlemen?

You will recall that at its meeting of last Thursday, the committee requested the witness to draft the necessary provisions to be substituted for section 41 of the regulations on Canadian defence service voting. This draft amendment was to extend the facilities implied in these regulations to the veteran voters in the hospitals at the time of a pending election without necessitating the supervision of any commissioned officer of the permanent forces. Now Mr. Castonguay could not complete his work for submission at the last meeting but he is ready to present it to-day. His submission is quite an extensive one. It will mean the addition of twenty-four sections to the regulations as you have them to-day and the addition of three new forms.

Now before proceeding with the examination of those additional sections I wish to inform you that we have the privilege of having with us to-day Dr. Cathcart, of the Department of Veterans Affairs. It was mentioned by some members that it would be desirable to have him or some other psychiatrist or medical authority from the department in order that he might be examined on the matter of the privilege of voting for inmates of D.V.A. hospitals. I would ask Dr. Cathcart to introduce himself and we shall open the discussion on these particular points.

Would you please identify yourself Doctor?

Dr. J. P. S. Cathcart, Chief Neuro-Psychiatrist, Department of Veterans Affairs, called:

The WITNESS: My purpose, as I understand it, in being here, is to deal particularly with section 59 of these regulations.

By the Chairman:

Q. I did not get your official position with the department, Doctor?—A. I am chief neuro-psychiatrist with the Department of Veterans Affairs.

Q. For the purposes of reference gentlemen, the twenty-four new sections which I have mentioned are those which appear in the new draft which has been distributed a few hours ago starting with section 42 at page 13.

Would you please proceed Doctor?—A. As I said, my function here would seem to be entirely with section 59, the procedure in mental cases which reads as follows:—

> No person as described in paragraph 42 of these regulations who, during the days or hours of voting, is confined by lawful departmental medical authority in a mental ward of any hospital or institution shall be eligible to vote.

Shall I go and say something about our arrangements?

Q. If you have information that may help in the discussion of this particular section I would appreciate any general statement that you might make.—A. Our patients are in two types of institutions, federal institutions of which there are two, the Westminster Hospital at London, Ontario, and the Ste. Anne's Hospital at Ste. Anne de Bellevue, province of Quebec; the remainder are in provincial hospitals, mostly those provinces other than Ontario or Quebec. The great bulk of our cases are, of course, in Westminster and Ste. Anne's, where there are about 900 in those two hospitals as against about 450 in the remaining hospitals. I take it we have no problem in connection with the 450 who are in provincial hospitals because they probably are covered elsewhere and I am here to speak in regard to the handling of these regulations in relation to these cases in departmental hospitals only. Now as I see it there is not any problem, or there will not be one within another year in view of the geographical arrangements in our two departmental hospitals. For instance, at Ste. Anne's, all our mental cases are in the infirmary building, mental infirmary, separate from the other buildings and separate from the other patients. At Westminster hospital that arrangement will be in effect completely within another year. When the new infirmary is complete in each case there will be a complete separation of those two populations, the mental from the general treatment cases, which will simplify the handling of this Act and reduce it down to a very simple matter. Perhaps I should add, Mr. Chairman, just something about the admission of our patients to our hospitals.

Q. Well, your statement would seem complete enough to allow the members to go into the matter further if they wish. Thank you Doctor.

Are there any other questions on this particular point?

Mr. MacNicol: In connection with what the Doctor has said, what the section means is this. In the two hospitals, namely Ste. Anne's and Westminster those patients who are in wards in which mental patients are receiving treatment will not be eligible to vote under section 59.

Mr. Marquis: I think it covers the point well.

By Mr. McKay:

Q. May I ask Dr. Cathcart if those persons are placed in the infirmary not necessarily for treatment of permanent insanity or mental derangement, or are they just there for treatment for a short while and perhaps not serious cases?—A. They are not necessarily permanent at all, we dislike the use of the term for very good reasons.

Q. I used the word "permanent" for want of a better one but you know what I mean?—A. Yes, they may be only there for two months but they may be committed cases because we are compelled to operate under the laws which the province operates. We operate at Westminster under the laws of Ontario and at Ste. Anne's under the laws of the province of Quebec which require special commitment arrangements. We commit them, or outside doctors do. By arrangement with those respective provinces, our commitment is much simpler than it is in getting patients into provincial hospitals.

Mr. Marquis: Are those patients under guardianship, legal guardianship, according to the laws of the province?

The Witness: Yes, but the guardianship may be our deputy minister if they have no property. If there is any problem in regard to property the guardianship is under the regular provincial custodian or trustee.

Mr. MacNicol: What I was getting at is these patients are not committed there unless they are mentally ill, temporarily at least, and being in that stage they are barred from voting. I quite agree that if a man is out of his head he should be barred from voting.

The Witness: That is correct. It may not be clear in regard to one type of case and that is what we might call our nervous cases. Those people are not treated as mental cases, they are treated as ordinary treatment cases the same as if they had pneumonia or anything else. In fact in our psychosis wards, for want of a better term, we have mild nervous complaints and mild mental complaints that are not obvious to anyone but a specialist. Those people are not committed cases at all. They are admitted the same as anybody else, as if they had a broken leg or pneumonia. Their movement is not restricted and they do not come under this class at all.

By Mr. McKay:

Q. Dr. Cathcart would you be prepared to say that within a year the number would be substantially decreased in those infirmaries that are to be set up in Westminster and Ste. Anne's?—A. We have a very excellent discharge rate that I think is equal to the discharge rate in other hospitals but our admission rate continues to be high yet. I am not sure that I could promise you very much in regard to a reduction.

Q. Your discharge rate has been considerably higher than your admissions right up until recently?—A. Yes, because we have had the accumulation from the new war.

Q. That is the point I was trying to make, that the war is over and many of these veterans are becoming re-established and I would draw the conclusion that in a year's time the numbers in these infirmaries would be very small and it would not be of much concern. There is another point that I want to bring up however and that is this. If these young veterans who are under treatment are not permitted to vote, and are called mentally deranged, would that have some effect on them? They know they are not permitted to vote and therefore they are classified as insane?—A. You would be surprised how little that concerns them. I have inquired upon two separate occasions in the 30's. I have forgotten why I inquired, I think there was a general election. I happened to be going through the hospital and I asked the superintendent at Westminster if he did not have some problems in regard to these mental cases, particularly in what we speak of as parole wards, or trial wards, where they are not locked up and where they have the freedom of the grounds. They are still committed cases but they are on trial and if they behave they are discharged in a month or two. I asked the superintendent if there was any problem, thinking like you do that there must be, but I was rather surprised to learn there was not. I do not know why, I cannot quite answer that.

Q. Of course they may not be a great deal different from normal people in that respect?—A. That is probably true.

Q. But my point is this, if it would affect them in any way adversely we should be very careful with this regulation, but if it does not affect them I think it would be quite safe ground to go ahead with the adoption of this regulation because in a year's time it will only apply to the infirmaries of those two institutions.

By Mr. MacNicol:

Q. Mr. Chairman, I do not just see why we cannot pass this section and relieve the Doctor of remaining here. It is quite plain those who are barred are those who are committed.—A. Yes, those who are on committal status and have not been freed.

Q. Committed by physicians who are authorities on mental troubles? —A. That is correct, acting under the authority of the Act of that province.

Q. If they are not out before election day they are not permitted to vote but if they are out on election day they will be permitted to vote.

The CHAIRMAN: If that is all, I think we can relieve Dr. Cathcart at this time. I wish to thank you, Doctor, in the name of the committee.

Now before we proceed with these added sections concerning veterans in hospitals I would ask Mr. Castonguay if he has a general outline to give the committee in regard to those sections.

Jules Castonguay, Chief Electoral Officer, called:

The Witness: These twenty-three or twenty-four paragraphs are what might be called a regulation within a regulation. I found it impossible to provide machinery in a smaller number of paragraphs.

Mr. MacNicol: Commencing with which ones, 43?

The Witness: From paragraph 42 to 66. The vote will be taken, as you will notice, by a pair of deputy returning officers, who will be appointed by myself on the recommendation of the leaders of the various political parties in the same manner as scrutineers who will be appointed for duty in the office of each special returning officer. Instead of the vote being taken before a commissioned officer it will be taken before a pair of such deputy special returning officers, who will work in pairs, and each pair is consisting of persons representing different and of opposed political interests. The procedure is quite elaborate but I could not find any other way to describe it with a smaller number of paragraphs. I have gone over it very carefully and read it three or four times since it has been re-mimeographed and I feel more and more satisfied that it will work out very satisfactorily. Indeed I feel that the procedure prescribed in these twenty-four paragraphs is more simple and will be more efficient than if the vote had been done before commissioned officers of the forces or before anybody else.

The Chairman: Are there any questions?

Mr. MacNicol: I move that we proceed with the consideration of the clauses.

The Witness: I might tell the committee that the number of hospitals where there are more than 25 persons receiving treatment or care under the Department of Veterans Affairs is much smaller than I had expected. The information that I have obtained from the department shows that in the maritimes there are eight departmental hospitals and two others; in Ontario and Quebec there are sixteen departmental hospitals and nine others; and in the western provinces there are twelve departmental hospitals and sixteen others; making a total of sixty-three hospitals or institutions.

Mr. MacNicol: How many patients?

The Witness: The number of patients is given in a letter from the deputy minister. I think it is between 8,000 and 10,000.

The Chairman: Section 42 which will be found at page 13 of the submission which is before the committee, is now before us for consideration.

By Mr. Marquis:

Q. Are these regulations drafted in the same manner as the other regulations we adopted for the Canadian defence service electors voting?—A. Yes, they are a regulation within a regulation.

Q. Yes; but are they drafted in the same wording?—A. They are almost the same wording.

By Mr. Hazen:

Q. Why is that section about those who cannot vote not put in after section 42 instead of being a separate section, No. 59?—A. Well, I suppose it could have been inserted alongside of paragraph 42. It seems to me that this provision will be just as effective where it is now.

Mr. Hazen: It has some relationship to the qualifications of voters.

Mr. Marquis: We could put it in there and change the numbering.

The Chairman: Would you make such a motion?

Mr. HAZEN: Yes; I would move that be changed from section 59 to section 44; and that the subsequent paragraph numbers be changed.

Mr. MACINNIS: There would have to be changes in number of other paragraphs.

Mr. HAZEN: I think it should be in there after 42 as section 43.

The CHAIRMAN: Is that agreeable to the committee?

Carried.

Mr. MACINNIS: I think this is a matter in which we should allow the Chief Electoral Officer and the chairman to make whatever minor changes may be necessary to have it conform with the motion which has just carried.

The CHAIRMAN: Yes, we will see that it is done.

Mr. HAZEN: In section 42 there are the words "entitled to"; and in section 59 the words are "eligible to vote."

Mr. MARQUIS: Don't you think it would be better to put 59 áfter 43? I would suggest that we put 59 in as the new section 44; then 44 will become 45 and we can leave it to the chairman and Mr. Castonguay to make the appropriate changes in the numbering of the sections.

The CHAIRMAN: That is what I had in mind doing, Mr. Marquis: that is Mr. Hazen's motion as just carried. Is that not so, Mr. Hazen?

Mr. HAZEN: Yes, I think it makes it much more clear.

Carried.

The CHAIRMAN: Now, shall we take these sections in sequence?

Section 42:

Qualifications.

42. Except as hereinafter provided, every person, irrespective of age who (*a*) is a Canadian citizen or a British subject, (*b*) has been ordinarily residing in Canada during the twelve months immediately preceding the date fixed as polling day at a pending general election, (*c*) was a member of the naval, military or air forces of Canada during the war 1914-18 or in the war that began on the 10th of September, 1939, (*e*) has been discharged from such forces, and (*f*) is receiving treatment or domiciliary care in a hospital or institution operated by the Department of Veterans Affairs or, is receiving treatment or dimiciliary care in any other hospital or institution at the request or on behalf of such department, shall be deemed to be a defence service elector and entitled to vote at a general election under the procedure prescribed in these regulations. For the purpose of these regulations, the above mentioned persons shall be known as veteran electors.

Carried.

Ordinary residence requirements. See 59

43. In order to be entitled to vote under these regulations, a veteran elector shall specify, in the declaration in form No. 12 of these regulations, the name of the place of ordinary residence in Canada, with street address, if any, as declared by the veteran elector at the date of his admission to the hospital or institution, and the vote of such veteran elector shall be applied to the electoral district in which such place of ordinary residence is situated.

Carried.

Voting in departmental hospitals or institutions.

44. Except as provided in paragraph 59 of these regulations, every veteran elector who is receiving treatment or domiciliary care in a hospital or institution operated under the direct control of the Department of

Veterans Affairs, shall be entitled to vote under the procedure prescribed in these regulations.

Carried.

Limitation.

45. The only hospitals or institutions in which persons are receiving treatment or domiciliary care at the request or on behalf of the Department of Veterans Affairs where such persons shall be entitled to vote under these regulations shall be those in which, on the date of the issue of the writs for a general election, a total of twenty-five veteran electors or more are receiving such treatment or domiciliary care.

Mr. MACNICOL: On section 45; the limitation refers to the total of 25 veterans. I take it that means that the hospital must have a total of 25 veteran electors if they are to come under that?

The WITNESS: The procedure followed in drafting these regulations was to ask the Department of Veterans Affairs to inform the Chief Electoral Officer of the number of hospitals where more than 25 persons are receiving care or treatment on the date of issue of the writ. The number of patients in such hospitals varies from day to day and there has to be a date set upon which to make a statement of number of patients, otherwise it would be difficult to proceed. This information is required early in the election for the purpose of instructing the enumerators of a hospital where the patients are entitled to vote under these regulations not to enumerate their names. Also, the number of eligible electors should be in the hands of the Chief Electoral Officer very early in the election to permit him to make preparation for deputy special returning officers to take the vote of veteran electors as the number of patients has to be stated on a certain date. I thought the date of the issue of the writ for an election would be as good as any.

Mr. MACNICOL: It might just as well be that. What I was going to ask about the hospitals with less than 25.

The WITNESS: This is looked after in paragraph 46.

Mr. MACNICOL: Oh, we haven't come to that.

The CHAIRMAN: Paragraph 45, is it carried?

Carried.

Voting as civilian elector.

46. Any person, as described in paragraph 42 of these regulations, who is receiving treatment or domiciliary care in a hospital or institution, at the request or on behalf of the Department of Veterans Affairs, where less than twenty-five of such persons are receiving such treatment or care, on the date of the issue of the writs for a general election, shall be entitled to vote as a civilian elector in the polling division in which such hospital or institution is situated, as provided in subsection five of section fourteen of The Dominion Elections Act, 1938, as amended.

Mr. HAZEN: In section 46 there is a matter on which I would like some information. Am I to take it that in hospitals where there are less than 25 patients entitled to vote on voting day, that they would vote as civilian electors? Can they vote at the regular polls on voting day?

The WITNESS: This will require special legislation, and I have prepared an amendment to section 14 of the Act which I think would provide the necessary machinery to enable patients in hospitals with less than 25 persons receiving care under the Department of Veterans Affairs to vote as civilian electors.

Mr. HAZEN: If there are less than 25 in a hospital the patient is entitled to vote as a dominion elector in the polling division in which that hospital or institution is situated as provided in subsection (5) of section 14 of the Dominion Elections Act, 1938, as amended. Am I to take it from that his vote is counted in the electoral district in which the hospital is situated?

The WITNESS: Yes.

Mr. HAZEN: In the other case, as I understand it, the votes are counted not in the electoral district where the hospital is but in the electoral district in which the veteran elector resided immediately prior to entering hospital?

The WITNESS: In the electoral district, in the place of ordinary residence of the veteran elector as of the time of his admission to the hospital.

Mr. HAZEN: And we are now in this section providing that the vote shall be counted in a different place, in the local polling subdivision in which the hospital is situated, in cases where there are less than 25 defence service electors in a given hospital or institution?

The WITNESS: Well, the line had to be drawn somewhere because as I said before the number of hospitals where the regulations applied would only be around 60 or 70, and if the regulations applied to every hospital where a person is receiving care or treatment under the Department of Veterans Affairs the number would be increased to as high as 500 or 600.

Mr. MARQUIS: And the number would not be so great as to change the effect in the local polling subdivision?

Mr. HAZEN: If there are less than 25 patients voting on election day—if there are more than 25 they vote under these new regulations, and they cast their vote any time during a period of six days prior to the date of the election?

The WITNESS: Provided that an amendment is passed to section 14 of the Act which would give them the special right to vote in the hospitals. I have that amendment here.

Mr. MARQUIS: How is a soldier in a hospital where there are less than 25 patients going to vote if he is not able to get out to a poll?

The WITNESS: He would be in the same position as a civilian elector.

The CHAIRMAN: Have you any comment, Mr. Gunn?

Mr. GUNN: There is one thing which I think might be brought to the attention of the committee; that is, that this 25-patient qualification only applies where there is a non-departmental hospital, and those patients who are in a departmental hospital vote as veteran electors regardless of the size of the hospital, and their votes are distributed according to the constituencies in which they would ordinarily vote.

Mr. HAZEN: You have no hospitals with less than 25 patients?

Mr. GUNN: I am told there are a few run directly by the department.

Mr. GLADSTONE: Is it true that where there are less than 25 voters they will have to go out to vote?

The WITNESS: They will be in the same position as any other civilian elector.

Mr. MACNICOL: In any hospital, you mean.

The WITNESS: Yes; they will have to reside in the hospital at the date of the issue of the writ, one year in Canada, and so on.

Mr. MACNICOL: We can't make provision for everything.

Mr. MACINNIS: And they have to be registered electors in that riding and that district.

The WITNESS: In urban polling divisions their names will have to be put on the lists.

Mr. MACINNIS: You might read the amendment with respect to section 14.

The CHAIRMAN: I will do that.

Section 14 of the Act will be amended by adding subsection (5) which will read as follows:

Qualifications of Veterans in
certain hospitals or institutions.

Section 14.

(5) Notwithstanding anything to the contrary in this Act contained, every person, man or woman, irrespective of age, who (a) was a member of the naval, military or air forces of Canada during the war 1914-18 or in the war that began on the 10th day of September, 1939, (b) was discharged from such forces, and (c) is receiving treatment or domiciliary care in any hospital or institution at the request or on behalf of the Department of Veterans Affairs, in which hospital or institution, on the date of the issue of the writs for a general election, less than twenty-five of such persons are receiving such treatment or care, shall be entitled to have his or her name included on the list of electors prepared for the polling division in which such hospital or institution is situated, and be qualified to vote at a general election in such polling division, provided that such person is otherwise qualified as an elector.

Mr. MACNICOL: Has the chief returning officer any idea of the number who will be included receiving this benefit under section 14?

The WITNESS: Perhaps Mr. Gunn could give us some information on that

Mr. GUNN: I am afraid that I cannot.

Mr. MACINNIS: I think we could get an approximate idea of it; that is, the number of known veterans' hospitals in which there are veterans where the number is below 25; you have the number for 25 or over. I think you said there were 63. How many of those are veteran hospitals?

The CHAIRMAN: Thirty-six are veteran hospitals under the D.V.A. and 27 other hospitals with more than 25 patients of that category.

Mr. MACNICOL: We want the ones with less than 25 patients. Mr. Barrow may have that.

Mr. BARROW: I am afraid that I can only make a wild guess at the figure. Many hospitals, of course, would only have one or two patients, and the turnover brings a change from day to day. I think the figure that Mr. Castonguay gave you just now, between 500 and 600, would be very close to a minimum. It might be more than that. I could not guess on it.

Mr. MACINNIS: I do not think it affects our attitude on this amendment anyway

The CHAIRMAN: Section 46?

Carried

Mr. HAZEN: Does section 14 provide that patients have to be in hospital on the day of the issue of the writ to vote?

The WITNESS: The same requirement as for any other civilian elector unless special provisions are made.

Mr. BROOKS: In section 14 here it says, "in which hospital or institution"; a moment ago we had a reference to mental cases. I was wondering if it would be well to put in there also, "except as provided in paragraph so-and-so"?

Mr. MACINNIS: That is covered by "otherwise qualified as an elector"; section 43, or whatever it will be, covers that.

The CHAIRMAN: We are now on section 47.

Facilities for voting.

47. The superintendent of any hospital or institution, in which voting under these Regulations is authorized, shall afford all necessary facilities to Veteran electors receiving treatment or domiciliary care therein to cast their votes before two deputy special returning officers, as prescribed in paragraph 57 of these Regulations.

Carried.

Names and addresses of hospitals or institutions.

48. As soon as possible after the date of the issue of the writs for a general election, the Minister of Veterans Affairs shall inform the Chief Electoral Officer of the name and address of every hospital or institution in Canada operated under the direct control of the Department of Veterans Affairs, and with the names and addresses of other hospitals or institutions where twenty-five or more persons were receiving treatment or domiciliary care at the request or on behalf of such Department. The minister shall at the same time furnish to the Chief Electoral Officer a statement giving the number of such persons in each of such hospitals or institutions as at the date aforesaid.

Mr. GUNN: There is just one point in connection with that, Mr. Chairman. You will observe that the requirement is that the Department of Veterans Affairs shall furnish the Chief Electoral Officer with the pertinent information respecting hospitals or institutions where 25 or more veteran electors are receiving treatment or care. There is an implication there that somebody in our department has got to decide as to the qualifications of a veteran elector. We would rather not do that. We would suggest that those words be struck out and that they be replaced by the word "persons."

Mr. MARQUIS: Any qualified elector is qualified by law and the law applies to everybody, including persons. You do not refer to those who are entitled to vote. I think that those words do not require the decision of any authority at the hospital because those who are qualified electors are those who come under the provisions of the law in general. The enumerators have to know the law, and when the enumerators have a register of the names they will have to apply the provisions of the law.

Mr. GUNN: The department is quite unready and ill-equipped to attempt to decide whether or not any individual patient in any one of its hospitals is or is not a veteran elector. It does seem to me that this is not within our jurisdiction but within the jurisdiction of someone else. We will certainly co-operate to the point of giving names of all persons in the hospital and having given the names it is up to somebody else rather than the hospital authorities. It seems to me it is placing responsibility on our department that should belong somewhere else.

The CHAIRMAN: Well, Mr. Gunn, as far as the mentally disabled are concerned, you are the one to decide whether they are electors or not.

Mr. GUNN: They are decided on, Mr. Chairman, if I may say so, as a matter of routine. They are in there for treatment and if our medical people decide the treatment requires them to be confined in a mental ward then it is a matter of routine. Having found them there, I doubt very much if the people who come around to enumerate them or to take their votes would ever consider taking the votes.

By Mr. MacInnis:

Q. Those mentioned in section 48 would not be in mental wards?—A. No.

Q. I think you will have to have the words "veteran electors" or "electors as provided by section 42".

Mr. Gunn: Supposing we make a mistake? Supposing we advise the chief electoral officer of the qualifications of some of those who are not British subjects.

Mr. Brooks: According to that section you do not give the names of these people, you give the number of them, and then the department comes and makes out their names. You would not say whether a man is qualified to vote, you would just say there is a certain number.

Mr. Gunn: That is exactly what I would like to do but you remember that we have in hospitals firefighters and Mounted Police and air-raid precaution workers, who are receiving treatment, and a lot of other people who are not veterans and that is why I say it is imposing a duty upon us to sort them out.

Mr. MacNicol: You would not have very many air-raid wardens because there were no air-raid wardens in this country.

Mr. Gunn: I am not sure but there may be some there still who received injuries during the war.

The Chairman: If we would substitute "person" for the words "veteran electors" would that simplify it?

Mr. Gunn: Yes, it would suit us.

The Witness: I have no objection to it.

The Chairman: Could I have a motion to substitute the word "persons" for the words "veteran electors" in section **48** to fall in line with the recommendation?

Mr. McKay: I will move that.

Mr. Brooks: Would "persons" satisfy what we want to get at? We want to get at the veterans in those hospitals who are entitled to vote and if they give it to "persons" they might be giving to maids and so on.

Mr. Gunn: People receiving treatment, Mr. Brooks, under the Department of Veterans Affairs.

The Chairman: The two lines immediately following would clarify it.

The Witness: "Twenty-five or more persons who are receiving treatment."

Mr. Marquis: In putting that this way they will be obliged to give a list of those who are mentally treated and there is provision in the law specifying that if you are mentally deranged you are not allowed to vote.

The Chairman: Well, Mr. Marquis, they are not compelled to give any list of names, they are just compelled by these regulations to give the list of the hospitals where there are more than twenty-five persons receiving treatment and so forth and it is up to the machinery which is provided by these regulations to make the enumeration.

Mr. Marquis: If there are thirty persons who are treated for mental diseases, according to that section, they will be obliged to include that hospital in the list as being one which has more than twenty-five patients, so the chief electoral officer will have the hospital on his list.

Mr. Barrow: Had Dr. Cathcart been asked a question on that I think he would have said that where we have mental patients in the provincial institutions we would not name the institution, but if we did, for the information of the chief electoral officer, we would show them in parenthesis because those patients in those institutions are not eligible to vote. We would disregard those but give the information in parenthesis. In our own two departmental hospitals, Westminster and Ste. Annes, we would show more than twenty-five patients.

Mr. Marquis: But it would not comply with the section as it is construed now because the section says "The superintendent shall afford all necessary facilities to persons—" you ought to put that word in "receiving treatment or dimiciliary care therein to cast their votes—" and so on.

Mr. BARROW: That is not in section 48.

The CHAIRMAN: Which section is that?

Mr. MARQUIS: Pardon me, I did not read the right section.

The CHAIRMAN: Is the statement of Mr. Barrow satisfactory? Now there is a motion by Mr. McKay that the word "persons" be substituted for "veteran electors" in section 48.

Mr. FRASER (Joint law clerk): "Such persons" would identify it.

The CHAIRMAN: "Or such persons."

Mr. MACNICOL: Yes.

Mr. HAZEN: Is it not persons as defined in section 42?

The WITNESS: It would read "Where twenty-five or more persons are receiving treatment or domiciliary care at the request or on behalf of such department—"

Mr. MACNICOL: Do you not need to say "veterans or such persons"? Why should you leave out the words "veteran electors"?

The WITNESS: "Twenty-five or more of such persons who are receiving—"

The CHAIRMAN: Now, Mr. McKay would you agree with this change in your motion?

Mr. MCKAY: Yes.

The CHAIRMAN: That the words "such persons who" be substituted for the words "veteran electors".

Is the amendment carried?

Mr. MACNICOL: Should it not read the other way? "Veteran electors or such other names as who are receiving treatment at the direction—"

The CHAIRMAN: I take it there are no others than veterans.

Mr. MACNICOL: I beg pardon?

The CHAIRMAN: The way this sentence is phrased there is no other person but veterans. It is designated in this because it will read as follows "With names and addresses of other hospitals or institutions where twenty-five or more of such persons who were receiving treatment or domiciliary care at the request or on behalf of such department."

Mr. MACNICOL: Yes, I see it.

Mr. GUNN: I do not see the object of the words "such persons" there, Mr. Chairman. It brings us right back to the point we are objecting to. Whether or not they are veteran electors, what we are prepared to do is to supply the chief electoral officer with a list of the hospitals and the number of persons then receiving treatment without distinguishing between friend and foe, and mind you, as Mr. Barrow points out, we will not include in our list those who are confined in mental wards without special note with regard to them being so confined.

Mr. HAZEN: I do not know whether Mr. Fraser has been following this but I would like to hear him. I am not very clear on it myself I must admit.

Mr. FRASER (Joint law clerk): It seems to me this section is confined to the intention of giving the vote to veterans who are undergoing treatment under the department. There has been some suggestion here, apparently, that it included staff but I do not see it. This is to be confined to veterans undergoing treatment that are described in the first part of it and I should think the words "such persons" would be proper phraseology to use there.

Mr. GUNN: That is exactly what we object to. The department objects to having to determine what is a veteran elector. We have a good many patients who are not even British subjects.

Mr. HAZEN: You know who the veterans are in your hospitals?

Mr. GUNN: We can find out at any particular moment by examining all our files. As I understand it, the purpose of this section is merely to supply the chief electoral officer with some idea as to the extent of his machinery requirements. He has to set up certain machinery to take care of the votes in a certain place and he knows that in a certain place there is a big hospital of ours with five or six hundred patients, and he develops his machinery accordingly. Then comes election day and he takes the votes of the persons who are qualified as veteran electors.

The CHAIRMAN: Now, Mr. Gunn, I would interpret the suggestion of Mr. Fraser as emphasizing the differentiation between veterans undergoing treatment and those who may be part of the staff.

