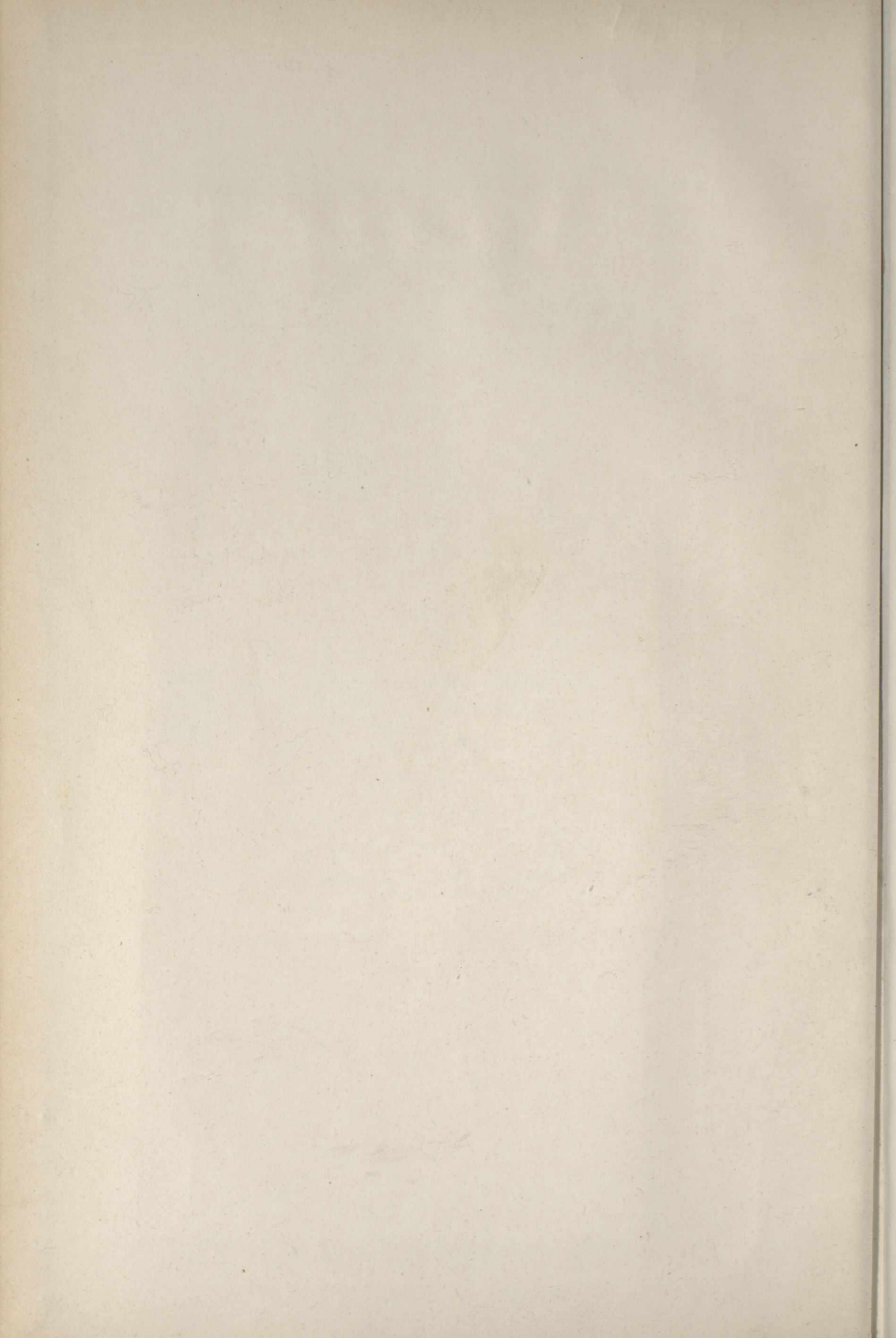




Canada. Parl. H. of C. Special
Comm. on Dominion Elections
Act, 1951, 2d Sess.



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HOUSE OF COMMONS

Fifth Session—Twenty-first Parliament

1951

(Second Session)

SPECIAL COMMITTEE

APPOINTED TO STUDY

**THE DOMINION ELECTIONS ACT
1938**

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

THURSDAY, NOVEMBER 8, 1951

WITNESSES:

Mr. Nelson Castonguay, Chief Electoral Officer;

Mr. A. H. Beaubien, Superintendent, Bureau for Translations, Secretary
of State Department.

SPECIAL COMMITTEE
Appointed to Study
THE DOMINION ELECTIONS ACT—1938
And Amendments Thereto

Chairman: Sarto Fournier, Esq.,

Vice-Chairman: George T. Fulford, Esq.

Messrs.

Applewhaite
Argue
Balcer
Boisvert
Boucher
Cameron
Cannon
Cauchon
Churchill
Decore
Dewar

Fair
Harris (*Grey-Bruce*)
Hees
Hellyer
Herridge
Higgins
Jeffery
Kent
Kirk (*Antigonish-
Guysborough*)

MacDougall
McWilliam
Murphy
Nowlan
Valois
Viau
Ward
White (*Middlesex-East*)
Wylie

(Quorum, 10)

E. W. INNES,
Clerk of the Committee.

ORDERS OF REFERENCE

Friday, October 12, 1951.

Resolved,—That a Special Committee consisting of thirty members to be named later be appointed to study the several amendments to The Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, to study the said Act, to suggest to the House such amendments as the Committee may deem advisable, and to 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 to this Committee.

Wednesday, October 24, 1951.

Ordered,—That the following Members comprise the Special Committee on The Dominion Elections Act as provided for in the Resolution passed by the House on Friday, October 12, 1951—Messrs. Applewhaite, Argue, Balcer, Boisvert, Boucher, Cameron, Cannon, Cauchon, Churchill, Decore, Dewar, Fair, Fournier (*Maisonneuve-Rosemont*), Fulford, Harris (*Grey-Bruce*), Hees, Hellyer, Herridge, Higgins, Jeffrey, Kent, Kirk (*Antigonish-Guysborough*), MacDougall, McWilliam, Murphy, Nowlan, Valois, Viau, Ward, White (*Middlesex-East*), Wylie.

Thursday, November 8, 1951.

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

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

Ordered,—That the name of Mr. Bryce be substituted for that of Mr. Argue on the said Committee.

ATTEST.

LEON J. RAYMOND,
Clerk of the House.

REPORT TO THE HOUSE

Thursday, November 8, 1951.

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

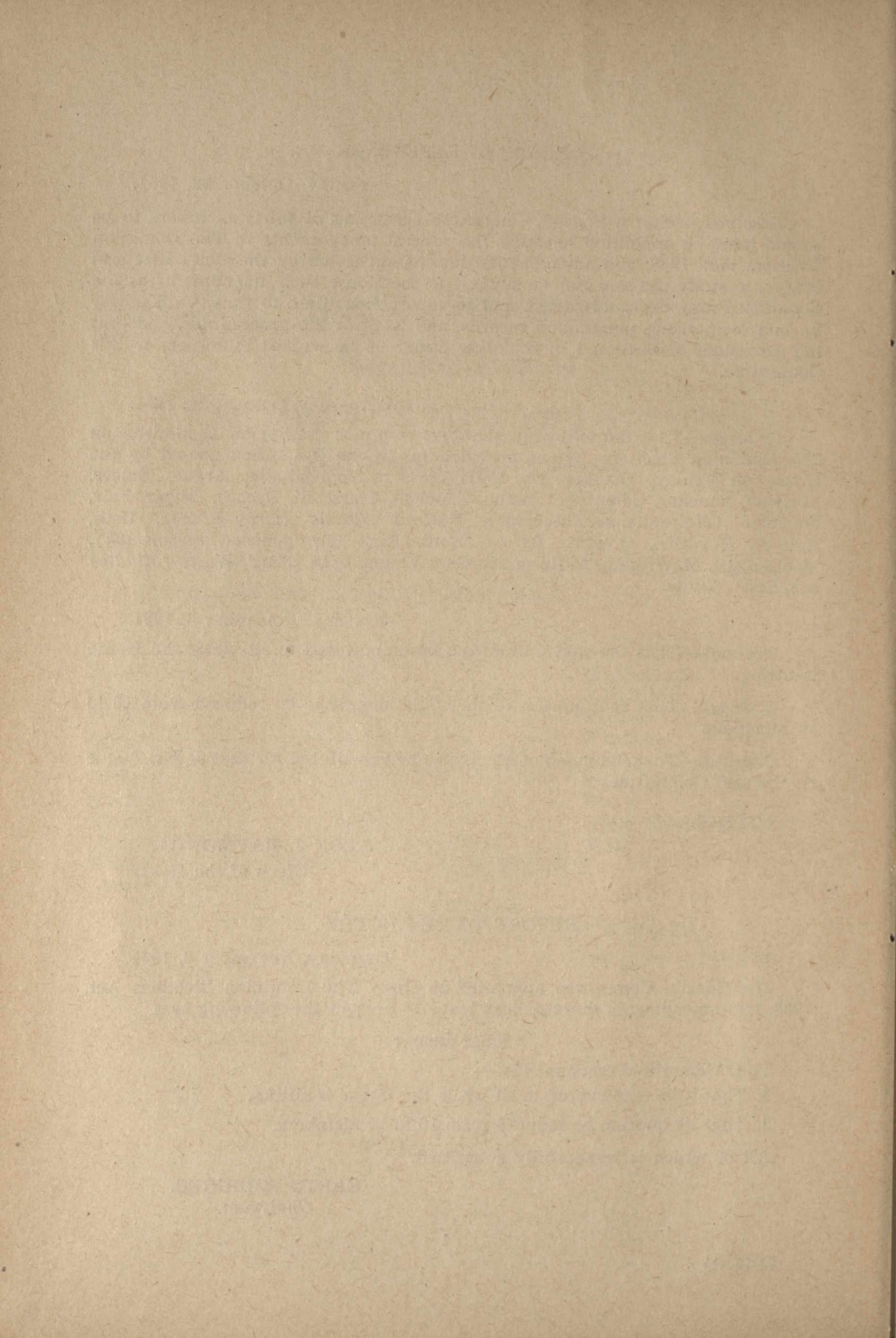
FIRST REPORT

Your Committee recommends:—

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

All of which is respectfully submitted.

SARTO FOURNIER,
Chairman.



MINUTES OF PROCEEDINGS

TUESDAY, November 8, 1951

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

Members present: Messrs. Boisvert, Boucher, Cameron, Cannon, Cauchon, Churchill, Decore, Fair, Fournier (*Maisonneuve-Rosemont*), Fulford, Hellyer, Herridge, MacDougall, McWilliam, Nowlan, Viau, Ward, White (*Middlesex East*), Wylie.

In attendance: Mr. Nelson Castonguay, Chief Electoral Officer; Mr. A. H. Beaubien, Superintendent, Bureau for Translations, Secretary of State Department.

On motion of Mr. Boisvert, seconded by Mr. Ward,

Resolved,—That Mr. Fournier be Chairman of the Committee.

Mr. Fournier took the Chair and thanked the Committee for the honour conferred on him.

On motion of Mr. MacDougall; seconded by Mr. Cauchon,

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

On motion of Mr. Fulford,

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

On motion of Mr. MacDougall,

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

On motion of Mr. Boucher,

Resolved,—That acting on the authority conferred upon it by the Order of Reference of October 12, 1951, the Committee print, from day to day, 500 copies in English and 200 copies in French of its Minutes of Proceedings and Evidence.

On motion of Mr. Cauchon,

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

The Chief Electoral Officer made a brief statement and submitted, in draft bill form, his proposed amendments to the Act.

Mr. Beaubien made a statement in explanation of certain terms used in translating the proposed Draft Bill, as compared with the terms used in the French version of the original Act.

On motion of Mr. Boisvert,

Resolved,—That the question of translation be allowed to stand for further consideration at the next meeting.

The Committee proceeded to the consideration of the suggested Draft Bill, clause by clause.

Clauses 1 to 57 were adopted.

Clause 58 was allowed to stand.

It was agreed that following the study of the proposed Draft Bill, the Committee consider other amendments that have been suggested by Members of the Committee.

At 12.10 o'clock p.m., the Committee adjourned to the call of the Chair.

E. W. INNES,
Clerk of the Committee.

EVIDENCE

NOVEMBER 8, 1951

11:00 a.m.

The CHAIRMAN: Order, please. I want to thank you for your expression of confidence in electing me as your chairman. Now we will set to work immediately. I see that we have to elect a vice-chairman. Are there any nominations?

Mr. HELLYER: I would like to nominate Mr. George Fulford.

Mr. WHITE: I second the nomination.

The CHAIRMAN: Now, the order of reference. It is dated Friday, October 12, 1951, and it reads:

Resolved that a special committee consisting of 30 members to be named later be appointed to study the several amendments to the Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, to study the said Act, to suggest to the House such amendments as the committee may deem advisable, and reports 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 to this committee.

It is signed by Leon Raymond, Clerk of the House. Shall I read the names of the members of the committee?

Mr. VIAU: No. Dispense with that.

The CHAIRMAN: We shall have to decide about a quorum. Will anybody move?

Mr. FULFORD: I move that a recommendation be made to the House to reduce the quorum from 16 members to 8 members.

Mr. CAUCHON: I second the motion.

Mr. MACDOUGALL: I would like to move that the committee be given permission to sit while the House is sitting.

The CHAIRMAN: It has been moved that the committee request permission from the House to sit while the House is sitting.

Mr. HELLYER: How many members are there on the committee?

The CHAIRMAN: 30.

Mr. HERRIDGE: A quorum of 8 is getting it a bit small.

Mr. HELLYER: I think that a quorum of 10 or 12 would be more appropriate.

Mr. FULFORD: We ended up last year with a quorum of 18. We did reduce it to 10 and we did not get that quorum, sometimes.

Mr. HELLYER: Perhaps you need to have better discipline.

Mr. HERRIDGE: Why not try 10?

The CHAIRMAN: Agreed; a quorum of 10. Very well. Will somebody move that acting under the authority given us by the order of reference of October 12, 1951, the committee print from day to day a number of copies of its proceedings in English and a number of copies of its proceedings in French?

Mr. BOUCHER: I move that we print 500 copies in English and 200 copies in French of the Minutes of Proceedings and Evidence.

The CHAIRMAN: Very well, 500 copies in English and 200 copies in French. And now the subcommittee on agenda and procedure, I mean the steering committee, has to be appointed.

Mr. MACDOUGALL: How many were on that steering committee last year?

The CHAIRMAN: Six.

Mr. BOUCHER: Who was on the steering committee last year?

Mr. FULFORD: Bob Fair was a member.

The SECRETARY OF THE COMMITTEE: Messrs. Balcer, Fulford, Herridge, Kirk, (*Antigonish*), Stick, Wylie, and the chairman.

The CHAIRMAN: The motion is that I shall choose them. I shall take the list and pick from it as I did last year the names, trying to take five members coming from different parts of the country.

Agreed.

Now, a statement was to be made by the minister but I see that the minister is not here. However, we have with us Mr. Castonguay, so I shall call on him to tell us about anything he has in mind.

Mr. Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: Mr. Chairman, the bill which is now submitted for the consideration of the committee incorporates all the amendments that were presented to the House of Commons by a similar committee which was set up at the last session. The only amendments that are not included are ones which were enacted into legislation; the one pertaining to section 45, the new section 111 to provide for elections in the Northwest Territories for the Council of the Northwest Territories, and to form 32, dealing with the back of the ballot paper; those were enacted into legislation and therefore are not included in this bill. The only new material submitted to the committee for its consideration will be found at page 49 of this bill, clause 57, and clause 58.

Clause 57 is suggested by me, and clause 58 is suggested by the Bureau of Translation. You will find in the bill that there are some amendments which are marked in red. Amendments passed by the previous committee affected other sections of the Act and such sections have been amended accordingly and are indicated in red. There is no change in substance to these new amendments which are marked in red, except for the changes required by amendments passed by the previous committee. I have nothing further to say, Mr. Chairman.

The CHAIRMAN: Thank you, Mr. Castonguay. Now, about the translation of the French titles. There has been some discussion about it, and we have the privilege this morning of having with us Mr. A. H. Beaubien, superintendent of the Bureau for Translations. Perhaps you would like to hear a few words from Mr. Beaubien as to the change in the translation from English into French of the French titles. I shall now call on Mr. Beaubien.

Mr. A. H. Beaubien, Superintendent, Bureau for Translations, Secretary of State Department, called:

The WITNESS: Mr. Chairman and gentlemen, the translations "officier rapporteur" and "sous-officier rapporteur", are very old expressions which have been used from the beginning when the translators were not so well equipped for writing the French text of our laws. The translators of that time did the best they could, and they used the words they deemed most suitable. That wording has been employed all the way through. But at different times French newspapers, magazines, and French writers have criticized the use of those expressions. However, we could not change them without difficulty.

You may know that every 20 years there is a new edition of the revised statutes which is submitted to and passed by parliament. Then we are bound by the wording of those statutes for a period of 20 years in respect of the amendments passed by the House, when referring to the text of the main body of legislation. So, during those 20 years, should there be a question of amending section so and so of an Act, we are bound by the language of the revised statutes.

At the present time we are working on a revision of the statutes. As you may know, there is a statute revision commission at work and their task is now pretty well advanced. It is hoped that within a year, a new edition of the revised statutes will be published. So we thought that the time was very opportune to change those expressions which gave rise to criticism and were a cause of discussion.

Therefore, in this matter of the electoral Act, with regard to those expressions "returning officer" and "deputy returning officer" we suggested the words "directeur du scrutin", "sous-directeur du scrutin", because we thought that to do so would be conforming to the best usage of the French language and also more or less with the expressions used in the Quebec Provincial Statutes—I mean the electoral statutes.

We consulted our Prime Minister himself, the Right Hon. Mr. St. Laurent, and submitted to him our suggestions. He approved them very heartily and expressed the hope that these old expressions which have been subject to so much criticism will be eliminated from the new statutes. So we have operated under the high authority of the Prime Minister himself in preparing for the revised statutes, the Controverted Elections Act, and the Canada Temperance Act, and we used the new expressions which we have suggested for the Dominion Elections Act.

By Mr. Boisvert:

Q. What are the names of the corresponding officers in the elections Act?—A. The returning officer is called "officier rapporteur"; the deputy returning officer is called "sous-officier rapporteur".

Mr. BOISVERT: What are the terms used in France?

The WITNESS: The Mayor of a municipality is the presiding officer, and he is called "directeur du scrutin" for that purpose, which is the same term we are suggesting now.

Mr. VIAU: Does the word "scrutateur" stand for the word scrutineer in English?

The WITNESS: "Scrutineer" is a special word we have here in Canada. The scrutineer in fact is the officer who is present and who witnesses and sees to it that everything is correct. He also assists in the counting of the ballots. We call him "scrutateur".

By Mr. Cannon:

Q. What were the expressions which you referred to as being used in the Quebec Provincial Statutes?—A. The returning officer which is translated by the expression "président d'élection", and the deputy returning officer, which is translated as "président du scrutin." Here we have "directeur général des élections" for chief electoral officer, and we thought that the terminology should follow the same order, "directeur du scrutin", and "sous-directeur du scrutin".

By Mr. Boisvert:

Q. Would you consider it to be a good translation if you said "rapporteur d'élections", and "rapporteur du scrutin"?—A. Mr. Fournier, who has just been

elected chairman of this committee, is a "rapporteur". He is the man who presents the report to parliament. In France, in good French language, the "rapporteur" is the officer who is in charge of presenting the reports of a committee to parliament.

Q. But our "officier rapporteur" is the "rapporteur d'elections" because he is the one who reports to parliament on the election of any member in any constituency, while the "rapporteur du scrutin" is the official who makes the report about the ballots, and the balloting in the constituency.

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Q. But our "officier rapporteur" is the "rapporteur d'elections" because he is the one who reports to parliament on the election of any member in any constituency, while the "rapporteur du scrutin" is the official who makes the report about the ballots, and the balloting in the constituency.—A. He is the one who transmits the report to the Chief Electoral Officer.

The CHAIRMAN: We began at the back of the bill, which is not very logical. But we did so because Mr. Beaubien was with us this morning. I refer to page 49, section 58.

Mr. BOUCHER: I suggest, Mr. Chairman, that we hear the views of our Chief Electoral Officer on this matter.

The CHAIRMAN: Yes. Thank you, Mr. Beaubien.

Mr. Nelson Castonguay, recalled:

The WITNESS: Mr. Chairman, I discussed this matter with my predecessor and he informed me that as long as he was the Chief Electoral Officer there were moves made to have these changes brought about; but he said that he always objected to such changes because he thought that changing expressions which have been used since 1793, in the Lower Canada Statutes as well as right through the statutes up to the present time might lend to confusion in the use of these expressions. So he always objected to the change during his time.

I spoke to him last night about this matter and I think that possibly he has mellowed on his former stand and he now feels that if a change is desirable and is to be made now is the time to make it because of the New Revised Statutes which will be coming into force, in the near future, and it might cause an upheaval in our instructions, since all our instructions to the various election officers—we print something like 14 handbooks of instructions in French, which are issued to the various election officers—are all printed with the expressions "officier rapporteur" and "sous-officier rapporteur". He still

thinks that the same objections which he raised throughout the years the change would lend to confusion in the French speaking parts of Canada, as they have always known the returning officer as "officier rapporteur", and the deputy returning officer as "sous-officier rapporteur", so he thinks they might continue to call them by those names and that it would be some time before they would be used to the terms "directeur du scrutin", "sous-directeur du scrutin", "directeur spécial du scrutin", and "sous-directeur spécial du scrutin".

I have no personal opinion on the matter because I have not been able to obtain any sample opinions from the returning officers, or any other responsible persons in the various French speaking parts of Canada.

The CHAIRMAN:

Carried.

Now we shall proceed with the draft bill.

Mr. CANNON: Mr. Chairman, before we carry that I wonder if it would not be a good idea to have an expression of opinion on the matter from the members of the committee who come from the province of Quebec. Beginning with myself, I would say that I am inclined to agree with the predecessor of Mr. Castonguay—that the words "officier rapporteur" or "sous officier rapporteur" have been in use a great many years in our province. I am sure it would lead to confusion if they were changed now.

My second thought is the words suggested in French are not the translation of the English words. "Directeur du scrutin" is not the same thing as returning officer. It does not mean the same thing. In English it would be "director of elections". If you want to put "director of elections" it is all right but in French you would have "directeur du scrutin". If you have returning officer and you translate that into French by "directeur du scrutin" you are not saying the same thing.

I would like other members from the province of Quebec to express an opinion.

The CHAIRMAN: Mr. Boisvert, would you mind repeating to the committee what you told me a moment ago?

Mr. BOISVERT: Just a moment.

Mr. CAUCHON: I agree with Mr. Beaubien because I am sure those who would be in office in the province of Quebec will soon learn the new terms, and the translation "directeur du scrutin" does not mean, as far as I am concerned, "director of elections" in English. "Scrutin" and "election" are not the same thing. So, for those reasons, as far as I am concerned I quite agree with Mr. Beaubien.

I am sure those in Quebec in charge of the next election will understand. Another thing, even if we have used those words for many years since we believe we have a better word for it I believe we should make the change.

Mr. CANNON: At least if we were using the same words as the provincial statute uses—they use "président d'élection" and we use "directeur du scrutin".

Mr. CAUCHON: "Président d'élection" and "directeur du scrutin" are not the same.

Mr. CANNON: It is supposed to be the same thing, that is the point. It is supposed to represent the same officer.

The CHAIRMAN: Order, please. Mr. Boisvert?

Mr. BOISVERT: I would ask the committee to postpone this discussion until the next meeting and we will study carefully the recommendations made by Mr. Beaubien and also the opinion of Mr. Castonguay's predecessor. I think we will then be in a better state of mind to pass on the question.

The CHAIRMAN: After digesting the evidence?

Mr. BOISVERT: I know that in the province of Quebec we have troubles with the translation they have adopted in their electoral act.

The CHAIRMAN: Shall we come back to this discussion at the next meeting.

Mr. CANNON: I would so move.

The CHAIRMAN: The matter will stand to the next meeting. Perhaps you should move a proper motion though.

Mr. CANNON: I move that consideration of Section 58 be postponed until the next meeting.

Mr. VIAU: I will second that.

The CHAIRMAN: Mr. Beaubien, you will be advised by the clerk when we are having our next meeting.

Mr. FAIR: In order to keep this thing regular do you not think it would be better to have a seconder for each motion and to have the motion disposed of by the committee—voted on?

Mr. VIAU: That was done.

Mr. FAIR: It was not voted on.

Mr. VIAU: No, it was not voted on but that is up to the chairman.

Mr. FAIR: It is up to the committee to decide the question, not the chairman.

The CHAIRMAN: Those in favour? Those opposed?

Carried.

Now, we will proceed with the bill. I suggest the procedure we should follow would be to take the bill section by section. In order to save time I do not think it necessary that we read all of the sections as we come to them so I will call them by number. Anyone who wishes to have some explanation from the returning officer,—the director of elections, Mr. Castonguay, may ask for that explanation.

Mr. MACDOUGALL: Have we not already passed the recommendations as laid down in the bill, Mr. Chairman?

The CHAIRMAN: Yes, but it is a new committee and we have to pass them all over again. We discussed them last year.

The CHAIRMAN: Section 1?

Carried.

Section 2?

Carried.

The new material is marked in red. We will come to them but we will have to go through the others section by section.

Sections 3 to 6 inclusive?

Carried.

Section 7.

7. (1) Rule four of section sixteen of the said Act is repealed and the following substituted therefor:—

(4) A Canadian Forces elector, as defined in paragraph twenty-one of *The Canadian Forces Voting Regulations*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as prescribed in paragraph twenty-three of the said Regulations.

(2) Rule eight of the said section sixteen is repealed and the following substituted therefor:—

(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to which such person has come for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district, unless such person has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ.

(3) The said section sixteen is further amended by adding thereto, immediately after rule eight thereof, the following rule:—

(8A) The wife or dependent of a person mentioned in Rule eight who has come to an electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, shall not be deemed to be ordinarily resident on the date of the issue of the writ ordering an election in such electoral district, unless such wife or dependent has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ.

(4) The said section sixteen is further amended by adding thereto the following rule:—

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

Mr. WHITE: While you are on this in my riding at the last election there were a lot of men working on a hydro project. There was considerable hard feeling and lack of knowledge as to just whether they should vote there or not. Does this pretty well clear it up?

The WITNESS: Mr. Chairman, the previous section required that any person who came to an electoral district to work on a public work was disfranchised. People who resided in the electoral district before the public works started were entitled to vote but those who had come to the electoral district from outside were disfranchised. The committee at the last session of parliament recommended that anybody that had resided in the district for thirty days prior to the issue of the writ would be entitled to vote. If they had not resided in the area before that time and were working on a public work they would not be able to vote. There is a preresidence qualification of thirty days before the issue of the writ in order for them to be entitled to vote.

Mr. WHITE: I think it pretty well clears the problem up.

The CHAIRMAN: Shall section 7 carry?

Carried.

Section 8. Arrangement of names on urban lists, etc.

Mr. BOISVERT: Mr. Cannon, this section covers the question of the lists to be mailed.

Mr. CANNON: Section 8?

The CHAIRMAN: At the bottom of page 5.

By Mr. Boisvert:

Q. Subsection (7) (a) says "where two or more electors having the same surname (in this subsection called "group of electors") reside in one dwelling

place, one copy of such list shall be sent to one of the electors of such group and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of such group”.

What would happen if there were two Maurice Boisvert's in the same dwelling?—A. The returning officer would try to establish who was the householder Boisvert.

Q. And send one to the other Maurice Boisvert?—A. Not necessarily.

Q. It often happens in our city. We have many James Brown's and John Smith's too, if you like. Does it mean that only one John Smith would get it?—A. Only one John Smith gets it.

Q. But if there are two in the same dwelling or apartment house what happens then?—A. Mr. Chairman, this section caused us a great deal of trouble last year.

Q. I know, but I have been thinking about it since.—A. And the committee agreed then that such cases would be a normal hazard. In most cases where you find two people of the same surname there is the name of a married woman or there is some way of establishing the householder. You can select the householder from the group of persons with the same surname.

The members of the committee at the last session complimented me on finding this solution to what was then more or less an insoluble problem—that of expecting the returning officer to find who was the householder. On the list in most cases you might have Maurice Boisvert and then you would have “Mrs.” below—in 60 per cent of the cases. The intention was that one list at least would go to each householder.

Q. I quite agree with you, but I have in mind a case where we could have two of the same name in the same dwelling, two separate families. I have that case at my apartment. There are two Maurice Boisvert's and we are not related.—A. Two apartments in the dwelling?

Q. Yes?—A. Each dwelling in the apartment building will get a list.

Q. Oh, all right.

The CHAIRMAN: Shall section 8 carry?

Carried.

Sections 9 to 15.

Carried.

Section 16:

By Mr. MacDougall:

Q. On section 16 “Declaration of name of candidate who has obtained largest number of votes”; at the bottom it is in red?—A. The candidate obtaining a majority of the votes. There is no such thing as a majority of the votes now. With the amendment passed by the previous committee it is the candidate who has the largest number of votes who is declared elected. That is to bring it into line with the amendment made by the previous committee.

The CHAIRMAN: Sections 17 to 26.

Carried.

Section 27. That is marked in red.

Mr. CANNON: And section 23 is marked, but not in red.

The CHAIRMAN: Yes, it is marked in black.

The WITNESS: The printer forgot to put a black line to indicate that it is new material. That is just in the printing.

The CHAIRMAN: Section 27—Mr. Castonguay?

The WITNESS: Form No. 4. You will see the form itself indicated at page 20 of the draft bill. It used to be the candidate who has obtained a majority

of the votes; again, this form was changed to bring it in line with the corresponding change made last year. Then, at page 21 the same situation exists—largest number of votes. Then at page 23, section 95 last year was amended in committee to give the privilege of voting to members of the reserve forces at advanced poles and on review it was found that this form would have to be amended to bring it into line with section 95.

Agreed.

The CHAIRMAN: Sections 29 to 32 agreed to.

The WITNESS: That is on page 25?

The CHAIRMAN: Yes, on page 25.

The WITNESS: There the word "area" is new. The word used in the draft last year was "locality" but in paragraph 4 of the defence forces voting regulations the word "area" is used; so in order to bring it into line with paragraph 4 of the regulations the word "area" is substituted for the word "locality" because "locality" is too restricted.

Agreed.

Mr. NOWLAN: Mr. Chairman, I agree that since this committee has gone over this subject before the proper thing to do probably is to clear it up as quickly as we can unless we have some specific question raised on a clause. I know that we have had the draft sections before us during the last few months and we are supposed to have given attention to them but some of us would perhaps like to review the bill. I think it will be interesting when we have gone through this bill clause by clause, before we finally report the bill, if members were given an opportunity of raising questions about certain points which perhaps may be passed rather hastily at this time. The only other way to do it would be to slow down now and start asking questions about the various sections until we are certain of them, which I think would be unreasonable. I would not like to feel that we would not be able to open up any section which we perhaps might pass casually this morning but which perhaps should be left open for a little more careful review. I think we should be given such an opportunity before the bill is reported.

The CHAIRMAN: That sounds reasonable to me and we will agree to passing these sections subject to that reservation.

Sections 32 to 39.

Carried.

Section 40: "Declaration by Canadian Forces elector."

Mr. MacDOUGALL: Would Mr. Castonguay explain that, please?

The WITNESS: All we have done is bring it in line with paragraphs 37 and 39—the clause provides that the outer envelope in which the ballot is contained shall be signed by the deputy special returning officer and the Canadian forces elector. By referring to paragraph 34 (2) which reads as follows:

(2) At this stage, the Canadian Forces elector and the deputy returning officer shall bear in mind that, as prescribed in paragraph 71, any outer envelope which does not bear the signatures of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 37 and 39), or any outer envelope upon which a sufficient description of the place of ordinary residence of the Canadian Forces elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted.

Agreed.

Sections 41 to 44.

Carried.

By Mr. MacDougall:

Q. What is the situation with respect to paragraph 3 which is marked in black?—A. That is a brand new amendment passed by the previous committee. Agreed.

The CHAIRMAN:

Sections 44 to 49.

Carried.

Section 50:

50. (1) Clauses (c) and (d) of subparagraph one of paragraph seventy-nine of the said Regulations are repealed and the following substituted therefor:—

“(c) that have been marked for more than one candidate except in the electoral districts returning two members;

“(d) that have been marked for more than two candidates in the electoral districts returning two members;”

Would you explain please.

MR. MACDOUGALL: Yes, could we have an explanation of that?

The WITNESS: In clause 33 of this bill (on page 25), previous committee deleted all reference to the names of the dual member constituencies inasmuch as in the previous clause 33 the electoral district of Halifax and the electoral district of Queens were taken out in order to bring this paragraph in line with the new change and to have it correspond with the amendment passed by the previous committee. On page 25 of the draft bill, clause 33, the previous committee deleted all reference to the names of electoral districts under this new amendment. Now, again, in studying this bill since the amendment was passed I noticed that this section had not been amended to correspond, so the only change there is deleting the reference to dual member electoral districts by name.

By Mr. White:

Q. Why was it still retained? Is it an advantage or a disadvantage?—A. They are retained by virtue of the Representation Act of 1947.

MR. CANNON: I never understood the principle of dual member constituencies and I could never understand why they had them. I could never understand why a constituency was not divided in half with a member for each half.

The WITNESS: Mr. Chairman, the way the distribution works out is this: Under section 51, the census figures are used in the formula to determine the representation each province is entitled to. When such representation has been established a Representation Bill is introduced in the House of Commons in which the Schedule is left blank. This Schedule will eventually contain the legal descriptions of the electoral districts established in each province. The Bill is then referred to a special committee of the House. The main committee breaks up into subcommittees by provinces so that the members from the province of Quebec would be the ones to distribute representation in the province of Quebec. In the case of Nova Scotia over the years the members representing that province on the committee decided to retain the dual member constituency—for reasons which I do not know—and the same in the case of the subcommittee representing the province of Prince Edward Island.

MR. CANNON: It is done by the members representing the province?

The WITNESS: The province of Nova Scotia gets 13 seats and it is up to the members of that province to decide the form of the constituencies. For what reasons I do not know, but they decided to retain this dual seat in Halifax.

Mr. NOWLAN: The Halifax situation should not be changed because it was based on a convention which had worked most satisfactorily for all of the people in Halifax; and any division of the constituency would be impossible because the benefits of that convention would then be lost. Ever since Confederation that convention has been in existence and has afforded a most happy solution to what, otherwise, might present difficult problems.

With respect to Queens the same convention did not apply. There the basis is geographical; the city of Charlottetown is the largest part of the population, and if a division were made there you would have the rural area, with a much smaller population, having a member. Therefore, the city and the county have been included and maintained as one constituency electing two members.

Mr. MACDOUGALL: And there, of course, the same situation applies as applies in Halifax.

Mr. FAIR: That means then that half or more of the population live in the city of Charlottetown.

Mr. NOWLAN: Yes, over half the people of Queen's live in Charlottetown; I am not quite sure.

Mr. MACDOUGALL: Could not this go by the board after re-distribution in a constituency? Take Halifax, now what is the Halifax total with respect to population? Once it drops below one half of a single constituency that would automatically eliminate it as a dual constituency.

The WITNESS: The act still gives the members of the subcommittee of Nova Scotia the right to decide the number of members they will have in a constituency like Halifax.

Mr. NOWLAN: Some of the constituencies in the province are very small anyway. Halifax will not drop in population, it will go up. However, aside from that, it has worked out very, very happily.

Agreed.

Sections 51 to 53 agreed to.

The CHAIRMAN: On page 36 there is a red line at the bottom of the page:

The WITNESS: This form is printed separately and I thought it would be advisable to add the words "of the Canadian forces voting regulations", so that persons examining the declaration would know to what regulations this form applied, just as a matter of information for whomever signed it. If it is left without those words they might say it is under section 112 of the Act; so this is for the purpose of information and clarification.

Sections 54, 55 and 56.

Carried.

The WITNESS: Section 57 has an explanatory note on the page to the right. It reads:

"Clause 57. New. The purpose of this amendment is to expedite the reorganization of the Staff of the Chief Electoral Officer by the Civil Service Commission".

On page 2 of this bill you will see that the committee presented an amendment to the House last session bringing under the Civil Service Commission all my employees, with the exception of the assistant chief electoral officer, who was to be appointed in the manner authorized by law. According to section 110 of this Act the amendment when enacted into legislation does not come into force until the publication of notice in the Canada Gazette, saying that the necessary preparations have been completed in order to hold an election. Well, the committee also at the last session extended the period from

three to six months; and I would suggest to the committee that it would facilitate the work of my office if my staff might immediately come under Civil Service Commission when this bill receives the Royal Assent without having to wait for me to bring it into force by printing a notice in the Canada Gazette. The effect of that would be that the Civil Service Commission, immediately this bill receives Royal Assent, would take over my staff, they would come under the commission; otherwise, if this section was not here, I would have to wait six months.

Mr. MACDOUGALL: So your staff is not now under the Civil Service Commission? How is it appointed?

The WITNESS: It is appointed by the Governor in Council, with the exception of the chief electoral officer who is appointed by resolution of the House of Commons.

The CHAIRMAN: Agreed.

Now, that is the end of our proposed draft bill except for the suggestion made by Mr. Nowlan that any member who has anything to add or requires anything by way of explanation will have that opportunity before the bill goes to the House. Also clause 58 must be dealt with.

Mr. FAIR: Mr. Chairman, before the committee concludes its work, and it is apparent that we are almost at that stage at the present time, I would like to say that for a number of years I have been trying to get before this committee the question of debating another method of voting at general and by-elections, that is alternative voting. Some four or five years ago I had intended to bring in a bill; in fact I went to the law officer of the Crown and had a bill prepared; and on the day I received my draft of that bill Mr. Benidickson, the member for Kenora-Rainy River, introduced the bill which was allowed to die on the order paper because there was no time to deal with it then. During this present parliament I have given notice that I will bring before this committee the question of another method of voting so that we might get better representation. At the present time I feel that many members come to the House without getting half of the votes polled in an election.

The CHAIRMAN: If you will kindly permit me to interject, Mr. Fair, we were just coming to the suggestions we have received from various members of the committee and from other people in the country, and in due course you will be given the opportunity to present your case. I think we have done enough for today, and it will be in order to decide what we are going to do at the next meeting. I suggest that we start studying some of the suggestions that we received last year which we had not sufficient time to deal with. I think it would be in order to proceed at the next meeting with the suggestions that we have received, keeping in mind that they will have precedence over the new ones.

Mr. MACDOUGALL: There are just four or five tag ends we did not clear up last year?

The CHAIRMAN: Yes.

Mr. HELLYER: Do we all have copies of those suggestions that were received?

The CHAIRMAN: Yes, we have them, but copies will be made and sent to all members of the committee again.

Mr. MACDOUGALL: I move we adjourn.

Mr. HERRIDGE: I would like to ask a question before we adjourn, Mr. Chairman. At the last sitting of this committee last session, I introduced a motion suggesting that the government give consideration to the provision of the franchise for certain persons of Doukhobor ancestry who are deprived of

the franchise under the present Election Act. Would the Chairman inform the committee if the government has given consideration to that subject and what their views are?

The CHAIRMAN: We discussed that matter in the steering committee, if my memory serves me correctly, and I do not think there was any official report from the chairman of the committee.

Mr. HERRIDGE: The resolution was adopted by the committee and included in the report.

Mr. FULFORD: As I remember, when we were discussing that matter, anyone who declared himself a Canadian citizen could not be deprived of the vote unless he committed some crime; in other words, those people who are bona fide Canadian citizens have the right to vote. Is that not right, Mr. Castonguay?

The WITNESS: There is a clause in section 14 which disfranchises the Doukhobors in British Columbia despite the fact that they fall into the other classification of being 21 years of age and British subjects. They are not entitled to vote now. The only Doukhobors who are qualified to vote in British Columbia are those who served in any war, and their descendants.

Mr. McWILLIAM: I recall that something was being taken up with the provincial government, and that is where we left off.

Mr. HERRIDGE: The resolution was passed. I would like to ask the chairman what happened to that resolution, or is that a pious hope? What action has been taken?

The CHAIRMAN: I am informed that it was brought to the attention of the minister, Hon. Mr. Harris, and he said he was going to give careful consideration to it, but beyond that I have no other information.

Mr. WARD: Is not the right to vote tied in with military service or willingness to serve? I think you will find that condition in the agreement signed by most of the Doukhobors and Mennonites when they came to Canada; there is a reference to military service and they gave up their right to vote on being granted an exemption from military service.

Mr. HERRIDGE: Mr. Chairman, that is entirely beside the issue. Our resolution suggested those who were willing to forego the agreement of 1898 and who were willing to sign an application for naturalization. At the present time whether they wish to do that or not they are not permitted to vote, and I claim that is a distinct injustice.

The CHAIRMAN: The wording of the resolution appears on page 309 of the evidence of the committee of last session: "That the government give consideration to extending the franchise to certain persons of Doukhobor origin and the advisability of consultation with the Government of the Province of British Columbia in this matter."

Mr. BOISVERT: Could you suggest something similar to what we have adopted in regard to Indians who have been granted the right to vote?

The CHAIRMAN: The situation is not the same.

Mr. BOISVERT: I agree with you that the situation is not the same; nevertheless something along that line could be worked out.

The CHAIRMAN: For the information of the committee, I will get in touch with the minister and I will ask him whether something has been done on that question or not.

We have a motion to adjourn.

The committee adjourned to the call of the Chair.

HOUSE OF COMMONS

Fifth Session—Twenty-first Parliament

1951

(Second Session)

SPECIAL COMMITTEE

APPOINTED TO STUDY

**THE DOMINION ELECTIONS ACT
1938**

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 2

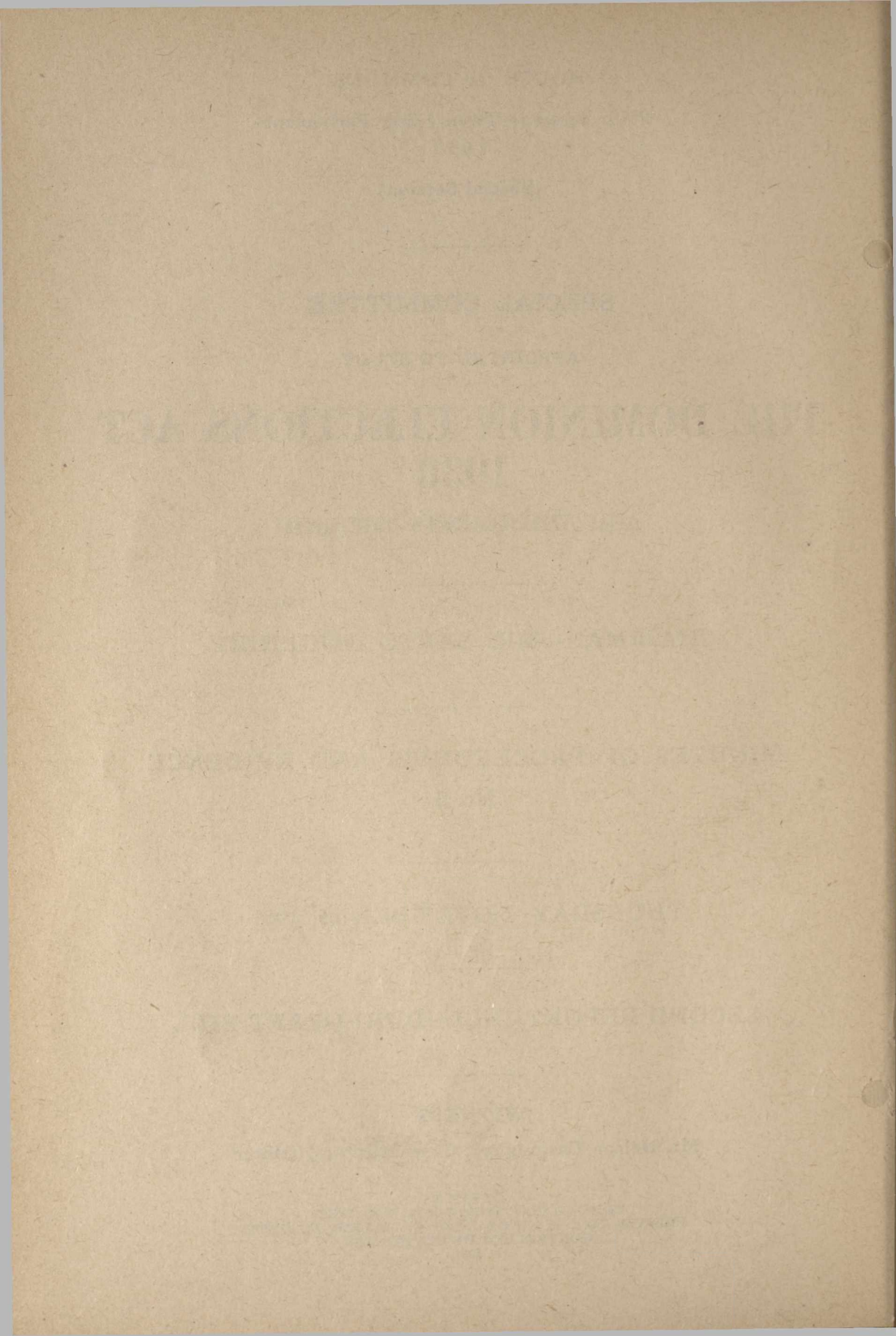
THURSDAY, NOVEMBER 15, 1951

SECOND REPORT INCLUDING DRAFT BILL

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer

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



REPORT TO THE HOUSE

THURSDAY, November 16, 1951

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

SECOND REPORT

Your Committee has considered certain amendments to the said Act, suggested by the Chief Electoral Officer, and has prepared a draft bill embodying its recommendations.

A copy of the draft of the proposed bill is appended hereto.

All of which is respectfully submitted.

GEORGE T. FULFORD,
Vice-Chairman.

DRAFT BILL

An Act to amend The Dominion Elections Act, 1938,
and to change its title to The Canada Elections Act.

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

1. (1) Section one of *The Dominion Elections Act, 1938*, chapter forty-six of the statutes of 1938, is repealed and the following substituted therefor:— 5

Short title.

“1. This Act may be cited as *The Canada Elections Act*.”

(2) The said Act is further amended by striking out the expressions “Dominion election” or “Dominion general election” wherever they appear therein and substituting therefor in each case the expressions “election” and “general election”, respectively. 10

(3) The said Act is further amended by striking out the expression “*The Dominion Elections Act, 1938*” wherever it appears in the Schedules thereto, and substituting therefor in each case the expression “*The Canada Elections Act*”. 15

(4) Notwithstanding subsections two and three, any forms, envelopes, ballot boxes, and other supplies on which appear the expressions “Dominion election”, “Dominion general election”, or “*The Dominion Elections Act, 1938*” shall be deemed to be valid. 20

2. (1) Subsection five of section two of the said Act is repealed and the following substituted therefor:—

“election.”

“(5) “election” means an election of a member or members to serve in the House of Commons of Canada;” 25

(2) Subsection twelve of the said section two is repealed.

(3) Subsection seventeen of the said section two is repealed and the following substituted therefor:—

“list of electors.”

“(17) “list of electors” means either the preliminary list of electors or the official list of electors as herein defined, and as the context requires;” 30

EXPLANATORY NOTES.

The various amendments contained in this Draft Bill have been recommended by the Special Committee on *The Dominion Elections Act* in their second report dated November 16, 1951.

Clause 1. (1). Self-explanatory. The present provision reads as follows:—

“1. This Act may be cited as *The Dominion Elections Act, 1938.*”

(2) (3) and (4). New. Self-explanatory.

Clause 2. (1). This amendment is consequential to the change made in Clause 1. The present provision reads as follows:—

“(5) ‘Dominion election’ or ‘election’ means an election of a member or members to serve in the House of Commons of Canada;”

(2) (3) and (4). Subsection 12 is repealed consequential to the changes made in Clause 8 (1). The amendments to subsections 17 and 22 are consequential to the changes

(4) Paragraph (a) of subsection twenty-two of the said section two is repealed and the following substituted therefor:—

“official list of electors.”

“(a) in an urban polling division, any copy of the printed preliminary list prepared by the enumerators pursuant to Rules (1) to (16), inclusive, of Schedule A to section seventeen of this Act taken together with a copy of the statement of changes and additions certified by the revising officer pursuant to Rule (41) of the said Schedule A, or the appropriate portion of the preliminary list which has been divided by the returning officer for the taking of the votes taken together with the special statement of changes and additions certified by the returning officer pursuant to subsection seven of section thirty-three of this Act, and”

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(5) Subsection thirty-five of the said section two is repealed and the following substituted therefor:—

“rural polling division.”

“(35) “rural polling division” means a polling division whereof no part is contained either within an incorporated city or town having a population of five thousand or more, or whereof no part is contained within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;”

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(6) Subsection thirty-eight of the said section two is repealed and the following substituted therefor:—

“urban polling division.”

“(38) “urban polling division” means a polling division which is wholly contained within an incorporated city or town having a population of five thousand or more, or within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;”

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3. (1) Section six of the said Act is repealed and the following substituted therefor:—

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Staff.

“**6.** (1) The staff of the Chief Electoral Officer shall consist of an officer known as the Assistant Chief Electoral Officer, appointed by the Governor in Council, and such other officers, clerks, and employees as may be required, who shall be appointed in the manner authorized by law.”

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Super-annuation.

“(2) The Assistant Chief Electoral Officer is a contributor under and entitled to all the benefits of the *Civil Service Superannuation Act*.”

4. (1) Section seven of the said Act is amended by adding thereto the following subsection:—

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Withdrawal of writ.

“(4) Where the Chief Electoral Officer certifies that by reason of a flood, fire, or other disaster, it is impracticable to carry out the provisions of this Act in any electoral

made in Clause 8 (1). The present provisions read as follows:—

“(12) ‘finally revised list’ means the list of electors for an urban polling division which has been revised and corrected by the revising officer pursuant to the provisions of Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, and which has been re-printed pursuant to subsection ten of the said section seventeen; such finally revised list to constitute the official list of electors to be used for the taking of the votes on polling day;”

“(17) ‘list of electors’ means either the preliminary list of electors, the finally revised list or the official list of electors as herein defined, and as the context requires;”

“(a) in an urban polling division, the list of electors revised and corrected by the revising officer pursuant to Rules (17) to (43), inclusive, of Schedule A to section seventeen of this Act, and re-printed by the returning officer pursuant to subsection ten of the said section seventeen, or the appropriate portion of the finally revised list which has been divided by the returning officer for the taking of the votes, and”

(5) and (6). The amendments to subsections 35 and 38 are consequential to the change made in Clause 5. The present provisions read as follows:—

“(35) ‘rural polling division’ means a polling division whereof no part is contained either within an incorporated city or town having a population of three thousand five hundred or more, or whereof no part is contained within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;”

“(38) ‘urban polling division’ means a polling division which is wholly contained within an incorporated city or town having a population of three thousand five hundred or more, or within any other area directed by the Chief Electoral Officer to be or to be treated as an urban polling division, pursuant to the provisions of section twelve of this Act;”

Clause 3. This amendment provides for the appointment of the staff of the Chief Electoral Officer in the manner authorized by law, with the exception of the Assistant Chief Electoral Officer. The present provisions read as follows:—

“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*.

(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, and such temporary employees shall be discharged forthwith upon completion of the business of the election for or during which they respectively were engaged.

(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.”

Clause 4. New. This amendment provides that if after a writ has issued ordering an election, it is found impracticable to carry out the provisions of the Act, by reason of flood, fire, or other disaster, such writ may be withdrawn and a new writ issued at a later date.

district where a writ has been issued ordering an election, the Governor in Council may order the withdrawal of such writ, and a notice to that effect shall be published in a special edition of the *Canada Gazette* by the Chief Electoral Officer; in the event of such withdrawal, a new writ ordering an election shall be issued within six months after such publication in the *Canada Gazette*, and the procedure to be followed at such election shall be as prescribed in section one hundred and eight of this Act.” 5

5. (1) Subsection one of section twelve of the said Act 10 is repealed and the following substituted therefor:—

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

“12. (1) The Chief Electoral Officer shall have power to decide and he shall so decide, upon the best available evidence, whether any place is an incorporated city or town, and whether it has a population of five thousand or 15 more. All the polling divisions comprised in every such place shall be treated as urban polling divisions.”

6. (1) Subparagraph (i) of paragraph (f) of subsection two of section fourteen of the said Act is repealed and the following substituted therefor:— 20

(i) he was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, or” 25

(2) Subsection three of the said section fourteen is repealed and the following substituted therefor:—

Qualification of veteran under 21 years of age.

“(3) Notwithstanding anything in this Act, any person who, subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of 30 the Canadian Forces and has been discharged from such Forces, and who, at an election, has not attained the full age of twenty-one years, is entitled to have his name included in the list of electors prepared for the polling division in which he ordinarily resides and is entitled to 35 vote in such polling division, if such person is otherwise qualified as an elector.”

(3) Subsection four of the said section fourteen is repealed and the following substituted therefor:—

Qualification of wife of an Indian veteran.

“(4) Notwithstanding anything in this Act, a woman who 40 is the wife of an Indian, as defined in the *Indian Act*, who was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service, subsequent to the ninth day of September, nineteen hundred and fifty, is entitled to have 45 her name included in the list of electors prepared for the

Clause 5. Under the present law, all polling divisions in an incorporated city or town having a population of thirty-five hundred or more, must be treated as urban. This amendment raises this figure to five thousand. The present provision reads as follows:—

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

Clause 6. (1). This amendment extends the right of voting to Indians living on a reserve who have served on active service in the Canadian Forces. The present provision reads as follows:—

“(i) he served in the naval, army or air forces of Canada in World War I or World War II, or”

(2). This amendment gives the right to vote to veterans of the Canadian Forces who served on active service and who are under twenty-one years of age. The present provision reads as follows:—

“(3) Notwithstanding anything in this Act, any person, man or woman, who, prior to the ninth day of August, nineteen hundred and forty-five, was a member of the naval, military, or air forces of Canada and has been discharged from such forces, and who, at a Dominion election, has not attained the full age of twenty-one years, is entitled to have his or her name included in the list of electors prepared for the polling division in which he or she ordinarily resides and is entitled to vote in such polling division, if such person is otherwise qualified as an elector.”

(3). This amendment is consequential to the changes made in sub-clause (1) of this Clause. The present provision reads as follows:—

“(4) Notwithstanding anything in this Act, a woman who is the wife of an Indian, as defined in the *Indian Act*, who served in the naval, army or air forces of Canada in World War I or World War II, is entitled to have her name included in the list of electors prepared for the polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector.”

polling division in which she ordinarily resides and is entitled to vote in such polling division, if such a woman is otherwise qualified as an elector."

(4) Paragraph (a) of subsection five of the said section fourteen is repealed and the following substituted therefor:— 5

"(a) was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;" 10

(5) Subsections six and seven of the said section fourteen are repealed and the following substituted therefor:—

Residence
qualifi-
cations of
members of
the Canadian
Forces at a
by-election.

"(6) A Canadian Forces elector, as defined in paragraph twenty-one of *The Canadian Forces Voting Regulations*, is entitled to vote at a by-election only in the electoral 15 district in which is situated the place of his ordinary residence as prescribed in paragraph twenty-three of the said Regulations.

Residence
qualifi-
cations of
Veteran
electors at a
by-election.

"(7) A Veteran elector, as defined in paragraph forty-two of *The Canadian Forces Voting Regulations*, is en- 20 titled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence."

7. (1) Rule four of section sixteen of the said Act is repealed and the following substituted therefor:— 25

Members of
the Canadian
Forces.

"(4) A Canadian Forces elector, as defined in paragraph twenty-one of *The Canadian Forces Voting Regulations*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as prescribed in paragraph twenty- 30 three of the said Regulations."

(2) Rule eight of the said section sixteen is repealed and the following substituted therefor:—

Persons
temporarily
engaged in
public works.

"(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to 35 which such person has come for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such 40 electoral district, unless such person has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ."

(3) The said section sixteen is further amended by adding thereto, immediately after rule eight thereof, the following 45 rule:—

(4). This amendment is consequential to the changes made in sub-clause (2) of this Clause. The present provision reads as follows:—

“(a) was a member of the naval, military, or air forces of Canada in the war 1914–1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine;”

(5). The amendments to subsections 6 and 7 are consequential to the changes made in Clauses 29 and 34. The present provisions read as follows:—

“(6) A Defence Service elector, as defined in paragraph twenty-one of *The Canadian Defence Service Voting Regulations*, is entitled to vote at a by-election only in the electoral district in which is situated the place of his ordinary residence as defined in paragraph twenty-three of the said Regulations.

(7) A Veteran elector, as defined in paragraph forty-two of *The Canadian Defence Service Voting Regulations*, is entitled to vote at a by-election only in the electoral district in which is situated the place of his actual ordinary residence.”

Clause 7. (1). This amendment is consequential to the changes made in Clauses 29 and 34. The present provision reads as follows:—

“(4) Any person on Defence Service, as defined in paragraph twenty-one of *The Canadian Defence Service Voting Regulations*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as defined in paragraph twenty-three of the said Regulations.”