Mr. GUNN: No, those are people who are receiving treatment, Mr. Chairman.

Mr. MARQUIS: "Such persons as are receiving treatment".

The CHAIRMAN: But I mean these words "of such persons receiving treatment or domiciliary care at the request of or on behalf of such department" would particularize in a better way, the class of veterans that is receiving treatment and not those who may be in the hospital, staying at the hospital for other reasons.

Mr. GUNN: No, I doubt if the purpose of the word "such" would meet that, it refers back to the previous section, 42.

Mr. FRASER (Joint law clerk): That is not the intention. It is referring back to the preceding "receiving treatment or domiciliary care on behalf of the department".

Mr. GUNN: Which line is Mr. Fraser looking at?

Mr. FRASER: The second last line.

Mr. GUNN: Oh, I was taking it in connection with the first one where "twenty-five or more persons" appears. Then coming down to the second last line, giving the number of such persons is quite all right.

Mr. GLADSTONE: Might it not meet the wishes of the department if you simply left out the word "electors"?

Mr. BROOKS: That is what I think. It would leave it "where twenty-five or more veterans were receiving treatment" and then "the minister shall at the same time furnish to the chief electoral officer a statement" and so on.

Mr. MARQUIS: Yes.

Mr. BROOKS: After all, it is the veterans we want not "persons".

Mr. GUNN: Veteran is not defined in the regulations.

Mr. HAZEN: You could put that in section 42.

Mr. GUNN: We would supply you or tell you how many beds we have in our institutions where patients are receiving care. I think that is all the chief electoral officer wants at the moment, in other words, our population receiving care.

Mr. MARQUIS: Do you object to the word "veteran"?

Mr. GUNN: It does put me in a quandary. They have people, as I said before, referring to our hospitals as I said before we have persons in our hospitals who are not veterans in the accepted sense of the word. Former members of the veterans affairs committee of the House will remember the decisions that were made then, that there are a good many different types of people who have served who are not regarded as veterans.

The CHAIRMAN: If I interpret the sense of the committee in the 7th line of that section the word "persons" could be substituted for the words "veteran electors"; and in the 11th line the words "such persons" could be substituted for "veteran electors".

Mr. GUNN: That would be better.

The WITNESS: Yes, it could be changed to read "25 or more persons."

The CHAIRMAN: Would you complete your motion, Mr. McKay, to include the change in line 11 also?

Mr. McKAY: Quite right.

The CHAIRMAN: Shall the section as amended carry?

Carried.

Nominating, appointment and oath of deputy special returning officers.

49. For the purpose of taking the votes of veteran electors at a general election, the Chief Electoral Officer shall appoint six deputy special returning officers in each voting territory. Two of such six deputy special returning officers 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 ten or more. Each deputy special returning officer shall be appointed on form No. 11 of these regulations and shall be sworn according to the said form No. 11 before a special returning officer, or a justice of the peace or a commissioner for taking affidavits in the province, to the faithful performance of the duties imposed upon him by these regulations.

Carried.

Nominating, appointment, etc., of additional deputy special returning officers.

50. If, after the date of the issue of the writs for a general election, it appears that the number of deputy special returning officers provided in the preceding paragraph is not sufficient to take the votes of all the veteran electors, in any voting territory, the Chief Electoral Officer shall appoint the additional number of deputy special returning officers required. Such additional deputy special returning officers shall be nominated in the same successive manner and, as near as may be, in the same proportion as prescribed in the preceding paragraph. Every such additional deputy special returning officer shall be appointed and sworn as prescribed in the said paragraph.

Carried.

Duties of deputy special returning officers.

51. The duties of deputy special returning officers shall consist of (*a*) attending at the office of the appropriate special returning officer when requested so to do by the Chief Electoral Officer; (*b*) familarizing themselves with the procedure to be followed in the taking of the votes of veteran electors; and (*c*) travelling in pairs from place to place, during the voting period prescribed in paragraph 53 of these regulations, as directed by the special returning officer, to take the votes of veteran electors, in compliance with these regulations. The duties of deputy special returning officers shall cease immediately after the Saturday preceding the date fixed as polling day.

Carried.

Designation of representative.

52. As soon as possible after a general election has been ordered, the Minister of Veterans Affairs shall designate an official to represent the Department of Veterans Affairs in dealing with the Chief Electoral Officer in the carrying out of these regulations.

Carried.

Period of voting.

53. The period of voting by veteran electors shall commence on the Monday next following nomination day, at a general election, and be concluded on the Saturday immediately preceding polling day, both inclusive.

Carried.

Days and hours of voting.

54. The voting by veteran electors shall take place in every hospital or institution where such voting is authorized by these regulations. Such voting shall continue only for such days or hours as may be necessary to take the vote of every veteran elector in the hospital or institution who is eligible to exercise his franchise at the pending general election. When all eligible veteran electors in a given hospital or institution have been given an opportunity of casting their votes, the voting in such hospital or institution shall cease.

Mr. GUNN: Mr. Chairman, I have some observations to make on behalf of the department in connection with these regulations. I may repeat what has already been said to the committee, that the length of time a patient stays in the hospital varies greatly. At the present time the average length of stay of a patient in our hospitals is from 24 to 28 days. If the writ is issued as it must be at least 60 days before an election the list that would be made out at any time during that interval would likely be quite obsolete by the time election day came along, and I question the value of such a list to the candidate or the Chief Electoral Officer. As a matter of fact, it may well be that such a list in the hands of an electoral officer or candidate might be confusing because it certainly would not be accurate, it might be quite inaccurate with the rapid change of population. Then, too, there are a number of electors who would come in in the interval. It would be a very difficult task for our administrative people to supply these lists with our depleted working staff these days. Then I make this remark having in mind the provisions of regulation 49 and 57, which I submit to you Mr. Chairman is ample protection against any skulduggery that might be practised on account of not having this list prior to election day.

The CHAIRMAN: Mr. Castonguay, would you care to comment on that?

The WITNESS: The main purpose of these lists will be to enable the special returning officer to prepare alphabetical lists of all the potential electors in his voting territory. But in view of the remarks made by Mr. Gunn and in view of the fact that the votes of Veteran electors will be taken by two deputy special returning officers representing different political parties I do not suppose any such lists of voters are of as great value as in the case of defence service electors. I have no objection to the striking out of the paragraph under discussion.

Mr. GUNN: Oh, that is section 56. I am sorry, Mr. Chairman; I spoke too soon.

Mr. GLADSTONE: Where there are indefinite numbers why could not lists be prepared with the provision for adding names on voting day so that the names of new arrivals could be added?

The WITNESS: A defence service elector or a veteran elector, does not need to have his name on any list to entitle him to vote during a voting period. The purpose of this list is simply to provide information to the office of the special returning officers, information that might be useful when the votes are being received and sorted to their electoral districts.

The CHAIRMAN: Shall the section carry?

Carried.

Advance notification to superintendent.

55. At least two days before a pair of deputy special returning officers are scheduled to attend at any hospital or institution to take the votes of veteran electors, the special returning officer shall notify the superintendent of such hospital or institution, and the superintendent shall forthwith post up a notice to that effect in conspicuous places in such hospital or institution.

Carried.

Mr. MARQUIS: Section 56 is withdrawn.

The CHAIRMAN: Yes, that is withdrawn.

Mr. HAZEN: What is going to be done? Are you going to have no lists of electors?

The WITNESS: The deputy special returning officers will go to the hospital and take the vote of all those who applied to vote while they are at such hospital.

Mr. BROOKS: Would they require any proof?

The WITNESS: Those electors would have to swear to a declaration in form No. 12; and the authorities of the hospital in taking the vote by deputy special returning officers will afford all the protection that is required. I might add that the lists as explained by Mr. Gunn, in the hospitals vary so much that a list issued to-day, in three weeks time would be obsolete. The Deputy Special returning officers will take the vote of those who are receiving treatment or care during the six days of voting. The preparation of the lists is almost an impossible proposition.

Mr. FAIR: Mr. Chairman, I would move that section 56 be withdrawn.

Mr. HAZEN: Just a second: the enumerators who prepare the lists will have to go and visit all the hospitals, as I understand it. I think under section 14 as we have it here he would get a list from hospitals where there are less than 25 persons?

The WITNESS: Yes.

Mr. HAZEN: They list the names in order to find out how many veterans there are there in order to get their names on the list and they will have to be instructed not to take down the names of veterans in hospitals where there are more than 25 voters in such a hospital. That is going to make some difficulty, is it not?

The WITNESS: I don't expect so. The returning officer will be advised of the names and addresses of the hospitals where no enumeration is to take place; and he will also be advised that according to the amendment to section 14 that in the other hospitals, if there are any veteran electors receiving care or treatment to enumerate them in the same manner as other civilian electors.

The CHAIRMAN: Section 56 is deleted.

Before whom votes to be taken.

57. The votes of veteran electors shall be cast according to the procedure set forth in these regulations before a pair of deputy special returning officers appointed pursuant to paragraphs 49 and 50 of these

regulations, and each pair consisting of persons representing different and opposed political interests.

Carried.

Posting up of card of instructions, etc.

58. In any place, and at any time during which veteran electors are casting their votes, the deputy special returning officers, before whom such votes are cast, shall cause at least one copy of the card of instructions, in form No. 13 of these regulations, to be posted up in a conspicuous place, or shown to every veteran elector as he applies to vote. The deputy special returning officers shall also keep one copy of these regulations, one book of key maps, one book of excerpts from the Canadian Postal Guide and one printed list of the names and surnames of candidates readily available for consultation by veteran electors.

Carried.

Procedure in mental cases.

59. No person as described in paragraph 42 of these regulations who, during the days or hours of voting, is confined by lawful departmental medical authority in a mental ward of any hospital or institution, shall be eligible to vote.

Mr. MARQUIS: That number has now been changed to section 43.

The CHAIRMAN: Carried as amended.

Incapacitated Veteran elector.

60. (1) If a veteran 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 deputy special returning officers 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 also in the presence of another veteran elector who is able to read and to write. Such other elector shall be selected by the incapacitated veteran elector.

Blind Veteran elector.

(2) The vote of a blind veteran elector may be taken in the same manner as the votes of other incapacitated veteran electors, as provided in the preceding subparagraph, or through the medium of a friend, who is also a veteran elector and who is acting at the request of the blind veteran elector. In such case the friend will be allowed to mark the blind veteran elector's ballot paper and deal with such ballot paper as directed in paragraphs 63 and 64 of these regulations in the presence only of such blind elector. No person shall at any election be allowed to act as the friend of more than one blind veteran elector.

Carried.

Voting by bed-ridden veteran electors.

61. Whenever deemed advisable, the deputy special returning officers shall, with the approval of the superintendent, go from room to room in the hospital or institution to take the votes of bed-ridden veteran electors.

Mr. MACNICOL: I read that section very carefully; how is that going to be done?

The WITNESS: Well, Mr. MacNicol in view of the manner in which these deputy special returning officers are appointed and in view of the fact that they will work in pairs I thought it unnecessary to recommend that representatives of political parties be allowed to be present when veteran electors cast their votes.

Mr. MacNicol: Oh, the deputy special returning officers work in pairs?

The Witness: The procedure laid down by these regulations prescribes that the vote of the veteran electors is to be taken not before one, but before two deputy special returning officers who are to be appointed by me, and who are to be nominated by the leaders of the various parties; and these deputy special returning officers work in pairs.

Mr. Hazen: Should that not be amended to read "officers" instead of "officer"?

The Chairman: Yes, I think your motion is in order.

The Witness: Yes, that should be amended.

The Chairman: Shall section 61 as amended carry?

Carried.

Declaration by Veteran elector.

62. (1) Before delivering a ballot paper to a veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in form No. 12 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 veteran elector's name, that he is a Canadian citizen or a British subject, that he was a member of either the naval, military or air forces during the war 1914-18 or during the war that began on the 10th of September, 1939, that he has been discharged from such force, that he has been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election and that he has not previously voted at such election. It shall also be stated in the said declaration the name of the place of ordinary residence in Canada, with street address, if any, as declared by the veteran elector on the date of his admission to the hospital or institution. The name of the electoral district and of the province in which such place of ordinary residence is situated may also be stated in such declaration. The deputy special returning officers shall cause the veteran elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be signed by both deputy special returning officers.

Warning to veteran elector and deputy special returning officers.

(2) At this stage, the veteran elector and the deputy special returning officers shall bear in mind that, as prescribed in paragraph 71 of these regulations, any outer envelope which does not bear the signature of both the veteran elector and the two deputy special returning officers concerned, or any outer envelope upon which a sufficient description of the place of ordinary residence of the veteran elector does not appear, shall be laid aside unopened in the office of the special returning officer, and that the ballot paper contained in such unopened outer envelope shall not be counted.

Carried.

Manner of voting of veteran elector.

63. After the declaration has been completed and signed by the veteran elector and the certificate thereunder has been signed by both deputy special returning officers, as prescribed in paragraph 62 of these regulations, the deputy special returning 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 family name of the candidate of his choice. The ballot paper shall then be folded by the veteran elector. When this has been done, the deputy special returning officers shall hand an inner envelope to the veteran elector, who shall place the ballot paper so folded in the inner envelope, seal such inner envelope, and hand it to the deputy special returning officers who shall, in full view of the veteran elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the veteran elector.

Carried.

Disposition of completed outer envelope.

64. (1) The deputy special returning officers before whom the vote of a veteran elector has been cast shall, as prescribed in the next preceding paragraph, hand the outer envelope containing the ballot paper to the veteran 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 veteran elector.

(2) The deputy special returning officers shall at the same time inform the veteran elector that his outer envelope must be received by the special returning officer to whom the envelope is addressed not later than nine o'clock in the forenoon of the day immediately following the date fixed as polling day at the pending general election, otherwise the ballot paper enclosed in such outer envelope shall not be counted.

Mailing of outer envelopes.

(3) Every such envelope despatched by ordinary mail in Canada shall be carried free of postage. Whenever it appears to be expedient to despatch an outer envelope by air mail, the necessary postage stamps will have to be affixed to such envelope by the deputy special returning officers before whom the vote is cast. The special returning officer shall, upon the receipt of a written request, refund to any deputy special returning officer the expenditure properly incurred in the purchase of such air mail postage stamps.

Carried.

Elector must vote only once.

65. No elector, whether veteran or defence service or civilian, shall be entitled, because of anything in these regulations contained, to vote more than once at a general election.

Carried.

Application of certain paragraphs.

66. The provisions of the paragraphs of these regulations, which apply to defence service electors, numbered 5 to 8, 18 to 20, 22 to 37 (1), and 39 to 41, shall not apply to the taking, receiving, sorting and counting of the votes cast by veteran electors.

Carried.

Now, Mr. Castonguay, what are the forms?

The WITNESS: Forms Nos. 11, 12 and 13.

FORM No. 11

APPOINTMENT OF DEPUTY SPECIAL RETURNING OFFICER
(Par. 49 and 50)

To.. .. ..whose address is.. .. ..

and whose occupation is.. .. ..

Know you that, pursuant to the authority vested in me under paragraph 49 of *The Canadian Defence Service Voting Regulations,* I do hereby appoint you as deputy special returning officer to take the votes of veteran electors receiving treatment or dimiciliary care in certain hospitals or institutions located in the voting territory consisting of the provinces of.. .. ..

Dated at Ottawa this.. .. .. ..day of.. .. .., 19.. ..

.. ..
Chief Electoral Officer.

OATH OF DEPUTY SPECIAL RETURNING OFFICER
(Par. 49)

I, the undersigned, appointed deputy special returning officer as above mentioned, pursuant to paragraph 49 of *The Canadian Defence Service Voting Regulations,* do swear (*or* solemnly 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 veteran elector has marked his ballot paper at the pending election, should I acquire any information with respect thereto during my tenure of office as such 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 *(or, as the case may be).*

Carried.

FORM NO. 12

DECLARATION TO BE MADE BY A VETERAN ELECTOR BEFORE BEING ALLOWED TO VOTE.

(Par. 62)

I hereby declare

1. That my name is ....
(Insert full name, family name last)

2. That I am a Canadian citizen or a British subject.

3. That I was a member of either the Naval, Military or Air Forces of Canada during the war 1914-18 or during the war that began on the 10th of September, 1939.

4. That I have been discharged from such Force.

5. That I have been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election.

6. That I have not previously voted as a Defence Service elector or Veteran elector at the pending general election.

7. That my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution, is at ....
(Here insert the name

....
of the city, town or village, with street address, if any, or other place of ordinary residence)

....
(Here insert the name of electoral district) *(Here insert name of province)*

I solemnly declare that the above statements are true in substance and in fact.

Dated at .... this .... day of ...., 19...

....
Signature of Veteran elector

Certificate of Deputy Special Returning Officers

We, the undersigned deputy special returning officers, hereby certify that the above named veteran elector did this day make the above set forth declaration.

Carried.

....
Signature of deputy special returning officer.

....
Signature of deputy special returning officer.

FORM NO. 13

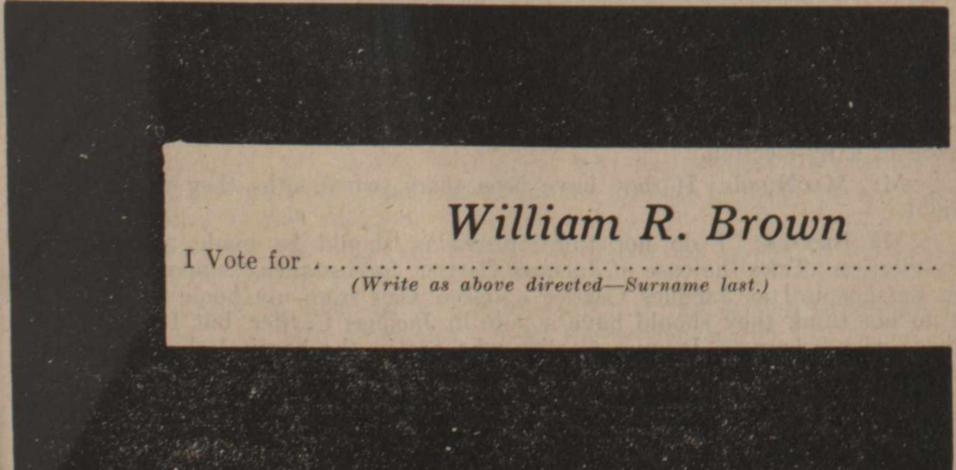
CARD OF INSTRUCTIONS (Par. 58)

A VETERAN ELECTOR IS ENTITLED TO VOTE ONLY ONCE AT A GENERAL ELECTION

1. A Veteran elector must vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of the ordinary residence as declared by the Veteran elector at the time of his admission to the hospital or institution.
2. During the days or hours of voting, a Veteran elector may cast his vote before two deputy special returning officers appointed by the Chief Electoral Officer for that purpose.
3. The deputy special returning officers shall require each Veteran elector to complete the declaration printed on the back of the outer envelope.
4. After the declaration has been duly completed and signed by the Veteran elector and the certificate printed thereunder is signed by both the deputy special returning officers, the Veteran elector shall be allowed to cast his vote in the following manner:
5. Each Veteran elector shall vote for only one candidate (unless he is entitled to vote in the electoral district of Queens, P.E.I., in which case he may vote for two candidates).
6. Upon receiving a ballot paper from the deputy special returning officers, the Veteran elector shall secretly cast his vote by writing in ink or with a pencil of any colour the name (or initials) and family name 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 Veteran elector shall place the folded ballot paper in the inner envelope which will then be supplied to him by the deputy special returning officers, seal such inner envelope, and hand it to the deputy special returning officers.
8. The deputy special returning officers shall then, in full view of the Veteran elector, place the inner envelope in the completed outer envelope and seal such outer envelope.
9. The deputy special returning officers shall then hand the completed outer envelope to the Veteran elector.
10. The Veteran 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 elector has marked his ballot paper for William R. Brown.

THE 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—Surname last.)

Now, gentlemen, will you please refer to section 5 of these regulations, subsection (2); that will be found on page 3. It is recommended that in the second line, after the word "woman" the following words should be added, "as described in the next preceding subparagraph."

> *Exceptions.*
>
> (2) Notwithstanding anything to the contrary in these Regulations contained, any person, man or woman, *as provided in the next preceding subparagraph,* who, prior to August 9, 1945, was a member of the Naval, Military or Air Forces of Canada and who, at a general election, has not attained the full age of twenty-one years, shall be entitled to vote under these Regulations.

I would ask Mr. Castonguay to explain this recommendation.

The WITNESS: The purpose of subparagraph 1 of paragraph 5 is to give a member of the forces who enlisted prior to August 9, 1945, and who is still in the forces, and has not attained the age of 21 years, the right to vote as a defence service elector.

Mr. MACNICOL: Sure. O.K.

The CHAIRMAN: Shall the subsection as amended carry?

Carried.

Now, gentlemen, we have the amendment to section 14 of the Act which we have discussed but which has not been put yet because it is an amendment to the Act and we have been on the regulations. You have already heard the subsection read. What is your pleasure?

Mr. MARQUIS: I move that it be adopted.

Carried.

The WITNESS: There is a question that is giving me some concern. These regulations provide for the taking of the vote of defence service electors and veteran electors at a general election, but there is no special provision for their voting at a by-election?

Mr. MARQUIS: It will be on the same level as other elections. You will apply the general law.

The WITNESS: Suppose there was a by-election in Jacques Cartier? I would like some clarification as to the right of the persons receiving care in that hospital to vote at a by-election.

Mr. MARQUIS: It is not for the committee to give direction.

The WITNESS: The direction might be given in the Act. I was going to suggest that they should be entitled to vote at such by-election.

Mr. MARQUIS: I think, Mr. Chairman, that in this particular case the inmates of the hospitals are governed by the general law and their ordinary residence gives them the right to vote in the constituency where they are at the time of the by-election if they are permanently residing there. If they are not permanently residing there I presume that they will not have any right to vote in a by-election.

Mr. MACNICOL: If they have been there two months they will have the right.

Mr. BROOKS: I do not think provision should be made to vote at a by-election. Take the case of Jacques Cartier, for instance. Suppose there were in the hospital at Jacques Cartier a dozen men from my home constituency. I do not think they should have a vote in Jacques Cartier, but I assume that those who belong to Jacques Cartier who are in the hospital should have the right to vote.

The WITNESS: The same thing applies to Christie Street Hospital.

Mr. Brooks: Would not they be resident there and would not they be entitled to vote?

The Witness: I am told in the by-election that is now taking place in Halifax the servicemen are claiming the right to vote just as if they were full-fledged residents of that electoral district.

Mr. Marquis: There should be a proviso in the law, not for Halifax, but for any by-election in the future, in order to prevent those people from voting in the constituency where the hospital is located, except in the case where persons are ordinarily resident there.

The Chairman: Mr. Castonguay has prepared two amendments, one of which concerns defence service electors and the other the veteran electors. The first would be an addition to section 14, and would be subsection (6), and that would read as follows:

> (6) A defence service elector, as defined in paragraph five of The Canadian Defence Service Voting Regulations, shall be entitled to vote at a by-election only in the electoral district in which is situated his place of ordinary residence as defined in paragraph seven of the said regulation.

Mr. Marquis: I think that is a principle we should agree on.

The Chairman: If the committee is agreeable to this subsection I will require a motion.

Mr. Marquis: I will so move.

The Chairman: It is moved by Mr. Marquis that section 14 be amended as I have read.

Carried.

The same section 14 would be amended by adding subsection (7) as follows:

> (7) A veteran elector, as defined in paragraph forty-two of The Canadian Defence Service Voting Regulations, shall be entitled to vote at a by-election only in the electoral district in which is situated his place of ordinary residence as declared by such elector at the date of his admission to the hospital or institution in which, at the time of the by-election, he is receiving treatment or domiciliary care under the Department of Veteran Affairs.

Mr. MacNicol: That is all right.

Mr. Hazen: There is a case in St. John that I wish to refer to. It is a veterans' home. The veterans practically go and live there the rest of their lives. I understand some of them are getting old and that they have no other place to go; it is their home. Now, they have been there many years and probably intend to spend the rest of their lives there. That is their real residence. This is going to keep those people from voting.

Mr. MacNicol: They vote in the by-election in the riding in which their home is.

The Chairman: Mr. Hazen, I think if that has become their ordinary residence they are residing in that district for the purpose of an election. They are not debarred by this addition.

Mr. MacNicol: No, they are not. If a by-election occurs in the riding where their home is they vote.

The Chairman: It is moved by Mr. Marquis that this section 14 be further amended as has just been mentioned. Shall the section carry?

Mr. Hazen: No. It says, ". . . his place of ordinary residence as declared by such elector at the date of his admission to the hospital or institution. . . " Now, he may have been admitted to that hospital or institution many years ago, and when he was admitted he said that his residence was so and so.

The CHAIRMAN: But his residence has since been changed. He is living at this home now, and he is going to be there for the rest of his life. His chief interests are where he is living.

Mr. MARQUIS: Perhaps we might take the same wording as drafted in the preceding amendment?

Mr. BROOKS: Could you not take the words "in the electoral district in which is situated his place of ordinary residence . . . at the time of the by-election", and strike all the other words out?

Mr. MARQUIS: Yes, I agree to that.

The CHAIRMAN: Would you amend your motion, Mr. Marquis?

Mr. MARQUIS: Yes, with pleasure.

The CHAIRMAN: Would you give the new wording of the motion?

Mr. MARQUIS: Well, Mr. Brooks can do that better than I can.

Mr. BROOKS: I suggest:

> (7) A veteran elector, as defined in paragraph forty-two of The Canadian Defence Service Voting Regulations, shall be entitled to vote at a by-election in the electoral district in which is situated his place of ordinary residence at the time of the by-election.

Strike out all the words after "residence" down to the word "at". Strike out the words "as declared by such elector at the date of his admission to the hospital or institution in which." I would like to hear Mr. Castonguay's reaction to that.

The WITNESS: That appears to be all right.

The CHAIRMAN: Shall the motion presented by Mr. Marquis as amended by Mr. Brooks carry?

Carried.

Mr. KIRK: Mr. Chairman, I would like to ask one or two questions if I may. Due to the fact that I have missed some of the meetings and perhaps because of impaired hearing I do not recall who has been definitely defined as a veteran. Is it anybody belonging to the Canadian Legion or the B.E.S.L., or someone who has been in uniform for one day?

The CHAIRMAN: Those who are qualified to take advantage of these regulations for voting are defined in section 42.

Mr. KIRK: Is it defined there clearly so that there will be no argument? What about hospitals? There are a lot of soldiers convalescent.

Mr. MACNICOL: They are all covered.

The CHAIRMAN: The Department of Veterans Affairs is taking the responsibility of supplying the chief electoral officer with a list of any such hospitals under the administration of the department or other hospitals where there are at least twenty-five veterans being treated.

Mr. KIRK: Where there are less than twenty-five what happens? Take the case of a convalescent home where there are two, three, four or five veterans who may be there for the rest of their lives but who are not under the administration of any hospital?

The CHAIRMAN: They will vote as ordinary civilians.

Now, gentlemen, we are practically through with our work. I would ask your indulgence so we can conclude our work to-night. We still have under consideration a motion by Mr. Zaplitny to amend section 107 of the Act. This motion reads as follows—

Mr. ZAPLITNY: Mr. Chairman, may I point out that there are three words which I inadvertently left out. In the first line after "shall" there should be included "in any province". That is not a change.

The CHAIRMAN: This motion would read as follows:

> That section 107 of the Dominion Elections Act, 1938, be deleted, and the following substituted therefor:—
>
> No person, company or corporation shall in any province publish the result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, newspaper, news-sheet, poster, billboard, handbill or in any other manner, before the closing of the polls in such province; or transmit such results of polling by radio, telegraph or telephone from one province to another or outside Canada before the polls have been closed in all provinces.

Is there any particular objection to this motion, Mr. Castonguay?

The WITNESS: Well, take Nova Scotia, for instance. No broadcasting could begin until 10 o'clock at night of the result of the voting in Nova Scotia, and in Quebec and Ontario no broadcasting of results could take place until 9 o'clock at night. I made inquiries at the American Embassy and I was informed that in the United States no restrictions of any kind are prescribed on the broadcasting of voting results on the evening of the election; that in states where the poll closes three hours earlier than in other states. The results are broadcasted throughout the whole of the United States as soon as they are available.