(2). This amendment extends the right of voting to persons who have come to an electoral district to be temporarily employed on a public work. The present provision reads as follows:—

“(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to which such person has come for the purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district.”

(3). New. This amendment provides for the wives and dependents of persons who have come to an electoral district to be temporarily employed on a public work, the same residence qualifications as now contemplated for such persons in sub-clause (2) of this Clause.

Wives or dependents of persons temporarily engaged in public works.

“(8A) The wife or dependent of a person mentioned in Rule eight who has come to an electoral district for the purpose of occupying residential quarters during the course and as a result of the services performed by such person, shall not be deemed to be ordinarily resident on the date of the issue of the writ ordering an election in such electoral district, unless such wife or dependent has been in continuous residence therein for at least thirty days immediately preceding the date of the issue of such writ.”

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(4) The said section sixteen is further amended by adding thereto the following rule:—

Persons residing in a sanatorium, etc.

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

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8. (1) Paragraphs (a) and (b) of subsection five of section seventeen of the said Act are repealed and the following substituted therefor:—

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Arrangement of names on urban lists, etc.

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

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Arrangement of names on rural lists, etc.

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

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(2) Subsections seven, eight, and nine of the said section seventeen are repealed and the following substituted therefor:—

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Copy of printed preliminary list to electors in urban polling divisions.

“(7) The returning officer shall send a printed copy of the preliminary list of electors for the appropriate urban polling division, not later than Saturday, the twenty-third day before polling day, to the electors residing in such polling division whose names appear on such list, in accordance with the following provisions:

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(4). New. This amendment provides the same residence qualifications for patients in a sanatorium, a chronic hospital or similar institution, as those provided in rule 9 of section 16 of the Act for persons residing in lodgings, hostels, refuges, etc.

Clause 8. (1). Under the present law, in urban polling divisions, the preliminary list of electors is re-printed to include or leave out the names added or deleted by the revising officer. This amendment does away with such re-printing and the official list will consist of the printed preliminary list of electors and the statement of changes and additions prepared by the revising officer. The present provisions read as follows:—

“(a) For urban polling divisions, the names of the electors shall be arranged on the printed preliminary list of electors in geographical order, that is, by streets, roads and avenues, as prepared by the enumerators in Form No. 8, except as provided in subsection sixteen of this section, in which case the names of the electors shall be arranged alphabetically. Notices shall be printed at the top of the preliminary list for each urban polling division, setting forth the necessary details relating to the sittings for revision of the revising officer and the exact location of the polling station established in the urban polling division for the taking of the votes on polling day. The type used in the printing of the preliminary lists for urban polling divisions shall be kept available by the printer for use in the re-printing of the finally revised lists prescribed in subsection ten of this section.

(b) For rural polling divisions, the names of the electors shall be arranged on the printed preliminary lists in alphabetical order, as in the preliminary lists prepared by the enumerators in Form No. 21. The lists of electors for rural polling divisions shall not be re-printed after revision.”

(2) The amendment to subsection 7 provides a new procedure for the mailing of printed copies of the urban preliminary list of electors, and the amendments to subsections 8 and 9 are consequential to the changes made in Clause 8 (1). The present provisions read as follows:—

“(7) In every electoral district comprising the whole or part of a city having a population of twenty-five thousand or more, and in every urban area adjoining such city, the returning officer shall, not later than Saturday, the twenty-third day before polling day, send a printed copy of the preliminary list for the appropriate urban polling division to each elector whose name appears on such preliminary list. The Chief Electoral Officer shall have power to decide and he

- (a) where two or more electors having the same surname (in this subsection called "group of electors") reside in one dwelling place, one copy of such list shall be sent to one of the electors of such group and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of such group; 5
- (b) where two or more groups of electors, each group having a different surname, reside in one dwelling place, one copy of such list shall be sent to one of the electors of each of such groups and one copy of the list shall be sent to any other elector residing in that dwelling place and having a surname different from the surname of each such group; 10
- (c) in the case of any other dwelling place and in the case of any hotel, hospital, university, college or other institutions, one copy of such list shall be sent to each elector residing therein; 15

and such lists shall be enclosed in sealed envelopes and shall be entitled to pass through the mails free of postage. 20

Copies of preliminary lists to Chief Electoral Officer.

"(8) The returning officer shall, forthwith after the preliminary lists for the urban and rural polling divisions comprised in his electoral district have been printed, transmit to the Chief Electoral Officer thirty copies of such preliminary lists. 25

Receipt and disposal of copies of statement of changes and additions.

"(9) The returning officer shall, upon receipt of the two certified copies of the statement of changes and additions for each urban polling division comprised in the revising officer's revisal district, pursuant to Rule (42) of Schedule A to this section, and of the five certified copies of the statement of changes and additions from the enumerator of each rural polling division, pursuant to Rule (20) of Schedule B to this section, keep one copy on file in his office, where it shall be available for public inspection at all reasonable hours; the returning officer shall immediately transmit or deliver to each candidate officially nominated at the pending election in the electoral district one copy of the statement of changes and additions received from the enumerator of each rural polling division; the returning officer shall also deliver, in the ballot box, one copy of the statement of changes and additions received from the revising officer or from the rural enumerator, together with the preliminary list, to the appropriate deputy returning officer, for use at the taking of the votes on polling day." 30 35 40

(3) Subsections ten, eleven and twelve of the said section seventeen are repealed. 45

(4) Subsections thirteen, fourteen and fourteen A of the said section seventeen are repealed and the following substituted therefor:—

shall so decide upon the best available evidence whether any city has a population of twenty-five thousand or more, and whether, for the above mentioned purpose, any urban area adjoins such city. In every other urban area, the returning officer shall send, not later than Saturday, the twenty-third day before polling day, a printed copy of the preliminary list for the appropriate urban polling division to every householder whose name appears on such list and who resides in a dwelling place or apartment block situated therein, and to each individual elector whose name appears on such list and who resides in a hotel, rooming-house, hospital, college or other similar institution situated within such urban polling division. In both cases, such lists shall be enclosed in sealed envelopes which shall be entitled to pass through the mails free of postage. This provision shall apply only to urban polling divisions.

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

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

(3) Subsections 10, 11 and 12 are repealed consequential to the changes made in sub-clause (1) of this Clause. The present provisions read as follows:—

"(10) As soon as possible after the duties of the revising officer have been completed, the returning officer shall cause the finally revised lists for urban polling divisions to be re-printed. Such re-prints shall contain all changes and additions made by the revising officer to the preliminary list for each polling division during his sittings for revision, and such finally revised list certified by both the revising officer and the returning officer, as re-printed, shall constitute the official list of electors to be used for the taking of the votes on polling day.

(11) The returning officer shall, forthwith after the finally revised urban lists of electors have been re-printed, transmit to the Chief Electoral Officer thirty copies thereof for every urban polling division comprised in his electoral district.

(12) Immediately after the finally revised urban lists of electors have been re-printed, the returning officer shall furnish twenty copies thereof for every polling division comprised in his electoral district to every candidate officially nominated therein or to his representative."

(4) The amendments to subsections 13, 14 and 14A are consequential to the changes made in sub-clause (1) of this Clause. The present provisions read as follows:—

Official
lists.

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

Issue of
certificate
in case of
omission
from list.

“(14) If, after the sittings of the revising officer, it is 5
discovered that the name of an elector, to whom a notice in Form No. 7 has been duly issued by the enumerators, has, through inadvertence, been left off the official list for an urban polling division, the returning officer shall, on an application made in person by the elector concerned, upon 10
the production by such elector of the notice in Form No. 7 issued to him and signed by the two enumerators, and upon ascertaining from the carbon copy contained in the enumerators' record books in his possession that such an omission has actually been made, issue to such elector a 15
certificate in Form No. 18 entitling him to vote at the polling station for which his name should have appeared on the official list. The returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially 20
nominated at the pending election in the electoral district, or to his representative, and the official list of electors shall, for all purposes, be deemed to have been amended in accordance with such certificate. No such certificate shall be 25
issued by the returning officer in the case of a name struck off the printed preliminary lists of electors by the revising officer during his sittings for revision.

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

“(14A) If, after the sittings of the revising officer, it is
discovered that the name of an elector who has personally applied to a revising officer, or on whose behalf a sworn 30
application has been made by an agent, pursuant to Rule (33) of Schedule A to this section, to have his name included in the list of electors, and whose application has been duly accepted by the revising officer during his sittings for revision, was thereafter inadvertently left off the official list 35
of electors, the returning officer shall, on an application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 18A, entitling 40
him to vote at the polling station for which his name should have appeared on the official list; the returning officer shall, at the same time, send a copy of such certificate to the deputy returning officer concerned and to each of the candidates officially nominated at the pending election in the 45
electoral district, or to his representative, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate.”

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

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

(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 an application made in person by the elector concerned, and upon ascertaining from the revising officer's record sheets in his possession that such an omission has actually been made, issue to such elector a certificate in Form No. 18A, entitling him to vote at the polling station for which his name should have appeared on the 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 his representative, and the official list of electors shall be deemed for all purposes to have been amended in accordance with such certificate."

(5) Subsection sixteen of the said section seventeen is repealed and the following substituted therefor:—

Urban lists
alpha-
betically
arranged in
some cases.

“(16) In every urban polling division wholly composed of a large institution, or comprised in an incorporated city or town having a population of five thousand or more, or in any other place where the polling divisions have been declared urban by the Chief Electoral Officer, pursuant to subsection two of section twelve of this Act, and in which the territory is not designated by streets, roads or avenues, or in which the residences of the electors are not designated by street, road or avenue numbers, the returning officer shall instruct each pair of enumerators to prepare a complete list of all the names, addresses and occupations of the persons who are qualified as electors in such urban polling division, in alphabetical order, as in Form No. 21 of this Act.”

(6) The said section seventeen is further amended by adding thereto the following subsection:—

Penalty for
obstructing
enumerator in
performance
of duties.

“(19) Every person who impedes or obstructs an enumerator in the performance of his duties under this Act is guilty of an offence and is liable, on summary conviction, to a fine of not less than ten dollars and not more than fifty dollars.”

(7) Schedule A to the said section seventeen is amended by repealing paragraph (b) of Rule three thereof, and substituting the following therefor:—

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

(8) Rule thirty-three of Schedule A to the said section seventeen is repealed and the following substituted therefor:

“Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at any

(5). This amendment is consequential to the change made in Clause 5. The present provision reads as follows:—

“(16) In every urban polling division wholly composed of a large institution, or comprised in an incorporated city or town having a population of three thousand five hundred or more, or in any other place where the polling divisions have been declared urban by the Chief Electoral Officer, pursuant to subsection two of section twelve of this Act, and in which the territory is not designated by streets, roads or avenues, or in which the residences of the electors are not designated by street, road or avenue numbers, the returning officer shall instruct each pair of enumerators to prepare a complete list of all the names, addresses and occupations of the persons who are qualified as electors in such urban polling division, in alphabetical order, as in Form No. 21 of this Act.”

(6). New. Self-explanatory.

(7). The underlined words are added for clarification.

(8). Heretofore, the agent submitting to a revising officer an application for registration on behalf of an elector, had to be a duly qualified elector of that revising officer's revisal district. This amendment will allow an agent to act as such, as long as he is a duly qualified elector in the electoral district in which the revising officer's revisal district is situated. The underlined words are added.

sitting for revision held by him, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 15, exhibiting an application in Form No. 16, signed by the person who desires to be registered as an elector. If such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 16 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division wherein such person ordinarily resides. The two applications shall be printed on the same sheet and shall be kept attached."

(9) Rule thirty-seven of Schedule A to the said section seventeen is repealed and the following substituted therefor:

"*Rule (37)*. Whenever the language of any applicant is not understood by the revising officer, an interpreter may be sworn and may act."

(10) Rule forty of Schedule A to the said section seventeen is repealed.

(11) Rules forty-one and forty-two of Schedule A to the said section seventeen are repealed and the following substituted therefor:—

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

(9). This amendment is consequential to the changes made in Clause 8 (1) and (8). The present provision reads as follows:—

“*Rule (37)*. Whenever the language of any applicant is not understood by the revising officer, an interpreter may be sworn and may act. Whenever it is deemed necessary, each revising officer may, with the prior approval of the returning officer, appoint a person to act as a clerical assistant for not more than three days, preferably after his sittings for revision.”

(10). *Rule (40)* is repealed consequential to the changes made in sub-clause (1) of this Clause. The present provision reads as follows:—

“*Rule (40)*. Immediately after the conclusion of his sittings for revision 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 on the border of the list opposite 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, address, or occupation 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 preliminary 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.”

(11). The amendments to *Rules (41)* and *(42)* are consequential to the changes made in sub-clause (1) of this Clause. The present provisions read as follows:—

“*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 six copies of the statement of changes and additions for each polling division comprised in his revisal district, and shall complete the certificate printed at the foot of each copy thereof. If no changes or additions have been made in the preliminary list for any polling division, the revising officer shall nevertheless prepare the necessary number of copies of the statement of changes and additions by writing the word “Nil” in the three spaces provided for the various entries on the prescribed form, and by completing the said form in every other respect.

three spaces provided for the various entries on the prescribed form, and by completing the said form in every other respect.

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

(12) Rule forty-three of Schedule A to the said section seventeen is repealed.

9. (1) Subsection one of section twenty of the said Act is amended by adding thereto the following paragraph:—

Members of
Council of
Northwest
Territories.

“(g) every person who is a member of the Council of the Northwest Territories—during the time he is such member.”

(2) Paragraph (a) of subsection two of the said section twenty is repealed and the following substituted therefor:—

Ministers
of the Crown,
etc.

“(a) a member of the King’s Privy Council for Canada holding the recognized position of First Minister, any person holding the office of President of the King’s Privy Council for Canada or of Solicitor-General, or any member of the King’s Privy Council for Canada holding the office of a minister of the Crown;”

(3) Paragraph (b) of subsection two of the said section twenty is repealed and the following substituted therefor:—

Member of
His
Majesty’s
Forces.

“(b) a member of His Majesty’s Forces while he is on active service as a consequence of war;”

(4) Paragraph (f) of subsection two of the said section twenty is repealed and the following substituted therefor:—

Member of
reserve
forces of
Canadian
Forces.

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

(5) Subsection three of the said section twenty is repealed and the following substituted therefor:—

Effect of
election of
ineligible
person.

“(3) The election of any person who is by this Act declared to be ineligible as a candidate shall be void.”

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 preliminary list, the six copies of the statement of changes and additions for each polling division comprised in his revisal district, certified by the revising officer pursuant to the next preceding *Rule*, together with the revising officer's record sheets, duly completed, the duplicate notices to persons objected to, with attached affidavits in Forms Nos. 13 and 14, respectively, every used application made by agents in Forms Nos. 15 and 16, respectively, and all other documents in his possession relating to the revision of the lists of electors for the various polling divisions comprised in his revisal district."

(9). *Rule (43)* is repealed consequential to the changes made in sub-clause (1) of this Clause. The present provision reads as follows:—

"*Rule (43).* As soon as possible after receipt of the printer's proofs of the finally revised lists from the returning officer it shall be the duty of the revising officer to read and examine the same in order to ascertain that they conform to the changes made during the sittings for revision. When duly certified by both the revising officer and the returning officer and re-printed, such finally revised lists shall constitute the official lists of electors to be used for the taking of the votes at the pending election."

Clause 9. (1). New. This amendment will render a member of the Council of the Northwest Territories ineligible as a candidate at an election.

(2) This amendment changes the terminology only. The present provision reads as follows:—

"(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, 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;"

(3) and (4). These amendments will make paragraphs (b) and (f) conform to the terminology of *The National Defence Act*. The present provisions read as follows:—

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

"(f) an officer of the militia or militiaman, not receiving any salary or emolument out of the public money of Canada, except his daily pay when called out for drill or active service, or annual or other allowances of any kind, prescribed by the *Militia Act*, or fixed or prescribed by the Governor in Council under the provisions of the *Militia Act*, or sums paid for enrolment, and any pay or remuneration allowed him for the care of arms or for drill instruction."

(5) This amendment takes away from the returning officer the right of declaring elected the candidate who at an election obtained the second largest number of votes, when the candidate who obtained the largest number of votes at such election is a member of a provincial legislature. The present provision reads as follows:—

"(3) The election of any person who is by this Act declared to be ineligible as a candidate shall be void, and if such candidate is a member of the legislature of any province and receives a majority of votes at an election, the returning officer shall return the person having the next greatest number of votes, provided he is otherwise eligible."

10. (1) Subsection two of section twenty-three of the said Act is repealed and the following substituted therefor:—

Notice and proclamation of new nomination and polling days.

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

11. (1) Subsection four of section thirty-three of the said Act is repealed and the following substituted therefor:—

Dividing lists for urban polling stations.

“(4) If the polling division is urban, the returning officer shall divide the preliminary list into as many separate lists as are required for the taking of the votes at each polling station established therein. The list shall be divided numerically according to the consecutive number given to each elector registered on the preliminary list so that approximately an equal number of electors will be allotted to each polling station necessarily established in such polling division. The polling stations so established shall be designated by the number of the polling division to which shall be added the letters A, B, C and so on.”

(2) Subsection seven of the said section thirty-three is repealed and the following substituted therefor:—

Special statements of changes and additions prepared by returning officer.

“(7) For any polling division for which the list of electors is divided, pursuant to the provisions of this section, the returning officer shall prepare from the statement of changes and additions as certified by the rural enumerator or by the revising officer, special statements of changes and additions, in the form prescribed by the Chief Electoral Officer, each such special statement to contain the entries relating to one polling station only, so that each entry made in the original statement of changes and additions will be allocated in such special statement of changes and additions to the polling station to which it belongs. If no changes have been made in the preliminary list for any such polling division the returning officer shall nevertheless prepare the necessary number of copies of the special statement of changes and additions in the prescribed form by writing the word “Nil” in the three spaces provided for the various entries on the said form, and by completing the

Clause 10. This amendment will make subsection 2 conform to the provisions of section 21 (3) of the Act. The present provision reads as follows:—

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

Clause 11. (1). This amendment is consequential to the changes made in Clause 8 (1). The present provision reads as follows:—

“(4) If the polling division is urban, the returning officer shall divide the re-printed official list of electors into as many separate lists as are required for the taking of the votes at each polling station established therein. The list shall be divided numerically according to the consecutive number given to each elector registered on the official list of electors so that approximately an equal number of electors will be allotted to each polling station necessarily established in such polling division. The polling stations so established shall be designated by the number of the polling division to which shall be added the letters A, B, C and so on.”

(2) This amendment is consequential to the changes made in Clause 8 (1). The present provision reads as follows:—

“(7) For any rural polling division for which the list of electors is divided, pursuant to the provisions of this section, the returning officer shall prepare from the statement of changes and additions in Form No. 23 as certified by the rural enumerator, special statements of changes and additions, in alphabetical order, and in the form prescribed by the Chief Electoral Officer, each such special statement to contain the entries relating to one polling station only, so that each entry made in the original statement of changes and additions will be allocated in such special statement of changes and additions to the polling station to which it belongs. If no changes have been made by the enumerator in the preliminary list for any such polling division the returning officer shall nevertheless prepare the necessary number of copies of the special statement of changes and additions in the prescribed form by writing the word “Nil” in the three spaces provided for the various entries on the said form, and completing the form in every other respect. The returning officer shall certify to the correctness of such special statement of changes and additions and shall deliver one copy thereof in the ballot box to the deputy returning officer concerned, and the appropriate portion of the preliminary list of electors, together with the said special statement of changes and additions, as certified by the returning officer, shall be and constitute the official list of electors to be used for the taking of the votes on polling day at such deputy returning officer’s polling station.”

form in every other respect. The returning officer shall certify to the correctness of such special statement of changes and additions and shall deliver one copy thereof in the ballot box to the deputy returning officer concerned, and the appropriate portion of the preliminary list of electors, together with the said special statement of changes and additions, as certified by the returning officer, shall be and constitute the official list of electors to be used for the taking of the votes on polling day at such deputy returning officer's polling station." 5 10

(3) Subsection nine of the said section thirty-three is repealed and the following substituted therefor:—

Where urban electors vote.

"(9) Every elector of an urban polling division whose name appears on the list of electors divided pursuant to subsections four, five and seven of this section, shall vote, if at all, at the polling station to which such part of the list applies, and not otherwise." 15

12. (1) Subsection four of section thirty-four of the said Act is repealed and the following substituted therefor:—

Agents may absent themselves from poll.

"(4) Agents of candidates or electors representing candidates may absent themselves from and return to the polling station at any time before one hour previous to the close of the poll." 20

13. (1) Subsection one of section forty-three of the said Act is repealed and the following substituted therefor:— 25

Issue of transfer certificates to agents of candidates.

"**43.** (1) At any time between the close of nominations and not later than ten o'clock in the evening of the Saturday immediately preceding polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in Form No. 40 entitling him to vote at the latter polling station." 30 35

(2) Subsection four of the said section forty-three is repealed and the following substituted therefor:—

Transfer certificates for deputy returning officer, poll clerk, and election clerk.

"(4) The returning officer or the election clerk may also at any time issue a transfer certificate to any person whose name appears on the official list of electors and who has been appointed to act as deputy returning officer or poll clerk for any polling station established in the electoral district other than that at which such person is entitled to 40 45

(3) This amendment is consequential to the changes made in Clause 8 (1). The present provision reads as follows:—

“(9) Every elector of an urban polling division whose name appears on the list of electors divided pursuant to subsections four and five of this section, shall vote, if at all, in the polling station to which has been allotted such part of the list as contains his name, and not otherwise.”

Clause 12. This amendment will enable candidates' agents to leave the polling station without the permission of the deputy returning officer. The present provision reads as follows:—

“(4) Agents of candidates or electors representing candidates may, with the permission of the deputy returning officer, absent themselves from and return to the polling station at any time before one hour previous to the close of the poll.”

Clause 13. (1). This amendment is to provide the returning officer with sufficient time to deliver to the deputy returning officers concerned the duplicates of transfer certificates issued to candidates' agents. The present provision reads as follows:—

“43. (1) At any time between the close of nominations and the opening of the poll on polling day, upon the production to the returning officer or to the election clerk of a writing, signed by a candidate who has been officially nominated, whereby such candidate appoints a person whose name appears upon the official list of electors for any polling station in the electoral district to act as his agent at another polling station, the returning officer or the election clerk shall issue to such agent a transfer certificate in Form No. 40 entitling him to vote at the latter polling station.”

(2) Clarification only—the underlined words are added.

vote; the returning officer may also issue a transfer certificate to his election clerk, when such election clerk ordinarily resides in a polling division other than that in which the office of the returning officer is situated."

14. (1) Section forty-five of the said Act is amended by adding thereto the following subsection:— 5

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

"(14) Whenever a polling station has been established in a sanatorium, a chronic hospital, or similar institution for the care and treatment of tuberculosis or other chronic diseases, the deputy returning officer and the poll clerk 10 shall, while the poll is open on polling day and when deemed necessary by the deputy returning officer, suspend temporarily the voting in such polling station, and shall, with the approval of the person in charge of such institution, carry the ballot box, poll book, ballot papers and other 15 necessary election documents from room to room in such institution to take the votes of bedridden patients who are ordinarily resident in the polling division in which such institution is situated and are otherwise qualified as electors; the procedure to be followed in taking the votes of such 20 bedridden patients shall be the same as that prescribed for an ordinary polling station, except that not more than one agent of each candidate shall be present at the taking of such votes; the deputy returning officer shall give such patients any assistance which may be necessary 25 in accordance with subsections seven and eight of this section."

15. (1) Subsections two and three of section fifty-one of the said Act are repealed and the following substituted therefor:— 30

Opening of ballot boxes and official addition of votes.

"(2) After all the ballot boxes have been received, the returning officer, at the place, day and hour fixed by the proclamation, in Form No. 4, for the official addition of the votes, and in the presence of the election clerk and of such of the candidates or their representatives as are 35 present, shall open such ballot boxes, and from the official statements of the poll therein contained, add the number of votes cast for each candidate.

Attendance of electors in certain cases.

"(3) If, at the official addition of the votes, none of the candidates or their representatives are present, it shall be 40 the duty of the returning officer to secure the presence of at least two electors who shall remain in attendance until such official addition of the votes has been completed."

Clause 14. (1). New. This amendment provides a procedure for the taking of the votes of bedridden patients in a sanatorium, chronic hospital, or similar institutions.

Clause 15. (1) and (2). These amendments provide clarification in the procedure to be followed at the official addition of the votes and subsequently at the declaration of the elected candidate. The present provisions read as follows:—

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

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

“(5) The candidate who, on such final addition of the votes, is found to have obtained the largest number of votes, shall then be declared elected in writing and a copy of such declaration shall be forthwith delivered to each candidate or his representative, if present at the final addition of the votes, or, if any candidate is neither present nor represented thereat, shall be forthwith transmitted to such candidate by registered mail.

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

(2) Subsections five and six of the said section fifty-one are repealed and the following substituted therefor:—

Declaration of
name of
candidate
obtaining
largest num-
ber of votes.

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

Casting vote
of returning
officer.

“(6) Whenever, on the official addition of the votes, an equality of votes is found to exist between any two or more candidates and an additional vote would entitle one of such candidates to be declared as having obtained the largest number of votes, the returning officer shall cast such additional vote.” 20

16. (1) Subsections one and two of section fifty-two of the said Act are repealed and the following substituted therefor:—

Adjournment
if ballot boxes
are missing.

“**52.** (1) If the ballot boxes are not all returned on the day fixed for the official addition of the votes, the returning officer shall adjourn the proceedings to a subsequent day, which shall not be more than a week later than the day originally fixed for the purpose of such official addition of the votes.” 25

Adjournment
for other
causes.

“(2) In case the statement of the poll for any polling station cannot be found and the number of votes cast thereat for the several candidates cannot be ascertained, or if, for any other cause, the returning officer cannot, at the day and hour appointed by him for that purpose, ascertain the exact number of votes cast for each candidate, he may thereupon adjourn to a future day and hour the official addition of the votes, and so from time to time, such adjournment or adjournments not in the aggregate to exceed two weeks.” 30 35

(2) Subsection six of the said section fifty-two is repealed and the following substituted therefor:— 40

Declaration of
name of candi-
date who has
obtained
largest num-
ber of votes.

“(6) In any case arising under the last three preceding subsections, the returning officer shall declare the name of the candidate appearing to have obtained the largest number of votes, and shall mention specially, in a report to 45

Clause 16. (1) and (2). These amendments provide clarification. Consequential to the changes made in Clause 15. The present provisions read as follows:—

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

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

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

be sent to the Chief Electoral Officer with the return to the writ, the circumstances accompanying the disappearance of the ballot boxes, or the want of any statement of the poll as aforesaid, and the mode by which he ascertained the number of votes cast for each candidate.”

5

17. (1) Subsections one and two of section fifty-four of the said Act are repealed and the following substituted therefor:—

Application
to a judge
for recount.

“**54.** (1) If, within four days after the date on which the returning officer has declared the name of the candidate 10 who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect state- 15 ment of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or 20 in the bills of any chartered bank doing business in Canada, as security for the costs of the candidate who has obtained the largest number of votes, the said judge shall appoint a time within four days after the receipt of the said affidavit to recount the said votes. 25

Meaning of
“the judge.”

“(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection fifteen of section two of this Act within whose judicial district is situated the place whereat the official addition of the votes was held, and any judge who is authorized to 30 act by this section may act, to the extent so authorized, either within or without his judicial district.”

(2) Subsection thirteen of the said section fifty-four is repealed and the following substituted therefor:—

Procedure at
conclusion of
recount.

“(13) At the conclusion of the recount, the judge shall seal 35 all the ballot papers in separate packages, add the number of votes cast for each candidate as ascertained at the recount, and forthwith certify in writing, in the form prescribed by the Chief Electoral Officer, the result of the recount to the returning officer, who shall, as prescribed in subsection one 40 of section fifty-six of this Act, declare to be elected the candidate who has obtained the largest number of votes; the judge shall deliver a copy of such certificate to each candidate, in the same manner as the prior certificate delivered by the returning officer under subsection five of 45”

Clause 17. (1) and (2). These amendments provide clarification. Consequential to the changes made in Clauses 15 and 16. The present provisions read as follows:—

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

(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection fifteen of section two of this Act within whose judicial district is situated the place whereat the declaration of the elected candidate was made, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.”

“(13) The judge shall thereupon declare the recount at an end, seal all the ballot papers in separate packages, and forthwith certify the result of the recount to the returning officer, who shall forthwith in writing declare to be elected the candidate so certified as having obtained the highest number of votes; such declaration shall be communicated to candidates, in the same way as the prior declaration made under subsection five of section fifty-one of this Act, and shall be deemed for all purposes to have been substituted therefor, whether it is the same as such prior declaration or different therefrom.”

section fifty-one of this Act; the judge's certificate shall be deemed to be substituted for the certificate previously issued by the returning officer."

18. (1) That portion of subsection one of section fifty-six of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:— 5

Return of
elected
candidate.

"**56.** (1) The returning officer, immediately after the sixth day next following the date upon which he has completed the official addition of the votes, unless before that time he shall have received notice that he is required to attend before a judge for the purpose of a recount, and, where there has been a recount, then immediately thereafter, the returning officer shall forthwith declare elected the candidate who has obtained the largest number of votes by completing the return to the writ on the form provided for that purpose on the back of the writ; the returning officer shall then transmit by registered mail the following documents to the Chief Electoral Officer:" 10 15

19. (1) Subsection one of section ninety-four of the said Act is repealed and the following substituted therefor:— 20

Establish-
ment of
advance polls.

"**94.** (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two to this Act for the purpose of taking the votes of such persons as are described in section ninety-five and whose names appear on the list of electors for any polling division of the electoral district in which such places are situated." 25

(2) Subsection two of the said section ninety-four is repealed.

(3) Subsection four of the said section ninety-four is repealed. 30

(4) Paragraphs (a) and (b) of subsection five of the said section ninety-four are repealed and the following substituted therefor:—

"(a) If a total of less than fifteen votes is cast at the advance poll held at such place, he shall after the election strike off the name of that place; or 35

"(b) If he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any incorporated village, town or city having a population of 500 or more as determined by the last Census taken pursuant to sections sixteen and seventeen of *The Statistics Act*, he may add the name of such place." 40

Clause 18. This amendment provides clarification. Consequential to the changes made in Clauses 15, 16 and 17. The present provision reads as follows:—

"56. (1) The returning officer, immediately after the sixth day next following that upon which he has made the final addition of or ascertained the number of votes cast for each candidate, unless before that time he shall have received notice that he is required to attend before a judge for the purposes of a recount by such judge of the votes cast at the election, and, where there has been a recount by the judge, immediately thereafter, shall transmit by registered mail to the Chief Electoral Officer:"

Clause 19. (1). Heretofore, the persons whose occupations are described in section ninety-five of the Act could only vote at advance polls if their names appeared on the lists of electors prepared for the polling divisions comprised in one of the places mentioned in Schedule Two to the Act. This amendment will allow such persons to vote at any advance poll established in the electoral district, irrespective of what polling division in such electoral district on the list of which their names appear. The present provision reads as follows:—

"94. (1) Subject as hereinafter provided, one or more advance polls shall be established in each of the places mentioned in Schedule Two of this Act for the purpose of taking the votes of such persons as are described in the next following section of this Act and whose names appear on the list of electors for one of the polling divisions included in such place or any other place mentioned in the said Schedule Two and situated in the same electoral district."

(2) and (3). In view of the amendments made in sub-clause (1) of this Clause, these subsections are no longer applicable. The present provisions read as follows:—

"(2) When a single advance polling station would conveniently serve the electors resident in two or more of the places mentioned in the said Schedule which are situated in the same electoral district, it shall not be necessary to establish a separate advance polling station for each of such places."

"(4) When it is made to appear to the Chief Electoral Officer that, in an area adjoining a place mentioned in Schedule Two of this Act and included in the same electoral district as such place, there resides a substantial number of electors who may be entitled to the privilege of voting at an advance poll, the Chief Electoral Officer may, at any time before the Friday on which the advance polls are opened, direct that such area shall, for the purpose of this section and of sections ninety-six and ninety-seven of this Act, be deemed and be treated as part of the place which is mentioned in the said Schedule and which it adjoins."

(4) In subparagraph (a) the only change consists in the words underlined. A new procedure is provided in subparagraph (b) which enables the Chief Electoral Officer to authorize the establishment of an advance poll in any incorporated village, town, or city having a population of 500 or more. The present provisions read as follows:—

- "(a) If a total of less than fifteen votes is cast at the advance poll held within any such place at the election which immediately preceded the amendment, he may strike off the name of that place; or
- (b) If he is advised and believes that a total of fifteen votes will be cast at any place in case an advance poll is established there, he may add the name of that place."

(5) Subsection ten of the said section ninety-four is repealed and the following substituted therefor:—

Notice in
Form No. 61.

“(10) The returning officer shall, not later than twelve days before polling day, give public notice in the electoral district of the advance poll and of the location of each advance polling station and such notice shall be in Form No. 61; the returning officer shall mail one copy of such notice to the various postmasters of the post offices situated within his electoral district, five copies to each candidate officially nominated at the election and two copies to the Chief Electoral Officer; the returning officer shall at the same time notify in writing each postmaster of the provisions of subsection eleven.”

(6) Section ninety-four of the said Act is further amended by adding thereto the following subsection:—

To be posted
up.

“(11) Every postmaster shall, forthwith after receipt of a copy of the Notice of Holding of Advance Poll in Form No. 61, post it up in some conspicuous place in his post office to which the public has access and maintain it so posted up until the time fixed for the closing of the advance polls on the Saturday immediately preceding the ordinary polling day, and failure to do so shall be ground for his dismissal from office, and for the purpose of this provision such postmaster shall be deemed to be an election officer and liable as such.”

Postmaster
election
officer.

20. (1) Paragraph (b) of section ninety-five of the said Act is repealed and the following substituted therefor:—

“(b) to such persons as are members of the reserve forces of the Canadian Forces or to such persons as are members of the Royal Canadian Mounted Police Force, and to any of such persons only if, on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.”

21. (1) Section one hundred and one of the said Act is repealed and the following substituted therefor:—

Political
broadcasts
forbidden.

“**101.** (1) No person shall be allowed to broadcast a speech or any entertainment or advertising program over the radio, on polling day and on the two days immediately preceding it, in favour or on behalf of any political party or any candidate at an election; this prohibition only applies to the ordinary polling day and not to the three days on which advance polls are opened.

Definition of
“broadcast”.

“(2) In this section “broadcast” has the same meaning as “broadcasting” in *The Radio Act, 1938.*”

(5) This amendment provides for an earlier and different method of distribution of the Notice of Holding of Advance Poll. The present provision reads as follows:—

“(10) The returning officer shall, not later than seven days before the date fixed as the ordinary polling day, give public notice within the place where an advance poll is to be held, of the advance poll and of the location of the advance polling station, and such notice shall be in Form No. 61. The returning officer shall cause to be posted up at least two copies of such notice for every thousand of the population of such place.”

(6) New. This amendment provides a procedure for the posting up of the “Notice of Holding of Advance Poll” similar to that now provided for in section twenty-five of the Act for the “Notice of Grant of a Poll”.

Clause 20. This amendment extends to members of the reserve forces of the Canadian Forces the privilege of voting at advance polls. The present provision reads as follows:—

“(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 the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.”

Clause 21. Subsection (1). No change. Subsection (2). New. Clarification only.

22. (1) Subsection two of section one hundred and two of the said Act is repealed and the following substituted therefor:—

Posting up of notices, etc.

“(2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any law of Canada or of a province or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situated on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situated, and such documents shall not be affixed to fences or poles in any manner otherwise.”

23. (1) Section one hundred and five of the said Act is repealed and the following substituted therefor:—

Penalty for disorderly conduct at public meetings.

“**105.** (1) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an illegal practice and of an offence against this Act, punishable on summary conviction as in this Act provided.”

Penalty for conspiracy to cause disorder.

“(2) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of such election, is guilty of an indictable offence against this Act, punishable as in this Act provided.”

24. (1) Section one hundred and seven of the said Act is repealed and the following substituted therefor:—

Premature publication of results forbidden.

“**107.** (1) No person, company or corporation shall, in any province before the hour of closing of the polls in such province, publish the result or purported result of the polling in any electoral district in Canada, whether such publication is by radio broadcast, or by newspaper, news-sheet, poster, bill-board, hand-bill, or in any other manner; any person contravening the provisions of this section (and in the case of a company or corporation any person responsible for the contravention thereof) is guilty of an illegal practice and of an offence against this Act.”

Definition of “broadcast”.

“(2) In this section “broadcast” has the same meaning as “broadcasting” in *The Radio Act, 1938.*”

Clause 22. The only change consists in the words underlined. Consequential to the changes made in Clause 1. The present provision reads as follows:—

“(2) Notices and other documents required by this Act to be posted up may, notwithstanding the provisions of any Dominion or provincial law or of any municipal ordinance or by-law, be affixed by means of tacks or pins to any wooden fence situated on or adjoining any highway, or by means of tacks, pins, gum or paste on any post or pole likewise situated, and such documents shall not be affixed to fences or poles in any manner otherwise.”

Clause 23. These amendments are consequential to the change made in Clause 1. The present provisions read as follows:—

“105. (1) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, acts in a disorderly manner, with intent to prevent the transaction of the business of a public meeting called for the purpose of:

(a) discussing Dominion issues, or

(b) promoting the election of a candidate as a member to serve in the House of Commons of Canada;

is guilty of an illegal practice and of an offence against this Act, punishable on summary conviction as in this Act provided.

(2) Every person who, between the date of the issue of the writ and the day after polling at an election, whether in a general election or in a by-election, incites, combines or conspires with others to act in a disorderly manner with intent to prevent the transaction of the business of a public meeting called for the purpose of:

(a) discussing Dominion issues, or

(b) promoting the election of a candidate as a member to serve in the House of Commons of Canada;

is guilty of an indictable offence against this Act, punishable as in this Act provided.”

Clause 24. Subsection (1). No change. Subsection (2). New. Clarification only.

25. (1) Section one hundred and ten of the said Act is repealed and the following substituted therefor:—

No amend-
ment to apply
to election for
which writ is
issued within
six months,
except after
notice.

Consolida-
tion of
amendments.

"110. No amendment to this Act shall apply in any election for which the writ is issued within six months from the passing thereof unless before the issue of such writ the Chief Electoral Officer has published in the *Canada Gazette* a notice that the necessary preparations for the bringing into operation of such amendment have been made and that such amendment may come into force accordingly, and it shall be the duty of the Chief Electoral Officer forthwith after the passing of any amendment to consolidate such amendment, so far as necessary, in the copies of the Act printed for distribution to returning officers, to correct and re-print all forms and instructions affected thereby, and to publish a notice as aforesaid in the *Canada Gazette* as soon as copies of the Act and the forms and instructions have been so corrected and re-printed."

26. (1) The said Act is further amended by striking out the expression "final addition" wherever it appears therein and substituting therefor in each case the expression "official addition".

(2) The said Act is further amended by striking out the expressions "British subject" or "British subject by birth or naturalization" wherever they appear therein and substituting therefor in each case the expression "Canadian citizen or other British subject".

27. (1) Forms Nos. 4, 15, 56, 61 and paragraph three of Form 62 of Schedule One to the said Act are repealed and the following forms and paragraph substituted therefor, respectively:—

Clause 25. This amendment is necessary to provide the Chief Electoral Officer with sufficient time to perform the necessary duties and to make the necessary preparations that amendments to *The Canada Elections Act* entail. The period of time is extended from three to six months. The only change consists in the word underlined.

Clause 26. (1). New. This provision is consequential to the changes made in Clauses 15, 16, 17 and 18.

(2) New. Self-explanatory.

Clause 27. Form No. 4. Consequential to the changes made in Clauses 1, 15, 16, 17 and 18. The present form reads as follows:—

FORM No. 4.

PROCLAMATION. (Sec. 18)

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

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

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

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

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

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

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

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

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

(Print name of returning officer)
Returning officer.

"FORM No. 4

PROCLAMATION. (Sec. 18)

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

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

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

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

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

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

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

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

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

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

FORM No. 15

SWORN APPLICATION TO BE MADE BY THE AGENT OF AN ELECTOR
(Sec. 17, Sched. A, Rule 33)

Electoral district of.....

To the Revising officer for Revisal district No..... comprised
in the above mentioned electoral district.

I, the undersigned, (*insert name, address, and occupation of agent*), do
swear (*or solemnly affirm*):

1. That I am a qualified elector of the above mentioned electoral
district, and that my name properly appears on the preliminary list of
electors for urban polling division No..... of the said electoral
district;

2. That pursuant to the provisions of Rule (33) of Schedule A to
section seventeen of The Canada Elections Act, I hereby apply for the
registration of the name of (*insert full name, address, and occupation,*
in capital letters, with family name first, of the person on whose behalf the
application is made) on the official list of electors for urban polling
division No..... comprised in the above mentioned revisal
district;

3. That the name, address, and occupation of the person on whose
behalf this application is made, as set forth in the annexed application
in Form No. 16, are, to the best of my knowledge and belief, correctly
stated;

4. That the said annexed application in Form No. 16 is signed in the
handwriting of the person on whose behalf this application is made (or,
owing to his temporary absence from the place of his ordinary residence,
the alternative application printed on the back of the said Form No.
16 has been duly sworn (*or affirmed*) by a relative by blood or marriage
or the employer of such person).

SWORN (*or affirmed*) before me at

.....,
this..... day of....., 19.....

(*Signature of deponent*)

Revising officer
(*or as the case may be*)

Form No. 56

RETURN TO THE WRIT AFTER A POLL HAS BEEN TAKEN. (Sec. 56)

I hereby certify that the member (*or members*) elected for the electoral
district of....., in pursuance of the within
writ, as having received the largest number of the votes lawfully cast,
is (*insert name, address, and occupation of member or members elected,*
as stated in the heading of the nomination paper).

Dated at....., this.....
day of....., 19.....

Returning officer.

Form No. 15. Consequential to the changes made in Clauses 1 and 8 (8). The present form reads as follows:—

FORM No. 15

SWORN APPLICATION TO BE MADE BY THE AGENT OF AN ELECTOR (Sec. 17, Sched. A, Rule 33)

Electoral district of.....

To the Revising officer for Revisal district No..... comprised in the above mentioned electoral district;

I, the undersigned, (insert name, address, and occupation of agent), do swear (or solemnly affirm):

- 1. That I am a qualified elector of the above mentioned revisal district, and that my name properly appears on the preliminary list of electors for urban polling division No..... of the said revisal district;
2. That pursuant to the provisions of Rule (33) of Schedule A to section seventeen of The Dominion Elections Act, 1938, I hereby apply for the registration of the name of (insert full name, address, and occupation, in capital letters, with family name first, of the person on whose behalf the application is made) on the official list of electors for urban polling division No..... comprised in the above mentioned revisal district;
3. That the name, address, and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 16 are, to the best of my knowledge and belief, correctly stated;
4. That the said annexed application in Form No. 16 is signed in the handwriting of the person on whose behalf this application is made (or, owing to his temporary absence from the place of his ordinary residence, the alternative application printed on the back of the said Form No. 16 has been duly sworn (or affirmed) by a relative by blood or marriage or the employer of such person).

Sworn (or affirmed) before me at
.....
this..... day of....., 19.....
.....
Revising officer
(or as the case may be)
.....
(Signature of deponent)

Form No. 56. Consequential to the changes made in Clauses 15, 16, 17 and 18. The present form reads as follows:—

FORM No. 56

RETURN TO THE WRIT AFTER A POLL HAS BEEN TAKEN. (Sec. 56)

I hereby certify that the member (or members) elected for the electoral district of....., in pursuance of the within writ, as having received the majority of votes lawfully cast, is (insert name, address, and occupation of member or members elected, as stated in the heading of the nomination paper).

Dated at....., this..... day of..... 19.....
.....
Returning officer.

FORM No. 61.

NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94 (10))

Electoral District of.....

Take notice that, pursuant to the provisions of sections ninety-four to ninety-seven, inclusive, of The Canada Elections Act, an advance poll will be opened in the above mentioned electoral district at the town } of..... city } village }

(Specify in capital letters the name of the place at which an advance poll is authorized to be established) at (Specify in capital letters the exact location of the advance polling station established at such place; one will be sufficient, and continue by specifying any other places, if any, at which the establishment of an advance poll is authorized and the location of the advance polling station in each of them respectively).

And further take notice that the said advance polling station will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday, and Saturday, the.....,, and..... days of....., 19....., being the three week days immediately preceding the date fixed as the ordinary polling day at the pending election in the above mentioned electoral district, and that an elector whose name appears on the list of electors for any polling division in the said electoral district, and who is entitled to the privilege of voting at an advance poll, may vote in advance of the said ordinary polling day at any advance polling station established in the said electoral district.

And further take notice that the privilege of voting at an advance poll extends only to—

- (a) such persons as are employed as commercial travellers as defined in subsection four of section two of The Canada Elections Act, or such persons as are employed as fishermen as defined in subsection 12A of the said section two, or such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of the said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears; and

Form No. 61. Consequential to the changes made in Clauses 19 and 20. The present form reads as follows:—

“FORM No. 61

NOTICE OF HOLDING OF ADVANCE POLL. (Sec. 94 (10))

Electoral district of.....

Take notice that, pursuant to the provisions of sections ninety-four to ninety-seven, inclusive, of *The Dominion Elections Act, 1938*, an advance poll will be opened in the above mentioned electoral district for the town of..... (Specify in capital letters the name of the place at which an advance poll is authorized to be established) at..... (Specify in capital letters the exact location of the advance polling station established for such place; one will be sufficient, and continue by specifying any other places, if any, for which the establishment of an advance poll is authorized and the location of the advance polling station in each of them respectively).

And further take notice that the said advance polling station will be open between the hours of two and ten o'clock in the afternoons and evenings of Thursday, Friday, and Saturday, the....., and..... days of....., 19....., being the three week days immediately preceding the date fixed as the ordinary polling day at the pending Dominion election in the above mentioned electoral district, and that any elector of this electoral district whose name appears on the list of electors for one of the polling divisions comprised in any place mentioned in Schedule Two to *The Dominion Elections Act, 1938*, and situated in the above mentioned electoral district, and who is entitled to the privilege of voting at an advance poll, may vote in advance of the said ordinary polling day at any advance polling station established in the said electoral district.

And further take notice that the privilege of voting at an advance poll extends only to—

- (a) such persons as are employed as commercial travellers as defined in subsection four of section two of *The Dominion Elections Act, 1938*, or such persons as are employed as fishermen as defined in subsection 12A of the said section two, or such persons as are employed upon railways, vessels, airships, or other means or modes of transportation (whether or not employed thereon by the owners or managers thereof), and to any of such persons only if, because of the nature of the said employment, and in the course thereof, he is necessarily absent from time to time from the place of his ordinary residence, and if he has reason to believe that he will be so absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears; and

(b) such persons as are members of the reserve forces of the Canadian Forces or such persons as are members of the Royal Canadian Mounted Police Force and to any of such persons only if on account of the performance of duties or training in such forces, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

And further take notice that advance poll certificates can be obtained only from the returning officer and the election clerk for the above mentioned electoral district. (*Whenever a specially deputized person has been appointed, the following sentence will be added to this paragraph*): Advance poll certificates may also be obtained from (*insert name and address*), who has been specially deputized to issue such certificates.

And further take notice that the office of the undersigned which has been established for the conduct of the pending election, is located
 at.....in the town
 city of.....
 village

Dated at....., this.....,
 day of....., 19.....

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

Form No. 62

“(3) That he has reason to believe that he will be so absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on such polling day in, the undermentioned polling division on the list of electors for which his name appears, or that he is a member of the reserve forces of the Canadian Forces 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 forces, 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, and”

(b) such persons as are members of the Royal Canadian Mounted Police Force and to any of such persons only if on account of the performance of duties or training in such Force, he has reason to believe that he will be necessarily absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on that day in, the polling division on the list of electors for which his name appears.

And further take notice that advance poll certificates can be obtained only from the returning officer and the election clerk for the above mentioned electoral district. (Whenever a specially deputized person has been appointed, the following sentence will be added to this paragraph): Advance poll certificates may also be obtained from Mr. (insert name and address), who has been specially deputized to issue such certificates.

And further take notice that the office of the undersigned, which has been established for the conduct of the pending election, is located at.....

city
in the town of.....

village
Dated at....., this.....day of....., 19.....

(Print name of returning officer)
Returning officer."

Paragraph three of Form No. 62. Consequential to the change made in Clause 20. The present paragraph reads as follows:—

“(3) That he has reason to believe that he will be so absent on the ordinary polling day at the pending election from, and that he is likely to be unable to vote on such polling day in, the undermentioned polling division on the list of electors for which 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, and”

- 28.** (1) The said Act is further amended
- (a) by striking out the expression "The Canadian Defence Service Voting Regulations" wherever it appears therein and substituting therefor in each case the expression "The Canadian Forces Voting Regulations", 5
- (b) by striking out the expression "Defence Service electors" wherever it appears therein and substituting therefor in each case the expression "Canadian Forces electors", and
- (c) by striking out the word "Military" wherever it 10 appears therein and substituting therefor in each case the word "Army".

29. (1) The expression "The Canadian Defence Service Voting Regulations" immediately following the heading "Schedule Three" in the said Act is repealed and the 15 expression "The Canadian Forces Voting Regulations" substituted therefor.

(2) Paragraph one of the said Regulations is repealed and the following substituted therefor:—

Short title.

"1. These Regulations may be cited as *The Canadian 20 Forces Voting Regulations.*"

30. (1) Clause (e) of paragraph four of the said Regulations is repealed and the following substituted therefor:—

"Deputy returning officer."

"(e) "deputy returning officer" means a Canadian Forces elector who has been designated by a commanding 25 officer to take the votes of Canadian Forces electors, pursuant to paragraph 30;"

(2) Clause (f) of the said paragraph four is repealed.

(3) Clause (p) of the said paragraph four is repealed and the following substituted therefor:— 30

"Unit".

"(p) "unit" means an individual body of the Canadian Forces that is organized as such pursuant to section eighteen of *The National Defence Act*;"

(4) Clause (r) of the said paragraph four is repealed and the following substituted therefor:— 35

"Voting territory."

"(r) "voting territory" means a specified area where a special returning officer shall be stationed and where the votes of Canadian Forces electors and Veteran electors shall be taken, received, sorted, and counted, as prescribed in these Regulations." 40

31. (1) Clause (b) of subparagraph one of paragraph five of the said Regulations is repealed and the following substituted therefor:—

Nova Scotia,
New Brunswick,
Prince Edward
Island, and
Newfound-
land.

"(b) the provinces of Nova Scotia, New Brunswick, Prince Edward Island, and Newfoundland shall consti- 45 tute a voting territory, with the headquarters of the special returning officer located at Halifax;"

Clause 28. (a) and (b). The Naval, Army and Air Forces of His Majesty raised by Canada are constituted as the Canadian Forces by the *National Defence Act*. (c) The word "Military" where it appears in the Act or Regulations refers to the Canadian Army. Under the *National Defence Act* the word "Army" is now used when referring to the Canadian Army.

Clause 29. (1) and (2). The Naval, Army and Air Forces of His Majesty raised by Canada are constituted as the Canadian Forces by the *National Defence Act*. The present provision of paragraph 1 reads as follows:—

"1. These Regulations may be cited as *The Canadian Defence Service Voting Regulations*."

Clause 30. (1). The definition is made necessary by the provisions of the amendment in Clause 38. The present provision reads as follows:—

"(e) "commissioned officer" means the commissioned officer designated by the commanding officer, pursuant to paragraph 30, to take the votes of Defence Service electors; and includes a person of or above non-commissioned officer status designated by the commanding officer for that purpose where a commissioned officer is not available;"

(2) In view of the modifications made in Clause 34, this provision is no longer applicable. The present provision reads as follows:—

"(f) "Defence Service" means engagement in any of the services or duties referred to in subparagraph one of paragraph 21;"

(3) This amendment is suggested in order that the definition conform to that contained in the *National Defence Act*. The present provision reads as follows:—

"(p) "unit" means a formation, unit, detachment, ship, or establishment to which Defence Service electors are posted or attached for the time being;"

(4) This amendment is necessary in view of the modifications made in Clause 31 (3). The present provision reads as follows:—

"(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."

Clause 31. (1). The purpose of this amendment is to include the province of Newfoundland in the Atlantic voting territory. The present provision reads as follows:—

"(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; and"

(2) Subparagraph one of the said paragraph five is amended by adding thereto the following clause:—

Outside
of Canada

“(d) a voting territory established by the Chief Electoral Officer pursuant to subparagraph three with the headquarters of the special returning officer located at a place to be determined by the Chief Electoral Officer.” 5

(3) The said paragraph five is further amended by adding thereto the following subparagraph:—

Establishment by
Chief Electoral Officer
of voting
territory
outside of
Canada.

“(3) If, at the time of a general election, there is a substantial number of Canadian Forces electors, as defined in paragraph 21, serving outside of Canada, and the taking, receiving, sorting, and counting of the votes of such electors cannot be efficiently superintended from one of the voting territories mentioned in subparagraph one, the Chief Electoral Officer may, notwithstanding anything in these Regulations, establish a voting territory in the area where such Canadian Forces electors are serving.” 10 15

32. (1) Paragraph eleven and subparagraph (f) of paragraph thirteen of the said Regulations are repealed.

33. (1) Paragraph nineteen of the said Regulations is repealed and the following substituted therefor:— 20

Special
procedure
in electoral
district
returning
two members.

“**19.** Each Canadian Forces elector and Veteran elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members, in which case the Canadian Forces elector and Veteran elector may vote for two candidates on the same ballot paper.” 25

34. (1) Paragraph twenty-one of the said Regulations is repealed and the following substituted therefor:—

Qualifica-
tions of
Canadian
Forces
elector.

“**21.** (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a Canadian citizen or other British subject, shall be deemed to be a Canadian Forces elector and entitled to vote, at a general election, under the procedure set forth in these Regulations, while he or she 30

(a) is a member of the regular forces of the Canadian Forces; or 35

(b) is a member of the reserve forces of the Canadian Forces and is on full time training or service, or on active service; or

(c) is a member of the active service forces of the Canadian Forces. 40

Exception.

“(2) Notwithstanding anything in these Regulations, any person who, on or subsequent to the ninth day of September, nineteen hundred and fifty, served on active service as a member of the Canadian Forces and who, at a general election, has not attained the full age of twenty-one years, but is otherwise qualified under subparagraph one, shall be deemed to be a Canadian Forces elector and is entitled to vote under the procedure set forth in these Regulations.” 45

(2) New. This amendment provides for the appointment of a special returning officer in a voting territory established pursuant to the provisions of sub-clause (3) of this Clause.

(3) New. If substantial numbers of Canadian Forces electors are serving outside of Canada, it may not be either practicable or possible to superintend from one of the voting territories in Canada the taking of their votes. This amendment would authorize the Chief Electoral Officer to establish a voting territory outside of Canada in the locality where such Canadian Forces electors are serving.

Clause 32. Experience has shown that the preparation of an alphabetical list of all Canadian Forces electors by the special returning officer serves no useful purpose. The deletion of paragraph 11 and subparagraph (f) of paragraph 13 does not affect the provisions of paragraph 27 of the Regulations, which requires that each Commanding Officer forward a list of Canadian Forces electors attached to his unit to the special returning officer. The present provisions read as follows:—

"11. Forthwith upon receipt of the lists of names, ranks, and numbers of Defence Service electors furnished pursuant to paragraph 27, 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."

"(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 11;"

Clause 33. This amendment will make the provisions in the Regulations relating to electoral districts returning two members conform to those in the Act which do not single out such electoral districts by name. This amendment also provides that, in such electoral districts, a Canadian Forces elector may vote for two candidates on the same ballot paper. The present provision reads as follows:—

"19. Each Defence Service elector and Veteran elector shall vote only for one candidate, unless he is qualified to vote in the electoral district of Halifax in the province of Nova Scotia or in the electoral district of Queens in the Province of Prince Edward Island, both of which return two members to serve in the House of Commons; in the case only of the said electoral districts of Halifax and Queens, the Defence Service electors and the Veteran electors may vote for two candidates."

Clause 34. (1). The purpose of this amendment is to make the Regulations conform to the constitution of the Canadian Forces as set out in the *National Defence Act*. The amendment in subparagraph (2) waives the age qualification in respect of members of the Canadian Forces who have served on active service on or subsequent to the 9th of September, 1950. The present provisions read as follows:—

"21. (1) Every person, man or woman, who has attained the full age of twenty-one years and who is a British subject by birth or naturalization, shall be deemed to be a Defence Service elector and qualified to vote under the procedure set forth in these Regulations, if he or she

35. (1) Paragraph twenty-three of the said Regulations is repealed and the following substituted therefor:—

Ordinary residence of member of Canadian Forces.

“**23.** (1) For the purpose of these Regulations, the place of ordinary residence of a member of the Canadian Forces shall be deemed to be the place of ordinary residence required to be shown by him or her in the statements provided for hereunder. 5

Ordinary residence of member of regular forces.