Mr. MACNICOL: Still, I think we should prevent the broadcasting of results if we can possibly do so. I remember an election—say two elections ago—when the results in Nova Scotia were overwhelmingly in favour of the government—I am not mentioning any government—and that information was sent out to British Columbia in time to probably affect the election in British Columbia, with the result that B.C. went altogether different to what the B.C. people thought it would go.

Mr. BROOKS: Mr. Castonguay's point is this, that in provinces such as Nova Scotia and New Brunswick the people would have to sit and wait from the time the poll closed until 10 o'clock at night before they could find out how the election was going in their own province; and if the results are broadcast in your own province the results are going to be picked up in other provinces.

Mr. ZAPLITNY: There is nothing to restrict election results from being transmitted by telephone or telegraph.

Mr. BROOKS: It says "by any other method".

Mr. ZAPLITNY: No, but within the province itself. The only restriction will be, as Mr. Castonguay pointed out, that it will not be possible to broadcast the results until the polls are closed.

Mr. BROOKS: There would be bitter opposition to that from the people in the eastern provinces. They are not going to sit around their radios from the time the poll closes until 10 o'clock before they can get any report on the election in their own province. At least, I do not think they are.

The CHAIRMAN: Mr. Hackett, you have had a lot of experience with elections; what are your views?

Mr. HACKETT: I have had a lot of experience in learning that my opponent had more votes than I. I have not been in attendance at most of the sittings of this committee. However, I do not see how this could be made effective. The interest of the electors in the results is such that I think the information would be bootlegged if it could not be got legitimately. I have always thought it is unfortunate to make laws that cannot be enforced.

Mr. HAZEN: I think the whole point is whether or not we could get a regulation that can be enforced. If we could get such a regulation I would be in favour of this motion. I know that the people in the east would complain if they could not get the news after the polls close, and they will get it by telephone. If they did complain—and there are good reasons for doing this—and they got the information the result of the election in the east might very well influence the electors before they cast their votes in the west. I can see good reasons for doing this, but the whole point is: Can we bring in a regulation that cannot be got around, owing to the fact that we are in close proximity to the United States?

The WITNESS: There is a provision in the Act which prohibits broadcasting of results from one province to another. It is prohibited in section 107. Of course, it is always possible for an amateur transmitter—it is in fact possible for an amateur transmitter in the east to contact a person in British Columbia, and inform such person of the early results of the voting in the east, but when that western person gets that message what is he going to do with it? He cannot broadcast it in British Columbia; he cannot publish it in the newspapers or by handbills.

Mr. MACNICOL: The news can get around Vancouver by word of mouth pretty fast.

The WITNESS: Yes, but the person in the east would have to wait a couple of hours to give a picture of what is taking place. He could not do that until two hours after the polls are closed. In Vancouver there would be two hours before the close of the polls.

Mr. MACNICOL: In my riding we know an hour after the polls are closed. I know whether I am going to be elected or not in an hour after the polls have closed. The first returns coming in give an indication of what is going on. So if the first returns from Nova Scotia and New Brunswick gave an overwhelming vote against the government the impulse of the opposition party would be to get that news to British Columbia as rapidly as they could that the maritime provinces were strongly opposed to the government and that would have an effect on British Columbia.

Mr. HAZEN: It is against the law to do that now. It says that no person in any province shall publish the result of the polling in any electoral district until the polls are closed in that province.

Mr. ZAPLITNY: There is nothing to prevent a person from publishing the result after the polls close in his province. That is what I am trying to prevent.

Mr. HAZEN: It is against the law to publish the result in any other province.

Mr. HACKETT: It seems to me that if we think this is so important it might be better to consider the possibility of beginning the voting at an earlier hour in the west.

Mr. MACNICOL: I thought that was in the Act, that the west would vote one hour earlier than the east.

The WITNESS: It was discussed for two or three sittings in 1937, but they compromised on this section 107.

Mr. MACNICOL: What times do the polls open and close in Nova Scotia?

The WITNESS: From 8 to 6.

Mr. MCKAY: Mr. Chairman, this is a very important subject and I do not think we can come to a conclusion on it to-night. I suggest that we adjourn now and discuss this matter on Tuesday. It has been discussed in this committee on two preceding occasions, and I am not prepared to stay here until 7 o'clock to discuss it further to-night; I have to be in the House then. I think a continuation of this discussion would lead to that hour and I think this matter is deserving of serious consideration and should get it from this committee. I do not think we are in a position to give it that consideration now.

The CHAIRMAN: I have not the least intention of trying to curtail the debate. If the committee is agreeable to hold another sitting for the purpose of studying this particular point that is fine.

Mr. MARQUIS: I have another matter to bring before the committee anyway.

The CHAIRMAN: Are we agreed to sit next Tuesday at the same hour, 4.00 p.m.?

Agreed.

The meeting adjourned at 6.05 p.m. to meet again next Tuesday, June 24, 1947 at 4.00 p.m.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 16

TUESDAY, JUNE 24, 1947.

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,

Tuesday, June 24, 1947.

The Special Committee on The Dominion Elections Act, 1938, met at 4.00 o'clock p.m. Mr. Paul E. Coté (*Verdun*), Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Brooks, Coté (*Verdun*), Fair, Fournier (*Maisonneuve-Rosemont*), Gladstone, Hazen, Kirk, MacInnis, MacNicol, Marier, McKay, Stirling.

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

Mr. Castonguay was recalled and questioned.

The Committee resumed and concluded the adjourned debate on the proposed motion of Mr. Zaplitny to amend section 107 of The Dominion Elections Act, 1938.

And the question being put, it was resolved in the negative.

On motion of Mr. Stirling,—

Resolved,—That section 107 be amended by inserting after "result" in the third line the words "or purported result".

By unanimous consent the Committee agreed to reconsider section 4 of the said Act.

On motion of Mr. MacNicol,—

Resolved,—That section 4 of the said Act be amended by substituting for the word "eight" the word "ten" in the ninth line thereof.

The Chairman announced that the Committee had completed its study of The Dominion Elections Act, 1938, and of proposed amendments thereto, and that the Steering Committee would now proceed to draft a report for consideration by the main committee.

Messrs. MacInnis and Stirling were supported by other members in voicing appreciation and thanks for the manner in which the Chairman had conducted proceedings. Mr. Brooks paid tribute to the Chief Electoral Officer, the D.V.A. and Committee officials for the assistance rendered.

On behalf of himself and the various officials, the Chairman thanked the Committee for the words of appreciation and in turn expressed his thanks to the members for their co-operation.

At 5.40 o'clock p.m., the Committee adjourned to meet again at the call of the Chair.

ANTOINE CHASSE,
Clerk of the Committee.

MINUTES OF EVIDENCE

House of Commons,

June 24, 1947.

The Special Committee on the Dominion Elections Act met this day at 4 p.m. The Chairman, Mr. Paul E. Coté, presided.

The Chairman: We adjourned our last meeting while we were considering a further amendment to section 107 of the Act. I have before the chair a motion by Mr. Zaplitny to substitute a new section for section 107. This amendment reads as follows:—

> That the Dominion Elections Act be further amended by deleting therefrom section 107 and substituting therefor the following:—
>
> > 107—No person, company or corporation shall in any province publish the result of the polling in any electoral district in Canada whether such publication is by radio broadcast, newspaper, newssheet, poster, billboard, handbill or in any other manner, before the closing of the polls in such province; or transmit such results of polling by radio, telegraph or telephone from one province to another or outside Canada before the polls have been closed in all provinces.

Mr. Brooks: Just how could they publish the results of any poll in a province before the closing of the polls in that province? The results of the polls would not be known until the polls closed. It seems to me that is rather silly.

Mr. Marier: Unless there is a different hour in certain parts of the province.

Mr. Brooks: The provinces are all the same.

Mr. Marier: Is there any province where there is standard time?

Jules Castonguay, Chief Electoral Officer, recalled.

By Mr. Fournier:

Q. Is there any province within the limits of which there is a difference in time?—A. There is Saskatchewan but an amendment has been adopted whereby the polls will open and close on the same time zone.

By Mr. MacNicol:

Q. When will the polls close in British Columbia? According to the Act when do they open now in New Brunswick?—A. The polls open and close in British Columbia at 8 a.m. and 6 p.m.

Q. And the same in New Brunswick?—A. The same in Nova Scotia and New Brunswick.

Q. What is the difference in the hours?—A. Four hours.

Q. What is the difference in Ontario?—A. In Ontario polls open at 8 a.m. and close at 6 p.m. but the difference in time with B.C. is three hours.

Q. In Ontario?—A. Yes.

Q. In Ontario?—A. In Ontario the polls open and close three hours earlier than in Vancouver.

Q. I mean with regard to New Brunswick. There would be a difference of one hour?—A. In New Brunswick there will be a difference of one hour as compared to Ontario.

Mr. GLADSTONE: But the time changes at Fort William also.

Mr. MACNICOL: On the night of an election in Toronto the radios are giving out news. I know when the final vote is counted in my own riding they have it down town. They broadcast it on the radio. They give us news for all ridings in Toronto. I suppose they try to give the news for down east, too. I have forgotten that. It is a pretty hard job to control it.

The CHAIRMAN: Gentlemen, if it is agreeable we will adjourn for a few minutes. There is a vote in the chamber. I would ask the members to come back as soon as the vote is over.

—The committee adjourned temporarily.

—On resuming after recess.

The CHAIRMAN: To assist in our consideration of the amendment which we have before us I think that it would be worth while to make a concrete application of section 107 as we now have it in the Act. I have given much thought to this matter and I think that suggestion would be helpful. If you will allow me I will read section 107 as it is in the Act and apply it specifically to British Columbia. That may help our consideration of the amendment. This is section 107 as it appears in the Act at page 288, and which I will apply to British Columbia.

> "No person, company or corporation shall"—in the province of British Columbia—"before the hour of closing of the polls"—in the said province of British Columbia—"publish the result of the polling in any electoral district in Canada, whether such publication is by radio broadcast or by newspaper, news sheet, poster, billboard, handbill or in any other manner."

Personally I believe that covers the situation fairly well. The amendment that Mr. Zaplitny has moved would also make it an offence to transmit any election results of some other province before the closing of the polls in British Columbia or any other province.

Mr. FAIR: If you will apply the other part of it and cross to the Maritime Provinces I think you will get what Mr. Zaplitny has been trying to avoid, the publication of the returns in the Maritime Provinces and the later transmission to the province of British Columbia or the other western provinces. That is what he is trying to get away from. You started at the wrong end of the country. You started at the west coast instead of the east.

The CHAIRMAN: I may not get the whole purpose of this amendment in trying to figure out what it purports to be. From my own interpretation I would believe it does not add anything to section 107 except that it makes an offence of something which it is pretty hard to control, the transmission of the news.

Mr. FAIR: I admit there is a difficulty there, and I do not know whether it is practical.

By Mr. MacNicol:

Q. May I ask the Chief Electoral Officer in reference to the last election if there was any trouble in British Columbia or any of the western provinces over the results in the maritime provinces? Did that have any effect?—

A. Section 107 was enacted in 1938 and was, therefore, in force at the general elections of 1940 and 1945. I have not received a single complaint that the section did not operate satisfactorily in the west or in the east.

Mr. MacNicol: On the last occasion I remember very well that this matter took a lot of study just the same as it has done in this committee. After a lot of careful study section 107 appears as we passed it. The more I read it over the more I cannot see how we can change it with any benefit. Last time we did stagger the hours but changed that afterwards because of the protest in the House of Commons principally by the British Columbia members. They protested bitterly against the staggering of the hours and the House of Commons sustained them. Having all that in mind I am going to move an amendment that section 107 carry as it is.

Mr. McKay: There is an amendment already.

Mr. Brooks: You do not need an amendment.

Mr. Marier: There is an amendment by Mr. Zaplitny.

The Chairman: I think it would suffice to vote on the motion.

Mr. McKay: Just before you do that I think Mr. MacNicol asked the Chief Electoral Officer whether there were any complaints or whether or not there was any trouble in British Columbia with regard to the closing of the polls as they do now after the returns come in from the eastern provinces. I think it is a very difficult thing to ascertain whether or not there would be any votes influenced by that particular situation, but I can give a concrete illustration now to show that there was not any doubt as to whether or not there was certain influence brought to bear on the voting before voting had closed.

In my own constituency there was a parade organized by a political party, which I shall not name, before our polls were closed. The parade was organized because returns were coming from the east indicating a sweep. No one can tell me that did not have some effect upon the last hour or so of voting. I think that illustration in itself has some little significance at this time.

Mr. MacNicol: We could add a section to this prohibiting that.

Hon. Mr. Stirling: Surely it is to right that wrong we are striving to find the wording. What I am not convinced about is that this wording is better than the wording in the Act. We have had this year after year.

The Chairman: That was my whole point. I am not pronouncing myself on the point which is involved in the amendment presented by Mr. Zaplitny, but I do not see any such difference in the drafting of the amendment and the drafting of the section as it is in the Act that will add a greater guarantee against the abuses of which we are complaining. If you read the amendment as it is in the light of the particular case which you have given to the committee I do not think that carrying that amendment would settle the difficuly which you have mentioned.

Mr. MacNicol: Would not these words "or in any other manner" prohibit the forming of a parade?

Mr. McKay: The parade itself is not the significant thing. The thing I was trying to get at was to show that the returns were coming through to the western provinces before our polls were closed. The parade had no particular significance except as an illustration of that fact that the returns were there and they knew what was happening in the east. Naturally they were enthusiastic about it and were engineering parades. I do not find any fault with that, but I am using that as an illustration of what can happen.

The Chairman: For my information can you tell us how the news reached your province?

Mr. McKay: I do not know that, Mr. Chairman, I was pretty well occupied at the time. I expect it came by radio but maybe it came by telegraph.

The Chairman: That is already covered in the Act.

Mr. McKay: You mean now.

Mr. Marier: Yes, from one province to another. What you suggest is already in the Act. If you will read through it again you will see that it is there. As Mr. Stirling says there is no improvement in your motion.

Mr. Brooks: The result of the polls in Nova Scotia could be sent to Edmonton, for instance, but this Act says that it cannot be published in Edmonton until after the polls close. It does not prohibit the sending of that information before that time.

The Chairman: There is another point, Mr. Brooks. We would be tying up all the news agencies.

Mr. Brooks: I am not advocating it at all.

The Chairman: Without expressing any opinion, but just discussing that along the lines you are, if we forbid the transmission of news it means that no news agency will be allowed to receive election results before the closing of the polls in British Columbia.

Mr. Brooks: Yes.

The Chairman: So there will be an accumulation of news coming to the news agencies at the same time from all over Canada and it will be a bottleneck.

Hon. Mr. Stirling: The difficulty is to stop it. Speaking from my own experience I know that an individual in one of the maritime provinces telegraphed the results to an individual in my town, and that individual was all prepared to take some action, I do not say a parade, but similar action to that which Mr. McKay mentioned. Now I cannot see how you can use any wording in the Act that will enable that sort of thing to be stopped.

Mr. MacNicol: They might send the message by telephone or telegraph using secret words.

Hon. Mr. Stirling: Yes, they can get around any prohibition of the use of the wires. It could be done by telephone by a species of code. Two friends might agree on certain words and I do not see how you can stop it. In addition I do not like putting into Acts provisions which you cannot enforce.

Mr. McKay: There is just this, Mr. Chairman. A technicality may creep in here, but a person who wires another individual does not necessarily publish it. That wire is secret until such time as the individual publishes it. It definitely states in section 107 that no person shall before the hour of closing of the polls in any province publish the result of the poll. The person who receives the wire may not publish it.

Mr. Brooks: The mere sending of it is publishing it.

Mr. McKay: Even although it is a secret wire?

Mr. Brooks: Yes, it is, in law; it is publishing it.

Mr. McKay: Well I would not want my wires published. I consider a wire secret unless the individual who receives it publishes it.

Mr. MacNicol: We had all this the last time. It was exactly the same thing all over again.

The Chairman: Yes, well I have also gone over the evidence of the committee of 1937 and 1938 on this very point and it was given much attention. It was finally decided that 107 as it is now was the only possible solution that could be found.

Mr. MacNicol: We did, as I say, stagger the hours, but the B.C. members were the ones that fought hardest in the House.

The CHAIRMAN: Would you like me to read the motion about staggering the hours at that time?

Mr. MACNICOL: Yes.

The CHAIRMAN: In 1938 the following motion was adopted and formed part of the recommendations of the committee to the House "Section 31 of subsection (5). In the province of Nova Scotia, New Brunswick, and Prince Edward Island, the poll shall be open at nine o'clock in the forenoon and kept open until seven o'clock in the afternoon. In the provinces of Quebec, Ontario and Manitoba the polls shall be opened at eight o'clock in the forenoon and kept open until six o'clock in the afternoon. In the provinces of Saskatchewan, Alberta, British Columbia, and in the Yukon Territory, the polls shall be opened at seven o'clock in the forenoon and kept open until five o'clock in the afternoon. Each deputy returning officer shall in the polling station assigned to him receive in the manner herein prescribed the votes of the electors duly qualified to vote at such station".

That was the recommendation of the committee which had been carried by a vote of twelve to three.

Mr. HAZEN: What year was that?

The CHAIRMAN: 1938. It was turned down in a recorded vote of the House by a vote of seventy-five to thirty-six on a motion by Mr. Reid.

Mr. MACNICOL: Yes, Tom Reid of British Columbia.

Hon. Mr. STIRLING: The two objections which arose were (1) the five o'clock would militate against the factory workers and so on in connection with their vote, and the objection in the Maritimes was that they had been accustomed all these years to such and such closing hours and they would never get their people to vote if it was changed.

Mr. BROOKS: That was not necessarily it. One of the chief objections I think, was to the closing at seven o'clock. People, especially in the rural communities, would go home at six o'clock, or expect to go home at six o'clock, and do their chores on the farm and have their supper. That was the whole objection there.

The CHAIRMAN: I saw that you took part in the discussion in the House along those lines Mr. Brooks.

Mr. MACNICOL: There would be only one other way of overcoming the problem. Either stagger the hours or make election day a holiday, which is, of course, very objectionable.

Mr. BROOKS: The farmers cannot take holidays.

The CHAIRMAN: Now, Mr. McKay, in the present Act the words "in any other manner" are pretty wide. Would you care to add some other type of publications which are not specifically mentioned in the Act and which would add to the guarantees which this section is providing. That might be more in order.

Mr. MACNICOL: Perhaps Mr. Fraser has something to add, he has been listening to this.

Mr. MCKAY: My contention was that a telephone message or a telegraph message was not necessarily publication. I think the wording indicates that. These are all publications here, news sheets, posters, handbills and so on. If anyone thinks the adding of "telephonic or telegraphic communication" would strengthen this submission, I would be glad to add it. I am not holding any particular brief for the amendment as worded by Mr. Zaplitny except that I would like to see the section strengthened.

The CHAIRMAN: I understand your point and I would be inclined to share in whatever measure could be taken towards that aim.

Hon. Mr. STIRLING: Would it help to put in the words "transmit or publish"?

Mr. McKAY: That might strengthen it.

Hon. Mr. STIRLING: What would be Mr. Castonguay's views on that? Would it strengthen it?

Mr. CASTONGUAY: "Transmit" might mean the press agencies would have to wait for the closing of the polls in British Columbia before they could transmit the results from the maritimes, Quebec and Ontario and there might be very serious objection raised as to that if section 107 prohibited the circulation of reports received by telegraph or telephone, . . .

Mr. McKAY: That might help it.

The WITNESS: You might make this a prohibition, then those who did circulate results would be breaking the law.

Mr. BROOKS: How about those who might transmit it to the United States and then transmit it back to Canada. Would that cover it?

The CHAIRMAN: This is not so much the transmission as the circulation of information which is prohibited.

Mr. MARIER: The objection is not to the transmission, it is to the publication, so the people may know what the result of the vote is.

The WITNESS: If disclosure of personal telephone or telegraphic communications was prohibited along with the publication of results, it might help.

The CHAIRMAN: Could we have the word "circulate" or a word of that type after the word "publish" in the third line?

Mr. MARIER: "Publish" has wide applications.

Mr. McKAY: Publish or circulate the results of a poll.

Hon. Mr. STIRLING: Does "circulate" add anything to the word "publish"?

Mr. McKAY: "Publish" seems to apply to these particular publications.

Hon. Mr. STIRLING: It ends up with "in any other manner."

Mr. MACNICOL: I cannot see how you can improve it a bit. I think we should keep what we have. Might I ask, through you, Mr. Chairman, to Mr. Castonguay the origin of this section 107; wasn't that through the reports from the maritimes having been sent to British Columbia in some election, I have forgotten which one, which had a very marked effect on the voting in B.C.; it was circulated all over the B.C. that the maritimes had gone solid such-and-such.

The WITNESS: There was a discussion in the committee about the 1925 and 1930 general elections. It was represented that in the 1930 election one of the members took objection to the early reports from Nova Scotia which stated that the government was leading in a majority of seats, and in 1925 it was the opposite.

Mr. MACNICOL: It was said that in 1935 if it had not been for the fact of the maritimes result being circulated in British Columbia, Arthur Meighen would have been Prime Minister.

The WITNESS: I believe that it was in 1925; yes.

Mr. MACNICOL: Yes, I meant 1925.

The WITNESS: In those days the papers used to issue extras and they used to be published right and left in Vancouver and all the centres in the west, but section 107 stopped all that type of publication.

Mr. McKAY: That is definitely prohibited now?

Mr. MACNICOL: Yes.

The CHAIRMAN: Are you ready for the question, gentlemen? The question is on the amendment of Mr. Zaplitny. All those in favour please say "aye"; those opposed "nay".

I declare the motion lost.

Mr. MACNICOL: That means the amendment is lost?

The CHAIRMAN: Yes, and section 107 as it is, stands.

Mr. FRASER: May I make a suggestion? I know you want to improve this section as much as possible. I suggest that there is considerable confusion as to what construction would be put on the word "result" as it now stands in section 107. Knowing the sense of the committee and what they are endeavouring to prevent, I doubt very much what construction will be put upon the word "result", the result of an election, the result of a poll; but some effect would be given to the publishing of what would be a purported result which might not be a result, they might not wait for the result. An organization or a person might pass the word on from one person to another or from one electoral district to another in a province that such-and-such a result had taken place. It might not be the result at all. The Act says "to publish a result"; a person might reply that he did not publish a "result".

Hon. Mr. STIRLING: Issuing false information in other words?

Mr. FRASER: Yes. I would say for purposes of clarification you might put in there the words "or purported result".

Mr. GLADSTONE: Often word goes out that so-and-so is leading in a certain constituency. That would not be a result, it would be a direction of the trend as indicated up to that time.

Mr. FRASER: But that would not be the result of a poll.

Mr. BROOKS: No, it would not be a final result of the polling. The result of the poll is the final counting of the vote polled.

The CHAIRMAN: Could you not use the word "information"; the "result of", and "any information"?

Mr. BROOKS: I think what Mr. Fraser says is good; "result, or purported result" would cover it.

Hon. Mr. STIRLING: I would so move.

The CHAIRMAN: Mr. Castonguay do you think this would add strength to the section?

The WITNESS: Both the result and the purported result are prohibited, there could not be any publication of either.

Mr. GLADSTONE: What is the meaning of "purport"? Isn't that the partial rather than the final result?

Mr. BROOKS: I think what Mr. Fraser means is this, that out in British Columbia they might receive the result of an election—someone sends word of what purports to be the result, we will say, of an election in New Brunswick, that the election has gone one way or that the election in the maritimes has gone a certain way. While that is not of itself the final result, it is a purported result, and it might have the same effect as a result.

The CHAIRMAN: Mr. Stirling moves—

Hon. Mr. STIRLING: That we add the words "or purported result" after the word "result" in the third line.

The CHAIRMAN: What is your pleasure, gentlemen?

Carried.

Is there any other point you wish to bring before the committee?

Mr. Marier: Mr. Chairman, there is one. If you will refer to section 4 of the Electoral Act you will find in the last part of the first paragraph of that section that the salary of the Chief Electoral officer is fixed at $8,000 per annum. I understand we have amended the clause concerning the assistant chief electoral officer to increase his salary. I think we should, perhaps, make some recommendation modifying clause 4 to permit the increase of the salary of the chief electoral officer to equal the salary of a deputy minister.

The Chairman: I understand, Mr. Marier, from what you say that the purpose of your suggestion—

Mr. Marier: There is a ceiling on his salary now.

The Chairman: The purpose of your suggestion would be to remove the ceiling on the salary of the chief electoral officer because there has been a revision in the salary of the assistant chief electoral officer. Is that the purpose of your suggestion?

Mr. Hazen: How does this section now read concerning the assistant chief electoral officer?

The Chairman: This section will be found at page 281 of the minutes of evidence.

Mr. Hazen: I do not know about this. The salaries of the judges of our Supreme Courts are fixed by law, I think. This section fixes the salary of the chief electoral officer and it says that he shall hold office for the same tenure as, be removable only for cause and in the same manner as, and be entitled to superannuation on the same conditions as, a judge of the Supreme Court of Canada. If we fixed the salaries of the judges of the Supreme Court of Canada, why should we fix the salary of the chief electoral officer?

The Chairman: As I understand Mr. Marier's remarks, it is not his intention to advocate any increase in the salary of the chief electoral officer, but to give to the Governor in Council all the necessary latitude to consider an increase if it is deemed advisable.

Mr. Hazen: We did not do that in the case of our judges.

Hon. Mr. Stirling: What is the wording?

The Chairman: In the Act?

Hon. Mr. Stirling: In subsection (3) of section 6, which deals with the salary of the assistant chief electoral officer and which was amended.

The Chairman:

> (3) In the classification of the Civil Service of Canada, the rank of the permanent employees in the office of the chief electoral officer shall be determined by the Governor in Council.

That was meant to include the office of the assistant to the chief electoral officer.

Mr. Marier: I think we should have a similar amendment to clause 4.

The Chairman: As it is now, the Governor in Council could not consider increasing the salary of the chief electoral officer.

Mr. Hazen: Is not the Governor in Council limited now as to the salary of the assistant chief electoral officer by the classification of the Civil Service and by the salaries the Civil Service pays?

The Chairman: No, but it was before because the assistant chief electoral officer had the rank of a chief clerk. Therefore, he could not receive any salary other than that of a chief clerk; that was the purpose of our amendment.

Mr. Marier: His rank will be determined by the Governor in Council under the classification of the Civil Service.

Mr. HAZEN: When his rank is fixed, is not his salary fixed according to the Civil Service salary for that rank?

The CHAIRMAN: Yes, but the Governor in Council has now all the latitude to rank the assistant chief electoral officer as he chooses. By fixing his rank, his salary is fixed.

Mr. HAZEN: So far as the Civil Service regulations permit.

The CHAIRMAN: Right.

Mr. GLADSTONE: Who fixes the salaries of the deputy ministers?

The CHAIRMAN: The Governor in Council.

Mr. MACNICOL: I have a recollection that, on the last occasion this matter came up, it was recommended that the chief electoral officer be on all fours with the deputy minister. We were under the impression his salary would be $10,000 a year. I must confess I did not know it was reduced to $8,000. I have a keen recollection that we recommended more than $8,000.

Mr. HAZEN: What is the history of this section 4? Was the salary always $8,000? Was it less than $8,000 and brought up to $8,000?

The WITNESS: The provisions now set out in section 4 were enacted in 1920. At that time, it provided for the appointment of Colonel Biggar as chief electoral officer. His salary was fixed at $12,000 a year. He held that position until 1927. I was appointed chief electoral officer in 1927 at a salary of $6,000 a year.

Mr. HAZEN: Was the Act amended?

The WITNESS: The Act had to be amended because Colonel Biggar's name appeared in the statute. The Act was amended in 1927 to permit him to resign. I was appointed chief electoral officer on the 14th of April, 1927, at $6,000 a year.

In 1934, my duties were split in two. A new office was created called the Dominion Franchise Office. A franchise commissioner was appointed to look after part of the work I am now doing. His salary was $10,000 a year. In the same statute I was required to co-operate with the Dominion Franchise Commissioner and, of course, he was required to co-operate with me. I may tell the committee that the co-operation went only one way.

In 1938, the question of section 4 came before the committee again. There was quite a discussion on the subject and most of the members were of the opinion that I should get $10,000. I think the recommendation set out in the report of the committee was $9,000 but for reasons I do not know and have never been able to ascertain, when the bill was passed by the House the amount of my salary was set at $8,000.

By Mr. Hazen:

Q. Was the Dominion Franchise Officer dropped in 1938?—A. The 1938 re-enactment of the Dominion Election Act 1938, provided for the repeal of the Dominion Franchise Act.