“(2) After the date of the coming into force of this paragraph, every member of the regular forces of the Canadian Forces shall within three months complete, in duplicate, 10 before a commissioned officer, a statement of ordinary residence, in Form No. 15, in which he or she shall show as his or her place of ordinary residence

(a) the city, town, village, or other place in Canada, with street address, if any, in which was situated, at the 15 time of the coming into force of this paragraph, the residence of a person who is the wife, dependent, relative or next of kin of such member; or

(b) the city, town, village, or other place in Canada, with street address, if any, where such member was residing 20 as a result of the services performed by him or her in such forces, at the time of the coming into force of this paragraph; or

(c) the city, town, village, or other place in Canada, with street address, if any, in which was situated his or her 25 place of ordinary residence prior to enrolment;

but where none of the foregoing clauses (a), (b) or (c) is applicable to a member of the regular forces, the place of ordinary residence to be shown shall be the city, town, village, or other place in Canada, with street address, if any, 30 where such member resided as a result of the services performed by him or her in such forces immediately prior to being appointed, posted, or drafted for service outside of Canada, including service in a ship.

Ordinary residence on enrolment in regular forces.

“(3) After the date of the coming into force of this 35 paragraph,

(a) every person shall, forthwith upon his or her enrolment in the regular forces of the Canadian Forces, complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 16, 40 indicating the city, town, village, or other place in Canada, in which was situated his or her place of ordinary residence immediately prior to enrolment;

(b) a person, not having a place of ordinary residence in Canada immediately prior to enrolment in the 45 regular forces of the Canadian Forces, shall complete, as soon as one or more of the provisions of subparagraph 2 become applicable to his or her circumstances, a statement of ordinary residence, in Form No. 15, before a commissioned officer. 50

- (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; or
- (c) is a member of the Canadian Army Active Force; or
- (d) is a member of the Canadian Army Reserve Force, and is absent from the place of his or her 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 or her having been so called up; or
- (e) is a member of the Royal Canadian Air Force (Regular) employed on continuous general service; or
- (f) is a member of any other component of the Royal Canadian Air Force employed on continuous training or duty.

(2) Notwithstanding anything in these Regulations, any person, man or woman, who, prior to the ninth day of August, nineteen hundred and forty-five, was a member of the Naval, Military, or Air Forces of Canada and who, at the general election, has not attained the full age of twenty-one years, but is otherwise qualified under sub-paragraph one, is entitled to vote under the procedure set forth in these Regulations."

Clause 35. This amendment will provide clear and concise evidence of the place of ordinary residence of the members of the Canadian Forces by requiring such members to complete statements of ordinary residence for the purposes of an election. The present provisions read as follows:—

"23. (1) For the purpose of these Regulations, the place of ordinary residence in Canada of a Defence Service elector, as defined in paragraph 21, shall be as follows:

- (a) in the case of a person who becomes qualified as Defence Service elector after the first day of August, nineteen hundred and forty-eight, the place of his or her ordinary residence 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; or
 - (b) in the case of a person qualified as Defence Service elector on the first day of August, nineteen hundred and forty-eight, who has changed his or her place of residence since his or her appointment or enlistment, the place of his or her ordinary residence shall be the city, town, village, or other place in Canada, mentioned in a statement of ordinary residence completed before the first day of January, nineteen hundred and forty-nine, and filed at the Naval Service, 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 ordinarily resided prior to his or her appointment or enlistment in the Naval, Military, or Air Forces of Canada.
- (2) A Defence Service elector, as described in clause (b), (d), or (f) of subparagraph one of paragraph 21, shall be deemed to be qualified to vote under the procedure set forth in these Regulations, 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 such special service 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 26."

Change of ordinary residence of member of regular forces.

“(4) Except when he or she is also a member of the active service forces of the Canadian Forces, a member of the regular forces may, during the month of December of any year and at no other time, change his or her place of ordinary residence to the city, town, village, or other place in Canada 5 referred to in clause (a), (b) or (c) of subparagraph 2 by completing, in duplicate, before a commissioned officer, a statement of change of ordinary residence, in Form No 17.

Ordinary residence of member of reserve forces on full time service.

“(5) (a) Every member of the reserve forces of the Canadian Forces not on active service who, at any 10 time during the period beginning on the date of the issue of writs ordering a general election and ending on the Saturday immediately preceding polling day, is on full time training or service, shall complete, in duplicate, before a commissioned officer, a statement of ordinary 15 residence, in Form No. 18, indicating the city, town, village, or other place in Canada wherein is situated his or her place of ordinary residence immediately prior to commencement of such period of full time training or service. 20

Ordinary residence of member of reserve forces on active service.

(b) Every member of the reserve forces of the Canadian Forces who is placed on active service, and who, during a current period of full time training or service, has not completed a statement of ordinary residence pursuant to clause (a), shall complete, in duplicate, 25 before a commissioned officer, a statement of ordinary residence, in Form No. 18, in which will be stated

(i) in the case of a member on full time training or service, his or her place of ordinary residence immediately prior to the commencement of such 30 full time training or service; or

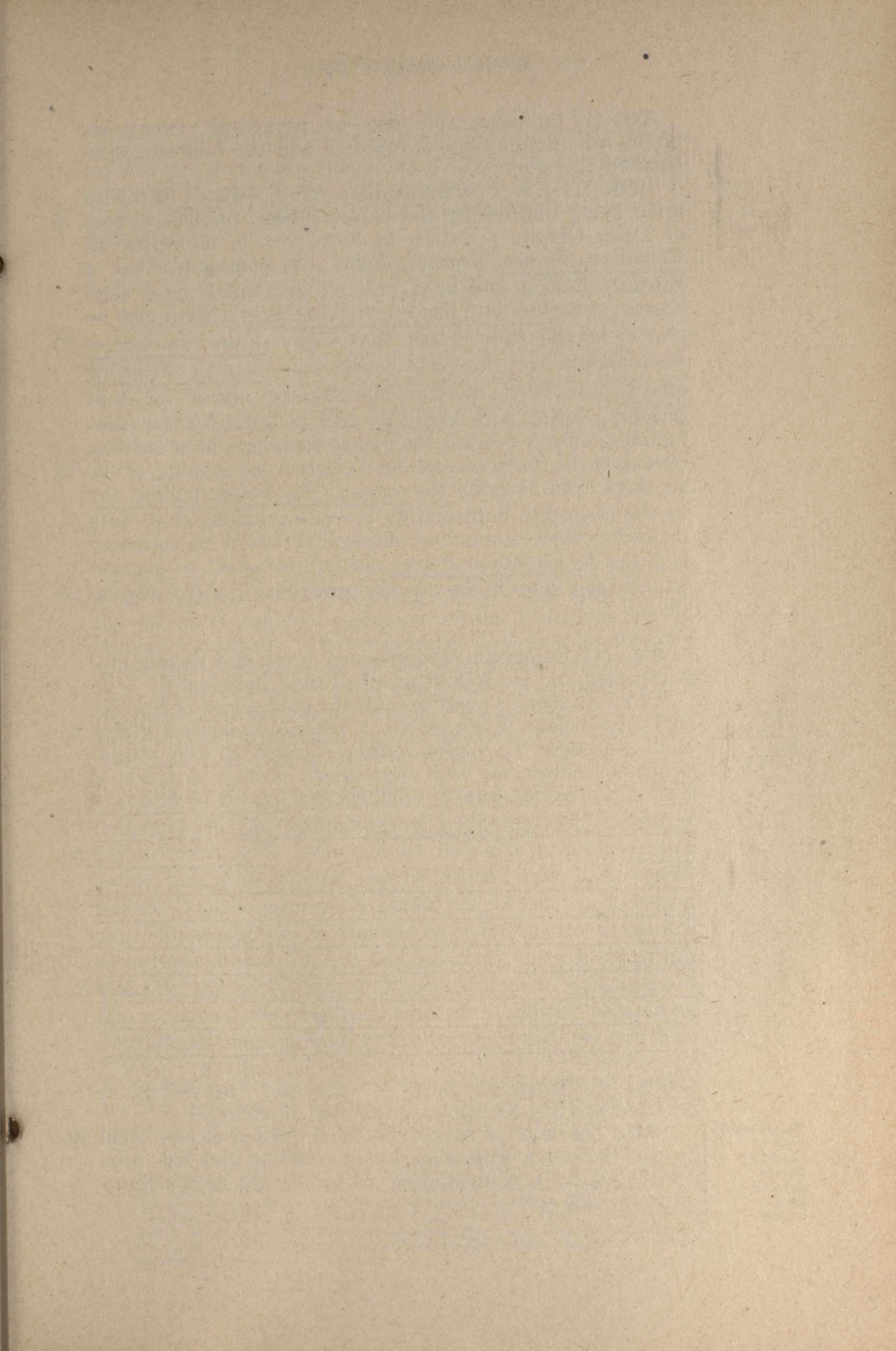
(ii) in the case of a member not on full time training or service, his or her place of ordinary residence immediately prior to being placed on active 35 service.

Ordinary residence on enrolment in active service forces.

“(6) On enrolment in the active service forces of the Canadian Forces, every person, who is not a member of the regular or reserve forces, shall complete, in duplicate, before a commissioned officer, a statement of ordinary residence, in Form No. 16, indicating the city, town, 40 village, or other place in Canada in which is situated his or her place of ordinary residence immediately prior to enrolment in the active service forces.

Filing of statements.

“(7) The original of each statement of ordinary residence or statement of change of ordinary residence completed 45 pursuant to the subparagraphs of this paragraph shall be forwarded to and filed at the appropriate service Headquarters and the duplicate shall be retained in the unit with the declarant's service documents.”



36. (1) Subparagraph one of paragraph twenty-six of the said Regulations is repealed and the following substituted therefor:—

Publication of notice of general election.

“**26.** (1) Every commanding officer shall, forthwith upon being notified by the liaison officer, publish as part of Daily Orders, a notice, in Form No. 5, informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed for polling day; it shall also be stated in the said notice that every Canadian Forces elector may cast his vote before any deputy returning officer designated by the commanding officer for that purpose, during such hours as may be fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and ten o'clock in the evening, of the six days from Monday the seventh day before polling day to the Saturday immediately preceding polling day, both inclusive; the commanding officer shall afford all necessary facilities to Canadian Forces electors attached to his unit to cast their votes in the manner prescribed in these Regulations.”

37. (1) Paragraph twenty-seven of the said Regulations is repealed and the following substituted therefor:—

List of names, etc., of Canadian Forces electors.

“**27.** As soon as possible after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as prescribed in paragraph 23, of Canadian Forces electors attached to his unit. The commanding officer shall also furnish to the deputy returning officer a copy of such list for the taking of the votes of the Canadian Forces electors attached to his unit; at any reasonable time during an election, such list and the statements referred to in paragraph 23 shall be open to inspection by any officially nominated candidate or his accredited representative, and such persons shall be permitted to make extracts therefrom.”

38. (1) Paragraph thirty of the said Regulations is repealed and the following substituted therefor:—

Before whom votes of Canadian Forces electors are to be cast.

“**30.** The vote of every Canadian Forces elector shall be cast before a Canadian Forces elector who has been designated by a commanding officer to act as a deputy returning officer.”

Clause 36. (1). This amendment is to clarify the notice published by the Commanding Officer by deleting the reference to nomination day because of the provisions of section 21 (3) of the Act. The present provision reads as follows:—

"26. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer, publish as part of Daily Orders, a notice, in Form No. 5, informing all 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 may cast his vote before any commissioned officer designated by the commanding officer for that purpose, during such hours as may be fixed by the commanding officer, not less than three each day, between nine o'clock in the forenoon and ten o'clock in the evening, of the six days from 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 in these Regulations."

Clause 37. The lists of Canadian Forces electors required to be prepared by Commanding Officers will now include the places of ordinary residence of the Canadian Forces electors concerned. The amendment also gives an officially nominated candidate, or his accredited representative, the right to inspect such lists of Canadian Forces electors and the statements of ordinary residence completed by Canadian Forces electors pursuant to the provisions in Clause 35. The present provision reads as follows:—

"27. As soon as possible after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory a list of the names, ranks, and numbers of all Defence Service electors attached to his unit."

Clause 38. The present Regulations provide that the votes of Canadian Forces electors must be cast before a commissioned officer (if such officer is available), designated for that purpose by the Commanding Officer. This amendment will permit the Commanding Officer to designate any Canadian Forces elector to act as a deputy returning officer for the purpose of taking the votes of Canadian Forces electors. The present provision reads as follows:—

"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 general election; provided, however, that in the case of a small detachment in which no commissioned officer is available, the commanding officer may designate, for that purpose, a person of or above non-commissioned officer status, subject to the above mentioned limitations."

39. (1) Paragraph thirty-one of the said Regulations is amended by adding thereto the following subparagraph:—

“(2) The deputy returning officer shall, during the hours of voting by Canadian Forces electors, have the powers to administer the affidavit of qualification, in Form No. 14.” 5

Powers to administer affidavit of qualification.

40. (1) Subparagraph one of paragraph thirty-four of the said Regulations is repealed and the following substituted therefor:—

“**34.** (1) Before delivering a ballot paper to a Canadian Forces elector, the deputy returning officer before whom the 10 vote is to be cast shall require such elector to make a declaration in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Canadian Forces elector’s 15 name, rank, and number, that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph two of paragraph twenty-one), that he has not 20 previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as prescribed in paragraph 23; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy returning officer shall cause the 25 Canadian Forces elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the deputy returning officer.”

Declaration by Canadian Forces elector.

(2) Subparagraph two of the said paragraph thirty-four is repealed and the following substituted therefor:—

“(2) At this stage, the Canadian Forces elector and the deputy returning officer shall bear in mind that, as prescribed in paragraph 71, any outer envelope which does not bear the signatures of both the Canadian Forces elector and 35 the deputy returning officer concerned (except in the cases referred to in paragraphs 37 and 39), or any outer envelope upon which a sufficient description of the place of ordinary residence of the Canadian Forces elector does not appear, shall be laid aside unopened in the headquarters of the special 40 returning officer, and that the ballot paper contained in such outer envelope shall not be counted.”

Warning to Canadian Forces elector and deputy returning officer.

Clause 39. This is a new provision and is required as a result of adding the new subparagraph (3) in Clause 40.

Clause 40. (1). This amendment is consequential to the changes made in Clauses 34 and 38. The present provision reads as follows:—

“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, 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 British subject by birth or naturalization, that he has attained the full age of twenty-one years, that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as defined in paragraph 23, the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the commissioned officer shall cause the 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.”

(2) This amendment is consequential to the changes made in Clauses 34, 38 and 41. The present provision reads as follows:—

“(2) At this stage, the Defence Service elector and the commissioned officer shall bear in mind that, as prescribed in paragraph 71, any 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), 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 headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted.”

(3) The said paragraph thirty-four is further amended by adding thereto, immediately after subparagraph two thereof, the following subparagraphs:—

Affidavit of qualification by Canadian Forces elector.

“(3) A Canadian Forces elector, if required by the deputy returning officer, or by an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification, in Form No. 14, and if such elector refuses to subscribe to such affidavit, he shall not be allowed to vote, nor again be admitted to the voting place. The said affidavit of qualification shall be subscribed to before the deputy returning officer.

Procedure in case of refusal.

“(4) If a Canadian Forces elector has refused to subscribe to the affidavit of qualification mentioned in subparagraph three, the deputy returning officer shall endorse, upon the outer envelope completed by such elector, the words “refused to subscribe to the affidavit of qualification” and lay the outer envelope aside.

Disposition of completed affidavits and outer envelopes.

“(5) At the conclusion of the voting period, all such outer envelopes together with all completed affidavits of qualification mentioned in subparagraphs three and four, shall be forwarded by the deputy returning officer to the appropriate special returning officer.”

41. (1) Paragraph thirty-nine of the said Regulations is repealed and the following substituted therefor:—

Incapacitated Canadian Forces elector.

“39. When a Canadian Forces elector is incapacitated from any physical cause, and is unable to vote according to the ordinary procedure prescribed in these Regulations, the deputy returning officer before whom the vote is to be cast, shall assist such elector by filling in the back of the outer envelope, including the writing of the name of the elector, in the space provided for his signature, and by marking the ballot paper in the manner directed by the elector, in his presence, and in the presence of another Canadian Forces elector. Such other elector shall be selected by the incapacitated Canadian Forces elector. Such persons before whom the ballot paper of an incapacitated Canadian Forces elector is marked shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of the incapacitated Canadian Forces elector has been written on the back of the outer envelope, as above directed, the deputy returning officer and the other Canadian Forces elector shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto.”

(3) New. These amendments provide a procedure to be followed when the place of ordinary residence declared by a Canadian Forces elector, in Form No. 7, is challenged at a voting place by a deputy returning officer or an accredited representative of a political party.

Clause 41. This amendment provides a procedure in the event that an incapacitated Canadian Forces elector cannot affix his signature to the outer envelope because of his disability. The present provision reads as follows:—

“39. When a Defence Service elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure prescribed in these Regulations, the 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.”

42. (1) Subparagraph two of paragraph forty of the said Regulations is repealed and the following substituted therefor:—

Voting by
Canadian
Forces
elector on
duty, leave
or on furlough.

“(2) A Canadian Forces elector who is absent from his unit, on duty, leave or on furlough, during the voting period 5 prescribed in subparagraph one of paragraph 26, and who has not already voted at the general election, may, on production of documentary proof that he is on duty, leave or on furlough, cast his vote elsewhere before any deputy returning officer, when such person is actually engaged in 10 the taking of such votes.”

43. (1) Clause (c) of paragraph forty-two of the said Regulations is repealed and the following substituted therefor:—

“(c) was a member of His Majesty’s Forces in World 15 War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty;”

44. (1) Paragraph fifty-four of the said Regulations is 20 repealed and the following substituted therefor:—

Period of
voting by
Veteran
electors.

“**54.** The period of voting by Veteran electors shall commence on Monday the seventh day before polling day, and be concluded on the Saturday immediately preceding polling day, both inclusive.” 25

45. (1) Paragraph fifty-nine of the said Regulations is repealed and the following substituted therefor:—

Incapacita-
ted Veteran
elector.

“**59.** When a Veteran elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure 30 prescribed in these Regulations, the deputy special returning officers before whom the vote is to be cast, shall assist such elector by filling in the back of the outer envelope, including the writing of the name of the elector, in the space provided for his signature, and by marking the ballot paper in the 35 manner directed by the elector, in his presence, and in the presence of another Veteran elector who is able to read and to write. Such other elector shall be selected by the incapacitated Veteran elector and he shall keep secret the name of the candidate for whom the ballot paper is marked. 40 Whenever the name of the incapacitated Veteran elector has been written on the back of the outer envelope, as above directed, the deputy special returning officers shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto.” 45

Clause 42. The insertion of the words "on duty" will make it clear that Canadian Forces electors, if absent from their unit on duty during the service voting period, will be able to vote at a service voting place where they are on duty. The present provision reads as follows:—

"(2) A Defence Service elector who is absent from his unit, on leave or on furlough, during the voting period prescribed in subparagraph one of paragraph 26, and who has not already voted at the general election, may, on production of documentary proof that he is on 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."

Clause 43. This amendment will extend the right of voting under these Regulations to former members of His Majesty's Forces recruited in Newfoundland during World War I and World War II, and to former members of the Canadian Forces receiving treatment or domiciliary care in a hospital or institution operated under the direct control of the Department of Veterans Affairs, or in any hospital at the request of or on behalf of that department. The present provision reads as follows:—

"(c) was a member of the Naval, Military, or Air Forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine;"

Clause 44. This amendment is necessary because of the provisions of section 21 (3) of the Act. The present provision reads as follows:—

"54. The period of voting by Veteran electors shall commence on the Monday next following nomination day, and be concluded in the Saturday immediately preceding polling day, both inclusive."

Clause 45. This amendment provides a procedure in the event that an incapacitated Veteran elector cannot affix his signature to the outer envelope because of his disability. The present provision reads as follows:—

"59. When a Veteran elector is unable to read or to write, or is incapacitated from any physical cause, and therefore unable to vote according to the ordinary procedure prescribed in these Regulations, the deputy special returning officers before whom the vote is to be cast, shall assist such elector by marking the ballot paper in the manner directed by the elector, in his presence and in the presence of another Veteran elector who is able to read and write. Such other elector shall be selected by the incapacitated Veteran elector."

46. (1) Paragraph sixty of the said Regulations is repealed and the following substituted therefor:—

Blind
Veteran
elector.

“60. The vote of a blind Veteran elector may be taken in the same manner as the votes of other incapacitated Veteran electors, as provided in paragraph 59, or through the medium of a friend who is also a Veteran elector and who is acting at the request of the blind Veteran elector; in such case the friend may fill in the back of the outer envelope, including the writing of the name of the elector in the space provided for his signature, and mark the blind elector’s ballot paper in the presence only of such blind elector; such friend shall keep secret the name of the candidate for whom the ballot paper is marked. Whenever the name of a blind Veteran elector has been written on the back of the outer envelope, as above directed, the deputy special returning officers shall insert a note to that effect on the back of the outer envelope and affix their signatures thereto. No person shall at a general election be allowed to act as the friend of more than one blind Veteran elector.”

47. (1) Subparagraph one of paragraph sixty-two of the said Regulations is repealed and the following substituted therefor:—

Declaration
by Veteran
elector.

“62. (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in Form No. 12, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Veteran elector’s name, that he is a Canadian citizen or other British subject, that he was a member of His Majesty’s Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty, that he has been discharged from such Forces, that he has been ordinarily residing in Canada during the twelve months preceding polling day, and that he has not previously voted at the general election; it shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration (except in the

Clause 46. This amendment provides a procedure when a blind Veteran elector is unable to affix his signature to the outer envelope because of his disability. The present provision reads as follows:—

“60. The vote of a blind Veteran elector may be taken in the same manner as the votes of other incapacitated Veteran electors, as provided in paragraph 59, or through the medium of a friend, who is also a Veteran elector and who is acting at the request of the blind Veteran elector; in such case the friend may mark the blind Veteran elector's ballot paper in the presence only of such blind elector; no person shall at the general election be allowed to act as the friend of more than one blind Veteran elector.”

Clause 47. (1). This amendment is consequential to the changes made in Clauses 43, 45 and 46. The present provision reads as follows:—

“62. (1) Before delivering a ballot paper to a Veteran elector, the deputy special returning officers before whom the vote is to be cast shall require such elector to make a declaration in Form No. 12, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Veteran elector's name, that he is a British subject by birth or naturalization, that he was a member of either the Naval, Military, or Air Forces of Canada in the war 1914-1918, or in the war that began on the tenth day of September, nineteen hundred and thirty-nine, that he has been discharged from such Forces, that he has been ordinarily residing in Canada during the twelve months preceding polling day, and that he has not previously voted at the general election; it shall also be stated in the said declaration the name of the place of his ordinary residence in Canada, with street address, if any, as declared by the Veteran elector on the date of his admission to the hospital or institution; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration; the deputy special returning officers shall cause the Veteran elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be signed by both deputy special returning officers.”

case of an incapacitated or blind Veteran elector referred to in paragraphs 59 and 60), and the certificate printed thereunder shall then be signed by both deputy special returning officers."

(2) Subparagraph two of the said paragraph sixty-two is repealed and the following substituted therefor:—

Warning to
Veteran
elector and
deputy
special
returning
officers.

"(2) At this stage, the Veteran elector and the deputy special returning officers shall bear in mind that, as prescribed in paragraph 71 (except in the cases referred to in paragraphs 59 and 60), any outer envelope which does not bear the signatures of the Veteran elector and the two deputy special returning officers concerned, or any outer envelope upon which a sufficient description of the place of ordinary residence of the Veteran elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted."

48. (1) Clause (b) of paragraph sixty-eight of the said Regulations is repealed and the following substituted therefor:—

"(b) examine each outer envelope in order to ascertain that the declaration on the back thereof is signed by both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 37 and 39), or by the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 59 and 60);"

49. (1) Subparagraph one of paragraph seventy-one of the said Regulations is repealed and the following substituted therefor:—

Disposition
of outer
envelope
when declar-
ation incom-
plete.

"71. (1) An outer envelope which does not bear the signatures of both the Canadian Forces elector and the deputy returning officer concerned (except in the cases referred to in paragraphs 37 and 39), or the signatures of the Veteran elector and the two deputy special returning officers concerned (except in the cases referred to in paragraphs 59 and 60), or upon which a sufficient description of the place of ordinary residence of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper."

(2) This amendment is consequential to the changes made in Clauses 45 and 46. The present provision reads as follows:—

“(2) At this stage, the Veteran elector and the deputy special returning officers shall bear in mind that, as prescribed in paragraph 71, any outer envelope which does not bear the signatures of the Veteran elector and the two deputy special returning officers concerned, or any outer envelope upon which a sufficient description of the place of ordinary residence of the Veteran elector does not appear, shall be laid aside unopened in the headquarters of the special returning officer, and that the ballot paper contained in such outer envelope shall not be counted.”

Clause 48. This amendment is consequential to the changes made in Clauses 41, 45 and 46. The present provision reads as follows:—

“(b) examine each outer envelope in order to ascertain that 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), or by the Veteran elector and the two deputy special returning officers concerned;”

Clause 49. This amendment is consequential to the changes made in Clauses 41, 45 and 46. The present provision reads as follows:—

“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 paragraph 37), 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 of such elector does not appear, shall be laid aside, unopened; the special returning officer shall endorse upon each such outer envelope the reason why it has been so laid aside, and such endorsement shall be initialled by at least two scrutineers; the ballot paper contained in such outer envelope shall be deemed to be a rejected ballot paper.”

50. (1) Clauses (c) and (d) of subparagraph one of paragraph seventy-nine of the said Regulations are repealed and the following substituted therefor:—

- “(c) that have been marked for more than one candidate except in the electoral districts returning two members; 5
 “(d) that have been marked for more than two candidates in the electoral districts returning two members;”

51. (1) Clause (c) of paragraph eighty-two of the said Regulations is repealed and the following substituted therefor:— 10

“(c) the outer envelopes laid aside pursuant to sub-paragraph five of paragraph 34 and of paragraphs 71 and 72;”

(2) Clause (h) of the said paragraph eighty-two is repealed. 15

(3) Paragraph eighty-two of the said Regulations is further amended by adding thereto the following clauses:—

- “(j) the completed affidavits of qualification (Form 14), if any; and
 “(k) the lists of Canadian Forces electors prepared and furnished to the special returning officer pursuant to paragraph 27.” 20

52. (1) Wherever the expressions “commissioned officer” or “commissioned officer designated” are mentioned or referred to in paragraphs ten, thirteen, twenty-six, twenty- 25
 nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, sixty-eight, seventy-one, eighty-five, and eighty-eight of the said Regulations, or in Forms Nos. five, nine, and ten thereto, there shall in each and every case be sub- 30
 stituted the expression “deputy returning officer”.

53. Forms Nos. 5, 7, 9 and 12 to the said Regulations are repealed and the following substituted therefor, respectively:—

Clause 50. (1). This amendment is consequential to the changes made in Clause 33. The present provisions read as follows:—

“(c) that have been marked for more than one candidate in any electoral district except Halifax, N.S. and Queens, P.E.I.;

(d) that have been marked for more than two candidates in the electoral districts of Halifax, N.S. and Queens, P.E.I.;

Clause 51. (1). This amendment is consequential to the changes made in Clause 40. The present provision reads as follows:—

“(c) the unopened outer envelopes, laid aside pursuant to paragraphs 71 and 72;”

(2) In view of the amendment made in Clause 32, this clause (h) is no longer applicable. The present provision reads as follows:—

“(h) the alphabetical list of the names of Defence Service electors prepared pursuant to paragraph 11; and ”

(3) New. Consequential to the changes made in Clauses 37 and 40.

Clause 52. (1). New. The amended paragraph 30 of the Regulations provides for any Canadian Forces elector, officer or other rank, to be designated by a Commanding Officer to take the votes of Canadian Forces electors. The person so designated is now referred to as a “deputy returning officer”.

Clause 53. Form No. 5. This form has been revised to conform to the amendments set out in Clause 36. The present form reads as follows:—

FORM No. 5

NOTICE TO CANADIAN FORCES ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA. (Par. 26)

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the date fixed as polling day is....., the..... day of....., 19.....

Notice is further given that pursuant to *The Canadian Forces Voting Regulations*, all Canadian Forces electors, as defined in paragraph twenty-one of the said Regulations, are entitled to vote at such general election upon application to any deputy returning officer designated for the purpose of taking such votes.

And that voting by Canadian Forces electors will take place on each of the six days from Monday, the.....day of....., 19...., to Saturday, the.....day of....., 19...., both inclusive.

And that a notice giving the exact location of each voting place established in the unit under my command, together with the hours fixed for voting on each day in such voting places, will be published in Daily Orders during the whole of the above mentioned voting period.