Mr. MACNICOL: Since that time you have been performing all the duties?—A. Yes.

Mr. MACINNIS: Mr. Chairman, I must apologize. I was a little late getting in. What is the question before the committee?

Mr. MARIER: The question is section 4, the salary of the Chief Electoral Officer.

Mr. GLADSTONE: The matter could be definitely left to the Governor in Council by changing section 4 immediately after the words "Secretary of State of Canada" and adding the words "and devote himself exclusively to the performance of the duties of his office." If you end there then the matter of his salary is left with the Governor in Council the same as deputy ministers.

The WITNESS: I am afraid if the section were amended in that way there would be no provision for paying my salary for the balance of the present fiscal year.

Mr. GLADSTONE: We would not want that.

The WITNESS: The fact that my salary is mentioned in this section means that my salary is paid out of statutory salaries.

Mr. MARIER: I would change the last words and say "be paid as a deputy minister."

Mr. MACINNIS: I think the salaries of deputy ministers vary, do they not?

Mr. MACNICOL: Yes.

Mr. MACINNIS: I think one if not more were increased to $17,500 within the last few months.

Mr. MACNICOL: They do vary.

Mr. GLADSTONE: The minimum is $10,000.

Mr. MACINNIS: I do not know what jurisdiction this committee would have to set the salary here.

Mr. MARIER: They can make a recommendation.

Mr. MACINNIS: They might recommend.

The CHAIRMAN: I might say that the idea behind the suggestion made by Mr. Marier before you arrived was to give some latitude to the Governor in Council rather than recommending any specific increase. As it is now there is a ceiling on the salary of the Chief Electoral Officer and the Governor in Council has no power. It can be changed only by a statutory amendment by parliament.

Mr. MACINNIS: What I should like to know is if this committee is competent to put in an amount?

The CHAIRMAN: The committee did that in 1938, as Mr. Castonguay said. It recommended an increase to $9,000.

Mr. MACINNIS: For the Chief Electoral Officer.

The CHAIRMAN: And for some reason or other that was not included in the draft bill and was not voted.

Mr. MACINNIS: If they could do it then we can do it now. I am not generally in favour of raising salaries that are already fairly high, but I think to keep the Chief Electoral Officer in line with those persons in the civil service with whom he was supposedly in line before that, an increase is indicated.

Mr. BROOKS: There is another point. In 1938 what were the salaries of the judges of the Supreme Court?

Mr. MACINNIS: I do not think it has any reference to that.

Mr. BROOKS: I thought that was what you had in mind.

Mr. MACINNIS: No.

Mr. MACNICOL: Can we not recommend that it be a salary of $10,000 a year? Can we not alter this to read "and be paid a salary of $10,000 a year"?

The CHAIRMAN: I have not made a special study of that but assuming that the committee in 1938 could do it I do not see any reason why we ourselves could not do it.

Mr. MARIER: We are amending this law. We can suggest any amendment to that law.

Hon. Mr. STIRLING: In the middle of this section the work of the Chief Electoral Officer is compared to that of a deputy head of a department. We have that connection set up. It is to be similar to the deputy head of a department. Why should we not alter the last few words so that they will read "to the performance of the duties of his office and be paid a salary to be set by the Governor in Council".

Mr. MARIER: Yes.

The CHAIRMAN: The objection to that was raised by Mr. Castonguay a few minutes ago. An order in council would have to be passed immediately to allow him to get his salary.

Hon. Mr. STIRLING: I understood Mr. Castonguay's objection was to the suggestion there should be a full stop after "office" and then no mention of salary made in the section, but I am suggesting "duties of his office and be paid a salary to be set by the Governor in Council".

Mr. MACINNIS: I should like to raise a point as to the suggestion that if we delete the amount of $8,000 and put in the words suggested by Mr. Stirling it would deprive the Chief Electoral Officer of his salary. Surely that is not the case with this Act. It would not apply until this Act came into effect, and it does not come into effect until it is passed by parliament and receives royal assent. Then he will receive the salary mentioned in here.

Hon. Mr. STIRLING: Which would be set by the Governor in Council.

Mr. FRASER: That determination by the Governor in Council might be less than $8,000.

Hon. Mr. STIRLING: I think not after the reference made there to the duties of the Chief Electoral Officer being considered similar to those of a deputy head of a department.

Mr. FRASER: They could take that into consideration but they would not be bound. I would suggest that you use the words "and be paid such salary as may be fixed by the Governor in Council but not to be less than $8,000 per annum". Then they can increase it and they could not go below that.

Mr. MACINNIS: I would move we delete "eight" and put in "ten", making it $10,000 per annum.

Mr. BROOKS: I think that is the simplest way.

Mr. MACNICOL: I moved that.

The CHAIRMAN: I have a motion by Mr. MacInnis.

Mr. MACNICOL: I moved that some time ago.

Mr. MACINNIS: That is quite all right with me.

The CHAIRMAN: It is moved by Mr. MacNicol that the word "ten" be substituted for "eight" in the ninth line in subsection 1 of section 4.

Mr. HAZEN: What income tax is there on a salary of $8,000 as compared with a salary of $10,000? In other words, how much of that does the government take back? I suppose it would take back $3,200 or more on a salary of $8,000.

The WITNESS: I think that last year the income tax on those $2,000 would have been between $1,100 and $1,200.

Mr. HAZEN: Only $1,100 or $1,200?

The WITNESS: If my salary had been $10,000 the last $2,000 would have been clipped to the tune of about $1,200.

Mr. HAZEN: The government takes most of it.

Mr. MACINNIS: I think he would be in pocket some.

The CHAIRMAN: Are you ready for the question? The question is on the amendment. All those in favour will please say "aye". Those against say "nay".

Carried.

Mr. MacNicol: May I ask another question? Is there any possibility of the Chief Electoral Officer refusing it?

The Witness: Not a chance in the world.

The Chairman: Gentlemen, before you leave, I may say that . . . if there is no other business to submit to the committee, we have now wound up our business under our terms of reference. We shall adjourn until such time as the draft final report is ready for submission to the committee.

Mr. MacInnis: I think the committee will agree with me that we should not adjourn without casting a vote of appreciation, or whatever term we should use, to the chairman of the committee for the very excellent way in which he has handled the work of this committee. I have been on many committees during my years in the House but I have never seen a committee where the work was carried on more smoothly, more expeditiously, and with less heat. I would move that a vote of appreciation of the service of the chairman be passed by the committee.

Hon. Mr. Stirling: I have only one objection and it is that Mr. MacInnis has taken the words out of my mouth.

Mr. MacNicol: I can support the motion because it is now many days or weeks since I made my remarks regarding the ability of the chairman. I have been on several committees in this House and in no case has there been a chairman in your class.

Mr. Brooks: Mr. Chairman, may I just add a few words to what has been said. We have had Mr. Castonguay and the other officials from the department at all our meetings and I am sure we realize the great help that they have been to us. We appreciate their being here and I would like to move, on behalf of the committee, a vote of thanks to Mr. Castonguay, Mr. Fraser and the other members who have been here.

Mr. MacNicol: You are including in that Mr. Castonguay's son, who, as I said before, is a most capable young man.

The Chairman: Well, gentlemen, if you will allow me, I wish to acknowledge and thank you, in my name and in that of Messrs. Castonguay, Mr. Fraser, and our committee clerk, for the kind wards of appreciation which you have given us. We have done our duty and we should be satisfied that we have done our work expeditiously and in a proper way. I wish to thank you all for the earnest co-operation which you have contributed in the discharge of our responsibility as members of this committee.

The meeting adjourned at 5.35 p.m.

SESSION 1947
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS

No. 17

INCLUDING SECOND AND FINAL REPORT TO THE HOUSE

TUESDAY, JULY 1, 1947

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1947

MINUTES OF PROCEEDINGS

House of Commons, Room 429,

Tuesday, July 1, 1947.

The Special Committee on The Dominion Elections Act, 1938, met at 4.00 o'clock p.m. The Chairman, Mr. Paul E. Coté (*Verdun*), presided.

Members present: Messrs. Bertrand (*Prescott*), Coté (*Verdun*), Fair, Gariépy, Kirk, McKay, Mutch, Richard (*Ottawa East*), Stirling, Zaplitny.

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

The Chairman indicated that the following correction should be made in the Minutes of Evidence of Thursday, June 19, 1947:

"At page 398, in the last line thereof, the word "neurosis" should be substituted for the word "psychosis".

The Committee considered a draft report to which was appended a draft bill recommended by the steering subcommittee embodying all the recommendations agreed to by the Committee.

On motion of Mr. Richard (*Ottawa East*),

Resolved,—That the said draft report, together with the said draft bill, be adopted as the Second and Final Report of the Committee.

Ordered,—That the Chairman report to the House.

At 4.40 o'clock p.m., the Committee adjourned *sine die.*

ANTOINE CHASSÉ,
Clerk of the Committee.

REPORT TO THE HOUSE

THURSDAY, July 3, 1947.

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

SECOND AND FINAL REPORT

Under date of March 24, 1947, your Committee was appointed to study the several amendments to The Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, to study the said Act, to suggest to the House such amendments as the Committee may deem advisable and report from time to time, with power to send for persons, papers and records and to print the proceedings.

The Committee held its first sitting on the 4th day after its appointment and since that date it has held nineteen sittings and heard five witnesses.

Pursuant to its Order of Reference your Committee has examined the several amendments to The Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer and has made a thorough study of the said Act which gave rise to several other proposed amendments.

Your Committee has prepared a draft bill embodying its recommendations which were agreed to. The draft bill is attached to the present report.

A printed copy of the minutes of proceedings and evidence is tabled herewith.

All of which is respectfully submitted.

PAUL E. COTÉ,
Chairman.

SESSION 1947

THE HOUSE OF COMMONS OF CANADA.

Special Committee on the Dominion Elections Act 1938.

Draft Bill.

3rd Session, 20th Parliament, 11 George VI, 1947.

THE HOUSE OF COMMONS OF CANADA

BILL .

An Act to amend The Dominion Elections Act, 1938.

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

1. (1) Section two of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of 1938, is amended by adding thereto immediately after subsection twelve thereof, the following subsection:

"fishermen."

"(12A) 'fishermen' means and includes all persons who are engaged or employed on inland, coastal, or deep-sea waters, on salary or wages, or on shares in association with others, or on their own behalf, in the process of fishing as an industry, including sealing and whaling."

(2) Subsection fourteen of the said section is repealed and the following substituted therefor:—

"hours of the day."

"(14) 'hours of the day' and all other references to time appearing in this Act relate to standard time;"

(3) Paragraph *(d)* of subsection fifteen of the said section is repealed and the following substituted therefor:—

"*(d)* in relation to the electoral district of Yukon-Mackenzie River the judge exercising from time to time the jurisdiction of the judge of the Territorial court of the Yukon Territory, and"

(4) Subsection thirty-one of the said section is repealed and the following substituted therefor:—

"province."

"(31) 'province' means any province in the Dominion of Canada and includes the electoral district of Yukon-Mackenzie River;"

2. Subsection one of section four of the said Act is repealed and the following substituted therefor:—

Tenure of office, salary, rank and powers of Chief Electoral Officer.

"**4.** (1) The Chief Electoral Officer shall hold office on the same tenure as, be removable only for cause and in the same manner as, and be entitled to superannuation on the same condition as, a Judge of the Supreme Court of Canada.

He shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of ten thousand dollars per annum."

3. Section six of the said Act is repealed and the following substituted therefor:—

Permanent staff.

"**6.** (1) The permanent staff of the Chief Electoral Officer shall consist of an officer known as the Assistant Chief Electoral Officer appointed by the Governor in Council and such other officers, clerks, and employees, as may be appointed from time to time by the Governor in Council all of whom may be contributors under and entitled to all the benefits of the *Civil Service Superannuation Act*.

R.S., c.24

Temporary assistance.

(2) The Chief Electoral Officer shall from time to time select and appoint such temporary employees as he may require for the proper performance of the duties of his office. The rate of remuneration to be paid to such temporary employees shall be determined by the Governor in Council. All such temporary appointees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

Classification.

(3) In the classification of the Civil Service of Canada, the rank of the permanent employees in the office of the Chief Electoral Officer shall be determined by the Governor in Council."

4. Subsection (1) of section eight of the said Act is repealed and the following substituted therefor:—

Appointment of returning officers.

"**8.** (1) The offices of all returning officers appointed prior to the passing of this Act shall be deemed to be vacant and the Governor in Council may appoint to such offices either the same persons as now hold them, any of such persons or any other persons. He may also thereafter appoint from time to time, a returning officer for any electoral district created by a *Representation Act* and a new returning officer for any electoral district in which the office of returning officer shall, within the meaning of the next following subsection, become vacant."

5. Paragraph *(a)* of subsection one of section thirteen of the said Act is repealed and the following substituted therefor:—

Copies of Act and instructions.

"*(a)* such sufficiently indexed copies of this Act, and such instructions prepared by him, as are required for the proper conduct of the election by the returning officer and to enable him to supply to each election officer a copy of such instructions, as such officer may have occasion to consult or observe in the performance of his duties;"

6. (1) Subsection one of section fourteen of the said Act is repealed and the following substituted therefor:—

Qualifications.

"**14.** (1) Save as hereinafter provided every person in Canada, man or woman, shall be entitled to have his or her name included in the list of electors prepared for the polling division in which he or she was ordinarily resident on the date of the issue of the writ ordering an election in the electoral district, and be qualified to vote thereat, if he or she

(a) is of the full age of twenty-one years or will attain such age on or before polling day at such election; and

(b) is a Canadian citizen or a British subject by birth or naturalization; and

(c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at such election; and

(d) at a by-election only, continues to be ordinarily resident in the electoral district until polling day thereat."

Extension of privileges.

(2) Paragraphs *(f)* and *(i)* of subsection two of section fourteen of the said Act are each respectively amended by adding after the figures "1914–1918", as they appear therein, the words "or in the war that began on the tenth day of September, 1939".

(3) Paragraphs *(k)* and *(l)* of subsection two of section fourteen of the said Act are repealed.

(4) Section fourteen of the said Act is further amended by adding thereto immediately after subsection two thereof the following subsections:—

Qualification of young veteran.

"(3) Notwithstanding anything to the contrary in this Act contained, any person, man or woman, who prior to August 9th, 1945, was a member of the naval, military or air forces of Canada and has been discharged from such forces, and who has not attained the full age of twenty-one years, shall be entitled to have his or her name included in the list of electors prepared for the polling division in which he or she ordinarily resides and shall be qualified to vote therein, provided that such person is otherwise qualified as an elector.

Qualification of wife of Indian veteran.

"(4) Notwithstanding anything to the contrary in this Act contained, a woman who is the wife of an Indian person, as defined in paragraph *(j)* of subsection two of this section, whenever such Indian person has served in the naval, military or air forces of Canada, during the war 1914-1918 or during the war that began on the tenth day of September, 1939, shall be entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and shall be qualified to vote therein at a Dominion election, provided that such woman is otherwise qualified as an elector.

Qualifications of Veterans in certain hospitals or institutions.

"(5) Notwithstanding anything to the contrary in this Act contained, every person, man or woman, irrespective of age, who *(a)* was a member of the naval, military or air forces of Canada during the war 1914-1918 or in the war that began on the tenth day of September, 1939, *(b)* was discharged from such forces, and *(c)* is receiving treatment or domiciliary care in any hospital or institution at the request or on behalf of the Department of Veterans Affairs, in which hospital or institution, on the date of the issue of the writs for a general election, less than twenty-five of such persons are receiving such treatment or care, shall be entitled to have his or her name included on the list of electors prepared for the polling division in which such hospital or institution is situated, and be qualified to vote at a general election in such polling division, provided that such person is otherwise qualified as an elector.

Qualifications of Defence Service electors at a by-election.

"(6) A Defence Service elector, as defined in paragraph five of *The Canadian Defence Service Voting Regulations* which are appended as Schedule Three to this Act, shall be entitled to vote at a by-election only in the electoral district in which is situated his place of ordinary residence as defined in paragraph seven of the said Regulations.

Qualifications of Veteran electors at a by-election.

"(7) A Veteran elector, as defined in paragraph forty-two of *The Canadian Defence Service Voting Regulations* which are appended as Schedule Three to this Act, shall be entitled to vote at a by-election only in the electoral district in which is situated his actual place of ordinary residence at the time of the by-election."

7. (1) Rule four of section sixteen of the said Act is repealed and the following subsituted therefor:—

Persons on Defence Service.

"(4) Any person on Defence Service, as defined in paragraph five of *The Canadian Defence Service Voting Regulations* which are appended as Schedule Three to this Act, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as defined in paragraph seven of the said Regulations."

(2) Paragraph *(c)* of rule six of section sixteen of the said Act is repealed.

(3) Section sixteen of the said Act is further amended by adding thereto immediately after rule six thereof, the following rule:—

Students.

"(6A.) For the purposes of a general election, notwithstanding any provision of this Act to the contrary, where a person is, on the date of the issue of the writs therefor, duly registered and in attendance at a recognized educational institution, and for such purpose resides in a polling division other than that in which he ordinarily resides is, if otherwise qualified as an elector, entitled to have his name entered on the list of electors for the polling division in which he ordinarily resides and the list of electors for the polling division where he resides at the date of the issue of the writs and to vote in either one of such polling divisions as he may elect."

(4) Rule seven of section sixteen of the said Act is repealed and the following substituted therefor:—

Summer residents.

"(7) No person shall be deemed to be ordinarily resident, on the date of the issue of the writ ordering an election, in residential quarters which are generally occupied only during some or all of the months of May to October, inclusive, and generally remain unoccupied during some or all of the months of November to April, inclusive, unless, at a general election only, such person has no residential quarters in any other electoral district to which, on the date of the issue of such writ, he might at will remove."

(5) Section sixteen of the said Act is further amended by adding thereto immediately after rule seven thereof, the following rules:—

Temporary workers.

"(7A.) Except as provided in rule eight of this section, a person shall be deemed to be ordinarily resident, on the date of the issue of the writs for a general election, in a polling division in which he is temporarily residing while temporarily employed in the pursuit of his ordinary gainful occupation and shall be entitled to have his name included in the list of electors prepared for such polling division and be qualified to vote therein at the said general election, provided that such person is otherwise qualified as an elector. Such person shall not, however, be entitled to vote in such polling division unless on polling day he is still temporarily residing therein while temporarily employed in the pursuit of his ordinary gainful occupation. This rule shall not be applicable at a by-election."

Wives or dependents of servicemen.

"(7B.) A person who is the wife or dependent of a member of the naval, military or air forces of Canada, shall be deemed to be ordinarily resident on the date of the issue of the writs ordering a general election in the polling division in which such person is occupying residential quarters during the course and as a result of the service performed by such member in such Forces. Such person (wife or dependent) shall, if otherwise qualified as an elector, be entitled to have his or her name included on the list of electors prepared for such polling division and shall be qualified to vote therein at the said general election. This rule shall not be applicable at a by-election."

8. (1) Subsection three of section seventeen of the said Act is amended by substituting the words "Chief Electoral Officer" for the words "Auditor General" in the eighth line thereof.

(2) Subsection six of the said section is amended by substituting the words "Comptroller of the Treasury" for the words "Auditor General" in the twentieth and twenty-first lines thereof.

(3) Subsection eight of the said section is amended by substituting the word "thirty" for the word "fifteen" in the third line thereof.

(4) Subsection eleven of the said section is amended by substituting the work "thirty" for the word "fifteen" in the third line thereof.

(5) Section seventeen of the said Act is further amended by adding thereto immediately after subsection fourteen thereof, the following subsection:—

Certificate in case of name omitted by revising officer.

"(14A.) Whenever, after the list of electors for an urban polling division has been re-printed, it is discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn application has been made by an agent, pursuant to *Rule (33)* of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the finally revised list of electors, the returning officer shall, on application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets that such an omission has actually been made, issue to such elector a certificate in Form No. 18A, entitling him to vote at the polling station for which his name should have appeared on the finally revised list. The returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the electoral district, or to their representatives, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate."

(6) Section seventeen is further amended by adding thereto immediately after subsection fifteen thereof, the following subsection:—

"(15A.) Before an account relating to the printing of the lists of electors is taxed by the Chief Electoral Officer:—

Affidavit of printer.

(a) The printer shall transmit to the Chief Electoral Officer through the returning officer, an affidavit in Form No. 9A setting forth that he has not, nor has anyone for him and on his behalf, paid, agreed or promised to pay, given or promised to give, any monetary or other reward to the returning officer, or to any person on the latter's behalf, or to any person whatsoever, as consideration for the granting of an order of any kind for the printing of such lists of electors, and

Affidavit of returning officer.

(b) The returning officer shall transmit to the Chief Electoral Officer an affidavit in Form No. 9B setting forth that he has not, nor has any person for him and on his behalf, received or requested, demanded, accepted or agreed to accept, any monetary or other reward from any person whatsoever, as consideration for the granting of an order of any kind for the printing of the lists of electors for his electoral district."

9. (1) Schedule A to section seventeen of the said Act is amended by repealing *Rules (3), (5), (7), (9), (12), (14), (23)* and *(26)* thereof, and substituting the following therefor, respectively:—

"*Rule (3).* At least five days before he proposes to select and appoint the persons who are to act as enumerators as aforesaid, the returning officer shall

(a) In an electoral district whose boundaries of urban areas have not been altered by a *Representation Act* since the last preceding election, give notice accordingly to the candidate who, at the last preceding election in the electoral district, received the highest number of votes, and also to the candidate representing at that election a different and opposed political interest, who received the next highest number of votes. Such candidates may each, by himself or by a representative, nominate a fit and proper person for appointment as enumerator for every urban polling division comprised in the electoral district, and, except as provided in *Rule (4)* of this Schedule, the returning officer shall select and appoint such persons to be enumerators for the polling divisions for which they have been nominated;

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

"*Rule (5).* If either of the candidates or persons entitled to nominate enumerators fail to nominate a fit and proper person for appointment as enumerator for any polling division comprised in the electoral district, the returning officer shall, subject to the provisions of *Rule (2)* of this Schedule, himself select and appoint to any necessary extent."

"*Rule (7)*. Each pair of enumerators, after taking their oaths as such, shall, on Monday, the forty-ninth day before polling day, proceed jointly to ascertain the name, address and occupation of every person qualified to vote at the pending election, under the provisions of sections fourteen, fifteen and sixteen of this Act, in the polling division for which they have been appointed, obtaining the information they may require by a joint house-to-house visitation and from such other sources of information as may be available to them, and leaving at the residence of every person whose name and particulars they have agreed to include in their preliminary list, a notice in Form No. 7, signed by both enumerators, which shall be detached from the enumerators' record books."

"*Rule (9)*. Each pair of enumerators shall visit every dwelling place in their polling division at least twice,—once between the hours of nine o'clock in the forenoon and six o'clock in the afternoon and once between the hours of seven o'clock and ten o'clock in the afternoon (unless, as to any dwelling place, they are both satisfied that no qualified elector residing therein remains unregistered). If, on the above mentioned visits to any dwelling place, the enumerators are unable to contact any person from whom they could secure the names and particulars of the qualified electors residing thereat, the enumerators shall leave at such dwelling place a notification card, as prescribed by the Chief Electoral Officer, on which it shall be stated the day and hour that the enumerators shall make another visit to such dwelling place. The enumerators shall also state on such notification card their names and addresses and also the telephone number, if any, of one or of both of them."

"*Rule (12)*. Upon receipt of the enumerators' record books and of the two copies of the preliminary list of electors from each pair of enumerators, the returning officer shall carefully examine the same and if in his judgment the said list is incomplete or if it contains the name of any person whose name should not be included in the list, he shall not certify to the enumerators' account, and shall forward such account uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts, and, moreover, the Comptroller of the Treasury shall not issue a cheque in payment of an enumerator's account until after the revision of the preliminary lists of electors by the revising officer has been completed, and it shall be the duty of the revising officer forthwith after his sittings as such to inform the Chief Electoral Officer, if, in his judgment, any enumerator has wrongfully and wilfully omitted any name or names from the said lists, or wrongfully and wilfully included any name or names thereon."

"*Rule (14).* The enumerators shall, on the list of electors, as indicated in Form No. 8, register the name of a married woman or widow under the name and surname of her husband or deceased husband, or under her own christian name if she so desires. Whenever a woman is divorced or living apart from her husband, she shall be registered on the list of electors under whatever name or surname that such woman is known in the polling division. The names of the above mentioned women on the list of electors shall be prefixed with the abbreviation "Mrs.", as indicated in the said Form No. 8. When the name of a married woman is entered on the list of electors immediately below her husband's name, there shall be no occupation given opposite such woman's name, as indicated in the said Form No. 8. The names of unmarried women on the list of electors shall be prefixed with the word "Miss", as indicated in the said Form No. 8."

"*Rule (23).* Forthwith on receipt of such notification the returning officer shall, not later than Saturday, the twenty-third day before polling day, cause to be printed a notice of revision in Form No. 12, describing the boundaries of every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors, and stating the day and time during which such revisal office will be open. It shall also be stated in the said notice the days and hours before the first day of sittings for revision, and the address at which each revising officer shall be in attendance to complete affidavits of objection. At least four days before the first day fixed for the sittings for revision, the returning officer shall cause at least two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district. Immediately after the printing of the notice in Form No. 12, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so officially nominated."

"*Rule (26).* The sittings of the revising officers for the revision of the lists of electors shall commence at ten o'clock in the forenoon of Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and shall continue at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of, provided that, if any of such days is a holiday as defined in the *Interpretation Act*, the day for the commencement or continuation of the sittings may be postponed accordingly. Moreover, on each of the three days fixed for the sittings for revision, every revising officer shall sit continuously at his revisal office for the revision of the lists of electors from seven o'clock until ten o'clock in the evenings of such days."

(2) Paragraph *(a)* of *Rule (27)* of Schedule A to section seventeen of the said Act is repealed.

(3) Schedule A to section seventeen of the said Act is further amended by repealing *Rules (28), (29), (40), (41)* and *(42)* thereof, and substituting the following therefor, respectively:

"*Rule (28).* During the three days immediately preceding the first day fixed for the sittings for revision, whenever an elector whose name appears on the preliminary lists of electors prepared in connection with a pending election, for one of the polling divisions comprised in a given revisal district, subscribes to an Affidavit of Objection in Form No. 13, before the revising officer appointed for such revisal district, alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than the day immediately preceding the first day fixed for the sittings for revision, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 14, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer, during his sittings for revision, to establish his right, if any, to have his name retained on such preliminary list. With each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection. On each of the three days immediately preceding the first day fixed for the sittings for revision, the revising officer shall keep himself available during at least three hours in the afternoons or evenings of such days, at the address given in the Notice of Revision in Form No. 12, to complete, as required, Affidavits of Objection and Notices to Persons Objected to and to despatch copies of such affidavits and notices to the persons concerned."

"*Rule (29).* In cases of objections made on affidavits subscribed before the revising officer under the next preceding *Rule* of which notices have been sent by registered mail by the revising officer to the persons objected to, the revising officer shall deal with each objection separately upon the merits to be disclosed by examination on oath of the elector making the objection, the person against whom the objection is made and the witnesses present on their respective behalf. After each objection is dealt with, the revising officer shall, in his discretion, either strike off the name of the person objected to from the preliminary list on which such name appears or allow the name to stand. The onus of substantiating sufficient *prima facie* ground to strike off any name from the preliminary list shall be upon the elector making the objection, and it shall not be necessary for a person against whom objection is made to adduce proof in the first instance that his name properly appears on the preliminary list. The absence from or non-attendance before the revising officer, at the time that the objection is dealt with, of any person against whom an objection is made shall not relieve the elector making the objection from substantiating *prima facie* case by evidence which, in the absence of rebuttal evidence, is considered by the revising officer sufficient to establish the fact that the name of the person objected to improperly appears on the preliminary list."

"*Rule (40)*. Immediately after the conclusion of his sittings and at the latest on Monday, the fourteenth day before polling day, the revising officer shall prepare for re-printing the list of electors for each polling division comprised in his revisal district, by making the necessary corrections by writing with ink upon one of the printed preliminary lists of electors supplied to him. The revising officer shall consign every entry in his record sheets to its appropriate place on each list. The names added to the list shall be written by hand on the border of the list where such names would have appeared if the electors had been registered in the first place by the enumerators and where such names should be inserted in the re-printing of the finally revised list. Every correction in the name, residence or occupation of the elector shall be made in the same manner and as legibly as possible. In the case of a name struck off, the revising officer shall draw a line through the entry. All changes made in the list for every polling division shall correspond to the statement of changes and additions prescribed in the next following *Rule*. The printed list for each polling division so corrected shall be re-printed by the returning officer as prescribed in subsection ten of section seventeen of this Act."