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

.....
Commanding officer.

“FORM No. 5

NOTICE TO DEFENCE SERVICE ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA. (Par. 26)

Notice is hereby given that writs have been issued ordering that a general election be held in Canada, and that the 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 twenty-one of the said Regulations, are entitled to vote at such general election upon application to any commissioned officer designated for the purpose of taking such votes.

And that voting by 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. 7

DECLARATION TO BE MADE BY A CANADIAN FORCES ELECTOR BEFORE
BEING ALLOWED TO VOTE. (Par. 34)

I hereby declare

1. That my name is.....
(Insert full name, surname last)

2. That my rank is.....

3. That my number is.....

4. That I am a Canadian citizen or other British subject.

*5. That I have attained the full age of twenty-one years.

6. That I have not previously voted as a Canadian Forces elector at
the pending general election.

7. That the place of my ordinary residence in Canada, as prescribed
in paragraph 23 of The Canadian Forces Voting Regulations, is

.....
(Here insert the name of the city, town, village, or other place in Canada,

.....
with street address, if any)

.....
(Here insert name of electoral district)

.....
(Here insert name of province)

I hereby declare that the above statements are true in substance
and in fact.

Dated at....., this.....
day of....., 19.....

.....
Signature of Canadian Forces elector.

CERTIFICATE OF DEPUTY RETURNING OFFICER

I hereby certify that the above named Canadian Forces elector
did this day make before me the above set forth declaration.

.....
Signature of deputy returning officer.

.....
*(Here insert rank, number,
and name of unit)*

.....
*Strike out this line if it is not applicable pursuant to paragraph
21 (2) of The Canadian Forces Voting Regulations.

Form No. 7. This form has been revised to conform to the amendments set out in Clauses 26, 29, 34 and 35. The present form reads as follows:—

“FORM No. 7

DECLARATION TO BE MADE BY A DEFENCE SERVICE ELECTOR BEFORE BEING ALLOWED TO VOTE. (Par. 34)

I HEREBY CERTIFY

- 1. That my name is.....
(Insert full name, surname last)
- 2. That my rank is.....
- 3. That my number is.....
- 4. That I am a British subject by birth or naturalization.
- 5. That I have attained the full age of twenty-one years.
- 6. That I have not previously voted as a Defence Service elector at the pending general election.
- 7. That the place of my ordinary residence in Canada, as defined in paragraph 23 of *The Canadian Defence Service Voting Regulations*, is

.....
(Here insert the name of the city, town, or village, with street address, if any,

.....
or the name of any other place of ordinary residence)

.....
(Here insert name of electoral district)

.....
(Here insert name of province)

I hereby solemnly declare that the above statements are true in substance and in fact.

Dated at....., this..... day of

....., 19....

.....
Signature of 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. 9.

CARD OF INSTRUCTIONS. (Par. 32)

A CANADIAN FORCES ELECTOR HAS THE RIGHT TO VOTE ONLY ONCE
AT A GENERAL ELECTION.

1. A Canadian Forces elector is entitled to vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as prescribed in paragraph twenty-three of *The Canadian Forces Voting Regulations*.
2. During the hours fixed by the commanding officer for voting, a Canadian Forces elector may cast his vote before the deputy returning officer designated for that purpose.
3. The deputy returning officer shall require each Canadian Forces elector to complete the declaration printed on the back of the outer envelope.
4. A Canadian Forces elector, if required by the deputy returning officer, or an accredited representative of a political party, shall, before receiving a ballot paper, subscribe to an affidavit of qualification in Form No. 14 of *The Canadian Forces Voting Regulations*, and if such elector refuses so to subscribe to such affidavit he shall not be allowed to vote, or be again admitted to the voting place.
5. Each Canadian Forces elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members in which case he may vote for two candidates on the same ballot paper.
6. After the declaration has been completed and signed by the Canadian Forces elector and the certificate printed thereunder is completed and signed by the deputy returning officer, the Canadian Forces elector shall be allowed to cast his vote in the following manner:
7. Upon receiving a ballot paper from the deputy returning officer, the Canadian Forces elector shall secretly cast his vote by writing, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice in the space provided for that purpose on the ballot paper, and shall then fold the ballot paper.
8. The Canadian Forces elector shall place the folded ballot paper in the inner envelope which will then be supplied to him by the deputy returning officer, seal such inner envelope, and hand it to the deputy returning officer.

Form No. 9. This form has been revised to conform to the amendments set out in Clauses 33 and 40. The present form reads as follows:—

“FORM No. 9

CARD OF INSTRUCTIONS. (Par. 32)

A DEFENCE SERVICE ELECTOR HAS THE RIGHT TO VOTE ONLY ONCE
AT A GENERAL ELECTION

1. A Defence Service elector is entitled to vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as defined in paragraph twenty-three of *The Canadian Defence Service Voting Regulations*.
2. During the hours fixed by the commanding officer for voting, a 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 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 be allowed to 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).
3. Upon receiving a ballot paper from the commissioned officer, the Defence Service elector shall secretly cast his vote by writing, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice in the space provided for that purpose on the ballot paper, and shall then fold the ballot paper.
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 deputy returning officer shall then, in full view of the Canadian Forces elector, place the inner envelope in the completed outer envelope and seal such outer envelope.
10. The deputy returning officer shall then hand the completed outer envelope to the Canadian Forces elector.
11. The Canadian Forces elector shall then mail the completed outer envelope in the nearest post office, mail box, or by such other postal facilities as may be available and expeditious.

In the following specimen of ballot paper, given for illustration, the Canadian Forces elector has marked his ballot paper for William R. Brown.

THE ELECTOR WILL WRITE HEREUNDER THE NAMES
(OR INITIALS) AND SURNAME OF THE CANDIDATE
FOR WHOM HE WISHES TO VOTE

William R. Brown

I VOTE FOR.....

(Write as above directed—Surname last.)

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 specimen of ballot paper, given for illustration, the Defence Service elector has marked his ballot paper for William R. Brown.

THE ELECTOR WILL WRITE HEREUNDER THE NAMES
(OR INITIALS) AND SURNAME OF THE CANDIDATE
FOR WHOM HE WISHES TO VOTE

I VOTE FOR.....

William R. Brown

(Write as above directed—Surname last.)

FORM NO. 12

DECLARATION TO BE MADE BY A VETERAN ELECTOR BEFORE BEING ALLOWED TO VOTE. (Par. 62)

I hereby declare

1. That my name is.....
(Insert full name, surname last)

2. That I am a Canadian citizen or other British subject.

3. That I was a member of His Majesty's Forces in World War I or World War II, or was a member of the Canadian Forces who served on active service subsequent to the ninth day of September, nineteen hundred and fifty.

4. That I have been discharged from such Forces.

5. That I have been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election.

6. That I have not previously voted as a Veteran elector at the pending general election.

7. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution,

is.....

(Here insert the name of the city, town, village, or other

place in Canada, with street address, if any)

.....
(Here insert name of electoral district) (Here insert name of province)

I hereby declare that the above statements are true in substance and in fact.

Dated at....., this..... day of....., 19...

.....
Signature of Veteran elector.

Form No. 12. This form has been revised to conform to the amendments set out in Clauses 26, 43 and 47. The present form reads as follows:—

“FORM No. 12

DECLARATION TO BE MADE BY A VETERAN ELECTOR BEFORE BEING ALLOWED TO VOTE (Par. 62)

I HEREBY CERTIFY

- 1. That my name is
(Insert full name, surname last)
- 2. That I am a British subject by birth or naturalization.
- 3. That I was a member of either the Naval, Military, or Air Forces of Canada in the war of 1914-1918, or in the war that began on the 10th day of September, 1939.
- 4. That I have been discharged from such Forces.
- 5. That I have been ordinarily residing in Canada during the twelve months preceding polling day at the pending general election.
- 6. That I have not previously voted as a Veteran elector at the pending general election.
- 7. That the place of my ordinary residence in Canada, as declared by me on the date of my admission to this hospital or institution, is at

.....
(Here insert the name of the city, town, or village, with street address, if any, or the name of any other place of ordinary residence).

.....
(Here insert name of electoral district) (Here insert name of province)

I hereby solemnly declare that the above statements are true in substance and in fact.

Dated at....., this.....day of.....19.....

.....
Signature of Veteran elector.

CERTIFICATE OF DEPUTY SPECIAL RETURNING OFFICERS

We, the undersigned deputy special returning officers, hereby jointly and severally certify that the above named Veteran elector did this day make the above set forth declaration.

.....
Signature of deputy special returning officer.

.....
Signature of deputy special returning officer.

54. (1) Paragraph five of Form No. 13 to the said Regulations is repealed and the following substituted therefor:—

“5. Each Veteran elector shall vote for one candidate only, unless he is entitled to vote in an electoral district returning two members, in which case he may vote for two candidates on the same ballot paper.”

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."

Clause 54. Form No. 13. The amendment to this paragraph 5 of Form No. 13 is consequential to the changes made in Clause 33. The present paragraph reads as follows:—

"5. Each Veteran 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)."

55. (1) The said Regulations are further amended by adding thereto the following Forms Nos. 14, 15, 16, 17 and 18:—

FORM No. 14

AFFIDAVIT OF QUALIFICATION. (Par. 34 (3))

I, the undersigned, do swear (or solemnly affirm)

- 1. That my name is.....
(Insert full name, surname last)
- 2. That my rank is.....
- 3. That my number is.....
- 4. That I am a Canadian citizen or other British subject.
- *5. That I have attained the full age of twenty-one years.
- 6. That I have not previously voted as a Canadian Forces elector at the pending general election.
- 7. That the place of my ordinary residence in Canada, as prescribed in paragraph 23 of *The Canadian Forces Voting Regulations*, is
.....
(Here insert the name of the city, town, village, or other place in Canada, with street address, if any)
.....
(Here insert name of electoral district)
.....
(Here insert name of province)

SWORN (or affirmed) before me }
 at..... }
 this..... day of..... }
 19..... } *Signature of Canadian Forces elector.*
 }
Deputy returning officer.

*Strike out this line if it is not applicable pursuant to paragraph 21 (2) of The Canadian Forces Voting Regulations.

Clause 55. Form No. 14. New. This form is consequential to the modifications made in Clause 40.

FORM No. 15

STATEMENT OF ORDINARY RESIDENCE. (Par. 23 (2), (3b))

(Only applicable to members of the regular forces enrolled on or prior to the effective date of this paragraph)

I HEREBY DECLARE

THAT my name is....., that my age is....., that my rank is....., and that my number is.....

THAT the place of my ordinary residence in Canada, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, is (Insert name of city, town, village, or other place in Canada, with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this.....day of....., 19.....

..... Signature of member of the regular forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

..... Signature of commissioned officer.

..... (Insert rank, number, and name of unit)

Form No. 15. New. This form is consequential to the modifications made in Clause 35.

FORM No. 16

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT.

(Par. 23 (3a) and (6))

(Applicable to regular force members on enrolment subsequent to effective date of this paragraph and to persons on enrolment in the active service forces)

I HEREBY DECLARE

THAT my name is....., that my age is....., that my rank is....., and that my number is.....

THAT my place of ordinary residence in Canada, immediately prior to the date of my enrolment, as prescribed in paragraph 23 of The Canadian Forces Voting Regulations, was

..... (Insert name of city, town, village, or other place in Canada, with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this.....day of....., 19.....

..... Signature of member of the regular forces or active service forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces or the active service forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

..... Signature of commissioned officer.

..... (Insert rank, number, and name of unit)

Form No. 16. New. This form is consequential to the modifications made in Clause 35.

FORM No. 17

STATEMENT OF CHANGE OF ORDINARY RESIDENCE. (Par. 23 (4))

(Only applicable to regular force members who are not members of an active service force)

I HEREBY DECLARE

THAT my name is....., that my age is....., that my rank is....., and that my number is.....

THAT the place of my ordinary residence in Canada, as prescribed in paragraph 23 of *The Canadian Forces Voting Regulations*, is now

.....
(Insert name of city, town, village, or other place in Canada, with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this.....day of, 19.....

.....
Signature of member of the regular forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the regular forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....
Signature of commissioned officer.

.....
(Insert rank, number, and name of unit)

Form No. 17. New. This form is consequential to the modifications made in Clause 35.

FORM No. 18.

STATEMENT OF ORDINARY RESIDENCE. (Par. 23 (5) (a) and (b))

(Applicable to members of the reserve forces on full time training or service not on active service during period commencing on date of ordering of general election, or on being placed on active service)

I HEREBY DECLARE

THAT my name is....., that my age is....., that my rank is....., and that my number is.....

THAT my place of ordinary residence in Canada immediately prior to:

the commencement of my current continuous period of full time training or service/and active service,

OR

being placed on active service not immediately preceded by a period of full time training or service,

as prescribed in paragraph 23 of *The Canadian Forces Voting Regulations*, is.....

(Insert name of city, town, village or other place in Canada,

..... with street address, if any)

I HEREBY DECLARE that what is stated above is true in substance and in fact.

Dated at....., this.....day of 19.....

.....
Signature of member of reserve forces.

CERTIFICATE OF COMMISSIONED OFFICER

I HEREBY CERTIFY that the above mentioned member of the reserve forces of the Canadian Forces, on the date stated above, did make before me the above set forth declaration.

.....
Signature of commissioned officer.

.....
(Insert rank, number, and name of unit)

Form No. 18. New. This form is consequential to the modifications made in Clause 35.

56. The said Act is further amended by adding thereto the following Schedule:—

“SCHEDULE FIVE

THE CANADIAN PRISONERS OF WAR VOTING REGULATIONS, 1951

To enable persons eligible to vote under *The Canadian Forces Voting Regulations*, who become prisoners of war, to vote by proxy at a general election, notwithstanding anything to the contrary in *The Canada Elections Act*, contained. 5

- Short title. **1.** These Regulations may be cited as *The Canadian Prisoners of War Voting Regulations, 1951*.
- Application. **2.** These Regulations shall apply only to a general election held in Canada and do not apply to a by-election. 10
- General direction. **3.** (1) The Chief Electoral Officer shall exercise general direction and supervision over the administration of every detail prescribed by these Regulations.
- Special powers to Chief Electoral Officer. (2) For the purpose of carrying into effect the provisions of these Regulations, or supplying any deficiency therein, the Chief Electoral Officer may issue such instructions, not inconsistent therewith, as may be deemed necessary to the execution of their intent. 15
- Definitions. **4.** In these Regulations, the expression 20
- “Ballot paper.” (a) “ballot paper” means the ballot paper printed with the names, addresses, and occupations of the candidates officially nominated in an electoral district, pursuant to section twenty-eight of *The Canada Elections Act*;
- “Chief Electoral Officer.” (b) “Chief Electoral Officer” means the person who holds office as Chief Electoral Officer under sections three and four of *The Canada Elections Act*; 25
- “Deputy returning officer.” (c) “deputy returning officer” means the person appointed as deputy returning officer for a polling station, under section twenty-six of *The Canada Elections Act*; 30
- “Head-quarters.” (d) “Headquarters” means the headquarters of the Naval, Army or Air Forces of Canada, located at Ottawa, Ontario;
- “Next of kin.” (e) “next of kin” means a person officially recorded at Headquarters as the next of kin of a prisoner of war, as hereinafter defined; 35
- “Prisoner of War.” (f) “prisoner of war” means a Canadian Forces elector who is a prisoner of war and is officially recorded as such at Headquarters at the time of a general election;

Clause 56. The purpose of this amendment is to enable persons eligible to vote under The Canadian Forces Voting Regulations, who become prisoners of war, to vote by proxy at a general election. These Regulations are similar to The Canadian Prisoners of War Voting Regulations, 1944, which read as follows:

SCHEDULE B

"THE CANADIAN PRISONERS OF WAR VOTING
REGULATIONS, 1944

To enable persons eligible to vote under *The Canadian War Service Voting Regulations, 1944*, who became prisoners of war or interned in a neutral country, to vote by proxy at a general election, notwithstanding anything to the contrary in *The Dominion Elections Act, 1938*, contained.

1. These Regulations may be cited as *The Canadian Prisoners of War Voting Regulations, 1944*.

2. These Regulations shall apply only to a general election held in Canada during the present war and within a period of six months thereafter."

3. (1) No change.

(2) No change.

"4. In these Regulations, unless the context otherwise requires, the expression"

(a) No change in substance.

(b) No change in substance.

(c) No change in substance.

(d) "Headquarters" means the headquarters of the Naval, Military or Air Forces and of the Merchant Navy of Canada, located at Ottawa, Ontario;"

(e) No change.

(f) "prisoner of war" means a person who, while on service or duty in any of the Naval, Military or Air Forces and Merchant Navy of Canada, became a prisoner of war or interned in a neutral country and is officially recorded as such at Headquarters at the time of a general election and who, had he not become a prisoner of war or so interned, would have been eligible to vote under *The Canadian War Service Voting Regulations, 1944*;"

- "Qualified elector."
- (g) "qualified elector" means a person duly entitled to vote in a polling division at a general election, pursuant to the provisions of *The Canada Elections Act*;
- "Returning officer."
- (h) "returning officer" means the person who holds office as returning officer for an electoral district, under section eight of *The Canada Elections Act*; 5
- "Special proxy certificate."
- (i) "special proxy certificate" means the certificate prescribed by the Chief Electoral Officer entitling the next of kin of a prisoner of war to vote by proxy on the latter's behalf; 10
- "Canadian Forces elector."
- (j) "Canadian Forces elector" means a person having the qualifications prescribed in paragraph 21 of *The Canadian Forces Voting Regulations*.

Who may vote by proxy.

5. Every prisoner of war, as herein defined, shall be entitled to vote by proxy at a general election, such proxy being his next of kin who is officially recorded as such at Headquarters, and such vote shall be cast in the polling division in which such next of kin is a qualified elector. 15

Voting to be on certificate.

6. The vote of a prisoner of war shall be cast by proxy on a special proxy certificate prescribed and issued by the Chief Electoral Officer. Every special proxy certificate shall bear the printed signature of the Chief Electoral Officer and shall be countersigned by a member of his staff specially designated for that purpose. 20

Proxy may vote in own right.

7. Any person to whom a special proxy certificate has been issued shall be entitled to vote in his own right in the polling division in which such person is a qualified elector, notwithstanding that he has voted, or is about to vote, as proxy for one or more prisoners of war. 25

Names and addresses of prisoners of war and their next of kin supplied by Headquarters.

8. Whenever deemed expedient, the Chief Electoral Officer shall be furnished by Headquarters with the names and surname, rank and regimental number of every member of the Naval, Army or Air Forces of Canada who is officially recorded at Headquarters as a prisoner of war, as herein defined. At the same time, the Chief Electoral Officer shall be furnished with the names and surname of the next of kin of such prisoner of war as officially recorded at Headquarters, together with the last known place of residence of such next of kin, with street address, if any. 30 35

Qualification as elector of next of kin ascertained by returning officer.

9. As soon as possible after a general election has been ordered, the Chief Electoral Officer shall communicate with the returning officer for the electoral district in which 40

(g) No change in substance.

(h) No change in substance.

(i) No change.

(j) New subparagraph. Consequential to the changes made in Clause 34.

5. No change.

6. No change.

7. No change.

8. No change in substance.

9. No change.

is situated the place of residence of the next of kin of a prisoner of war, as stated by Headquarters pursuant to the next preceding paragraph, and direct such returning officer to ascertain whether or not such next of kin is a qualified elector at such place of residence at the pending general election and to advise the Chief Electoral Officer accordingly. 5

Dispatch of certificates to next of kin.

10. Beginning on Monday of the second week before polling day at a general election, the Chief Electoral Officer shall issue the special proxy certificates to the next of kin of prisoners of war who are entitled to receive them. These certificates shall be dispatched to such next of kin by registered mail and shall be accompanied with such instructions as are deemed advisable by the Chief Electoral Officer as to the manner in which such certificates shall be used. 10

Notification to returning officer.

11. Whenever special proxy certificates are dispatched to next of kin of prisoners of war residing in a given electoral district, the Chief Electoral Officer shall advise the returning officer for such electoral district of the names and post office addresses of the persons to whom such certificates are issued. 15

Notification to deputy returning officer.

12. Upon the receipt of such notification, or as soon as possible thereafter, the returning officer shall, on the form prescribed by the Chief Electoral Officer, accordingly advise the deputy returning officer appointed for the polling station at which the holder of any special proxy certificate is a qualified elector. 20 25

Manner of voting by proxy.

13. Before being allowed to cast the vote of a prisoner of war the next of kin shall deliver his special proxy certificate to the deputy returning officer and shall satisfy that officer that he is the person mentioned as next of kin on such certificate. The deputy returning officer shall cause the usual entries to be made in the poll book, and shall record in the remarks column of such poll book, opposite such entries, the name of the prisoner of war and the fact that the next of kin has voted as proxy on his behalf. When this has been done the deputy returning officer shall hand a ballot paper to the next of kin who will proceed to one of the voting compartments and secretly mark such ballot paper for the candidate of his choice whose name, address and occupation are printed on such ballot paper. 30 35

Ballot paper initialed and dealt with in ordinary manner.

14. With the exception of the deputy returning officer's initials which must be affixed in the space provided for that purpose on the back of the ballot paper, there shall not be any marks written or made by any election officer on either 40

10. No change.

11. No change.

12. No change.

13. No change.

14. No change.

the front or the back of the ballot paper handed to a next of kin who is voting as proxy for a prisoner of war. When the ballot paper has been duly marked it shall be handed by the next of kin to the deputy returning officer who will remove the counterfoil and place the ballot paper in the ballot box or otherwise deal with such ballot paper as if it had been cast by a qualified elector in the polling division. 5

Offences
and
penalties.

15. Every person who votes or attempts to vote at a general election under the authority of a special proxy certificate issued pursuant to these Regulations, when he knows or has reasonable grounds for supposing that he is not entitled to receive any such certificate, shall be guilty of an illegal practice within the meaning of The Canada Elections Act, and shall be liable to the penalties imposed by the said Act for such an offence." 15

Non-appli-
cation of
section 110,
to section 3.

57. Section one hundred and ten of the said Act does not apply to section three of this Act.

French
version
amended.

58. The French version of the said Act is amended by striking out the expressions "officier rapporteur", "sous-officier rapporteur", "officier rapporteur spécial" and "sous-officier rapporteur spécial" wherever they appear therein and substituting therefor, in each case, the expressions "directeur du scrutin", "sous-directeur du scrutin", "directeur spécial du scrutin" and "sous-directeur spécial du scrutin", respectively. 25

15. No change in substance.

Clause 57. New. The purpose of this amendment is to expedite the re-organization of the Staff of the Chief Electoral Officer by the Civil Service Commission.

Clause 58. New. The purpose of this amendment is to improve the French version of the Act.

MINUTES OF PROCEEDINGS

THURSDAY, November 15, 1951.

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

Members present: Messrs. Bryce, Cannon, Dewar, Fair, Fulford, Herridge, MacDougall, Valois, Viau, Ward, Wylie.

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

The Chairman and Vice-Chairman being absent, on motion of Mr. MacDougall, seconded by Mr. Dewar.

Resolved,—That Mr. Ward act as Chairman of this meeting.

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

On motion of Mr. MacDougall,

Resolved,—That clause 58 of the proposed draft bill be adopted.

Mr. Fair's suggestion regarding the alternative vote was discussed and on motion of Mr. MacDougall,

Resolved,—That the present system of voting be retained. Carried on division.

The recommendation of Mr. Boisvert regarding paragraph (c) of subsection (2) of section twenty of the Act was allowed to stand.

Mr. Argue's suggestion that the eligible voting age be reduced to eighteen years, was discussed and allowed to stand.

On motion of Mr. MacDougall,

Resolved,—That the Chairman report to the House, in the form of a draft bill, the amendments to the Act suggested by the Chief Electoral Officer.

At 12.15 o'clock p.m. the Committee adjourned to the call of the Chair.

E. W. INNES,

Clerk of the Committee.

MINUTES OF PROCEEDINGS

January 19, 1911

The Board of Directors met at 10:00 A.M. in the Board Room of the Hotel...

Present: Mr. J. H. ... Mr. W. H. ... Mr. R. H. ...

Called to order by the President, Mr. J. H. ...

Minutes of the previous meeting were read and approved.

Report of the Treasurer, Mr. W. H. ...

Report of the Secretary, Mr. R. H. ...

Report of the Committee on Finance, Mr. J. H. ...

Report of the Committee on Administration, Mr. W. H. ...

Report of the Committee on Public Affairs, Mr. R. H. ...

Report of the Committee on Education, Mr. J. H. ...

Report of the Committee on Social Work, Mr. W. H. ...

Report of the Committee on Religious Work, Mr. R. H. ...

Report of the Committee on Physical Education, Mr. J. H. ...

EVIDENCE

NOVEMBER 15, 1951.

11:00 A.M.

The ACTING CHAIRMAN: Gentlemen, please come to order. I understand that our first order of business is section 58 of this draft bill, page 49.

Mr. MACDOUGALL: Mr. Chairman, it seems to me that we were going to have the Chief Electoral Officer deal with certain sections. I think we should take up, now, the points in connection with this bill that have not been finished. I think a request was made at the last meeting that certain questions might be asked with respect to some of the amendments which have already been made. If we could clear up this section this morning it would go along way towards getting the results of this committee reported to the floor of the House, where it would have to go for necessary action to be taken before the Chief Electoral Officer could benefit very much from the passing of this Act. Therefore I move, sir, that we go into a discussion of the clauses and that we pass section 58 immediately.

The ACTING CHAIRMAN: Is there any discussion on this section 58? How about you, Mr. Cannon?

Mr. CANNON: I gave you my opinion on that the other day and I merely want to say that I have not changed my views, whatever the committee decides.

The ACTING CHAIRMAN: That is the reason I referred it to you. You had something to say about it at the last meeting. Is the motion agreeable to the committee?

Mr. VIAU: I submit, Mr. Chairman, it has received careful consideration by the officers responsible for it. It should be O.K.

The ACTING CHAIRMAN: Would someone make a motion?

Mr. VIAU: I would so move.
Motion agreed to.

The ACTING CHAIRMAN: Are there any questions on the bill generally? You have had a week or so in which to study the work of the committee at its last sitting. You will recall that you were requested by the chairman to make a study of this draft bill and suggest any changes or improvement which you would like to have made. Here is a draft motion which you might be prepared to accept.

Mr. FAIR: Before you proceed with that, Mr. Chairman, there was a suggestion by the chairman at our last meeting that we might take up the questions contained in requests which were sent to the clerk. Should that matter be taken up before this motion is passed, or afterwards?

The ACTING CHAIRMAN: Let us dispose of this question first.

Mr. WYLIE: I would move that we adopt the bill.

The ACTING CHAIRMAN: Discussion can follow now, or you could carry on and dispose of the motion.

Mr. HERRIDGE: What do you mean by that, Mr. Chairman?

The ACTING CHAIRMAN: This simply is the second report of this committee to parliament.

Mr. FAIR: Then, Mr. Chairman, if the second report is accepted I understand the present draft will have to be re-printed and if there are further changes or amendments made later on they will have to be incorporated into the bill, is that the idea?

The ACTING CHAIRMAN: Yes.

Mr. FAIR: If there is not much to consider, is it not better to deal with it and have one printing take care of the whole thing? You were telling us a few minutes ago that it would involve a re-printing of the bill if there were further amendments.

Mr. HERRIDGE: I agree with Mr. Fair, and I think we should avoid an extra printing if possible. I understood that you were going to go through these suggestions which have been made here and that whatever action resulted from these suggestions would be incorporated in the bill.

The ACTING CHAIRMAN: Mr. Castonguay has pointed out to me, that would come up at a later meeting of the committee.

Mr. HERRIDGE: Why accept the draft bill when we have not considered all the proposals related to it, particularly when that involves extra printing; why do you accept the bill and then after accepting it discuss further amendments which, if passed, will involve the re-printing of the bill?

The ACTING CHAIRMAN: I thought the suggested procedure was the same procedure as we followed a year ago.

Mr. FAIR: Some of these things that have been held over were not discussed although they should have been discussed, and we will have the same procedure followed all over again, we will have the suggestions repeated over and over again. I think they should be disposed of while this draft is before us.

Mr. MACDOUGALL: Might I ask, Mr. Chairman, how many of the suggestions are left to be dealt with by the committee?

The ACTING CHAIRMAN: You will recall that Mr. Fournier, the chairman, suggested at our last meeting, just as we were rising, that we study the draft bill and be prepared to make recommendations for any changes or improvements of any kind that might result from such a review or study by us. Is that what you had in mind, Mr. Fair?

Mr. FAIR: Yes, and I cannot see any sense in going ahead with this without taking up the suggestions that have already been made known to the clerk. As I understand it, if we accept this motion which is now before the committee we will have a re-printing of this bill and then after that work is done if there are any further changes as a result of these suggestions it might be necessary to have a further re-printing, and that seems to me to be a waste of time.