"*Rule (41)*. The revising officer shall, immediately after the conclusion of his sittings for revision, and not later than Monday, the fourteenth day before polling day, prepare from his record sheets at least six copies of the statement of changes and additions, in Form No. 17, for each polling division comprised in his revisal district, and shall complete the certificate at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions in Form No. 17 by writing the word "Nil" in the three blank spaces provided for the various entries on the said form and completing the form in every other respect."

"*Rule (42)*. Upon completing the foregoing requirements, and not later than Monday, the fourteenth day before polling day, the revising officer shall deliver or transmit to the returning officer the corrected copy of the printed preliminary list, the six copies of the statement of changes and additions in Form No. 17, certified by the revising officer pursuant to the next preceding *Rule*, together with the revising officer's record sheets, duly certified, the duplicate notices to electors objected to, with attached affidavits in Forms Nos. 13 and 14, respectively, every used application made by agents in Forms Nos. 15 and 16, and all other documents in his possession relating to the revision of the list of electors for the various polling divisions included in his revisal district, with the exception of the extra two copies of the printed preliminary list of electors supplied to him for each polling division comprised in his revisal district; which copies the revising officer shall keep in his possession."

10. Schedule B to section seventeen of the said Act is amended by repealing *Rules (3), (6), (9), (13), (16)* and *(20)* thereof, and substituting the following therefor, respectively:—

"*Rule (3)*. Every enumerator shall forthwith on his appointment take an oath as such in Form No. 6 and shall immediately thereafter post up in public places in the polling division at least three copies of a notice in Form No. 19, stating that he is about to prepare a list of qualified electors in the polling division, which said list will be revised and corrected by him at a stated place where he will be found between the hours of ten o'clock in the forenoon and ten o'clock in the evening of Thursday, the eighteenth day before polling day."

"*Rule (6)*. The enumerator shall, in the index book, as indicated in Form No. 21, register the name of a married woman or widow under the name and surname of her husband or deceased husband, or under her own christian name if she so desires. Whenever a woman is divorced or living apart from her husband, she shall be registered in the index book under whatever name or surname that such woman is known in the polling division. The names of the above mentioned women in the index book shall be prefixed with the abbreviation "Mrs.", as indicated in the said Form No. 21. When the name of a married woman is entered in the index book immediately below her husband's name there shall be no occupation given opposite such woman's name, as indicated in the said Form No. 21. The names of unmarried women in the index book shall be prefixed with the word "Miss", as indicated in the said Form No. 21."

"*Rule (9)*. Upon receipt of the two copies of the preliminary list of electors, as prescribed in *Rule (11)*, or of the index book, as prescribed in *Rule (20)* of this Schedule, the returning officer shall carefully examine the same and if in his judgment the said list or the index book appears to be incomplete or to contain the name of any person which should not be so included, he shall not certify the enumerator's account, and the account shall be sent forward uncertified to the Chief Electoral Officer, with a special report attached setting forth the relevant facts."

"*Rule (13)*. In order that he may readily be found by any person who desires to make representations with regard to any entry in or omission from the preliminary list of electors for his polling division, the enumerator shall attend at the place of which he has given notice, in Form 19, posted up as aforesaid, between the hours of ten o'clock in the forenoon and ten o'clock in the evening of Thursday, the eighteenth day before polling day, set for the revision of the said list."

"*Rule (16)*. At any time after the enumerator has posted up his preliminary list, and particularly between the hours of ten o'clock in the forenoon and ten o'clock in the evening of Thursday, the eighteenth day before polling day, at the place stated for the revision of the said list in the notice posted up by him pursuant to *Rule (3)* of this Schedule, on being fully satisfied from representations made to him by any credible person that the preliminary list as prepared by him in the index book requires amendment as hereinafter mentioned, the enumerator shall

(a) add to such list in the index book the name of any person who is qualified as an elector in his polling division at the election then pending, but whose name has been omitted from the preliminary list; or

(b) strike out from such list in the index book the name of any person who is not qualified as an elector in his polling division; or

(c) correct in the index book any inaccurate statement as to the name, address or occupation of any person whose name properly appears in the said list."

"*Rule (20)*. Upon the completion of the foregoing requirements and not later than Friday, the seventeenth day before polling day, the enumerator shall deliver or transmit to the returning officer the index book duly certified, in Form No. 22, which certificate shall be printed on the outside back cover of the said book, and all other documents in his possession relating to the revision of the list of electors for his polling division, with the exception of the two copies of the printed preliminary list of electors supplied to him by the returning officer, which copies the enumerator shall keep in his possession. The enumerator shall also deliver or transmit at the same time to the returning officer five certified copies of the statement of changes and additions mentioned in the next preceding *Rule* of this Schedule."

11. Subsection two of section eighteen of the said Act is repealed and the following substituted therefor:—

Electoral district of Yukon-Mackenzie River.

"(2) In the electoral district of Yukon-Mackenzie River it shall be sufficient compliance with the immediately preceding provisions, if, at least six days before the day fixed for the nomination of candidates, the returning officer shall cause such proclamation to be inserted in at least one newspaper published in Dawson and in one newspaper, if any, published in Whitehorse and in Yellowknife, and mails at least one copy of such proclamation to such postmasters within his electoral district as, in his judgment and in accordance with his knowledge of the prevailing conditions, will probably receive the same at least six clear days before nomination day."

12. Section nineteen of the said Act is repealed and the following substituted therefor:—

Qualifications of candidates.

"**19.** Except as in this Act otherwise provided, any person, man or woman, who *(a)* is a British subject, *(b)* is a qualified elector under this Act and *(c)* is of the full age of twenty-one years, may be a candidate at a Dominion election."

13. Paragraph *(a)* of subsection two of section twenty of the said Act is repealed and the following substituted therefor:—

Ministers.

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

14. (1) Subsection three of section twenty-one of the said Act is repealed and the following substituted therefor:—

Nomination day.

"(3) The day for the close of nominations (in this Act referred to as nomination day) shall be Monday the fourteenth day before polling day in every electoral district in Canada excepting that of Yukon-Mackenzie River, where the day for the close of nominations shall be Monday the twenty-eighth day before polling day."

(2) Section twenty-one is further amended by adding thereto immediately after subsection five thereof, the following subsection:—

Occupation of candidate.

"(5A) Unless specially authorized by the Chief Electoral Officer, the occupation given by a candidate in the heading of his nomination paper shall be briefly stated and shall correspond to the occupation under which such candidate is known in his place of ordinary residence."

(3) Section twenty-one is further amended by repealing subsections eleven and thirteen thereof and substituting the following therefor, respectively:—

Sent to Comptroller of the Treasury.

"(11) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Comptroller of the Treasury."

Disposition of deposit.

"(13) The sum so deposited by any candidate shall be returned to him by the Comptroller of the Treasury in the event of his being elected or of his obtaining a number of votes at least equal to one-half the number of votes polled in favour of the candidate elected; otherwise, except in the case hereinafter provided, it shall belong to His Majesty for the public uses of Canada."

15. Subsection two of section twenty-five of the said Act is amended by substituting the words "electoral district of Yukon-Mackenzie River" for the words "Yukon Territory" in the fourth line thereof.

16. Subsection five of section twenty-six of the said Act is repealed and the following substituted therefor:—

Posting up of list of names of D.R.O.'s.

"(5) At least three days before polling day the returning officer shall post up in his office a list of the names and addresses of the deputy returning officers appointed to act in the electoral district, with the number of their respective polling stations, and shall permit free access to and afford full opportunity for the inspection of such list by interested persons at any reasonable time before the close of the poll on polling day."

17. Subsections two and three of section twenty-seven of the said Act are repealed and the following substituted therefor:—

Construction.

"(2) Each ballot box shall be made of some durable material with a slit or narrow opening on the top so constructed that, while the poll is open, the ballot papers may be introduced therein, but cannot be withdrawn therefrom unless the ballot box is unsealed and opened. Each ballot box shall be provided with a sealing plate, permanently attached, to affix the special metal seals prescribed by the Chief Electoral Officer for the use of returning officers and deputy returning officers."

Furnished by custodian.

"(3) The officer in charge of a Dominion building, the postmaster, the sheriff, the registrar of deeds or other person designated by the Chief Electoral Officer, into whose custody, after the last preceding election, the ballot boxes were deposited pursuant to section fifty-three of this Act, shall deliver such ballot boxes to the appropriate returning officer whenever an election has been ordered in his electoral district."

18. Subsection one of section twenty-eight of the said Act is repealed and the following substituted therefor:—

Ballot papers and their form.

"**28.** (1) All ballots shall be of the same description and as nearly alike as possible. The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names, addresses and occupations of the candidates alphabetically arranged in the order of their surnames, shall, subject as hereafter in this section provided, be printed exactly as they are set out in the heading of the nomination paper; the ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot paper and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 32."

19. Paragraph *(d)* of section twenty-nine of the said Act is repealed and the following substituted therefor:—

Fraudulent putting of paper in ballot box.

"*(d)* fraudulently puts or causes to be put into a ballot box a paper other than the ballot paper which is authorized by this Act;"

20. Paragraph *(e)* of subsection one of section thirty of the said Act is repealed and the following substituted therefor:—

"*(e)* copy of the instructions prescribed by the Chief Electoral Officer, referred to in paragraph *(a)* of subsection one of section thirteen of this Act;"

21. (1) Section thirty-six of the said Act is amended by adding thereto immediately after subsection one thereof the following subsection:—

Initialling ballot papers.

"(1A). Before the opening of the poll, on polling day, the deputy returning officer shall, at the polling station and in full view of such of the candidates or their agents or the electors representing candidates as are present, affix uniformly his initials in the space provided for that purpose on the back of every ballot paper supplied to him by the returning officer. The initials of the deputy returning officer shall be affixed either entirely with pen and ink or entirely with a black lead pencil. For the purpose of such initialling, the ballot papers shall not be detached from the books in which such ballot papers have been bound or stitched pursuant to subsection five of section twenty-eight of this Act."

(2) Subsection two of the said section is repealed and the following substituted therefor:—

Closing and sealing ballot box.

"(2) At the hour fixed for opening the poll the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall be securely closed and sealed with one of the special metal seals provided by the Chief Electoral Officer for the use of deputy returning officers. The ballot box shall then be placed on a table in full view of all present and shall be maintained so placed until the close of the poll."

22. Subsection one of section thirty-seven of the said Act is repealed and the following substituted therefor:—

Who may vote and where.

"**37.** (1) Subject to his taking any oath authorized by this Act to be required of him, every person whose name appears on an official list of electors shall be permitted to vote at the polling station on the list of electors for which his name appears. In an urban polling division, he shall not be permitted to vote if his name does not appear on such list, unless he has obtained a transfer certificate, pursuant to section forty-three of this Act, and fully complies with the provisions of subsection five of the said section, or unless he has obtained from the returning officer a certificate in Form No. 18 issued pursuant to subsection fourteen of section seventeen of this Act, or a certificate in Form No. 18A issued pursuant to subsection 14A of section seventeen of this Act, which certificate shall be delivered to the deputy returning officer before the elector is allowed to vote. In a rural polling division, any qualified elector may vote, subject to the provisions of section forty-six of this Act, notwithstanding that his name does not appear on the official list of electors for the polling division in which such elector ordinarily resides."

"Closed" lists in urban polls.

"Open" lists in rural polls.

23. Subsection four of section forty-three of the said Act is repealed and the following substituted therefor:—

Transfer certificates for deputy, poll clerk, and election clerk.

"(4) The returning officer or the election clerk may also issue a like transfer certificate to any person whose name appears on the official list of electors and who has been appointed to act as deputy returning officer or poll clerk at any polling station in the electoral district other than that at which such person is entitled to vote. The returning officer may also issue a like certificate to the election clerk, when such election clerk ordinarily resides in a polling division other than that in which the office of the returning officer is situated."

24. Paragraph *(c)* of subsection one of section forty-four of the said Act is repealed and the following substituted therefor:—

Communicating manner of voting.

"*(c)* at any time communicate any information as to the manner in which any ballot paper has been marked in his presence in the polling station; or"

25. Section forty-five of the said Act is amended by repealing subsections six and eight thereof and substituting the following therefor, respectively:—

Entry in poll book.

"(6) In such case, the poll clerk shall enter in the poll book, opposite the name of the voter

(a) a note of his having voted on a second ballot paper issued under the same name;

(*b*) the fact of the oath of identity having been required and taken, and the fact of any other oath being so required or taken; and

(*c*) any objections made on behalf of any and of which of the candidates."

Blind elector's ballot marked by friend.

"(8) The deputy returning officer shall either deal with a blind elector in the same manner as with an illiterate or otherwise incapacitated elector, or, at the request of a blind elector who has taken the oath in Form No. 43, and is accompanied by a friend who has taken the oath in Form No. 44, shall permit such friend to accompany the blind elector into the voting compartment and mark the blind elector's ballot. In such case the poll clerk shall, in addition to the other requirements prescribed by this Act, enter the name of the friend of the blind elector in the remarks column of the poll book, opposite the entry relating to such blind elector. No person shall at any election be allowed to act, as aforesaid, as the friend of more than one blind elector."

26. Section forty-six of the said Act is amended by adding thereto immediately after subsection three thereof, the following subsection:—

Penalty for illegal vouching.

"(4) Any elector who vouches for an applicant elector, knowing that such applicant is for any reason disqualified from voting in the polling division at the pending election, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided."

27. Subsections one and three of section forty-seven of the said Act are repealed and the following substituted therefor, respectively:—

Consecutive hours for voting.

"**47.** (1) Every employee who is a qualified elector shall, while the polls are open on polling day at a Dominion election, have three consecutive hours for the purpose of casting his vote; and if the hours of his employment do not allow for such three consecutive hours, his employer shall allow him such additional time for voting as may be necessary to provide the said three consecutive hours. No employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of absence from his work during such consecutive hours. The additional time for voting above referred to shall be granted at the convenience of the employer."

Penalty.

"(3) Any employer who, directly or indirectly, refuses, or by intimidation, undue influence, or in any other way, interferes with the granting to any elector in his employ, of the consecutive hours for voting, as in this section provided, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided."

28. (1) Paragraph (*d*) of subsection two of section fifty of the said Act is repealed and the following substituted therefor:—

"(*d*) upon which there is any writing or mark by which the voter could be identified, but no ballot paper shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer."

(2) Subsection nine of the said section is repealed and the following substituted therefor:—

Documents to be enclosed in ballot box.

"(9) The poll book, the several envelopes containing the ballot papers—unused, spoiled, rejected or counted for each candidate—each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall then be placed in the large envelope supplied for the purpose, and this envelope shall be immediately sealed and placed in the ballot box with (but not enclosing) the envelope containing the official statement of the poll prepared for the returning officer and referred to in the next preceding subsection. The ballot box shall then be securely closed and sealed with one of the special metal seals prescribed by the Chief Electoral Officer for the use of the deputy returning officer and forthwith transmitted by registered mail or delivered to the returning officer. The returning officer may appoint one or more persons for the purpose of collecting the ballot boxes from a given number of polling stations and such person or persons shall, on delivering such ballot boxes to the returning officer, subscribe to the oath in Form No. 55."

Closing and sealing ballot box.

29. Subsection one of section fifty-one of the said Act is repealed and the following substituted therefor:—

Safe-keeping of ballot boxes.

"**51.** (1) The returning officer upon receipt by him of each of the ballot boxes, shall take every precaution for its safekeeping and for preventing any person other than himself and his election clerk from having access thereto. The returning officer shall examine the special metal seal affixed to each ballot box by the deputy returning officer, pursuant to subsection nine of section fifty of this Act, and if such seal is not in good order, the returning officer shall affix his own special metal seal prescribed by the Chief Electoral Officer. The returning officer shall record the condition of the metal seal required to be affixed, by the deputy returning officer, to every ballot box in the appropriate column of the recapitulation sheets."

30. Section fifty-three of the said Act is repealed and the following substituted therefor:—

Custody of ballot boxes.

"**53.** (1) After the close of the election the returning officer shall cause the ballot boxes used thereat, to be deposited in the custody of the officer in charge of a Dominion building, if any, at the place at which the final addition of the votes was held, or if none, of the postmaster of such place, or of the sheriff of any county or district, or of the registrar of deeds of any county or registration division, included, or in part included, in the electoral district, or of any other person designated by the Chief Electoral Officer.

Receipt.

(2) Upon delivery to him of such ballot boxes, the custodian shall issue his receipt, in the form prescribed by the Chief Electoral Officer and transmit or deliver a copy of such receipt to the returning officer.

31. Section fifty-five of the said Act is amended by repealing the first five lines of subsection one thereof and substituting the following therefor:—

Failure of judge to act.

"**55.** (1) Except in the electoral district of Yukon-Mackenzie River, in case of any omission, neglect or refusal of the judge to comply with the foregoing provisions in respect of the recount, or to proceed therewith, any party aggrieved may, within eight days thereafter, make application—

32. Subsection five of section fifty-six of the said Act is repealed and the following substituted therefor:—

Notice of return in *Canada Gazette.*

"(5) The Chief Electoral Officer shall, on receiving the return of any member elected to serve in the House of Commons, enter it, in the order in which such return is received by him, in a book to be kept by him for such purpose and thereupon immediately give notice in an ordinary or special issue of the *Canada Gazette* of the name of the candidate so elected and in the order in which it was received, and shall also forward to the Comptroller of the Treasury a certified statement of the number of votes cast for each candidate in every electoral district and when the Comptroller of the Treasury has satisfied himself that pursuant to subsection thirteen of section twenty-one of this Act a candidate is entitled to the return of his deposit the Comptroller of the Treasury shall return it accordingly."

33. Subsections three, four, and five of section sixty of the said Act are repealed and the following substituted therefor:—

Mode of payment of fees and expenses.

"(3) Such fees, costs, allowances and expenses shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada, and they shall be distributed as follows:—

By special warrants on certain cases.

(a) in polling stations other than advance polling stations the fees or allowances, fixed by the tariff of fees, established pursuant to subsection one of this section,

for the personal services of deputy returning officers and poll clerks, and for the rental of polling stations, shall, except in the electoral district of Yukon-Mackenzie River, be paid direct to each claimant by special warrants drawn on the Comptroller of the Treasury and finally issued by the returning officer for each electoral district. When deemed advisable, the necessary blank warrants shall be furnished to each returning officer by the Chief Electoral Officer. Such warrants shall bear the printed signature of the Chief Electoral Officer, and when countersigned by the appropriate returning officer, shall be negotiable without charge at any chartered bank in Canada. Immediately after the final addition of the votes has been held, every returning officer shall fill in the necessary blank spaces in the warrants, affix his signature thereon and despatch the warrants by mail to the deputy returning officers, poll clerks and landlords of polling stations entitled to receive them;

By separate cheques in other cases.

(b) all claims made by other election officers, including enumerators, revising officers, advance polling station officers, and constables, and the various other claims, relating to the conduct of an election, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury at Ottawa, and sent direct to each person entitled to payment;

Mode of payment in Yukon-Mackenzie River.

(c) in the electoral district of Yukon-Mackenzie River, the accounts of deputy returning officers, poll clerks and landlords of polling stations, shall be paid by separate cheques issued from the office of the Comptroller of the Treasury after such accounts have been taxed by the Chief Electoral Officer as hereinafter provided.

Certification.

"(4) The returning officer shall certify for payment all accounts submitted by him to the Chief Electoral Officer, and shall be responsible for their correctness.

Responsibility of returning officer.

"(5) The returning officer shall exercise special care in the certification of enumerators' accounts. Any enumerator who wilfully and without reasonable excuse omits from the list of electors prepared by him (or by him jointly with another enumerator) the name of any person entitled to have his name entered thereon, or enters on the said list the name of any person who is not qualified as an elector in his polling division, shall forfeit his right to payment for his services and expenses. In all such cases, the returning officer shall not certify the enumerator's account, but shall send it forward uncertified to the Chief Electoral Officer with a special report attached thereto stating the relevant facts. The Comptroller of the Treasury shall not pay any urban enumerator's account until after the revision of the lists has been completed."

34. Subsection sixty-one of the said Act is repealed and the following substituted therefor:—

Taxation of accounts.

"**61.** The Chief Electoral Officer shall, in accordance with the tariff of fees established pursuant to subsection one of section sixty of this Act, tax all accounts relating to the conduct of an election and shall transmit such accounts forthwith to the Comptroller of the Treasury."

35. Section sixty-three of the said Act is amended by repealing the first six lines of subsection one thereof and substituting the following therefor:—

Return of election expenses by official agent.

"**63.** (1) Within two months after the candidate returned has been finally declared elected, the official agent of every candidate shall transmit to the returning officer a true signed return substantially in Form No. 57, in this Act referred to as a return respecting election expenses, containing detailed statements as respects that candidate of".

36. Subsection six of section seventy of the said Act is repealed and the following substituted therefor:—

Powers as commissioner under *Inquiries Act*.

"(6) For the purpose of any inquiry under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, shall have the powers of a commissioner under Part II of the *Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Comptroller of the Treasury on the certificate of the Chief Electoral Officer out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada."

37. Section ninety-five of the said Act is repealed and the following substituted therefor:—

Who may vote at advance polls.

"**95.** The privilege of voting at an advance poll shall extend and shall extend only—

(*a*) to such persons as are employed as commercial travellers as defined in subsection four of section two of this Act, to such persons as are employed as fishermen as defined in subsection 12A of section two of this Act and to such persons as are employed upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of his said employment, and in the course thereof, he is necessarily absent from time to time from his place of ordinary residence, and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day in, the polling division on the list for which his name appears; and

(*b*) to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears."

38. Section ninety-seven of the said Act is repealed and the following substituted therefor:—

Examining and sealing ballot box.

"**97.** (1) At the opening of the advance poll, at two o'clock in the afternoon of the first day of voting, the deputy returning officer shall, in full view of such of the candidates or their agents or the electors representing candidates as are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall be securely closed and sealed with one of the special metal seals provided by the Chief Electoral Officer for the use of deputy returning officers. The ballot box shall then be placed on a table in full view of all present and shall be maintained so placed until the close of the poll on such day.

Re-opening of poll.

(2) At the re-opening of the poll, at two o'clock in the afternoon of the second and third days of voting, the ballot box shall be unsealed and opened by the deputy returning officer in full view of such of the candidates or their agents or the electors representing candidates as are present, and the special envelope containing the unused ballot papers shall be taken out and opened. The special envelope or envelopes containing the ballot papers cast on the preceding day or days shall, unopened, remain in the ballot box. The ballot box shall then be closed, sealed and placed upon the table as prescribed in subsection one of this section.

Proceedings at close of advance poll each voting day.

(3) At the close of the advance poll, at ten o'clock in the evening of each voting day, the deputy returning officer shall in full view of such of the candidates or their agents or the electors representing candidates as are present,

(*a*) unseal and open the ballot box;

(*b*) empty the ballot papers (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose;

(*c*) seal such envelope;

(*d*) count the unused ballot papers and the certificates in Form No. 62 which up to that time have been presented;

(e) place the unused ballot papers and certificates in Form No. 62 in another special envelope supplied for the purpose;

(f) endorse thereon the number of such unused ballot papers and certificates in Form No. 62; and

(g) seal the said envelope.

Affixing of signatures and seal.

The deputy returning officer and such of the candidates or their agents or the electors representing candidates as are present, shall affix their signatures on both of the above mentioned special envelopes, before such envelopes are placed in the ballot box. The ballot box shall then be closed and sealed as prescribed in subsection one of this section.

Custody of ballot box.

(4) In the intervals between voting hours at the advance poll and until six o'clock in the afternoon of the day fixed as ordinary polling day, the ballot box shall remain in the custody of the deputy returning officer. The ballot box shall be kept sealed in the manner prescribed in subsection one of this section, and such of the candidates or their agents or the electors representing candidates as are present at the close of the poll on each of the three voting days at the advance poll may, if they so desire, take note of the serial number embossed on the special metal seal used for sealing the ballot box, as herein prescribed, and may again take note of such serial number at the re-opening of the poll on the second and third days of voting and at the counting of the votes on the ordinary polling day.

Provisions applicable to advance polls.

(5) Subject to the provisions of sections ninety-four to ninety-seven, inclusive, of this Act, the provisions of this Act relating to ordinary polls shall in so far as applicable apply to advance polls."

39. The said Act is further amended by inserting therein, immediately after section one hundred and two, thereof, the following section:—

When polls lie in two time zones.

"**102A.** In an electoral district lying in two different standard time zones, the hours of the day for every operation prescribed by this Act, at a Dominion election, shall be determined by the returning officer with the approval of the Chief Electoral Officer, and such hours, after a notice to that effect has been published in the Proclamation in Form No. 4, shall be uniform throughout the electoral district."

40. Subsection one of section one hundred and four of the said Act is repealed and the following substituted therefor:—

Oaths, by whom administered.

"**104.** (1) Where in this Act any oath, affirmation, affidavit or statutory declaration is authorized or directed to be made, taken or administered, the oath, affirmation, affidavit or declaration shall be administered by the person who by this Act is expressly required to administer it, and, if no particular person is required to administer it, then by the judge of any court, the returning officer, the election clerk, a postmaster, a revising officer, a deputy returning officer, a poll clerk, a notary public, a magistrate, a justice of the peace or a commissioner for taking affidavits within the province."

41. Section one hundred and seven of the said Act is amended by inserting after the word "result" in the third line thereof, the following words: "or purported result".

42. The said Act is further amended by inserting therein, immediately after section one hundred and eight thereof, the following heading and section:—

"Lists of Electors for By-elections ordered on a date later than six months after a General Election.

Special procedure provided.

108A. (1) When a writ ordering a by-election in any electoral district is issued on a date later than six months after the date fixed as polling day at the next preceding general election, the procedure to be followed in the preparation, revision, etc., of the lists of electors to be used at such by-election shall be the same as that provided in this Act, except with regard to the following particulars:

(a) The enumeration of electors in urban and rural polling divisions shall commence on Monday, the thirty-fifth day before polling day and be completed on Thursday, the thirty-second day before polling day.

(b) The days for the sittings for the revision of the lists of electors for urban polling divisions shall be the Thursday, Friday and Saturday, the eleventh, tenth and ninth days before polling day.

(c) The lists of electors for urban polling divisions shall not be re-printed after such lists have been revised by the revising officer.

(d) The official list of electors for an urban polling division shall consist of the printed preliminary list of electors, prepared pursuant to this Act, taken together with a copy of the statement of changes and additions certified by either the revising officer or the returning officer.

Act modified in consolidation.

(2) In the consolidation of this Act for use at any by-election herein referred to, the Chief Electoral Officer shall, consistently with the provisions of subsection one of this section, make such modifications as are deemed necessary."

43. The said Act is further amended by inserting therein immediately after section one hundred and nine thereof, the following heading and section:—

"Voting by Defence Service electors and Veteran electors at a General Election

Defence Service and Veteran electors

109A. (1) The qualifications of Defence Service electors and Veteran electors at a general election and the procedure to be followed in the taking, receiving, sorting and counting voting at a general election.

of the votes cast by such electors shall be as set forth in *The Canadian Defence Service Voting Regulations* which are appended as Schedule Three to this Act.

Names and surnames of candidates wired to Chief Electoral Officer.

(2) The returning officer for each electoral district shall, immediately after three o'clock in the afternoon on nomination day, at a general election, 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.

Earliest date for final addition of the votes.

(3) For the purpose of a general election, 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 Monday, the seventh day after polling day.

Results of voting by Defence Service electors and Veteran electors included with civilian vote.

(4) The Chief Electoral Officer shall, on a day not later than the Saturday next following polling day, at a general election, advise, by telegraph, the returning officer of every electoral district as to the total number of votes cast by Defence Service electors and Veteran electors, in every voting territory, for each candidate in his electoral district, under the procedure laid down in *The Canadian Defence Service Voting Regulations* which are appended as Schedule Three to this Act. The returning officer shall thereupon enter on his recapitulation sheets the total number of votes cast for each candidate, and shall deal with such telegraphic communication as though it were a statement of the poll received from a deputy returning officer.

Adjournment of final addition of votes.