The ACTING CHAIRMAN: It is suggested that at a subsequent meeting or meetings of the committee suggestions would be registered and then embodied in the bill when the minister presents the bill in the House, the additional amendments could be added to the bill at that time.

Mr. FAIR: It is up to the committee, Mr. Chairman; but that is the way it strikes me, for what it is worth.

Mr. MACDOUGALL: There are only about four or five sections remaining for consideration by the committee at the present time. Suppose we try to clear those up and we will then go ahead and proceed with this motion.

The ACTING CHAIRMAN: All right, let us hear from you, Mr. Fair. Is it agreeable to proceed as suggested by Mr. MacDougall?

Hon. MEMBERS: Agreed.

Mr. FAIR: Mr. Chairman, as I said, I have a point which I would like to outline to the committee. I have for some time been trying to get before the elections committee the question of an improved method of voting. We have had a very exhaustive study on the part of a committee which has worked

very well together; much better, I might say, than the first committee appointed back in 1936. While we have a good bill I think we can perhaps improve it still more by getting a more satisfactory system of voting. The system that I have reference to is not new, it is at least partly in effect in the provinces of Manitoba and Alberta. Under the present system it is possible to have a member elected with a very, very small percentage of votes. For instance, in the Battle River constituency from which I come, in 1945 we had five candidates, and had the vote been split fairly evenly there it is quite possible that the elected representative might have had as low as 25 per cent of the votes, possibly even less. I might say that I am not bringing this matter in for my own benefit. I have nothing whatever to fear, I believe, as far as my own election is concerned, but for the general good of the dominion of Canada I am bringing this suggestion forward. I am not going to take up very much time. I believe the Chief Electoral Officer studied this bill some four or five years ago. I believe he made an exhaustive study of the legislation and while I should wish to see some slight changes made in the method adopted in Alberta and Manitoba it is working fairly satisfactorily.

There is another matter I would suggest, and that is for us to continue the marking right down the line and eliminating the plumper; otherwise, you will not get the real benefit of this proposed change. In support of the suggestion I am making I would call your attention to a study made two years ago by the Chambers of Commerce. They took the issue up and discussed it in their main organization and then in order to get a consensus of opinion from their branches across the Dominion they sent out letters to the various organizations asking them what they thought about adopting this system, and they also pointed out that if they got a sufficient number of replies in favour then they would recommend this system to the committee. I believe that after some time they did get back a substantial number of replies in support of it, and if I remember rightly, at the last session a letter was received from the secretary of the chamber of commerce at Montreal bringing this matter again to the attention of the committee. Again, I say that I am not looking for any benefit for myself. I think it would be a better method of getting truer representation. As it is at the present time there are a number of members sitting in the House today who have not got anything like a 50 per cent vote of their constituency.

As I said before, I am not going to say very much in connection with this matter, but perhaps the Chief Electoral Officer, who is well qualified, will explain the change I propose.

The ACTING CHAIRMAN: Are there any further comments?

Mr. CANNON: I understand Mr. Fair to say that it would give a better representation. According to figures that I have here for 1944, in Alberta what happened? Out of 47 constituencies, 47 ridings returned members of the Social Credit party with a total of 113,000 votes; while the C.C.F. had 53,000 votes and the Independents had 27,000 votes; and neither of the latter two groups got any representation at all; so, it does not work out quite as well as Mr. Fair suggests.

Mr. FAIR: They got two representatives there.

Mr. CANNON: When, in 1944?

Mr. FAIR: That is right. I think you had better check your figures.

Mr. CANNON: You can look at this yourself.

Mr. FAIR: I don't know how you get that result. It might be that they have representatives in Edmonton and Calgary where they have the proportional representation system in effect. There is a difference.

The ACTING CHAIRMAN: Would it be agreeable to the committee to hear Mr. Castonguay? He has a prepared statement.

Agreed.

Mr. Nelson Castonguay, Chief Electoral Officer, called:

The WITNESS: Mr. Chairman, I have made a factual study of the alternative method of voting as it has operated in the province of Alberta, in the province of Manitoba and in the commonwealth of Australia, and if I may I would like to submit this memorandum for the consideration of the members of the committee and then I shall explain it in detail.

CANDIDATE ELECTED BY ABSOLUTE MAJORITY
OF TOTAL VOTES CAST

1944 General Provincial Election—Province of Alberta
Electoral District of St. Albert

Recapitulation	1st Count	Last Count Transfer of Nadeau's next available preference	Result
Charles Holder (S.C.)	2,097	394	2,491 Elected
V. E. Toane (C.C.F.)	1,222	135	1,357
Joseph A. Nadeau (Ind.)	918	Eliminated
Non-transferable	389	389
TOTAL	<u>4,237</u>	<u>918</u>	<u>4,237</u>
"Absolute majority" of total votes cast		2,119	

SUMMARY

(1) Total number of electors on list	6,319
(2) Total number of valid ballots of total number cast	4,237
(3) Total rejected ballots	146
(4) Total votes cast	4,383
(5) Percentage of electors on the list who voted	69%
(6) Percentage of rejected ballots of total vote cast	2.3%
(7) Percentage of non-transferable (plumpers) of Nadeau's ballots...	42%

CANDIDATE ELECTED WITH MINORITY
OF TOTAL VOTES CAST

1944 General Provincial Election—Province of Alberta
Electoral District of Banff—Cochrane

Recapitulation	1st Count	Last Count Transfer of MacGregor's next available preference	Result
F. Laut (Ind.)	1,602	155	1,757
A. Wray (S.C.)	1,568	237	1,805 Elected
D. MacGregor (C.C.F.)	902	Eliminated
Non-transferable	510	510
TOTAL	<u>4,072</u>	<u>902</u>	<u>4,072</u>
"Absolute majority" of total votes cast		2,037	

SUMMARY

(1) Total number of electors on list	5,698
(2) Total number of valid ballots of total number cast	4,072
(3) Total rejected ballots	118
(4) Total votes cast	4,190
(5) Percentage of electors on the list who voted	73%
(6) Percentage of rejected ballots of total vote cast	2.8%
(7) Percentage of non-transferable (plumpers) of MacGregor's ballots	56%

PROVINCE OF MANITOBA

General Elections	Total number of single member electoral districts	Number of E.D.'s contested by three or more candidates	Number of E.D.'s in which more than one count was held	Number of candidates with most first choices, who were defeated on subsequent counts
1927	45	30	21	3
1932	45	19	15	NIL
1936	45	21	17	1
1941	45	7	4	NIL
1945	45	17	10	NIL
1949	43	9	3	NIL
	<hr/> 268	<hr/> 103	<hr/> 70	<hr/> 4

PROVINCE OF ALBERTA

1926	50	45	16	2
1930	51	12	7	1
1935	51	51	10	NIL
1940	47	34	26	2
1944	47	44	8	1
1948	47	39	8	NIL
	<hr/> 293	<hr/> 225	<hr/> 75	<hr/> 6

HOUSE OF REPRESENTATIVES

COMMONWEALTH OF AUSTRALIA

1934	74	64	27	8
1937	74	36	14	5
1940	74	54	28	7
1943	74	66	32	10
1946	74	46	13	5
1949	123	70	24	10
	<hr/> 493	<hr/> 336	<hr/> 138	<hr/> 45

February 8, 1951.

SPECIAL COMMITTEE

PROVINCE OF ALBERTA

General Elections	Number of single member Electoral Districts in which more than one count was held	Number of elected candidates not receiving absolute majority of total votes cast
1926	16	9
1930	7	2
1935	10	7
1940	26	11
1944	8	5
1948	8	4
	—	—
	75	38
	—	—

PROVINCE OF MANITOBA

1927	21	12
1932	15	13
1936	17	15
1941	4	No information available
1945	10	6
1949	3	3
	—	—
	70	49
	—	—

November 1, 1950.

PROVINCE OF ALBERTA

Provincial General Elections

General Election	Number of candidates eliminated during second count	Total first preferences marked for such candidates	Number of ballot papers on which no second preference was indicated	Percentage of non-transferable votes in relation to total votes cast for such candidates
1948	10	9,363	6,141	65.59%
1944	9	8,232	5,388	65.45%
1940	29	23,496	8,962	38.14%
1935	16	14,180	7,650	53.95%
1930	6	4,796	2,238	46.66%
1926	22	9,935	4,921	49.53%
	—	—	—	—
Totals	92	70,002	35,300	53.22%
	—	—	—	—

April 24, 1951

PROVINCE OF MANITOBA

Provincial General Elections

General Election	Number of candidates eliminated during second or subsequent count	Total first preferences marked for such candidates	Number of ballot papers on which no second preference was indicated	Percentage of non-transferable votes in relation to total votes cast for such candidates
1949	4	2,862	1,858	64.92%
1945	13	8,488	5,478	64.54%
1941	No information available			
1936	21	21,804	12,359	56.68%
1932	19	16,875	8,216	48.69%
1927	29	15,112	6,337	41.93%
Totals	86	65,141	34,248	52.58%

June 22, 1951

Report by Commissioner Harry Butcher, K.C., on the Alternative Voting System which will be found at page 195, 74th Volume of the Journals of the House of Commons, Canada, 1936, which reads as follows:—

“With regard to the Alternative Vote, I think that in this case the merits are perhaps a little more marked than they are in the case of Proportional Representation. Advocates of P.R., however, regard the alternative vote as but a slight improvement upon the relative majority system and I am very much inclined to agree with them. It may be noted, however, that the system of voting is the same in both P.R. and the alternative vote, but the Alternative vote applies to only single-member constituencies.

No doubt the members of the committee noted the remarks made by Mr. Stewart the other day in which he referred to the possibility or probability of two parties combining not necessarily in principle, but to defeat the third party, and later, singularly in reading one of the P.R. pamphlets, No. 67, I came across this particular statement which I would like to read to the committee:

Sir Arthur Hardings described another aspect of the second ballot. One party, by making general arrangements with another party, can crush a third. In one year the liberals of Belgium combined with the Conservatives to crush the Socialist party; two years later the Liberals swung around to an alliance with the Socialists.

The second ballot, instead of creating better conditions and giving a more trustworthy indication of public opinion, introduces a new element of uncertainty into a general election; the fortunes of a particular candidate may depend upon some wrecking action taken by the supporters of a defeated party. Finally, the elected member often finds himself in a difficult position; he is expected to represent not only the members of his own party, but also those whose support secured him victory at the second ballot and upon whose continued support he depends for re-election.”

EXCERPTS FROM THE REPORT OF THE 1910 ROYAL COMMISSION OF
GREAT BRITAIN ON SYSTEMS OF ELECTION

18. *The Alternative Vote.*—It will be seen from the description already given of this system that it aims at effecting the purpose of a Second Ballot by enabling the elector to indicate at once what his choice would be if a Second Ballot should prove necessary between any two of the candidates in the field. Thus, the operation of conducting the second election is transferred from the polls to the Returning Officer's room, and is simply effected by a re-examination

of a portion of the voting-papers. The Alternative Vote, indeed, goes further than the Second Ballot. For, under the latter, if there are four candidates in the field, three successive elections may really be required to do justice; the first between all four candidates, the second (if no absolute majority has been obtained) between the three highest candidates, and a third, if still there is no majority, between the two highest candidates at the second election. But if a second election is a serious consideration, a third is out of the question. On the other hand, the Alternative Vote enables this more correct method to be carried out, without any serious inconvenience, to whatever point may be required by the number of candidates.

19. The Alternative Vote, therefore, appears at first sight to fulfil the necessary conditions; the defects of the relative majority are remedied without practical difficulty. It is accordingly not surprising to find that it has converted to its support nearly all the former advocates of the Second Ballot; and in fact it was almost unanimously recommended to us by the men of wide practical experience and diverse political opinions whom we consulted. On the other hand the verdict of Queensland and Western Australia, based upon experience, was one of duly qualified approval. We, therefore, felt it incumbent upon us to examine carefully the defects of the system, which are more likely to escape attention than its merits. In this connection it is important to bear in mind that an expedient which removes the present obstacle to three and four-cornered contests, will increase their number, and thus the number of cases in which it will be requisitioned may be expected to grow to a point where defects will become important which in existing circumstances would be negligible.

20. First, we may draw attention to its limitations. As pointed out by Professor Nanson, it prevents the election of what may be called the worst candidate, but does not secure the election of the best. If A receives 3,500 first votes, B 3,250 and C 3,000, C is cut out and his voting-papers are distributed between A and B according to the second preferences marked on them. But there is no means of knowing that if the second preferences on A's and B's papers had been examined, it would not have been found that C had more first and second preferences put together than either A or B. (For the methods which have been suggested for obviating this difficulty and the reasons why they fail, Appendix 1 should be consulted.) This uncertainty increases with the number of candidates. No more has ever been done than to ensure the rejection of the worst candidate of all. So long as the two-party system survives, even in a loose form, this limitation is comparatively of minor importance, for the possible error of result will mostly only lie between members of the same party. The fact is obvious when only three candidates stand, but it is also true with a larger number. For if there are four candidates, whom we will call Unionist, Liberal, Independent Unionist and Independent Liberal, the second votes of each Liberal elector will probably be given for the other Liberal, and the second votes of each Unionist elector for the other Unionist. Therefore the order in which the candidates may be eliminated can only affect the question which Liberal or which Unionist will be returned; whether it will be a Unionist or a Liberal depends entirely on the relative strength of the two parties. In these circumstances it would probably be felt to be not inequitable that the number of first votes obtained should retain at least this secondary importance. If, however, one or more really independent parties were to arise, the question might become one of greater magnitude. The Second Ballot is, of course, open to the same criticism.

21. Secondly, the proposed method involves, for the uneducated elector, a serious and intermittent change in habits. He is accustomed to expressing his vote by a cross; he would, in future, sometimes use a cross and sometimes figures.

This could hardly fail to cause some confusion, at first, but the task is really so simple that we believe, as we were assured, that most voters, even in country districts, would be equal to it.

22. Thirdly, the wastage at the second count caused by failures to exercise a second preference would probably be as great as, if not greater than, the diminution of votes at a Second Ballot owing to the difficulty of getting electors again to the poll. In Western Australia the average number of second preferences used is 65 per cent., and independent estimates were given to us that the proportion in England would be about the same. Some of the "failures" would, no doubt, be deliberate abstentions, either by voters who were indifferent to the fate of all candidates but one, or by members of a party anxious to get as much as possible without giving anything in return. We were informed that this policy has been adopted by one party in Australia, and that proposals have been under consideration to make the exercise of a second preference compulsory. As no political advantage is to be gained by refusal to exercise preferences (for either the party candidate is eliminated at some stage, when his fate is sealed in any case, or, if he is in the final contest, his second votes are not counted) we doubt the necessity of adopting so drastic a measure in this country, at any rate at first, although the "compulsion" could only be, of course, refusal to reckon a vote on which more than one preference was not expressed. The step might be taken if the number of wilful or malicious abstentions were found to prejudice the working of the whole scheme.

23. The difficulty becomes intensified if more than three candidates stand, as it would hardly be even feasible to compel an elector to exercise more than two preferences. We have already drawn attention to the probable increase in candidatures which would result from the adoption of the Alternative Vote. Not only three, but four or five candidates might not infrequently contest a seat. But the more candidates there are, the less satisfactory the method becomes. One reason for this has been given above; another is, that if failures to exercise a second preference will be numerous, failures to exercise a third will be far more so. Where four or more candidates stand, however, third preferences might be of great importance in deciding the result. The final question, therefore, which of two candidates shall be returned, would be decided by a much reduced proportion of the voters. A hypothetical example will explain the difficulty more clearly. If four candidates stood, a Tariff Reform Unionist, a Free Trade Unionist, a Liberal and a Labour candidate, and the Liberal and Labour candidates were at the bottom of the first count, it might easily be the case that the second votes of the Labour supporters would go to the Liberal, and of the Liberals to Labour. The supposed facts of the case show, however, that the combined Liberal and Labour vote is in a minority. The final contest is, therefore, between Tariff Reform and Free Trade, and will be decided by the third votes of the Liberals and Labour voters. If there had been a separate election as between these two candidates every Liberal and Labour voter would have hastened to express his preference on one side or the other, but by the Alternative Vote the ultimate issue is concealed from them, and a considerable proportion would fail to realize that their omission to exercise an apparently useless privilege might affect the question whether a Tariff Reform or Free Trade candidate was to be returned. This example is merely given here to show that a multiplication of candidates will remain undesirable even with the Alternative Vote, because the real verdict of the constituency on the question at issue between the two final candidates will be obscured. Hence the question has been raised whether it would be necessary to take any precautions against frivolous candidatures. Two methods are suggested; to require an increased number of nominations, or to exact a deposit from candidates which would be forfeited by any who failed to secure a certain proportion of the votes cast.

Neither course appears to us desirable. The number of nominations required could not be fixed high enough to exclude an essentially frivolous candidature, while the forfeiture of a deposit might cause unjustified hardship in many cases. The expense of candidature could probably in itself be relied on, in present circumstances, to repress useless competition. If it should ever be decided to transfer these expenses to any considerable extent from the candidate to Imperial or local funds, the question would assume a different aspect, and some measure of the kind would clearly be inevitable.

24. We are bound to draw attention to the fact that in Australia the opportunities for party intrigue and the gratification of personal ill-feeling which are conferred both by the power of using and by that of withholding preferences, have been found to produce regrettable results. In considering such possibilities it is well to recollect that in this system, as in the Second Ballot, whenever two candidates of one party are left in the final struggle the destination of the seat will be decided by the second votes of the opposing party; and further, that a second vote will be regarded by many more lightly and used less "politically" than a first.

25. Lastly, the system is not capable of satisfactory application to two-member constituencies. Several methods have been devised for employing it in the election of two members, but the inventors themselves are generally unable to recommend them. The plan adopted in Queensland is the simplest. If only four candidates stand, the Alternative Vote is not used. If more than four candidates stand, each elector has two first votes, and then indicates further preferences. Then, if no candidate obtains an absolute majority, all candidates except the top four at the first count are simultaneously eliminated. To effect this in practice, all the ballot-papers cast must be re-examined, and where an elector has given either one or both of his first votes to an eliminated candidate his next effective preference (or two preferences, as the case may be) will come into play. The two candidates out of the four left in who are found at the end of this process to have received the largest number of votes are then declared elected. If one candidate only receives an absolute majority at the first count, he is declared elected; and then, to fill the second seat, all candidates, except the next two, are eliminated, and their votes are transferred to the two so left in. The one who is then found to have the largest number of votes is declared returned for the second seat. This method is as good as the Second Ballot, or better, for it consults the second preferences of the electors without a further election. But it is cumbrous, as it necessitates a recount of the *whole* of the ballot-papers (instead of only those of the eliminated, as is the case in the application of the method to the single-member constituency) and slips would be so easily made that the work would require careful checking. Moreover, it is not quite simple for the voter to understand, because in this case, where there are two members to elect, his first two preferences become immediately operative as first votes, and, therefore, if the method is to be of any use to him he must show at least three preferences, and if there are more than five candidates he should show four, in case both the men for whom he first voted are eliminated. To give an example. Suppose two Unionists, two Liberals, and two of a third party who may be called "Independents" stand. The great body of votes will follow party, *i.e.*, Unionist electors will give their first two preferences for the two Unionists, Liberals for the two Liberals, Independents for the two Independents. If now the use of the Alternative Vote becomes necessary because no candidate obtains an absolute majority, it will frequently happen that the two candidates to be eliminated belong to the same party, and, therefore, that both the votes of the supporters of that party are useless. Then, if these electors have not used two more preferences, the effect of the Alternative Vote will be largely

discounted. But it is found, even under the present system, that electors in two-member constituencies not infrequently "play with" their second votes, failing apparently to realize that the second vote is of exactly the same importance as the first. A third and fourth might therefore cause anomalous results. For probably a comparatively small proportion of the voters would use them, and many of those who did would give them carelessly or for trivial reasons, which would not have weighed with them if they had known that the votes so given would decide the election. We are, therefore, of opinion that the beneficial results to be expected from the application of the Alternative Vote to two-member constituencies are not sufficient to justify the additional trouble which would be caused both to the elector and the returning officer.

26. We have set out these objections in full, if not at undue length, because it is desirable that no more should be expected from the system than it is able to give. But when all due weight has been given to them, the Alternative Vote remains the best method of removing the most serious defect which a single-member system can possess—the return of minority candidates, and, accordingly, we recommend its adoption in single-member constituencies.

27. The continuance of the present system in two-member constituencies, which only number 27 (including three Universities) out of a total of 643, would not seriously detract from the usefulness of the reform, and so long as these survive the exceptional treatment would have to be maintained. The preferable course, however, would be to split them up, a step which has other reasons also to recommend it. The retention of such constituencies in 1885 was due, as has been said, largely, if not entirely, to Mr. Gladstone's personal sentiments. On the other hand, we have found them generally unpopular. They are an obvious anomaly in an otherwise uniform system; theoretically undesirable, because the same electors obtain two representatives and one majority returns two members, they are troublesome in practice both to the party organization and the candidates concerned. We, therefore, suggest that they should be discontinued at the earliest convenient opportunity.

(Reports of Commissions, etc., 1910, Volume 20, page 305).

Now, gentlemen, the only claim made for this method of voting is that it will elect a candidate by an absolute majority of the total votes cast in an electoral district. Well, that is achieved only by the manner in which the system is applied. In the province of Alberta and in the province of Manitoba, an elector votes for the candidate of his choice and may indicate his preferences for the other candidates whose names appear on the ballot paper. An elector must vote for one candidate and if he wants to indicate his preferences with respect to the other candidates it is optional for him to do so. But as the result of allowing an elector that discretion there is a considerable amount of plumping; that is, the elector will quite often only mark his ballot for the candidate of his choice and will disregard all the names of the other candidates printed on the ballot paper. If you look at the first page of this memorandum you will observe, an example where a candidate was elected by an absolute majority of the total votes cast, and this example was for an actual election in the province of Alberta. There you will observe the total number of votes cast was 4,237, and you will also observe that the candidate, Mr. Holder, did not receive an actual majority of the total vote cast on the first count, so there had to be a second count. On the second count 394 of the votes on which first preferences had been marked for Mr. Nadeau went to Mr. Holder, and 135 to Mr. Toane; and you will also observe that 389 electors plumped by voting only for Mr. Nadeau and no other preferences were exercised for the other candidates on his ballot papers.

Mr. CANNON: Would you mind explaining what you mean by plumping?

The WITNESS: That occurs when the voter marks his ballot for only one candidate on a ballot. In this case there were 389 plumpers. In this first example, in order to get an absolute majority in this particular election, the elected candidate must receive at least 2,119 votes. In this case the elected candidate received 2,491 votes, which represents a majority of the total votes cast. He is therefore a candidate elected by an absolute majority in the full sense of the term. But turn over to page 2 and you will see that a candidate can also be elected by a minority vote; this system can also elect a candidate by a minority of the total votes cast. There you will see that there was a total of 4,072 votes cast and that the candidate who received the greatest number of first preferences on the first count was Mr. Laut. As he failed to receive an absolute majority of the votes required, namely 2,037 votes on the first count, there had to be a second count. Mr. MacGregor, who had 902 votes, was eliminated, and of all the first preference votes that he received, 155 ballots had second preferences for Mr. Laut; and there were also 237 ballots with second preferences for Mr. Wray. You will observe there were 510 first preference votes of Mr. MacGregor which were not transferable; that is, they were plumpers. The result was that Mr. Wray, was elected by a minority of the total votes cast. He had 1,568 votes on the first count and 237 were transferred to him from Mr. MacGregor, who was eliminated, and that gave him a total of 1,805 votes. In view of the fact that to obtain an absolute majority of the total votes cast in the case of this particular election, as shown on page 2, a candidate had to obtain 2,037 votes, the successful candidate, Mr. Wray, was elected by a minority of the total vote cast, so that actually a minority candidate was elected.

Now, if you will look at the following page you will see that that is not an exceptional occurrence; it happens quite often. On page 4 you will see that the province of Alberta had 75 elections in which more than one count was made and that 38 candidates were elected by a minority vote at such elections. In the province of Manitoba this same system was used at elections and you will see there that there were 70 elections which required second counts and 49 of the candidates elected at such elections were minority candidates. The election of minority candidates at elections held in the provinces of Manitoba and Alberta are a direct result of plumping. In Australia there are no minority candidates elected; first, because it is compulsory for the elector to vote, and secondly in doing so he must mark his ballot in the order of his preferences for all the candidates listed on the ballot paper; so there are no minority candidates in the case of Australia where the same system is used; but you will observe that in the case of both Alberta and Manitoba more than 50 per cent of the candidates elected where there are second or third counts, are minority candidates elected because of plumping.

May I now call your attention to page 5. I was able to determine the number of plumpers only with respect to the candidates who were eliminated at these elections. There was no way for me of ascertaining the number of plumped votes for the candidates who were not eliminated. And here you will see that in the province of Alberta, out of 70,002 ballots, 35,300 were plumpers—35,300 out of 70,002 electors were plumpers, or 53.22 per cent. Those are the votes cast for the candidate who received the lowest number of first preference votes. There is no way for me of examining the first preference votes cast for Mr. Holder, let us say, to find out how many of his first preference votes were plumpers; but you will observe in the example on the first page the number of votes for Mr. Nadeau which were not transferable, illustrating to you the number of plumpers as 389. I was, as previously stated, only able to obtain figures in respect to the candidates, who received the

smallest number of first preferences, and that is how those figures were arrived at, showing that the number of plumpers in the province of Alberta which amounted to 53.22 per cent and that again with respect only to the candidates who were eliminated on the second count.

On page 6, in the province of Manitoba, out of 86 candidates eliminated during the second or a subsequent count, 65,141 ballots of such candidates who obtained the smallest number of first preferences; of this number, there were 34,248 ballot papers on which no second preference was indicated. In other words, they were plumpers—52.58% of the voters were plumpers. So, when you stop to think about it, the claim that this system would elect a candidate by an absolute majority of the total votes cast is rather open to dispute in view of the results obtained in both the province of Manitoba and the province of Alberta. In a few cases in the said provinces, the elected candidate may have received a greater support from the electorate than under our system but they are still elected by a minority of the electorate. It may be held to be a good system on the basis that it will elect a candidate with more votes marked for him than against him. That is not consistently achieved in the said provinces with this system because of this practice of plumping. In the case of Australia they definitely do not allow plumping, and a candidate is always elected by an "absolute majority".

Now, this system was studied by the committee to which it was referred in 1936, and I have attached to this memorandum the report of the commissioner who made a very thorough and exhaustive study of the system. It follows after page 6. Another exhaustive and authoritative study was made of this system in 1910 by the Royal Commission of Great Britain on systems of election. You will observe that there are certain recommendations, and I would refer you particularly to those set out in paragraph 25 of their report in which it is stated that, "the system is not capable of satisfactory application to two-member constituencies"—in other words, dual member constituencies—and we have those in Canada. You will see that further on in paragraph 22 it is stated that it was considered that plumping would not occur. In the commonwealth of Australia they first used the alternative vote at state elections and then they adopted it for federal elections; and in the first federal election when this method was used, the compulsory method was adopted, although in the state election they had previously used the voluntary method, making it optional for the elector to mark his preferences for such candidates as he desired. In 1910 the royal commission considered that plumping would not occur. However, over a period of 25 years, both in the province of Alberta and in the province of Manitoba plumping has occurred, and the figures show that there still is plumping and it has not been reduced; that is, on the basis of the figures I have placed before you here, and those are authoritative figures which are obtained from the clerks of the legislative assembly in the province of Alberta and the province of Manitoba. Also, I spoke to several of the provincial returning officers in the province of Manitoba and in the province of Alberta; I asked them their opinion as to the number of plumpers at provincial elections, and they put it as high as 60 per cent; and their opinion is pretty well borne out by the figures given for the candidates who were eliminated, which I have submitted to you.

That is all the evidence I have to offer on this matter, Mr. Chairman. If there are any questions I will try to answer them.

Mr. FAIR: Mr. Chairman, in introducing this subject I stated that I was in favour in part of the system in use in Manitoba and Alberta, but I think something should be done to eliminate the possibility of plumping, because plumping is a thing which we have had there for quite some time; but it does not ensure

candidates being elected with a majority of votes. I would favour having something in the report which will ensure that ballots are properly marked, right down to the end.