(5) If the result of the vote taken under the procedure laid down in *The Canadian Defence Service Voting Regulations* which are appended as Schedule Three to this Act, at a general election, 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."

44. The said Act is further amended by inserting therein, immediately after section one hundred and ten thereof, the following section:—

Writ for late by-election superseded and withdrawn.

"**110**A. Notwithstanding anything contained in this or any other Act, whenever a writ has been issued ordering a by-election to be held on a date subsequent to the latest date upon which the existing Parliament may dissolve, as provided by section fifty of the *British North America Act, 1867*, such writ shall, after a notice to that effect has been published in the *Canada Gazette* by the Chief Electoral Officer, be deemed to have been superseded and withdrawn."

45. (1) Forms Nos. 7, 12, 13, 14, 16, 18, 24, 32-*Front*, 34, 37, 38, 41, 45, and 46 of Schedule One to the said Act are repealed and the following forms substituted therefor, respectively:—

"FORM NO. 7.

(Sec. 17, Sched. A, Rule 7).

Electoral district of..

City (or town) of..

Urban polling division No..

ENUMERATORS' NOTICE TO ELECTOR.

Notice is hereby given that the undersigned enumerators for the above mentioned urban polling division will include in their preliminary list of electors, now in course of preparation for use at the pending Dominion election, an entry as undernoted. Notice is also given that if any entry made in this notice or in the preliminary list of electors is in any respect incorrect, such list may be corrected on application to the revising officer at the place and times of which notice will in due course be given by the returning officer for the above mentioned electoral district.

Name of elector..............................
(family name first)

Occupation..............................

Post office address..............................

....
(*Enumerator*)

....
(*Enumerator*)

NOTE.—This notice should be preserved until after polling day at the pending election.

"FORM No. 12.

NOTICE OF REVISION.

(Sec. 17, Sched. A, Rule 23.)

Electoral district of...

PUBLIC NOTICE IS HEREBY GIVEN THAT the sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held at ten o'clock in the forenoon of each of the following three days, namely: Thursday, Friday and Saturday, the...................... ....and..........days of..................19....
(Insert the dates of the 18th, 17th and 16th days before polling day.)
when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF.....................

FOR REVISAL DISTRICT NO. 1, comprising polling divisions Nos..................... of the above mentioned electoral district, included within an area described as follows: *(Insert description of area included in revisal district)*, the sittings for revision will be held at *(Insert exact location of the revisal office)* before *(Insert full name of the revising officer)* who has been appointed revising officer and whose ordinary post office address is *(Insert address of revising officer)*, where he will be found from .... o'clock until .... o'clock in the afternoons of Monday, Tuesday, and Wednesday, the .... and...........days of...............................19....
(Insert the dates of the three days immediately preceding the sittings for revision) to complete affidavits of objection in Form No. 13.

(Proceed as above in respect to any other revisal district.)

NOTICE IS FURTHER GIVEN THAT on the three days immediately preceding the first day fixed for the sittings for revision, as above mentioned, a qualified elector in any of the above mentioned revisal districts may make, before the revising officer for such revisal district, an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

THAT at any of the sittings for revision aforesaid the revising officer shall dispose of the following applications and objections:—

(a) personal applications made verbally by electors whose names were omitted from the preliminary lists of electors, pursuant to Rule (32) of Schedule A to section seventeen of *The Dominion Elections Act, 1938*, as amended;

(b) sworn applications made by agents on Forms Nos. 15 and 16 of the said Act, on behalf of persons claiming the right to have their names included in the lists of electors, pursuant to Rule (33) of Schedule A to section seventeen of the said Act;

(c) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors, made pursuant to Rule (35) of Schedule A to section seventeen of the said Act; and

(d) objections made on affidavits, in Form No. 13 of the said Act, to the retention of names on the lists of electors, of which the revising officer has given notice, in Form No. 14 of the said Act, to the persons concerned, pursuant to Rule (28) of Schedule A to section seventeen of the said Act.

THAT each of the sittings for revision will open at ten o'clock in the forenoon and will continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of.

THAT, moreover, on the above mentioned Thursday, Friday and Saturday fixed for the sittings for revision each revising officer will sit continuously in his revisal office from seven o'clock until ten o'clock in the evening of each of these three days.

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours at my office at *(insert location of office of returning officer).*

Given under my hand at.....................this.................

day of.............................., 19....

(Print name of returning officer.)

Returning officer for the electoral district of.................

"FORM NO. 13.

AFFIDAVIT OF OBJECTION.

(Sec. 17, Sched. A, Rule 28.)

Electoral district of...

Revisal district No.......................

I, the undersigned,...................... whose address is......................., and whose occupation is................, do swear (*or* solemnly affirm):—

1. That I am the person described on the preliminary list of electors prepared for use at the pending election, for polling division No......., comprised in the above mentioned revisal district, and that my address nd occupation are set out above as given in the said preliminary list.

2. That there has been included in the preliminary list of electors prepared for use at the pending election, for polling division No......., comprised in the said revisal district, the name of (*name as on preliminary list*), whose address is given as (*address as on preliminary list*), and whose occupation is given as (*occupation as on preliminary list.*)

3. That I know of no other address at which the said person is more likely to be reached than that so stated on the said preliminary list, except (*give alternative or better address, if one is known*).

4. And that I have good reason to believe and do verily believe that the name, address and occupation mentioned in paragraph (2) of this affidavit should not appear on the said preliminary list of electors, because the person described by the said entry (*insert the ground of disqualification as hereinafter directed*).

Sworn (*or* solemnly affirmed)	
before me at.....................	
this..........day of............	.... (*Signature of deponent*).
19.......	

....
Revising officer for Revisal district No...........

Grounds of disqualification which may be set out in the Affidavit of Objection in Form No. 13.

(1) "Is dead."
(2) "Is not known to exist."
(3) "Is not qualified to vote because he is not of the full age of twenty-one years and will not attain such age on or before polling day at the pending election."
(4) "Is not qualified to vote because he is not a Canadian citizen nor a British subject by birth or naturalization."
(5) "Is not qualified to vote because he has not been ordinarily resident in Canada during the twelve months immediately preceding polling day at the pending election."
(6) "Is not qualified to vote because he was not ordinarily resident in this electoral district on the day of , 19 (*naming the date of the issue of the writ for the pending election*)."
(7) "Is not qualified to vote because he is" (*naming the other class of disqualified persons to which the person objected to belongs, as prescribed in sections fourteen, fifteen and sixteen of The Dominion Elections Act, 1938, as amended*).

(8) "Has to my knowledge, been included in the list of electors prepared for use at the pending election for polling division No....... of this electoral district in which he ordinarily resides."

"FORM No. 14.

NOTICE TO PERSON OBJECTED TO.

(Sec. 17, Sched. A, Rule 28.)

Electoral district of...........................

Revisal district No.............

To *(set out name, address and occupation of the person objected to, as these appear on the preliminary list of electors, also addressing a copy of the notice and affidavit to another address, if any, given in the Affidavit of Objection in Form No. 13.)*

Take notice that the attached Affidavit of Objection to the retention of your name on the list of electors for one of the polling divisions comprised in the above mentioned revisal district, has been subscribed before me and that the objection will be dealt with during my sittings for revision which will be held at No.......... ....street, in the city (or town) of...............on the...................... ....and...............days of............19...., where I may be found at ten o'clock in the forenoon and also from seven o'clock until ten o'clock in the evening of each of these three days.

Take notice also that you may appear before me in person or by representative, during any of the above mentioned sittings for revision, and sustain your right, if any, to have your name retained on such list of electors.

This notice is given pursuant to Rule 28 of Schedule A to section seventeen of *The Dominion Elections Act, 1938,* as amended.

Dated at...........this............day of...........19....

....
Revising officer for Revisal district No..........

"FORM NO. 16.

APPLICATION TO BE MADE BY AN ELECTOR FOR REGISTRATION AS SUCH.

(Sec. 17, Sched. A, Rule 33).

(To be presented to the revising officer by the agent of an elector)

Electoral district of.................. ....
Pollin division No...................
Name of applicant..
(In capital letters with family name first)

....
(address)

....
(occupation)

I hereby apply to be registered at the now proceeding revision of lists of electors as an elector in the above mentioned polling division.

I am of the full age of twenty-one years, or will attain such age on or before polling day at the pending election.

I am a Canadian citizen or a British subject by birth or naturalization.

I have been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election, and was ordinarily resident in the above mentioned polling division on the..............day of................, 19....*(naming the date of the issue of the writ for the pending election)*; (and, at a by-election, I have continued to be ordinarily resident in this electoral district until this day).

I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of *The Dominion Elections Act, 1938*, as amended.

Dated at........................, this....................... day of......................., 19....

....
(Signature of applicant)

ALTERNATIVE APPLICATION TO BE SWORN BY A RELATIVE OR EMPLOYER WHEN ELECTOR IS TEMPORARILY ABSENT FROM HIS PLACE OF ORDINARY RESIDENCE.

(To be presented to the revising officer by the agent of an elector)

Electoral district of..................
Polling division No...

I, ... of.......................
(insert name of relative or employer) *(address)*

............................., do swear (*or* solemnly affirm):—
(occupation)

1. That I am hereby applying for the registration of the name of ...., of...............................
(in capital letters with family name first) *(address)*

....
(occupation)

on the list of electors for the above mentioned polling division, at the now proceeding revision of lists of electors.

2. That the said...
(Name of person on whose behalf the application is made)

(a) is of the full age of twenty-one years, or will attain such age on or before polling day at the pending election in this electoral district.

(b) is a Canadian citizen or a British subject by birth or naturalization.

(c) has been ordinarily resident in Canada for the twelve months immediately preceding polling day at the pending election, and was ordinarily resident in the above mentioned polling division on the day of , 19 *(naming the date of the issue of the writ for the pending election);* (and, at a by-election, has continued to be ordinarily resident in this electoral district until this day).

3. That the said...
(Name of person on whose behalf the application is made)

is at this time temporarily absent from his place of ordinary residence, and that, to the best of my knowledge and belief, he is not disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of *The Dominion Elections Act, 1938*, as amended.

4. And that I am {a relative by blood or marriage, or the employer} of the said

....

Sworn (*or* solemnly affirmed)
before me at...................
this............day of.........
19....

....
Revising officer (or as the case may be)

....
(Signature of relative or employer)

"FORM NO. 18.

CERTIFICATE TO BE ISSUED BY THE RETURNING OFFICER TO AN ELECTOR, DULY ENUMERATED, WHOSE NAME WAS INADVERTENTLY LEFT OFF THE OFFICIAL URBAN LIST OF ELECTORS.

(Sec. 17 (14).)

Electoral district of..

Urban polling division No.......................................

This is to certify that a carbon copy of the notice in Form No. 7 in the enumerators' record books now in my possession show that such

notice was duly issued to..,
(insert name)

.................................., ...
(insert address) *(insert occupation)*

advising such person that his name would be included in the preliminary list of electors for the above mentioned polling division, and that it now appears that his name was thereafter inadvertently left off the official list of electors for the said polling division.

This is to certify also that, pursuant to subsection fourteen of section seventeen of *The Dominion Elections Act, 1938*, as amended, the official list of electors for the above mentioned polling division is deemed to have been amended to include the name of the above mentioned elector, and that such elector is therefore entitled to vote at the pending election at polling station No. ....established for the above mentioned polling division.

Given under my hand at..................................,

this...........day of.............................., 19... ..

....
(Returning officer)

"FORM NO. 24

NOMINATION PAPER. (Sec. 21 (5))

We, the undersigned electors of the electoral district of

, hereby nominate *(here give name in full, with surname first, residence and occupation of person nominated)* as a candidate at the election now about to be held, of a member to represent the said electoral district in the House of Commons of Canada.

Signature of witness	Address of witness	Occupation of witness	Signatures of electors	Addresses of electors	Occupations of electors
....	....	....	....	....	....
....	....	....	....	....	....

Several signatures of electors may be bracketed and a witness need sign only once opposite the bracket, or the whole series of signatures which he witnessed.

I, the said..nominated in the
(Name of person nominated)
foregoing nomination paper, hereby consent to such nomination, and name as my address for the serving of process and papers under *The Dominion Elections Act, 1938*, as amended and under the *Dominion Controverted Elections Act:*

....
(Here insert address)

I do, pursuant to section sixty-two of *The Dominion Elections Act, 1938*, as amended hereby

name and appoint..

whose address is..

and whose occupation is...
as my official agent for the pending election.

Witness my hand at..

this................................day of......................................, 19....

Signed by the said nominee in the presence of

....
(Signature of witness)

....
(Signature of candidate)

"FORM No. 32

FORM OF BALLOT PAPER (Sec. 28)

Front

BROWN, WILLIAM R.,
636 POWER ST., OTTAWA,
BARRISTER.

HAMON, FRANK ARTHUR,
R.R. NO. 3, WESTBORO,
FARMER.

O'NEIL, JOSEPH,
EASTVIEW,
GENTLEMAN.

SMITH, JOHN THOMAS,
239 BANK ST., OTTAWA,
MERCHANT.

"FORM NO. 34.

DIRECTIONS TO ELECTORS.

Each elector may vote only at one polling station and for only one candidate.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will place a cross, thus X, within the white space provided on the ballot paper opposite the name and particulars of the candidate for whom such elector desires to vote.

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the numbers on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper, he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and the deputy returning officer will then himself place the ballot paper in the ballot box. The elector shall then forthwith quit the polling station.

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer, who, on being satisfied of the fact, will give him another.

If an elector votes for more than one candidate, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be null and void and will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at any election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the conduct of the election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following form of ballot paper, given for illustration, the candidates are William R. Brown, Frank Arthur Hamon, Joseph O'Neil, and John Thomas Smith, and the elector has marked his ballot paper in favour of John Thomas Smith.

BROWN, WILLIAM R.,
636 POWER ST., OTTAWA,
BARRISTER.

HAMON, FRANK ARTHUR,
R.R. NO. 3, WESTBORO,
FARMER.

O'NEIL, JOSEPH,
EASTVIEW,
GENTLEMAN.

SMITH, JOHN THOMAS, X
239 BANK ST., OTTAWA,
MERCHANT.

"Form No. 34A.

DIRECTIONS TO ELECTORS.

APPLICABLE ONLY IN AN ELECTORAL DISTRICT IN WHICH TWO MEMBERS ARE TO BE RETURNED.

Each elector may vote only at one polling station but he is entitled to vote for two candidates.

After being handed a ballot paper by the deputy returning officer, the elector will go into a voting compartment and, with a black lead pencil there provided, will place a cross, thus X, within the white space provided on the ballot paper opposite the names and particulars of the two candidates for whom such elector desires to vote.

The elector shall then fold the ballot paper so that the initials of the deputy returning officer on the back and the numbers on the counterfoil can be seen and the counterfoil detached without unfolding the ballot paper; he shall then return the ballot paper so folded to the deputy returning officer, who shall, in full view of those present, including the elector, remove the counterfoil, destroy the same, and the deputy returning officer will then himself place the ballot paper in the ballot box. The elector shall then forthwith quit the polling station.

If an elector inadvertently spoils a ballot paper, he may return it to the deputy returning officer, who, on being satisfied of the fact, will give him another

If an elector votes for more than two candidates, or places any mark on the ballot paper by which he can afterwards be identified, his vote will be null and void and will not be counted.

If an elector fraudulently takes a ballot paper out of the polling station, or fraudulently delivers to the deputy returning officer to be put into the ballot box any other paper than the ballot paper given him by the deputy returning officer, he will be disqualified from voting at any election for seven years thereafter and be liable, if he is a returning officer, election clerk, deputy returning officer, poll clerk or other officer engaged in the conduct of the election, to imprisonment without the alternative of a fine for a term not exceeding five years and not less than one year, with or without hard labour, and if he is any other person, to imprisonment for a term not exceeding three years and not less than one year with or without hard labour.

In the following form of ballot paper, given for illustration, the candidates are William R. Brown, Frank Arthur Hamon, Joseph O'Neil, and John Thomas Smith, and the elector has marked his ballot paper in favour of Frank Arthur Hamon and John Thomas Smith.

BROWN, WILLIAM R., 636 POWER ST., OTTAWA, BARRISTER.	
HAMON, FRANK ARTHUR, R.R. NO. 3, WESTBORO, FARMER.	X
O'NEIL, JOSEPH, EASTVIEW, GENTLEMAN.	
SMITH, JOHN THOMAS, 239 BANK ST., OTTAWA, MERCHANT.	X

"FORM No. 37.

OATH OF QUALIFICATION. (Sec. 39 (1).)

(1) You swear (*or* solemnly affirm) that you are *(name, address and occupation)* as given on the list of electors now shown you;

(2) That you are a Canadian citizen or a British subject by birth or naturalization of the full age of twenty-one years;

(3) That you have been ordinarily resident in Canada for the twelve months immediately preceding this polling day and that you were ordinarily resident in this polling division on the
day of , 19 *(naming the date of the issue of the writ of election);* (and, at a by-election, that you have continued to be ordinarily resident in this electoral district until to-day);

(4) That, to the best of your knowledge and belief, you are not disqualified as an elector in this polling division, at the pending election, under any of the provisions of the *Dominion Elections Act;*

(5) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(6) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

"FORM NO. 38.

AFFIDAVIT OF QUALIFICATION. (Sec. 39 (2).)

Electoral district of..
Urban polling division No......................................

I, the undersigned.............................., do swear (*or* solemnly affirm):—

(1) That I am of the full age of twenty-one years;

(2) That I am a Canadian citizen or a British subject by birth or naturalization;

(3) That I have been ordinarily resident in Canada for the twelve months immediately preceding this polling day;

(4) That I was ordinarily resident in the above mentioned polling division on the day of , 19 *(naming the date of the issue of the writ for the pending election)*; (and at a by-election, that I have continued to be ordinarily resident in this electoral district until to-day);

(5) That I am not, to the best of my knowledge and belief, disqualified as an elector in the above mentioned polling division, at the pending election, under any of the provisions of *The Dominion Elections Act, 1938*, as amended;

(6) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election;

(7) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto;

(8) That I am the person intended to be referred to by the entry in the official list of electors for this polling station under consecutive No............. of the name of.............................. .... *(name as in list of electors)*, whose occupation is given as........................... *(occupation as in list of electors)*, and whose address is given as.............................. *(address as in list of electors)*;

(9) That.................................... is my true name and that the signature affixed hereto is in my usual handwriting (or in the case of an illiterate person—that the mark placed hereto is my usual method of signing my name).

SWORN *(or* solemnly affirmed)
before me at...................
this.............day of........
19......

....
Signature of deponent.

....
Deputy returning officer

"FORM No. 41.

AFFIDAVIT OF A CANDIDATE'S AGENT TO BE SUBSCRIBED BEFORE VOTING ON A TRANSFER CERTIFICATE.

(Sec. 43 (2).)

Electoral district of..

I, the undersigned, do swear (*or* solemnly affirm):

(1) That I am the person described in the above transfer certificate;

(2) That I am actually agent of .... ;
(insert name of candidate)

(3) That it is my intention to act in that capacity until the poll is closed on this polling day; that I have taken the oath of secrecy in Form No. 35 of *The Dominion Elections Act, 1938*, as amended; that I am a Canadian citizen or a British subject by birth or naturalization of the full age of twenty-one years; that I have been ordinarily resident in Canada for the twelve months immediately preceding this polling day and that I was ordinarily resident in this electoral district on the day of , 19 *(naming the date of the issue of the writ of election)*; (and, at a by-election, that I have continued to be ordinarily resident in this electoral district until to-day);

(4) That I am not, to the best of my knowledge and belief, disqualified as an elector at the pending election in this electoral district, under any of the provisions of *The Dominion Elections Act, 1938*, as amended;

(5) That I have not received anything nor has anything been promised to me directly or indirectly, in order to induce me to vote or to refrain from voting at the pending election; and

(6) That I have not already voted at the pending election nor have I been guilty of any corrupt or illegal practice in relation thereto. So help me God.

SWORN *(or* solemnly affirmed)
before me at......................
this..........................
day of.................., 19......

....
(Signature of deponent)

....
Deputy returning officer

"FORM NO. 45.

OATH OF A PERSON WHOSE NAME IS NOT ON THE OFFICIAL LIST OF ELECTORS FOR A RURAL POLLING DIVISION AND WHO IS QUALIFIED TO VOTE THEREIN. (Sec. 46.)

(1) You swear (*or* solemnly affirm) that you are *(name, address and occupation)* and that you are a Canadian citizen or a British subject by birth or naturalization of the full age of twenty-one years;

(2) That you have been ordinarily resident in Canada for the twelve months immediately preceding this polling day and that you were ordinarily resident in this polling division on the day of , 19 *(naming the date of the issue of the writ of election)*;

(3) That you are now ordinarily resident in this polling division;

(4) That, to the best of your knowledge and belief, you are not disqualified as an elector in this polling division, at the pending election, under any of the provisions of the *Dominion Elections Act;*

(5) That you have not received anything nor has anything been promised to you directly or indirectly, in order to induce you to vote or to refrain from voting at the pending election; and

(6) That you have not already voted at the pending election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

"FORM NO. 46.

OATH OF PERSON VOUCHING. (Sec. 46.)

(1) You swear (*or* solemnly affirm) that you are *(name, address and occupation)* as given on the list of electors now shown you;

(2) That you are now ordinarily resident in this polling division;

(3) That you know (*naming the applicant and stating his address and occupation)* who has applied to vote at the pending election in this polling station;

(4) That the said applicant is now ordinarily resident in this polling division;

(5) That you verily believe that the said applicant is a Canadian citizen or a British subject by birth or naturalization of the full age of twenty-one years, that he has been ordinarily resident in Canada for the twelve months immediately preceding this polling day and that he was ordinarily resident in this polling division on the day of , 19 *(naming the date of the issue of the writ of election)*; and

(6) That you verily believe that the said applicant is qualified to vote in this polling division at the pending election. So help you God.

(2) Paragraphs *(a)* and *(b)* in Form No. 61 of the said Schedule are repealed and the following substituted therefor:—

"(*a*) such persons as are employed as commercial travellers as defined in subsection four of section two of *The Dominion Elections Act, 1938,* as amended, or such persons as are employed as fishermen as defined in subsection 12A of section two of the said Act, or such persons as are employed upon railways, vessels, airships or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof) and to any of such persons only if, because of the nature of the said employment, and in the course thereof, he is necessarily absent from time to time from his place of ordinary residence and if he has reason to believe that he will be so absent on polling day from, and that he is likely to be unable to vote on that day, in the polling division on the list of electors for which his name appears; and

(*b*) such persons as are members of the Royal Canadian Mounted Police Force and to any of such persons only if on account of the performance of duties or training, in such Force, he has reason to believe that he will be necessarily absent on polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears."

(3) Clause (3) of Form No. 62 of the said Schedule is repealed and the following substituted therefor:—

"(3) That he has reason to believe that he will be so absent on polling day at the pending election from, and that he is likely to be unable to vote on such polling day in, the undermentioned polling division on the list of electors whereon his name appears, or—that he is a member of the Royal Canadian Mounted Police Force and that, on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on such polling day from, and that he is likely to be unable to vote on that day in, the undermentioned polling division on the list of electors for which his name appears."

(4) The said Schedule is further amended by adding thereto the following forms Nos. 9A, 9B and 18A.

"FORM No. 9A.

PRINTER'S AFFIDAVIT RESPECTING THE PRINTING OF LISTS OF ELECTORS.
(Sec. 17 (15A).)

Electoral district of..

I,......................of the........................of..
(insert city or town or village)

......................,........................, do swear *or*
(insert occupation)
solemnly affirm):—

1. That I am..
(Insert "the sole member" or "one of the members of the firm

....
of" or "the of the Co. Ltd.", or as the case may be.)

by whom or by which lists of electors have been printed for use at the Dominion election which has been ordered to be held in the above mentioned electoral district.

2. That neither I nor any member of my firm has paid, agreed or promised to pay, given or promised to give any monetary or other reward, to the returning officer of the above named electoral district, or to any person on his behalf, or to any person whatsoever, as consideration for the granting of an order of any kind for the printing of lists of electors prepared for use at the 19....... Dominion election in such electoral district.

Sworn (*or* solemnly affirmed)
before me at...................
this.........day of...........
19......
....
Justice of the peace (or Notary public or Commissioner for taking affidavits).

....
(Signature of deponent).

"FORM NO. 9B.

RETURNING OFFICER'S AFFIDAVIT RESPECTING THE PRINTING OF LISTS OF ELECTORS.

(Sec. 17 (15A).)

Electoral district of..

I, the undersigned, returning officer for the above mentioned electoral district, do swear (*or* solemnly affirm):—

That I have not, nor has any person for me and on my behalf, received or requested, demanded, accepted, or agreed to accept from any person whatsoever, any monetary or other reward as consideration for the granting of an order of any kind for the printing of the lists of electors prepared for use at the 19.. Dominion election which has been ordered to be held in the above named electoral district.

SWORN (*or* solemnly affirmed)
before me at..................
this..........day of..........
19.....

....
Justice of the peace (or Notary public or Commissioner for taking affidavits).

....
(Signature of returning officer.)

"Form No. 18A.

CERTIFICATE TO BE ISSUED BY THE RETURNING OFFICER TO AN ELECTOR, DULY REGISTERED BY A REVISING OFFICER, WHOSE NAME WAS INADVERTENTLY LEFT OFF THE OFFICIAL URBAN LIST OF ELECTORS.

(Sec. 17 (14A).)

Electoral district of..

Urban polling division No..

This is to certify that the revising officer's record sheets, now in my possession, show that an application for registration on the list of electors made by or on behalf of...................................
(insert name)

..............................., ...
(insert address) *(insert occupation)*

was duly accepted by the revising officer for revisal district No......, of the above stated electoral district, during his sittings for revision and that it now appears that his name was thereafter inadvertently left off the official list of electors for the said polling division.

This is to certify also that, pursuant to subsection 14A of section 17 of *The Dominion Elections Act, 1938*, as amended, the official list of electors for the above mentioned polling division is deemed to have been amended to include the name of the above mentioned elector, and that such elector is therefore entitled to vote at the pending election at polling station No..........established for the above mentioned polling division.

Given under my hand at....................this.............

day of.................................., 19......

....
(Returning officer)

46. Schedule Three to the said Act is repealed and the following substituted therefor:—

"SCHEDULE THREE

THE CANADIAN DEFENCE SERVICE VOTING REGULATIONS

To enable Canadian electors on Defence Service and Veterans receiving treatment or domiciliary care in hospitals or institutions to exercise their franchise at a general election.

SHORT TITLE.

Short title.

1. These Regulations may be cited as *The Canadian Defence Service Voting Regulations.*

APPLICATION.

Application.

2. These Regulations shall apply only to a general election held in Canada and shall not apply at by-elections.

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 purposes 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, pursuant to paragraph 11 of these Regulations, as chief assistant to a special returning officer;

"Chief Electoral Officer."

(b) "Chief Electoral Officer" means the person who holds office as Chief Electoral Officer under sections three and four of *The Dominion Elections Act, 1938,* as amended;

"Clerical assistant."

(c) "clerical assistant" means a person appointed by a special returning officer, pursuant to paragraph 15 of these Regulations, for duty as clerical assistant in his office;

"Commanding officer."

(d) "commanding officer" means the commanding officer of a unit, as hereinafter defined;

"Commissioned officer."

(e) "commissioned officer" means the commissioned officer designated by the commanding officer, pursuant to paragraph 30 of these Regulations, to take the votes of Defence Service electors; it shall include a person of or above non-commissioned officer status designated by the commanding officer for that purpose where a commissioned officer is not available;

"Defence Service."

(f) "Defence Service" means engagement in any of the services or duties referred to in subparagraph one of paragraph 5 of these Regulations;

"Deputy special returning officers."

(g) "deputy special returning officers" means the persons appointed by the Chief Electoral Officer, pursuant to paragraph 50 or 51 of these Regulations, to take the votes of Veteran electors receiving treatment or domiciliary care in hospitals or institutions;

"Hours of the day."

(h) "hours of the day" and all other references to time in these Regulations relate to standard time;

"Inner envelope."

(i) "inner envelope" means the plain envelope in which the ballot paper is to be placed after it has been marked by a Defence Service elector or a Veteran elector, before it is transmitted to the special returning officer in the outer envelope hereinafter defined;

"Liaison officer."

(j) "liaison officer" means the member of the Naval, Military or Air Forces of Canada who has been designated by the Minister of National Defence to act as liaison officer between the special returning officer and the various commanding officers pursuant to paragraph 18 of these Regulations, with regard to the taking of the votes of Defence Service electors;

"Outer envelope."

(k) "outer envelope" means the envelope provided for the transmission by mail of the ballot paper (after such ballot paper has been marked and enclosed in the inner envelope hereinbefore defined) of a Defence Service elector or a Veteran elector to the appropriate special returning officer, which envelope has been printed as follows: on the face with the full name and post office address of such special returning officer, and on the back with a blank declaration either in Form No. 7 or Form No. 12 of these Regulations;

"Polling day."

(l) "polling day" means the date fixed, as prescribed by section twenty-one of *The Dominion Elections Act, 1938*, as amended, for holding the poll at a general election;

"Scrutineers."

(m) "scrutineers" means the persons appointed by the Chief Electoral Officer, pursuant to paragraph 13 of these Regulations, for duty as scrutineers in the office of the special returning officer;

"Special returning officer."

(*n*) "special returning officer" means a person appointed by the Governor in Council, pursuant to paragraph 9 of these Regulations, as special returning officer to superintend the taking, receiving, sorting and counting of the votes cast by Defence Service electors and Veteran electors in a given voting territory;

"Superintendent."

(*o*) "superintendent" means the person in charge of a hospital or institution where voting by Veteran electors is authorized by these Regulations;

"Unit."

(*p*) "unit" means a formation, unit, detachment, ship or establishment to which Defence Service electors are posted or attached for the time being;

"Veteran elector."

(*q*) "Veteran elector" means a person as described in paragraph 42 of these Regulations;

"Voting territory."

(*r*) "voting territory" means a specified area, within Canada, where a special returning officer shall be stationed and where the votes of Defence Service electors and Veteran electors shall be taken, received, sorted and counted, as prescribed in these Regulations.

QUALIFICATIONS OF DEFENCE SERVICE ELECTORS

Qualifications.

5. (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a Canadian citizen or a British subject, shall be deemed to be a Defence Service elector and qualified to vote under these Regulations, if he or she

IN THE CANADIAN NAVAL FORCES:

(*A*) is a member of the Royal Canadian Navy other than those on the retired list, or

(*B*) is a member of the Royal Canadian Navy (Reserve) who is performing (i) periodic training; (ii) voluntary service; (iii) special naval duty.

IN THE CANADIAN ARMY:

(*A*) is a member of the Canadian Army Active Force, or

(*B*) is a member of the Canadian Army Reserve Force, and is absent from his place of ordinary 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 Reserve Force, 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.

IN THE ROYAL CANADIAN AIR FORCE:

(*A*) is a member of the Royal Canadian Air Force (Regular) employed on continuous general service, or

(*B*) is a member of any other component of the Royal Canadian Air Force employed on continuous training or duty.

Exceptions.

(2) Notwithstanding anything to the contrary in these Regulations contained, any person, man or woman, as otherwise described in the next preceding sub-paragraph, who, prior to August 9th, 1945, was a member of the Naval, Military or Air Forces of Canada and who, at a general election, has not attained the full age of twenty-one years, shall be entitled to vote under these Regulations.

Ordinary residence requirements.

6. In order to be entitled to vote under these Regulations, a Defence Service elector shall specify, in the declaration in Form No. 7 of these Regulations, the name of his or her place of ordinary residence in Canada as defined in the next following paragraph, and his or her vote shall be applied only to the electoral district in which such place of ordinary residence is situated.

Definition of ordinary residence.

7. (1) For the purpose of these Regulations, the place of ordinary residence in Canada of a Defence Service elector, as defined in paragraph 5 of these Regulations, shall be as follows:

Place of ordinary residence prior to enlistment.

(*a*) In the case of a person who becomes qualified as Defence Service elector after August 1st, 1947, his or her place of ordinary residence, for the purpose of these Regulations, shall be the city, town, village, or other place in Canada, wherein he or she was ordinarily residing prior to his or her appointment or enlistment in the Naval, Military or Air Forces of Canada;

Place mentioned in statement of ordinary residence.

(*b*) In the case of a person qualified as Defence Service elector on August 1st, 1947, who has changed his or her place of residence since his or her appointment or enlistment, his or her place of ordinary residence, for the purposes of these Regulations, shall be the city, town or village, or other place in Canada, mentioned in a statement of ordinary residence completed before January 1st, 1948, and filed either at the Naval Services, or Military or Air Force Headquarters. Whenever no such statement is made and filed at such Headquarters during the period herein specified, the place of ordinary residence of such Defence Service elector shall be the city, town, village, or other place in Canada, wherein such elector resided prior to his or her appointment or enlistment in the Naval, Military or Air Forces of Canada.

Residence qualifications of members of Reserve Forces.

(2) In the case of a Defence Service elector, as described in clause (B) of either the Canadian Naval Forces, the Canadian Army or the Royal Canadian Air Force, in subparagraph one of paragraph 5 of these Regulations, he or she shall be deemed to be qualified to vote at a general election in the electoral district wherein he or she oridnarily resided on the date of the commencement of the period of his or her special service or on the date of the commencement of each of the individual periods of his or her training in the Naval, Military or Air Forces of Canada. The commencement of special training above referred to is that period of special training or duty on which he or she is engaged during the voting period prescribed in subparagraph one of paragraph 19 of these Regulations.

Voting by Defence Service electors.

8. Every Defence Service elector as defined in paragraph 5 of these Regulations shall be entitled to vote at a general election only according to the procedure prescribed by these Regulations, unless such elector is, on polling day, in his or her place of ordinary residence in Canada as defined in paragraph 7 of these Regulations, in which case the Defence Service elector may vote as a civilian, subject to the limitation set out in paragraph 40 of these Regulations.

Special Returning Officers and their Staffs

Appointment of special returning officers.

9. For the purpose of these Regulations the Governor in Council shall, with respect to a general election, appoint a person as special returning officer to superintend the taking, receiving, sorting and counting of the votes of Defence Service electors and Veteran electors in the following voting territories:

Ontario and Quebec.

(a) The provinces of Ontario and Quebec shall constitute a voting territory, with the headquarters of the special returning officer located at Ottawa;

Nova Scotia, New Brunswick and Prince Edward Island.

(b) 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, British Columbia and Yukon-Mackenzie River.

(c) The provinces of Manitoba, Saskatchewan, Alberta, British Columbia, and the electoral district of Yukon-Mackenzie River, shall contitute a voting territory, with the headquarters of the special returning officer located at Edmonton;

Defence Service electors stationed outside of Canada.

(d) If, at the time of a general election, there are Defence Service electors, as defined in paragraph 5 of these Regulations, stationed outside of Canada, and the taking, receiving, sorting and counting of the votes of such electors can be efficiently superintended from one of the voting territories established as above prescribed, the Chief Electoral Officer shall direct the appropriate

liaison officer and special returning officer for such voting territory to deal with such Defence Service electors as though they were stationed in their voting territory.

Oath and tenure of office of special returning officer.

10. Every special returning officer shall be sworn, in Form No. 1 of these Regulations, before the Chief Eectoral Officer, to the faithful performance of his duties. Upon the completion of such duties the tenure of office of the special returning officer shall cease.

Appointment and oath of office of chief assistant.

11. The Governor in Council shall appoint a person to act as chief assistant to each special returning officer. After his appointment, the chief assistant shall be sworn, in Form No. 2 of these Regulations, before the special returning officer, to the faithful performance of the duties imposed upon him by these Regulations.

When special returning officer unable to act.

12. If, during a general election, the special returning officer becomes unable to act, his chief assistant shall, until a new appointment is made, or until the special returning officer is able to resume his duties, assume and perform the duties of such special returning officer.

Selection, appointment and oath of office of scrutineers.

13. The Chief Electoral Officer shall, whenever necessary for the purpose of these Regulations, appoint six persons to act as scrutineers 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 ten or more. Each scrutineer shall be appointed in Form No. 3 of these Regulations, and shall be sworn according to the said Form No. 3, before the special returning officer, to the faithful performance of the duties imposed upon him by these Regulations.

Remuneration.

14. 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 one 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 of office, etc., of clerical assistants.

15. 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 of office shall be in Form No. 4 of these Regulations.

Duties of special returning officers.

16. Every special returning officer, upon being instructed by the Chief Electoral Officer, shall:

(*a*) Secure suitable quarters to be used as an office for the proper performance of his duties;

(*b*) Maintain such office until all the duties imposed upon him by these Regulations are completed;

(*c*) Retain in his possession the oaths of office of deputy special returning officers, chief assistant, scrutineers, and clerical assistants, and, after the general election, transmit such oaths of office to the Chief Electoral Officer, as prescribed in paragraph 82 of these Regulations;

(*d*) Select and appoint the clerical assistants required for the performance of his duties, as prescribed in paragraph 15 of these Regulations;

(*e*) Secure a list of the names, ranks, and numbers of Defence Service electors from the various liaison officers, as prescribed in paragraph 20 of these Regulations;

(*f*) Cause to be prepared an alphabetical list of all the names of Defence Service electors appearing on the lists received from the liaison officers, as prescribed in paragraph 21 of these Regulations;

(*g*) Secure, through the liaison officers, a list of the names, rank and number of every commissioned officer and persons of or above non-commissioned officer status, designated by each commanding officer to take the votes of Defence Service electors, as prescribed in paragraph 31 of these Regulations;

(*h*) 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 officially nominated in each electoral district, and other necessary supplies, to the commanding officers stationed in the voting territory under his jurisdiction, and to each pair of deputy special returning officers, as prescribed in paragraph 28 of these Regulations;

(*i*) Direct pairs of deputy special returning officers to take the votes of Veteran electors, as prescribed in these Regulations;

(*j*) Receive completed outer envelopes containing ballot papers marked by Defence Service electors and Veteran electors in the voting territory under his jurisdiction, as prescribed in paragraphs 67 and 68 of these Regulations;

(*k*) Stamp each completed outer envelope with the date of its receipt, as prescribed in paragraph 68 of these Regulations;

(l) Provide that each completed outer envelope shall be sorted to its correct electoral district, as prescribed in paragraph 68 of these Regulations;

(m) On the day immediately following polling day, proceed with the counting of the votes cast by Defence Service electors and Veteran electors, as prescribed in paragraphs 73 to 81, inclusive, of these Regulations;

(n) Communicate by telegraph, or otherwise, to the Chief Electoral Officer the number of votes cast by Defence Service electors and Veteran electors in the voting territory under his jurisdiction for each candidate officially nominated in the various electoral districts in Canada, as prescribed in paragraph 83 of these Regulations;

(o) 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 82 of these Regulations;

(p) Perform all other duties prescribed to be performed by a special returning officer under these Regulations.

Liability of special returning officer and staff.

17. 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 Defence Service Electors.

Communication with the Minister of National Defence.

18. (1) As soon as possible after a general election has been ordered, the Chief Electoral Officer shall advise the Minister of National Defence, as to the names and addresses of the special returning officers appointed to superintend the taking, receiving, sorting and counting of the votes of Defence Service electors, setting out the voting territory assigned to each of them. In the case of each voting territory, the Minister shall designate a member of each of the Naval, Military and Air Forces of Canada to act as liaison officer in connection with the taking of the votes of Defence Service electors and the Minister shall inform the Chief Electoral Officer of the name, rank and post office address of each liaison officer so designated.

Communication with the special returning officers.

(2) The Chief Electoral Officer shall forthwith advise each special returning officer of the names, ranks and post office addresses of the liaison officers designated as above provided, with whom arrangements shall be made for the taking of the votes of Defence Service electors. The Chief Electoral Officer shall at the same time direct each special returning officer to proceed with the duties imposed upon him by these Regulations.

Duties of liaison officer.

(3) The liaison officer designated in each of the respective Forces shall immediately communicate with the commanding officer of every unit, as herein defined, stationed in the voting territory, stating all necessary particulars relating to the taking of the votes of Defence Service electors at the pending general election. During the period between the issue of the writs ordering a general election and polling day thereat, the liaison officer shall cooperate with the special returning officer and the various commanding officers, in the taking of the votes of Defence Service electors.

Publication of notice of general election.

19. (1) Every commanding officer shall, forthwith upon being advised by the liaison officer, publish as part of Daily Orders, a notice, in Form No. 5 of these Regulations, advising all Defence 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. It shall also be stated in the said notice that every Defence Service elector, as defined in 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 fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and ten o'clock in the evening, of the six days from the Monday next following nomination day to the Saturday immediately preceding polling day, both inclusive. The commanding officer shall afford all necessary facilities to Defence Service electors attached to his unit to cast their votes in the manner prescribed by these Regulations.

Notification of days, hours and places of voting.

(2) At least two days before the period fixed for voting by Defence Service electors, as prescribed in the next preceding subparagraph, and every day thereafter until the Saturday immediately 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 Defence Service electors may cast their votes; *(b)* the exact locations of the voting places established for each unit, and *(c)* the hours during which Defence Service electors may cast their votes at each of such voting places.

List of names, etc., of Defence Service electors.

20. As soon as possible after publication of a notice in Daily Orders, in Form No. 5 of these Regulations, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory a list of the names, ranks and numbers of all Defence Service electors attached to his unit.

Preparation of alphabetical lists of names, etc.

21. Forthwith upon receipt of the lists of names, ranks, and numbers of Defence Service electors furnished pursuant to the next preceding paragraph, the special returning officer shall cause to be prepared a complete alphabetical list of all the names of Defence Service electors included in such lists.

Defence Service elector in hospital, etc.

22. Every Defence Service elector in a Service hospital or convalescent institution, during the period prescribed by these Regulations for the taking of the votes of Defence Service electors 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 officer.

23. 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 Defence Service electors and Veteran electors.

List of names and surnames, etc., of candidates.

24. As soon as possible after the nominations of candidates at a general election have closed, on the 14th 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. 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.

Form of ballot paper.

25. The ballot papers supplied by the Chief Electoral Officer for the taking of the votes of Defence Service electors and Veteran electors, shall be in Form No. 6 of these Regulations.

Books of key maps, etc.

26. The books of key maps referred to in paragraph 23 of these Regulations, supplied by the Chief Electoral Officer, shall be used by Defence Service electors and Veteran electors from large centres in Canada 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 Defence Service electors and Veteran electors from other places in Canada.

Special procedure in electoral district returning two members.

27. Each Defence Service elector and Veteran elector shall vote only for one candidate, unless he is qualified to vote in the electoral district of Queens in the Province of Prince Edward Island, which returns two members to serve in the House of Commons. In the case only of the said electoral district of Queens, the Defence Service electors and the Veteran electors may vote for two candidates.

Distribution of supplies.

28. (1) Each special returning officer shall as soon as possible 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 Defence Service electors. When deemed advisable, the special returning officer shall distribute a sufficient number of each of the above mentioned documents to every pair of deputy special returning officers appointed to take the votes of Veteran electors in his voting territory.

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 and to each pair of deputy special returning officers.

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 and by each pair of deputy special returning officers.

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 82 of these Regulations.

Publication in Daily Orders, etc., of list of candidates.

29. Forthwith upon the receipt of printed copies of the list of names and surnames of candidates from the special returning officer, pursuant to the next preceding paragraph, the commanding officer shall cause such list to be published as part of Daily Orders and posted up upon the bulletin boards of their units, and in other conspicuous places.

Before whom votes of Defence electors are to be cast.

30. The vote of every Defence Service elector shall be cast before any commissioned officer who has been designated by the commanding officer for that purpose, and who is himself a Defence Service elector, and has not been officially nominated as a candidate in any electoral district at the pending general election. Provided, however, that in the case of a small detachment in which no commissioned officer is available, the commanding officer may designate a person of or above non-commissioned officer status, subject to the above mentioned limitations.

Name, etc., sent to special returning officer.

31. As soon as a commissioned officer or other person has been designated, as provided in the next preceding paragraph, to take the votes of Defence Service electors, the commanding officer shall, through the liaison officer, communicate the name, rank and number of such commissioned officer or other person to the appropriate special returning officer.

Posting up of card of instructions, etc.

32. In any voting place, and at any time in which Defence 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. 9 of these Regulations, to be posted up in conspicuous places. The commissioned officer shall also keep one copy of these Regulations, one book of key maps, one book of excerpts from the Canadian Postal Guide and one printed list of the names and surnames of candidates readily available for consultation by Defence Service electors.

Representative of political party.

33. (1) Any person qualified to vote as a civilian elector at the pending general election may, upon delivery of a declaration, completed and signed by himself, in Form No. 10 of these Regulations, to the commissioned officer who is taking the votes of Defence Service electors, act as representative of a political party at the taking of such votes.

Defence Service elector may act.

(2) In any voting place where it is not possible for a civilian elector to act as a representative of a political party, as provided in the next preceding subparagraph, a Defence Service elector may, with the approval of the commanding officer, act as such representative as though he was a civilian elector.

Disposition of declarations.

(3) After the voting period has ended the commissioned officer shall transmit every completed declaration in Form No. 10 of these Regulations to the appropriate commanding officer.

Declaration by Defence Service elector.

34. (1) Before delivering a ballot paper to a Defence Service elector, the commissioned officer before whom the vote is to be cast shall require such elector to make a declaration in Form No. 7 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 Defence Service elector's name, rank, and number, that he is a Canadian citizen or a British subject, that he has attained the full age of twenty-one years, that he has not previously voted at the pending general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as defined in paragraph 7 of these Regulations. The name of the electoral district and of the province in which such place of ordinary residence is situated may also be stated in such declaration. The commissioned officer shall cause the Defence 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.

Warning to Defence service elector and commissioned officer.

(2) At this stage, the Defence Service elector and the commissioned officer shall bear in mind that, as prescribed in paragraph 71 of these Regulations, any outer envelope which does not bear the signature of both the Defence Service elector and the commissioned officer concerned (except in cases referred to in subparagraph one of paragraph 37 of these Regulations), or any outer envelope upon which a sufficient description of the place of ordinary residence of the Defence Service elector does not appear, shall be laid aside unopened in the office of the special returning officer, and that the ballot paper contained in such unopened outer envelope shall not be counted.

Manner of voting by Defence Service elector.

35. After the declaration has been completed and signed by the Defence Service elector and the certificate thereunder has been completed and signed by the commissioned officer, as prescribed in subparagraph one of paragraph 34 of these Regulations, 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 names (or initials) and surname of the candidate of his choice. The ballot paper shall then be folded by the Defence Service elector. When this has been done, the commissioned officer shall hand an inner envelope to the Defence 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 Defence Service elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the Defence Service elector.

Disposition of completed outer envelope.

36. (1) The commissioned officer before whom the vote of a Defence Service elector has been cast shall, as prescribed in the next preceding paragraph, hand the outer envelope, containing the ballot paper, to the Defence 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 Defence Service elector.

(2) The commissioned officer shall at the same time inform the Defence Service elector that his outer envelope must be received by the special returning officer to whom the envelope is addressed not later than nine o'clock in the forenoon of the day immediately following the date fixed as polling day at the pending general election, otherwise the ballot paper enclosed in such outer envelope shall not be counted.

Mailing of outer envelopes.

(3) Every such envelope despatched by ordinary mail in Canada shall be carried free of postage. Whenever it appears to be expedient to despatch an outer envelope by air mail to the special returning officer, the necessary postage stamps will have to be affixed to such envelope by the commissioned officer or other person before whom the vote is taken. The appropriate special returning officer shall, upon a written request, refund to such commissioned officer or other person, any expenditure properly incurred for the purchase of such air mail postage stamps.

Postal facilities.

(4) Every commanding officer shall, whenever possible, provide that the voting place established for taking the votes of Defence Service electors shall be located in close proximity to a post office or mail box. The commissioned officer before whom a Defence 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 designated commissioned officer.

37. (1) A commissioned officer before whom Defence Service electors have cast their votes may cast his own vote after completing the declaration in Form No. 7 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 9, 11, 13, 50 or 51 of these Regulations shall be entitled to vote in the same manner as Defence Service electors, if qualified to vote at the pending general election.

Procedure.

(3) For the purpose of the provisions set out in this paragraph, the special returning officer and his chief assistant may act in the capacity of a commissioned officer designated, as herein prescribed, to take the votes of the special returning officer, deputy special returning officers, chief assistant and scrutineers.

Spoiled ballot paper.

38. (1) A Defence 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 defaced 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 designated commissioned officers.

Incapacited Defence Service elector.

39. If a Defence Service elector is unable to read or to 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 Defence Service elector who is able to read and to write. Such other elector shall be selected by the incapacitated Defence Service elector.

Defence Service elector voting as civilian.

40. (1) A Defence 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 general election may cast his vote in the manner prescribed by *The Dominion Elections Act, 1938*, as amended, for civilian electors. In such case, however, the name of the Defence Service elector must, in an urban polling division, appear on the official list of electors used at the poll.

Voting by Defence Service electors on leave or on furlough.

(2) A Defence Service elector who is absent from his unit, on leave or on furlough, during the voting period prescribed by subparagraph one of paragraph 19 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 designated to take the votes of Defence Service electors by the commanding officer of a Naval, Military or Air Force unit, when such commissioned officer is actually engaged in the taking of such votes.

Elector must vote only once.

41. No elector, whether Defence Service or civilian, shall be entitled, because of anything in these Regulations contained, to vote more than once at a general election.

PROCEDURE FOR TAKING THE VOTES, AT A GENERAL ELECTION, OF VETERANS OF THE WAR 1914-1918 AND THE WAR THAT BEGAN ON THE 10TH DAY OF SEPTEMBER, 1939, WHO ARE RECEIVING TREATMENT OR DOMICILIARY CARE IN CERTAIN HOSPITALS OR INSTITUTIONS.

Qualifications.

42. Except as hereinafter provided, every person, irrespective of age who *(a)* is a Canadian citizen or a British subject, *(b)* has been ordinarily residing in Canada during the twelve months immediately preceding the date fixed as polling day at a pending general election, *(c)* was a member of the Naval, Military or Air Forces of Canada during the war 1914-1918 or in the war that began on the 10th day of September, 1939, *(e)* has been discharged from such Forces, and *(f)* is receiving treatment or docimiliary care in a hospital or institution operated under the direct control of the Department of Veterans Affairs or, is receiving treatment or domiciliary care in any other hospital or institution at the request or on behalf of such department, shall be deemed to be a Defence Service elector and entitled to vote at a general election under the procedure prescribed in these Regulations. For the purpose of these Regulations, the above mentioned persons shall be known as Veteran electors.

Veteran electors.

Ordinary residence requirements of Veteran electors.

43. In order to be entitled to vote under these Regulations, a Veteran elector shall specify, in the declaration in Form No. 12 of these Regulations, the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector at the date of his admission to the hospital or institution, and the vote of such Veteran elector shall be applied to the electoral district in which such place of ordinary residence is situated.

Procedure in mental cases.

44. No person as described in paragraph 42 of these Regulations who, during the days or hours of voting prescribed by paragraphs 54 and 55 of these Regulations, is confined by lawful departmental medical authority in a mental ward of any hospital or institution, shall be eligible to vote.

Voting by Veteran electors in departmental hospitals or institutions.

45. Except as provided in the next preceding paragraph, every Veteran elector who is receiving treatment or domiciliary care in a hospital or institution operated under the direct control of the Department of Veterans Affairs, shall be eligible to vote under the procedure prescribed in these Regulations.

Limitation.

46. The only hospitals or institutions in which persons are receiving treatment or domiciliary care at the request or on behalf of the Department of Veterans Affairs, where such persons shall be entitled to vote under these Regulations, shall be those in which, on the date of the issue of the writs for a general election, a total of twenty-five persons or more are receiving such treatment or domiciliary care.

Veteran elector voting as civilian.

47. Any person, as described in paragraph 42 of these Regulations, who is receiving treatment or domiciliary care in a hospital or institution, at the request or on behalf of the Department of Veterans Affairs, where less than twenty-five of such persons are receiving such treatment or care, on the date of the issue of the writs for a general election, shall be entitled to vote as a civilian elector in the polling division in which such hospital or institution is situated, as provided in subsection five of section fourteen of *The Dominion Elections Act, 1938*, as amended.

Facilities for voting by Veteran electors.

48. The superintendent of any hospital or institution, in which voting under these Regulations is authorized, shall afford all necessary facilities to Veteran electors receiving treatment or domiciliary care therein to cast their votes before two deputy special returning officers, as prescribed in paragraph 57 of these Regulations.

Names and addresses of hospitals or institutions.

49. As soon as possible after the date of the issue of the writs for a general election, the Minister of Veterans Affairs shall inform the Chief Electoral Officer of the name and address of every hospital or institution in Canada operated under the direct control of the Department of Veterans Affairs, and with the name and address of every hospital or institution where twenty-five or more persons were receiving treatment or domiciliary care at the request or on behalf of such Department. The Minister shall at the same time furnish to the Chief Electoral Officer a statement giving the number of such persons in each of such hospitals or institutions as at the date aforesaid.

Nominating, appointment and oath of office of deputy special returning officers.

50. For the purpose of taking the votes of Veteran electors at a general election, the Chief Electoral Officer shall appoint six persons to act as deputy special returning officers in each voting territory. Two of such six deputy special returning officers 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 ten or more. Each deputy special returning officer shall be appointed on Form No. 11 of these Regulations and shall be sworn according to the said Form No. 11 before a special returning officer, or a justice of the peace or a commissioner for taking affidavits in the province, to the faithful performance of the duties imposed upon him by these Regulations.

Nominating, appointment, etc., of additional deputy special returning officers.

51. If, after the date of the issue of the writs for a general election, it appears that the number of deputy special returning officers provided in the preceding paragraph is not sufficient to take the votes of all the Veteran electors in any voting territory, the Chief Electoral Officer shall appoint the additional number of deputy special returning officers required. Such additional deputy special returning officers shall be nominated in the same successive manner and, as near as may be, in the same proportion as prescribed in the preceding paragraph. Every such additional deputy special returning officer shall be appointed and sworn as prescribed in the said paragraph.

Duties of deputy special returning officers.

52. The duties of deputy special returning officers shall consist of *(a)* attending at the office of the appropriate special returning officer when requested so to do by the Chief Electoral Officer; *(b)* familiarizing themselves with the procedure to be followed in the taking of the votes of Veteran electors; *(c)* travelling in pairs from place to place, during the voting period prescribed in paragraph 54 of these Regulations, as directed by the special returning officer, to take the votes of Veteran electors in compliance with these Regulations; and *(d)* keeping a record, in the form prescribed by the Chief Electoral Officer, of the names, surname and ordinary residence of every Veteran elector who has cast his vote in a given hospital or institution, and transmitting such record to the special returning officer immediately after the voting is completed in such hospital or institution. The tenure of office of deputy special returning officers shall cease immediately after the Saturday preceding the date fixed as polling day at the pending general election.

Designation of departmental representative.

53. As soon as possible after a general election has been ordered, the Minister of Veterans Affairs shall designate an official to represent the Department of Veterans Affairs in dealing with the Chief Electoral Officer in the carrying out of these Regulations.

Period of voting by Veteran electors.

54. The period of voting by Veteran electors shall commence on the Monday next following nomination day, at a general election, and be concluded on the Saturday immediately preceding polling day thereat, both inclusive.

Days and hours of voting by Veteran electors.

55. The voting by Veteran electors shall take place in every hospital or institution where such voting is authorized by these Regulations. Such voting shall continue only for such days or hours as may be necessary to take the vote of every Veteran elector in the hospital or institution who is eligible to exercise his franchise at the pending general election. When all eligible Veteran electors in a given hospital or institution have been furnished with an opportunity of casting their votes, the voting in such hospital or institution shall cease.

Advance notification to superintendent.

56. At least two days before a pair of deputy special returning officers are scheduled to attend at any hospital or institution to take the votes of Veteran electors, the special returning officer shall notify the superintendent of such hospital or institution, and the superintendent shall forthwith post up a notice to that effect in conspicuous places in such hospital or institution.

Before whom votes of Veteran electors to be taken.

57. The votes of Veteran electors shall be cast according to the procedure set forth in these Regulations before a pair of deputy special returning officers appointed pursuant to paragraph 50 or 51 of these Regulations, and each pair consisting of persons representing different and opposed political interests.

Posting up of card of instructions, etc.

58. In any place, and at any time during which Veteran electors are casting their votes, the deputy special returning officers, before whom such votes are cast, shall cause at least one copy of the card of instructions, in Form No. 13 of these Regulations, to be posted up in a conspicuous place, or shown to every Veteran elector as he applies to vote. The deputy special returning officers shall also keep one copy of these Regulations, one book of key maps, one book of excerpts from the Canadian Postal Guide and one printed list of the names and surnames of candidates readily available for consultation by Veteran electors.

Incapacitated Veteran elector.

59. If a Veteran elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote in the manner prescribed in these Regulations, the deputy special returning officers 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 also in the presence of another Veteran elector who is able to read and to write. Such other elector shall be selected by the incapacitated Veteran elector.

Blind Veteran elector.

60. The vote of a blind Veteran elector may be taken in the same manner as the votes of other incapacitated Veteran electors, as provided in the next preceding paragraph, or through the medium of a friend, who is also a Veteran elector and who is acting at the request of the blind Veteran elector. In such case the friend will be allowed to mark the blind Veteran elector's ballot paper in the presence only of such blind elector. No person shall at any general election be allowed to act, as aforesaid, as the friend of more than one blind Veteran elector.

Voting by bed-ridden Veteran electors.

61. Whenever deemed advisable, the deputy special returning officers shall, with the approval of the superintendent go from room to room in the hospital or institution to take the votes of bed-ridden Veteran electors.

Declaration by Veteran elector.

62. (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in Form No. 12 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 Veteran elector's name, that he is a Canadian citizen or a British subject, that he was a member of either the Naval, Military or Air Forces of Canada during the war 1914-1918 or during the war that began on the 10th day of September, 1939, that he has been discharged from such Force, that he has been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election and that he has not previously voted at such election. It shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution. The name of the electoral district and of the province in which such place of ordinary residence is situated may also be stated in such declaration. The deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be signed by both deputy special returning officers.

Warning to Veteran elector and deputy special returning officers.

(2) At this stage, the Veteran elector and the deputy special returning officers shall bear in mind that, as prescribed in paragraph 71 of these Regulations, any outer envelope which does not bear the signature of the Veteran elector and the two deputy special returning officers concerned, or any outer envelope upon which a sufficient description of the place of ordinary residence of the Veteran elector does not appear, shall be laid aside unopened in the office of the special returning officer, and that the ballot paper contained in such unopened outer envelope shall not be counted.

Manner of voting by Veteran elector.

63. After the declaration has been completed and signed by the Veteran elector and the certificate thereunder has been signed by both deputy special returning officers, as prescribed in paragraph 62 of these Regulations, the deputy special returning 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 names (or initials) and surname of the candidate of his choice. The ballot paper shall then be folded by the Veteran elector. When this has been done, the deputy special returning officers shall hand an inner envelope to the Veteran elector, who shall place the ballot paper so folded in the inner envelope, seal such inner envelope, and hand it to the deputy special returning officers who shall, in full view of the Veteran elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the Veteran elector.

Disposition of completed outer envelope.

64. (1) The deputy special returning officers before whom the vote of a Veteran elector has been cast shall, as prescribed in the next preceding paragraph, hand the outer envelope containing the ballot paper to the Veteran 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 Veteran elector.

(2) The deputy special returning officers shall at the same time inform the Veteran elector that his outer envelope must be received by the special returning officer to whom the envelope is addressed not later than nine o'clock in the forenoon of the day immediately following the date fixed as polling day at the pending general election, otherwise the ballot paper enclosed in such outer envelope shall not be counted.

Mailing of outer envelopes.

(3) Every such envelope despatched by ordinary mail in Canada shall be carried free of postage. Whenever it appears to be expedient to despatch an outer envelope by air mail, the necessary postage stamps will have to be affixed to such envelope by the deputy special returning officers before whom the vote is cast. The special returning officer shall, upon the receipt of a written request, refund to any deputy special returning officer the expenditure properly incurred in the purchase of such air mail postage stamps.

Elector must vote only once.

65. No elector, whether Veteran or Defence Service or civilian, shall be entitled, because of anything in these Regulations contained, to vote more than once at a general election.

Application of certain paragraphs.

66. The provisions of the paragraphs of these Regulations, which apply to Defence Service electors, numbered 5 to 8, 18 to 20, 22, 29 to 36, 37 (1), and 39 to 41, shall not apply to the taking of the votes of Veteran electors.

PROCEDURE TO BE FOLLOWED AT THE RECEIVING AND SORTING OF THE VOTES CAST BY DEFENCE SERVICE ELECTORS AND VETERAN ELECTORS.

Supervision, etc.

67. (1) Every operation relating to the receiving and sorting to the proper electoral districts of outer envelopes containing ballot papers marked by Defence Service electors and Veteran electors, shall be conducted under the supervision of the 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 initials thereto.

Disposition of completed outer envelopes.

68. On receipt of outer envelopes containing ballot papers marked by Defence Service electors and Veteran electors, the special returning officer or 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 Defence Service elector and the commissioned officer concerned (except in cases referred to in subparagraph one of paragraph 37 of these Regulations), or by the Veteran elector and the two deputy special returning officers concerned;

(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 Defence Service elector, or Veteran 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.

69. (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 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 paper 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.

Safe-keeping 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 73 to 81, 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.

70. All used outer envelopes which have not been sorted, as prescribed in paragraph 68 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 with gummed paper seals provided for that purpose, until the sorting of outer envelopes is proceeded with on the following day. The signatures of at least two scrutineers shall be affixed to such seals.

Disposition of outer envelope when declaration incomplete.

71. (1) An outer envelope which does not bear the signatures of both the Defence Service elector and the commissioned officer concerned (except in cases referred to in subparagraph one of paragraph 37 of these Regulations), or the signatures of the Veteran elector and the two deputy special returning officers 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. 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 nine o'clock in the forenoon of the day immediately following 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 safe custody, and, after the counting of the votes is completed, transmit them to the Chief Electoral Officer, as prescribed in paragraph 82 of these Regulations.

Procedure when Defence Service elector or Veteran elector votes more than once.

72. If, during the receiving and sorting of the outer envelopes, as prescribed by paragraphs 68 to 71, inclusive, of these Regulations, or the counting of the votes cast by Defence Service electors and Veteran electors, as prescribed by paragraphs 73 to 81, inclusive, of the said Regulations, it is ascertained that a Defence Service elector or Veteran elector has voted on more than one occasion, the outer envelopes relating to such elector shall be laid aside unopened. The special returning officer shall endorse on such envelopes the reason why they have not been opened, and such endorsement shall be initialled by at least two scrutineers. The ballot papers contained in such unopened outer envelopes shall be deemed to be rejected ballot papers. After the counting of the votes has been completed, the special returning officer shall send such unopened outer envelopes to the Chief Electoral Officer with the other parcels and documents mentioned in paragraph 82 of these Regulations. The special returning officer shall at the same time send to the Chief Electoral Officer a detailed report in every case in which it has been ascertained that a Defence Service elector or Veteran elector has voted on more than one occasion.

PROCEDURE TO BE FOLLOWED IN THE COUNTING OF THE VOTES CAST BY DEFENCE SERVICE ELECTORS AND VETERAN ELECTORS.

Commencement of the counting.

73. On the day immediately following polling day at the pending general election, the special returning officer shall cause the actual counting of the votes cast by Defence Service electors and Veteran electors to be commenced. Such counting shall be carried on with all possible despatch, and shall be completed not later than the Saturday next following such polling day.

Scrutineers to work in pairs.

74. In the counting of votes, the 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 furnished by the special returning officer with the services of at least one clerical assistant.

Ballot box used at the count.

75. 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 found empty, shall be locked and the key thereof retained by either the special returning officer or the chief assistant.

Opening special large envelopes.

76. 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 taken out of such special large envelope in order to ascertain if it belongs to the electoral district for which the ballot papers are about to be 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 attributed to such electoral district has been completed, the special returning officer shall retain such outer envelope in safe custody until the count has been completed in every other 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 all the outer envelopes sorted to a given electoral district 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.

Opening outer envelopes.

Procedure when counting votes.

77. 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 opened for 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 prepare copies of a statement of the count on Form No. 8 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 may each retain a copy thereof. The ballot papers counted for each candidate shall then be placed separately in the special envelopes provided for that purpose. The empty inner envelopes relating to such electoral district shall then be destroyed.

Application of votes cast.

78. Subject to the provisions of paragraph 79 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 attributed.

Rejection of ballot papers.

79. (1) In the counting of the votes the scrutineers shall, with the approval of the special returning officer, reject all ballot papers

(*a*) which do not appear to have been supplied by the special returning officer for the pending general election; *or*

(*b*) which have not been marked with the name of any candidate; *or*

(*c*) which have been marked for more than one candidate in any electoral district except Queens, P.E.I.; *or*

(*d*) which have been marked for more than two candidates in the electoral district of Queens, P.E.I.; *or*

(*e*) 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 attributed; *or*

(*f*) upon which the Defence Service elector or the Veteran 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 Defence Service elector or the Veteran elector intended to vote.

Exception in case of designating letters.

(3) No ballot paper shall be rejected if, in addition to the names and surname of the candidate of his choice, a Defence Service elector or a Veteran elector has written on such ballot paper any of the designating letters printed on the list of names and surnames of candidates prescribed by paragraph 24 of these Regulations.

Disposition of rejected ballot papers.

80. After the counting of the ballot papers attributed to a given 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 81 of these Regulations.

Disposition of ballot papers, etc.

81. The outer envelopes from which the ballot papers have been taken out, 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 the parcel. The scrutineers, the special returning officer, and the chief assistant shall exercise the utmost 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 Defence Service electors and Veteran electors in each electoral district. The procedure prescribed in this and the six next preceding paragraphs relating to the counting of the votes cast by Defence Service electors and Veteran electors shall be repeated in the case of every electoral district.

FINAL DUTIES.

Transmission of ballot papers, etc., to Chief Electoral Officer.

82. Immediately after the counting of the votes cast by Defence Service electors and Veteran electors has been completed for every electoral district, the special returning officer shall forthwith transmit to the Chief Electoral Officer, the following parcels and documents:—

(a) The parcels containing the outer envelopes from which ballot papers have been taken out, 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 81 of these Regulations;

(b) The official statements of the count completed by the scrutineers, pursuant to paragraph 77 of these Regulations;

(c) The unopened outer envelopes, laid aside pursuant to paragraphs 71 and 72 of these Regulations;

(d) The oaths of office of deputy special returning officers, chief assistant, scrutineers, and clerical assistants, as prescribed in paragraph 16 *(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 Defence Service electors and Veteran electors and the declarations in Form No. 10 of these Regulations received from the commanding officers, pursuant to paragraph 38 of these Regulations;

(g) The record of ballot papers distributed to commanding officers and deputy special returning officers and the record of unused ballot papers returned by commanding officers and deputy special returning officers, pursuant to paragraph 28 of these Regulations;

(h) The alphabetical list of the names of Defence Service electors prepared pursuant to paragraph 21 of these Regulations; and

(i) The records of the names, surnames and ordinary residences of Veteran electors, completed by each pair of deputy special returning officers.

Result of the count to be communicated to the Chief Electoral Officer.

83. Immediately after the counting of the votes cast by Defence Service electors and Veteran electors has been completed for every electoral district, but not later than the Saturday next following polling day, the special returning officer shall advise the Chief Electoral Officer by telegraph, or otherwise, as to the number of votes counted at his headquarters 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.

84. Upon receipt of the result of the votes cast by Defence Service electors and Veteran electors from every special returning officer, as prescribed in the next preceding paragraph, the Chief Electoral Officer shall compute the total number of votes counted for each candidate officially nominated in every electoral district, and forthwith communicate by telegraph or otherwise such result to the appropriate returning officer.

Offences and Penalties

Liability of Defence Service elector or Veteran elector.

85. Any Defence Service elector or Veteran elector who

(a) attempts to obtain or communicate any information as to the candidate for whom any ballot paper has been marked by a Defence Service elector or a Veteran elector; *or*

(b) prevents or endeavours to prevent any Defence Service elector or Veteran elector from voting at a general election; *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. 7 of these Regulations signed by him before a commissioned officer or, in the case of a Veteran elector in Form No. 12 signed by him before two deputy special returning officers; *or*

(e) makes any untrue declaration in the statement of ordinary residence completed pursuant to paragraph 7 of these Regulations;

shall be guilty of an offence against these Regulations punishable as in these Regulations provided.

Penalty for intimidation, etc., of Defence Service elector or Veteran elector.

86. Every person is guilty of an offence against these Regulations punishable as in these Regulations provided, 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 Defence Service elector or Veteran elector, in order to induce or compel such elector to vote for any candidate or to refrain from voting, or on account of such 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.

87. (1) Any offence against these Regulations may be prosecuted alternatively on indictment or by way of summary conviction.

Penalty for offence.

(2) Any person who is guilty of an offence against these Regulations is liable on indictment or on summary conviction to a fine not exceeding five hundred dollars and costs of prosecution or to imprisonment for a term not exceeding six months, 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.

88. In the case of the withdrawal of a candidate during the period between nomination day and three days before the date fixed as polling day at a general election, the Chief Electoral Officer shall, by the most expeditious means, advise every special returning officer of such withdrawal. The special returning officer shall forthwith so advise every commanding officer stationed in his voting territory, and every deputy special returning officer who has been appointed to take the votes of Veteran electors in such voting territory. The commanding officer shall, as far as possible, advise every commissioned officer designated by him to take the votes of Defence Service electors of such withdrawal, and such commissioned officer or the deputy special returning officers shall inform the Defence Service electors or Veteran electors concerned as to the name of the candidate who has withdrawn, when such electors are applying to vote. Any votes cast by Defence Service electors or Veteran electors for a candidate who has withdrawn shall be null and void.

Procedure on death of candidate.

89. In the case of the death of a candidate between nomination day and the date fixed as polling day at a general election, 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 Defence Service electors and Veteran electors to be sorted or 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 82 of these Regulations.

Validity of election not affected by non-compliance.

90. The validity of the 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 Defence Service elector or Veteran elector under such Regulations.

Recounting of votes.

91. The provisions of sections fifty-four and fifty-five of *The Dominion Elections Act, 1938*, as amended, relating to a recount of votes by a judge shall apply, *mutatis mutandis*, to all ballot papers counted and rejected after being cast by Defence Service electors and Veteran electors under these Regulations, which have been transmitted by the special returning officers to the Chief Electoral Officer, pursuant to paragraph 82 of these Regulations.

Custody, inspection or production of documents.

92. The provisions of sections fifty-nine and eighty-eight of *The Dominion Elections Act, 1938*, as amended, 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 82 of these Regulations.

Taxation and payment of accounts.

93. All accounts for services and expenses incurred in connection with these Regulations, shall be taxed by the Chief Electoral Officer, and paid by the Comptroller of the Treasury out of unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

FORM NO. 1

OATH OF OFFICE OF A SPECIAL RETURNING OFFICER. (Par. 10).

I, the undersigned.., appointed special returning officer for the voting territory consisting of the provinces of.. pursuant to the provisions of paragraph nine of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly 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 Defence Service elector or Veteran elector has marked his ballot paper at the pending 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 OFFICE 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.

FORM No. 2.

OATH OF OFFICE OF CHIEF ASSISTANT (Par. 11).

I, the undersigned, appointed chief assistant for duty in the office of the special returning officer for the voting territory consisting of the provinces of.. pursuant to paragraph eleven of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly 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 Defence Service elector or Veteran elector has marked his ballot paper at the pending 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 OFFICE 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. 3.

APPOINTMENT OF SCRUTINEER (Par. 13).

To.....................whose address is.......................
...................and whose occupation is.......................

Know you that, pursuant to the authority vested in me under paragraph thirteen of *The Canadian Defence Service Voting Regulations*, I do hereby appoint you as scrutineer for duty in the office of the special returning officer for the voting territory consisting of the provinces of...

Dated at Ottawa this .... day of.....................19....

....

Chief Electoral Officer.

OATH OF OFFICE OF SCRUTINEER (Par. 13).

I, the undersigned, appointed scrutineer as above mentioned, pursuant to paragraph thirteen of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly 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 Defence Service elector or Veteran elector has marked his ballot paper at the pending 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 OFFICE 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.

APPOINTMENT AND OATH OF OFFICE OF CLERICAL ASSISTANT (Par. 15)

APPOINTMENT

To....................whose address is........................
.......................and whose occupation is.................
....

Know you that, pursuant to the authority vested in me under paragraph fifteen of *The Canadian Defence Service Voting Regulations,* I do hereby appoint you as clerical assistant for duty in my office.

....
Special returning officer.

OATH OF OFFICE OF CLERICAL ASSISTANT (Par. 15).

I, the undersigned, appointed clerical assistant for duty in the office of the special returning officer for the voting territory consisting of the provinces of..
pursuant to paragraph fifteen of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly affirm) that I will act faithfully in my said capacity as clerical assistant without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom any Defence Service elector or Veteran elector has marked his ballot paper at the pending 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 OFFICE 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. 5.

NOTICE TO DEFENCE SERVICE ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA (PAR. 19).

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 date fixed as polling day is.........................., the............day of........................19....

Notice is further given that pursuant to *The Canadian Defence Service Voting Regulations*, all Defence Service electors, as defined in paragraph five of the said Regulations, are entitled to vote at such general election upon application to any commissioned officer designated for the purpose of taking such votes.

And that voting by Defence Service electors will take place on each of the six days from Monday, the........day of...................., 19......, to Saturday, the........ day of........................, 19......, both inclusive.

And that a notice giving the exact location of each voting place established in the unit under my command, together with the hours fixed for voting on each day in such voting places, will be published in Daily Orders during the whole of the above mentioned voting period.

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

....

Commanding officer

FORM NO. 6.

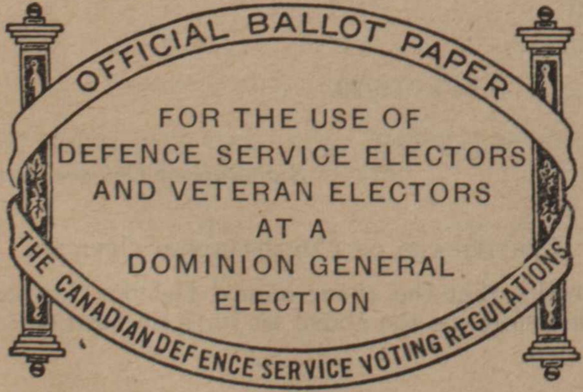
FORM OF BALLOT PAPER (Par. 25).

Front

THE ELECTOR WILL WRITE HEREUNDER THE NAMES (OR INITIALS) AND SURNAME OF THE CANDIDATE FOR WHOM HE WISHES TO VOTE

I VOTE FOR...
(Write as above directed—Surname last.)

Back



Supplied by the Chief Electoral Officer for Canada, pursuant to the provisions of paragraph twenty-three of *The Canadian Defence Service Voting Regulations.*

Printed by..
(Insert name and address of printer)

FORM NO. 7.

DECLARATION TO BE MADE BY A DEFENCE SERVICE ELECTOR BEFORE BEING ALLOWED TO VOTE (Par. 34).

I HEREBY DECLARE:

1. That my name is...

(Insert full name, surname last)

2. That my rank is...

3. That my number is...
4. That I am a Canadian citizen or a British subject.
5. That I have attained the full age of twenty-one years.
6. That I have not previously voted as a Defence Service elector at the pending general election.
7. That the place of my ordinary residence in Canada, as defined in paragraph 7 of *The Canadian Defence Service Voting Regulations,* is

....

(Here insert the name of the city, town or village, with street address, if

....

any, or other place of ordinary residence)

....

(Here insert name of electoral district)

....

(Here insert name of province)

I solemnly declare that the above statements are true in substance and in fact.

Dated at..........................this..................day of

..........................19....

....

Signature of Defence Service elector.

CERTIFICATE OF COMMISSIONED OFFICER.

I hereby certify that the above named Defence Service elector did this day make before me the above set forth declaration.

....

Signature of commissioned officer.

....

(Here insert rank, number and name of unit)

Form No. 8.

Statement of the Count to be completed after the ballot papers attributed to a given electoral district have been counted (Par. 77).

Electoral District of.....................................

	Insert name of candidate	*Insert number*
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, hereby jointly and severally certify that the above statement is correct.

Dated at................this..............day of...........19...

....
Scrutineer.

....
Scrutineer.

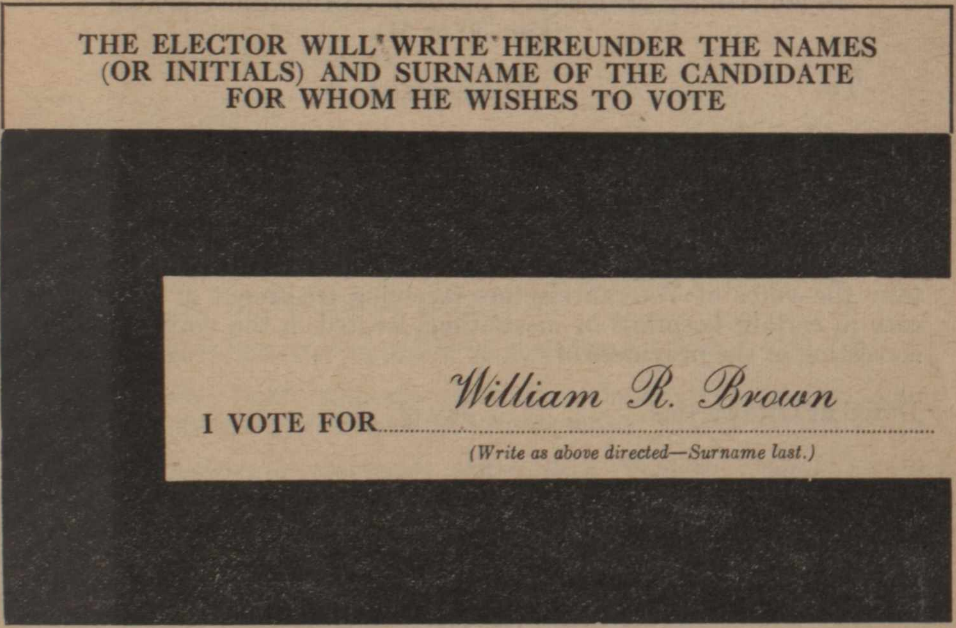
FORM NO. 9.

CARD OF INSTRUCTIONS (Par. 32).

A DEFENCE SERVICE ELECTOR IS ENTITLED TO VOTE ONLY ONCE AT A GENERAL ELECTION.

1. A Defence Service elector must vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as defined in paragraph 7 of *The Canadian Defence Service Voting Regulations.*
2. During the hours fixed by the commanding officer for voting, any Defence Service elector may cast his vote before the commissioned officer designated for that purpose.
3. The commissioned officer shall require each Defence Service elector to complete the declaration printed on the back of the outer envelope.
4. After the declaration has been duly completed and signed by the Defence Service elector and the certificate printed thereunder is completed and signed by the commissioned officer, the Defence Service elector shall cast his vote in the following manner:
5. Each Defence Service elector shall vote for only one candidate (unless he is qualified to vote in the electoral district of Queens, P.E.I., in which case he may vote for two candidates).
6. Upon receiving a ballot paper from the commissioned officer, the Defence Service elector shall secretly cast his vote by writing in ink or with a pencil of any colour the names (or initials) and surname of the candidate of his choice in the space provided for that purpose on the ballot paper, and shall then fold the ballot paper.
7. The Defence 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 Defence 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 Defence Service elector.
10. The Defence 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 elector has marked his ballot paper for William R. Brown.



THE ELECTOR WILL WRITE HEREUNDER THE NAMES (OR INITIALS) AND SURNAME OF THE CANDIDATE FOR WHOM HE WISHES TO VOTE

I VOTE FOR *William R. Brown*

(Write as above directed—Surname last.)

Form No. 10.

Declaration of Representative of Political Party (Par. 33).

To the commissioned officer designated to take the votes of Defence Service electors at..

Pursuant to the provisions of paragraph thirty-three of *The Canadian Defence Service Voting Regulations*, I hereby declare that I am qualified to vote at the general election now pending in Canada, and that I have undertaken to represent the interests of the.............. party, during the taking of the votes of Defence Service electors in this voting place.

Given under my hand at..................this................

day of........................19....

....

Representative.

FORM No. 11.

APPOINTMENT OF DEPUTY SPECIAL RETURNING OFFICER (Par. 50 or 51).

To....................whose address is......................

and whose occupation is.......................................

Know you that, pursuant to the authority vested in me under paragraph 50 or 51 of *The Canadian Defence Service Voting Regulations*, I do hereby appoint you as deputy special returning officer to take the votes of Veteran electors receiving treatment or domiciliary care in certain hospitals or institutions located in the voting territory consisting of the provinces of..................................

Dated at Ottawa this............day of..................., 19.....

....

Chief Electoral Officer.

OATH OF OFFICE OF DEPUTY SPECIAL RETURNING OFFICER (Par. 50 or 51).

I, the undersigned, appointed deputy special returning officer as above mentioned, pursuant to paragraph 50 or 51 of *The Canadian Defence Service Voting Regulations*, do swear (*or* solemnly 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 Veteran elector has marked his ballot paper at the pending general election, should I acquire any information with respect thereto during my tenure of office as such deputy special returning officer. So help me God.

....

Signature of deputy special returning officer.

CERTIFICATE OF OATH OF OFFICE 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 *(or, as the case may be)*

FORM NO. 12.

DECLARATION TO BE MADE BY A VETERAN ELECTOR BEFORE BEING ALLOWED TO VOTE (Par. 62).

I HEREBY DECLARE

1. That my name is...
(Insert full name, surname last)

2. That I am a Canadian citizen or a British subject.

3. That I was a member of either the Naval, Military or Air Forces of Canada during the war 1914-1918 or during the war that began on the 10th day of September, 1939.

4. That I have been discharged from such Force.

5. That I have been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election.

6. That I have not previously voted as a Veteran elector at the pending general election.

7. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution, is at.... *(Here*

....
insert the name of the city, town or village, with street address, if any,

....
or other place of ordinary residence)

....
(Here insert name of electoral district) *(Here insert name of province)*

I solemnly declare that the above statements are true in substance and in fact.

Dated at..............this......day of................, 19....

....
Signature of Veteran elector.

CERTIFICATE OF DEPUTY SPECIAL RETURNING OFFICERS.

We, the undersigned deputy special returning officers, hereby jointly and severally certify that the above named Veteran elector did this day make the above set forth declaration.

....
Signature of deputy special returning officer.

....
Signature of deputy special returning officer.

FORM No. 13.

CARD OF INSTRUCTIONS (Par. 58).

A VETERAN ELECTOR IS ENTITLED TO VOTE ONLY ONCE AT A GENERAL ELECTION.

1. A Veteran elector must vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as declared by the Veteran elector on the date of his admission to the hospital or institution.
2. During the days or hours of voting in a hospital or institution, a Veteran elector may cast his vote before two deputy special returning officers appointed by the Chief Electoral Officer for that purpose.
3. The deputy special returning officers shall require each Veteran elector to complete the declaration printed on the back of the outer envelope.
4. After the declaration has been duly completed and signed by the Veteran elector and the certificate printed thereunder is signed by both the deputy special returning officers, the Veteran elector shall be allowed to cast his vote in the following manner:
5. Each Veteran elector shall vote for only one candidate (unless he is qualified to vote in the electoral district of Queens, P.E.I., in which case he may vote for two candidates).
6. Upon receiving a ballot paper from the deputy special returning officers, the Veteran elector shall secretly cast his vote by writing in ink or with a pencil of any colour the names (or initials) and surname of the candidate of his choice in the space provided for that purpose on the ballot paper, and shall then fold the ballot paper.
7. The Veteran elector shall place the folded ballot paper in the inner envelope which will then be supplied to him by the deputy special returning officers, seal such inner envelope, and hand it to the deputy special returning officers.
8. The deputy special returning officers shall then, in full view of the Veteran elector, place the inner envelope in the completed outer envelope and seal such outer envelope.
9. The deputy special returning officers shall then hand the completed outer envelope to the Veteran elector.
10. The Veteran 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 elector has marked his ballot paper for William R. Brown.

THE ELECTOR WILL WRITE HEREUNDER THE NAMES (OR INITIALS) AND SURNAME OF THE CANDIDATE FOR WHOM HE WISHES TO VOTE

I VOTE FOR William R. Brown

(Write as above directed—Surname last.)

47. Chapter twenty-six of the statutes of Canada, 1944-45, intituled, an Act to provide regulations enabling Canadian War Service electors to exercise their franchise, and Canadian prisoners of war to vote by proxy, at any general election held during the present war, also to provide amendments to *The Dominion Elections Act, 1938*, consequential to such regulations, or made necessary by the advent of the said war, is repealed.