Mr. MACDOUGALL: Mr. Chairman, we have the experience of 18 or 20 years ago with respect to this present system as it applied in the case of the election of the city council in the city of Vancouver. One of the outstanding recollections I have is that before they finally arrived at the names of the candidates who were elected a period of six days had passed before the tabulation of the vote was completed. That was an obvious draw-back, quite aside from the mental hazard. It seems to me that we would be getting away from the principles of democracy if we were to draft a section which would make it compulsory for an elector to vote for every man or woman whose name might appear on a ballot, particularly if such an individual might be a person for whom the voter would not want to vote. Now, Mr. Chairman, it is quite conceivable that in many of the electoral districts throughout the Dominion of Canada, if this suggestion advanced by Mr. Fair carries, there might be various constituencies where among the four, five or six candidates whose names might be on the ballot paper there might happen to be a communist and you would have to mark a ballot for him. Now, speaking personally, I do not want to do that. It seems to me that in that way we might write into our electoral law in the way of compulsion, something which would force the elector to vote for somebody whom he does not intend, desire or want to vote for and in doing that we would be countermanning the great principle upon which our democracy is built. Then, again, as the Chief Electoral Officer has pointed out, it is not applicable in dual-member riding. And now, if this principle was adopted in dual-member ridings you would have to go on the basis of proportional representation, because this is only applicable to single member ridings; and if there ever was a headache in God's world it is this question of proportional representation and the counting of the vote. Without in any way being discourteous to my good friend, Mr. Fair, I would like to suggest that we do not adopt this system of the single transferable vote for the federal seats.

Mr. WYLIE: Mr. Chairman, there is one point on which I am not quite clear on page 1 of the material supplied to us by Mr. Castonguay. It shows that there were 389 non-transferable votes. Well now, they were all first choice votes, these were plumpers?

The WITNESS: Plumpers, yes.

Mr. WYLIE: These votes, then, would have been counted in the first instance in the figures shown in here so that that could not be taken as a candidate being elected by a minority vote, because those votes were all counted in the first instance.

The WITNESS: As I tried to explain, Mr. Chairman, the candidate elected in this case had to obtain 2119 votes to be elected by an absolute majority. In this case Mr. Holder only obtained 2,097 first preference votes, but on the second count, with the transfer of the second preferences marked on Mr. Nadeau's ballots, he obtained 2,491 votes while Mr. Toane obtained 1,357 votes and 389 were plumpers. And now, you will see that these three figures add up to the total number of electors who originally cast their votes; namely 4,237 electors. That indicates the total number of electors who voted. Also, you will notice in the third column headed "result" that the total figure is, necessarily, the same—4,237. As I explained, in the province of Alberta and in the province of Manitoba, it is not essential that the candidate who is elected on the final count, has a majority of the total votes cast by the electors, rather he has a majority of the votes at the count during which he is elected; he has not, however, received an absolute majority of total votes cast by all the voters, which

is different. So in order to analyse these figures you can't just wipe out those 389 plumped votes cast for the candidate who was eliminated and not consider them in the final analysis.

Mr. WYLIE: Yes, and they are first choice.

The WITNESS: They are all first choice, you have to consider them in the final analysis because they still represent voters. In this instance, in the first example, the candidate was elected by an absolute majority of the votes on the second count and also by an absolute majority of the total votes cast; but, in the second example, during the second count it was established that there were 510 plumpers and because of this the candidate was elected by an absolute majority on the votes considered in the second count but not by an absolute majority of the total votes cast, the 510 plumpers represent voters and they must be taken into account in the final analysis.

Mr. WYLIE: That is, you have to take them on second count.

The WITNESS: On each count you still have to consider the total number of electors who originally voted to establish whether a candidate is elected, by an absolute majority of the total votes cast. In the final analysis the alternative method of voting, in the province of Alberta or the province of Manitoba, does not always ensure the election of a candidate by an absolute majority of the total votes cast by all the electors. In the case of second or third counts, the candidate elected on such counts obtains only a majority of the votes considered at such counts and not a majority of the total votes cast.

Mr. FAIR: The system should be the same as they have it in Australia, eliminating the plumpers altogether, then you would get candidates who would have a majority of the votes at an election.

The WITNESS: The compulsory requirements to vote and to mark the ballots for all candidates listed thereon at elections to the House of Representatives in Australia has only resulted in a percentage of 2 to 3 per cent of rejected ballot.

Mr. FAIR: So that errors were pretty well cleaned out.

The WITNESS: Yes, fairly well. But, at Senate election in Australia where they formerly where they used a combination of the proportional representation and the single alternative vote the percentage of rejected ballots was 10 per cent, never less than 10 per cent of the total vote cast. The method was not strictly the alternative method of voting; it was a form of proportional representation and a form of the single alternative vote. There are two general system of transferable voting; there is the one to which Mr. MacDougall referred as being once used in Vancouver; that is proportional representation and there is the alternative method which is now under consideration and which is a different system altogether from proportional representation. To apply proportional representation to a city like Montreal, it would for example be divided into two multi member electoral districts and ten candidates would be elected in one multi member district and ten candidates in the other. On the other hand to apply the alternative method of voting to Montreal you would have 20 single member electoral districts returning one member for each electoral district.

Mr. FAIR: This system I am supporting would be for the single member constituencies.

The WITNESS: Yes.

Mr. MACDOUGALL: But you are including compulsion, every elector would have to vote for every candidate whose name appears on the ballot.

Mr. FAIR: Yes, he must vote for every one on the ballot; there is compulsion that far, at least.

Mr. MACDOUGALL: That means that you have to vote for a man or a woman whom you do not like and for whom you would not want to vote under any circumstances. What you are advocating now is that you would compel every voter in Canada to vote for somebody that they did not want to vote for. That is the point I object to.

Mr. FAIR: But they would mark their ballot for such a candidate so low down on their list of selections that such a candidate would not have a chance of getting elected.

The WITNESS: May I draw your attention to page 3, where there is set out more complete statistics on the results obtained from the alternative vote; you will see that in the province of Manitoba since 1927 there have been 268 individual elections at the last six provincial general elections; in these 268 individual elections there were 103 elections contested by three or more candidates—by at least three candidates—and that the number of such elections which required additional counts before a candidate was elected out of that total of 103 elections was 70. And now, in those instances, out of the 70 elections where further counts were held, the candidates who polled the largest number of first preferences on the first count were defeated in only four instances on subsequent counts; in other words, the results of the first counts were only upset on subsequent counts, at four elections.

You will see that in the province of Alberta there were 293 individual elections at the last six provincial general elections of which 225 were contested by three or more candidates and that at 75 elections more than one count was required and that as a result of those further counts in only six instances was the candidate, who had the most first choices on the first count, defeated on subsequent counts.

And now, in connection with the House of Representatives in the Commonwealth of Australia there were 493 elections over a similar period of six general elections for the House of Representatives and of that number 336 electoral districts had three or more candidates, and of that number 138 electoral districts had more than one count and out of that total of 138 there were 45 first choice candidates who were defeated on subsequent counts. That gives you a clearer picture of the results obtained by this method of voting.

Mr. MACDOUGALL: If there is no further discussion I would move that our present system of voting be recommended for incorporation in the present bill.

Mr. VIAU: Well, Mr. Chairman, that would mean that there would be no change.

Agreed.

Mr. FAIR: Before doing that, may I say that this is a new idea in dominion elections, and requires further study by our election committee. I do not know how the voting will go, but if the vote is in favour of the motion here I reserve the right to take the matter up in the House. I do not know how the vote will go, that is entirely the business of the committee. But I think it is something worth while. I think it has some good in it. I know of many things that have failed on first presentation but which have succeeded later on after certain things have been added or certain changes have been made, and it is my intention not to leave the matter where it is now.

The ACTING CHAIRMAN: You have made a very good presentation of your case, Mr. Fair.

Mr. DEWAR: Mr. Chairman, I am one of those who hold the view that before we enact this system into law with respect to federal elections it would be desirable first to have it put into effect in each of the provinces and get the people to accept it and become thoroughly familiar with its operation. I think that should be done before we bring it into the federal picture, get it tried out

by all the provinces of Canada. I know that it has been tried in the province of Alberta and the province of Manitoba. As I see it, it will be very difficult at the present time to put this into the Act to operate across Canada until such time as it is better known.

The ACTING CHAIRMAN: Perhaps we should have a vote on it.

Mr. HERRIDGE: Before you vote, Mr. Chairman, I would like to express my opinion. I appreciate Mr. Fair's presentation. I understand his argument for the alternative vote. But, speaking for the party I represent, I could not support that vote for these reasons: The purpose of the single alternative vote is to attempt to assure the election of candidates with an overall majority of the number of electors supporting a candidate but, in order to be certain of that, it is obvious from the presentation by Mr. Fair and by the Chief Electoral Officer, that there must be compulsion in so far as the voter is concerned in that he must mark his ballot for all the candidates whose names appear on that ballot, and the effect of that compulsion would be to force a man to vote for people for whom he does not wish to vote at all, and that, in my opinion would be destroying the very objective of the change proposed in the voting system, because the voter would be required to vote for somebody whom he did not desire to vote for at all. A person would have to vote for some candidate or for something with whom or with which he did not agree. The second reason I would oppose the alternative vote—and I am sure that Mr. Fair would agree with me on this—is that it should be in effect in all the provinces now. I do not think that would affect the principle of it at all, but it is, I remind you, a complicated form of securing an election of members to the legislature or to the House of Commons or any other representative body, not suitable to the conditions under which we operate today; it is too complicated and confusing; and I am sure I am right in saying that in the light of present circumstances it would not reflect the public thought.

Mr. FAIR: In reply to that, Mr. Chairman, may I say this; that even though we work under a democratic form of government I doubt if we have a truly democratic representation in the House of Commons because many, many of the members here, as has been pointed out on different occasions, are here with a very small percentage of votes.

Mr. DEWAR: You find it working out in Alberta, even where a candidate is elected on a second choice.

Mr. FAIR: I am talking about the members who are here with less than a majority of votes in a riding.

Mr. DEWAR: Under the figures given in this statement which Mr. Castonguay supplied us, the Alberta figures represent the experience of 223 elections.

Mr. FAIR: I say that we are not having the effect of democracy today when we have so many candidates who receive less than 50 per cent of the vote.

The ACTING CHAIRMAN: I think we have had a very fair discussion of this question. Do you want a recorded vote, or a show hands?

All those in favour in retaining the present system of voting please signify by raising the hands?

Those opposed?

I declare the motion carried.

Is there anything else.

Mr. CANNON: There is one other matter, Mr. Chairman. It was brought up by Mr. Boisvert. He was not a member of this committee, but I think he spoke about it before the committee last spring.

Mr. WYLIE: I think you should take these matters in the order that you have them before you, Mr. Chairman.

The ACTING CHAIRMAN: The clerk has a list of them here.

Mr CANNON: I think we had better take the one by Mr. Cameron.

Mr. MACDOUGALL: I think we should take them in the order in which they are before the committee.

The WITNESS: Mr Cameron's suggestions were dealt with last year.

Mr. MACDOUGALL: Oh, were they?

The WITNESS: Yes.

Mr. CANNON: Mr. Boisvert's suggested amendment referred to paragraph (c), of subsection 2, of section 20, of the Canada Electoral Act, concerning persons who are ineligible as candidates, and amongst those are:

(c) a shareholder in any incorporated company having a contract or agreement with the government of Canada, except any company which undertakes a contract for the building of any public works;

Mr. Boisvert's point was that respecting certain companies like the C.P.R. and the Foundation Company, and large companies of that sort, whose shares are listed on the market and are very widely distributed a candidate might be a shareholder in the C.P.R. or a shareholder in the Foundation Company of Canada and find himself not eligible just because he is a shareholder in one of these companies; and what he suggested was that the Act be amended so as to make ineligible only the man who is an officer of such a type of large company, or a shareholder in a private company. If he were a shareholder in a small private company it might be assumed that he might have an interest in a contract with the government, but if he is a shareholder in a very large company the situation would not be the same, it would not have any influence on his action as a member of parliament. So he has suggested that this paragraph be amended so as to read:

A shareholder in any incorporated company having a contract or agreement with the government of Canada, except any company which undertakes a contract for the building of any public works:

He is not here, so I thought I had better ask about that and ask Mr. Castonguay if he will look into the suggestion.

The WITNESS: I haven't looked into this matter, as Mr. Boisvert said that he was going to take it up with the Department of Justice.

Mr. CANNON: Oh, did he?

The WITNESS: Yes. I am not aware of anything that has been done since.

Mr. DEWAR: I think that is a good suggestion. I do not see why it should be confined to the matter of private concerns. There, again, it is a discrimination against the small individual; and anyway, any shares that I have have to be declared.

Mr. CANNON: That is what he wants to eliminate.

Mr. DEWAR: You also said if it would be possible for a private corporation—

The WITNESS: Mr. Chairman, there is one point which relates to the House of Commons Act. I was informed that a similar amendment would have to be made in the House of Commons Act because if you make this amendment to the Elections Act a candidate who was elected may still be ineligible to sit in the House by reason of the provisions of section 15 and section 20 of that Act. Section 15 reads:

No person, directly or indirectly, alone or with any other, by himself or by the interposition of any trustee or third party, holding or enjoying, undertaking or executing any contract or agreement, expressed or implied, with or for the government of Canada on behalf of the

Crown, or with or for any of the officers of the government of Canada, for which any public money of Canada is to be paid, shall be eligible as a member of the House of Commons, or shall sit or vote in the said House.

Mr. WYLIE: I would suggest, Mr. Chairman, that this matter be left over until our next meeting so Mr. Boisvert can be here and give us the benefit of any further information he may have about it.

Mr. MACDOUGALL: Did I understand your remarks correctly; that you are in favour of the change suggested but that in order for it to be made it would be necessary to have a similar change made in the House of Commons Act?

The WITNESS: Yes; Mr. Chairman, I was in error, section 15 of the House of Commons Act does not apply, it is section 20 of the House of Commons Act, which may require a concurrent amendment, there is an identical provision in the section, which reads as follows:

20. This Act shall not extend to disqualify any person as a member of the House of Commons by reason of his being:

(a) a shareholder in any incorporated company having a contract or agreement with the government of Canada, except any company which undertakes a contract for the building of any public work;

Mr. FULFORD: And that would include this new Department of defence purchasing?

The WITNESS: Yes, if it is deemed to be a public works.

Mr. FULFORD: Or the Department of Defence Production which does all the purchasing for the Department of National Defence.

The WITNESS: Yes if it is deemed to be a public work.

Mr. FULFORD: Why should there be any difference, as long as it is a crown company? I do not see why it should be limited to public works.

Mr. DEWAR: No, the Department of Defence Production does the purchasing of supplies for these other departments.

The WITNESS: My understanding as previously stated, is that there may have to be a similar amendment made to the House of Commons Act and to the Election Act in order to make it effective. If an amendment were made to this Act and not to the House of Commons Act a member might be elected and not be able to take his seat. He could qualify as a candidate but he could not qualify to take his seat in the House because of provisions of the House of Commons Act; as if my information is correct, there has to be an amendment made to that Act also in order to give effect to the proposal contained in this amendment.

Mr. FULFORD: It would define the conditions under which one could be elected.

The WITNESS: Yes. He could then be elected under the Election Act and also be capable of taking his seat under the provisions of the House of Commons Act.

Mr. FULFORD: That prohibition would not be limited to public works.

The WITNESS: Yes as it is drafted.

Mr. FULFORD: One would seem almost to be contradictory to the other. For instance, we know that the public works department builds post offices in all parts of Canada.

The WITNESS: They build them, yes.

Mr. FULFORD: That is true; and, as you know, there is a very large amount of treasury funds being spent for every sort of government enterprise.

Mr. DEWAR: Yes, air force construction for instance.

Mr. FULFORD: Yes, and munitions and supplies. This would mean that I could not sell lumber to anyone, that I could not do business with government people or people who were building anything for any of the departments.

Mr. DEWAR: I think that is crazy.

The WITNESS: My predecessor explained to me that in 1926 there was a very prominent person who wanted to be candidate but he was a shareholder in, I think it was the Dominion Steel Company. Colonel Biggar, who was then the Chief Electoral Officer, advised him to sell his share in view of the provisions of this section; and this prospective candidate, who was also a very able lawyer, agreed that he would have to sell his shares in Dominion Steel in order to be qualified as a candidate at that election. I think this firm, at that time has contracts for putting steel work in public buildings that were then in course of construction. That is the only case of which I know.

The ACTING CHAIRMAN: Well then, gentlemen, would you accept Mr. Wylie's proposal that this discussion be left over to our next meeting.

Mr. FULFORD: It could be left over. I think it is very important that it should be brought up and be clarified.

Mr. FAIR: I am in agreement with Mr. Wylie's suggestion; I think it should be held over.

Mr. CANNON: I think it should be held over, Mr. Chairman.

The ACTING CHAIRMAN: Do we need a motion for that?

Mr. MACDOUGALL: What was Mr. Wylie's suggestion?

The ACTING CHAIRMAN: There is another suggestion here which has to do with the Doukhobors in a new constituency, and that will have to be left over to our next meeting.

Mr. HERRIDGE: We dealt with that at our last meeting. That one was voted on at the last session, and at the last meeting this session. I think the chairman said he would try to find out what consideration the government is giving to that recommendation.

The ACTING CHAIRMAN: Yes.

Mr. WYLIE: There is Mr. Argue's question.

The ACTING CHAIRMAN: There is one other suggestion here that Mr. Argue filed with the clerk; the suggestion that we consider lowering the eligible age of veterans from 21 to 18. Do you want us to touch that?

Mr. BRYCE: I think you know what I am going to say about it. If a man is intelligent enough to go over and fight at the age of 18 he should be intelligent enough to vote at the age of 18. If we consider that a man is intelligent enough to go and fight then I think we should recognize that he is intelligent enough to be able to vote; a man who fights for his country should certainly have the right to vote.

Mr. MACDOUGALL: We have voting regulations as far as the active forces are concerned, have we not, Mr. Chairman?

The WITNESS: Yes.

The ACTING CHAIRMAN: Is there any further discussion on this point?

Mr. HERRIDGE: I suggest that it stand.

Agreed.

The ACTING CHAIRMAN: That is the last of the suggestions that have been filed. May we report the bill?

Mr. BRYCE: Might I ask a question? If a man is 18 and he has been in the forces and has been discharged and an election comes up, does he still have the right to vote? He has the right to vote if he is a service man, what is his position once he has been discharged?

The WITNESS: If he had been in the forces on active service he would have the right to vote.

Mr. BRYCE: Well, let us say he is discharged from the army, and he is only 20, and that an election comes on; what is his position?

The WITNESS: He still can vote, provided he has seen active service in the Canadian forces in Canada or abroad before his discharge.

Mr. FULFORD: Whether he was on active service in Canada or overseas?

The WITNESS: Right.

Mr. BRYCE: The mere fact of active service qualifies him?

The WITNESS: Yes. If he has served in Canada, or elsewhere.

Mr. WYLIE: Suppose he has only been in the reserve forces?

The WITNESS: If he had been a member of the reserve force on full time service and has served on active service he would have the right to vote.

Mr. FULFORD: Suppose he just turned out for drill?

The WITNESS: He would not be on active service by doing that only and consequently would not be entitled to vote.

Mr. BRYCE: If he is only 20 and has been on active service but has been discharged, he still has the right to vote.

The WITNESS: Providing he has served on active service, if only for a day.

Mr. FAIR: Is there any length of time he has to be on active service?

The WITNESS: It can be one day, as long as he has been on active service on that day.

The ACTING CHAIRMAN: Shall we report the bill?

The WITNESS: May I say a word about amendments once this bill is reported? Any minor amendments to the bill could be made without any difficulty that is without re-printing the bill and it would expedite the various steps that still have to be taken before this draft bill is enacted into legislation. If it were reported now, there would be sufficient time to enable these steps to be taken.

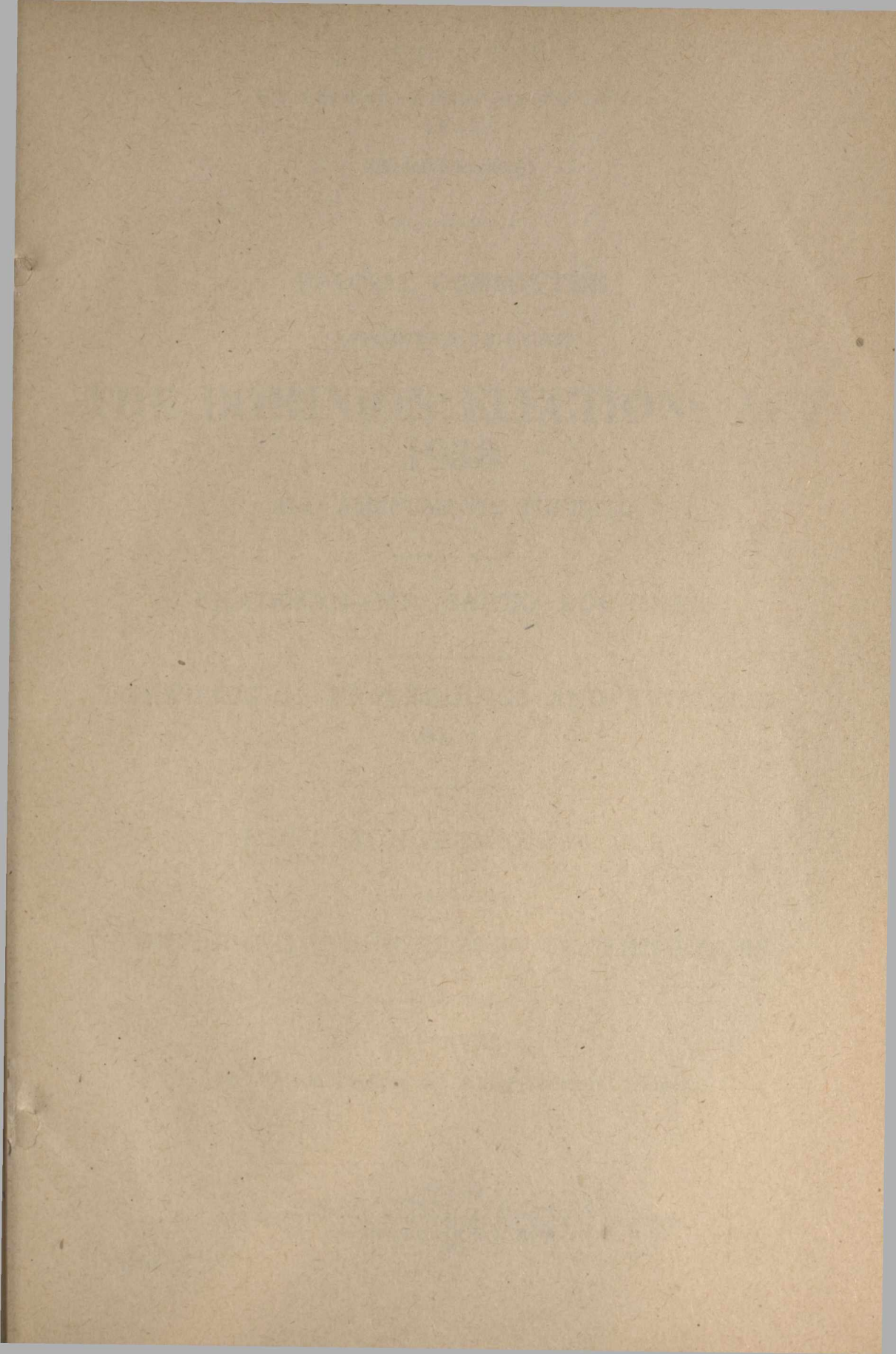
Mr. MACDOUGALL: I move that we report the bill.

Mr. VALOIS: I second that motion.

Motion agreed to.

The ACTING CHAIRMAN: Well then, gentlemen, the committee stands adjourned to the call of the chair.

The meeting adjourned.



HOUSE OF COMMONS
Fifth Session—Twenty-first Parliament
1951
(Second Session)

SPECIAL COMMITTEE

APPOINTED TO STUDY

**THE DOMINION ELECTIONS ACT
1938**

AND AMENDMENTS THERETO

CHAIRMAN—MR. SARTO FOURNIER

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 3

MONDAY, NOVEMBER 26, 1951

INCLUDING THIRD REPORT TO THE HOUSE

WITNESS:

Mr. Nelson Castonguay, Chief Electoral Officer

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

SPECIAL COMMITTEE

ATTORNEYS GENERAL

THE NOMINATION ELECTIONS ACT

1988

AND REGULATIONS THEREIN

CHAIRMAN AND MEMBERS

MINUTES OF PROCEEDINGS AND EVIDENCE

MONDAY NOVEMBER 15 1988

INCLUDING THE REPORT TO THE HOUSE

WITNESSES

Mr. Nelson Crossman, Clerk of the House

PRINTED BY THE GOVERNMENT OF CANADA

REPORT TO THE HOUSE

THURSDAY, November 29, 1951.

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

THIRD REPORT

Pursuant to its Order of Reference dated October 12, 1951, your Committee has studied The Dominion Elections Act, 1938, and amendments thereto; also further amendments suggested by the Chief Electoral Officer.

Following the consideration of the amendments proposed by the Chief Electoral Officer, your Committee in its Second Report under date of November 16, submitted a Draft Bill embodying the recommendations adopted by the Committee.

A copy of the evidence taken by your Committee is appended hereto.

All of which is respectfully submitted.

GEORGE T. FULFORD,
Vice-Chairman.

MINUTES OF PROCEEDINGS

MONDAY, November 26, 1951.

The Special Committee appointed to study the Dominion Elections Act, 1938, and amendments thereto, met at 3.30 o'clock p.m., this day. The Vice-Chairman, Mr. George T. Fulford, presided.

Members present: Messrs. Balcer, Boisvert, Bryce, Cauchon, Churchill, Decore, Fair, Fulford, Harris (*Grey-Bruce*), Herridge, MacDougall, McWilliam, Murphy, Nowlan, Viau, White (*Middlesex East*).

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

The Hon. W. E. Harris made a statement regarding extending the franchise to certain groups of people known as Doukhobors.

The suggestion of Mr. Boisvert to amend Section 20(2)(c) was discussed and dropped.

Mr. Argue's recommendation that the eligible voting age be reduced to eighteen years was considered.

On motion of Mr. Murphy,

Resolved,—That the eligible voting age for voters remain at twenty-one years, except those persons referred to in Clause 6 (1) (2) (4) of the Draft Bill.

At 4:40 o'clock p.m., the Committee adjourned to the call of the Chair.

E. W. INNES,
Clerk of the Committee.

EVIDENCE

NOVEMBER 26, 1951.

3:30

The VICE-CHAIRMAN: Gentlemen, I see a quorum.

Mr. Minister, have you anything that you wish to write off to-day?

Hon. Mr. HARRIS: I understood that Mr. Herridge wanted to hear from me in some form or another.

The VICE-CHAIRMAN: Is the committee ready to hear the minister?

Hon. MEMBERS: Agreed.

Hon. Mr. HARRIS: The committee at the last session passed a resolution which asked the government to give consideration to approaching the provincial government of British Columbia with respect to the possible voting of Doukhobors. The form of the resolution was such that we did not feel any compulsion to approach them; it was merely that we would give consideration to approaching them, and we did that. Having in mind, however, that at this particular time the question of the movement of the Doukhobors from one location to another was a matter of some concern to the people in British Columbia as well as to the government we felt that we would be injecting another note which possibly might not be to the advantage of the government in solving what I think we all agree is a very difficult problem, and, accordingly, we have not approached them. I hope that statement has nothing in it in any way discourteous to the mover of the resolution, because it has only been carried to that extent, but it is felt that this is not the time that such a matter should be proceeded with.

Mr. HERRIDGE: Might I ask the minister a question?

Hon. Mr. HARRIS: Yes.

Mr. HERRIDGE: Are we to take it from that that action on the resolution is merely deferred until circumstances are more opportune?

Hon. Mr. HARRIS: I think that is a fair way of putting it. I think I can assure the committee that if a similar resolution is passed some time in the future the Doukhobor problem will be given further consideration before this committee or one similar to it.

Mr. HERRIDGE: You mean, the Sons of Freedom.

Hon. Mr. HARRIS: Yes.

The VICE-CHAIRMAN: The next item I believe, is to deal with the recommendation by Mr. Boisvert which relates to subsection 20 of the Canadian Election Act.

Mr. MURPHY: Is that in this brief?

The VICE-CHAIRMAN: Oh yes, it is about third from the last page.

Mr. BOISVERT: I put what I have to say in writing. Mr. Castonguay, have you anything to say about that?

Mr. Nelson Castonguay, recalled:

The WITNESS: Mr. Chairman, I have only one observation to make with respect to this proposed amendment to the Election Act and that is that it would require a similar amendment being made to the House of Commons Act and

Senate Act because there is a similar provision in the said Act. If this section were amended a candidate might become eligible for election but still not be able to take his seat in the House because of the effect of section 20 (a) of the House of Commons Act which reads in identically the same terms as this section in the Dominion Elections Act.

Mr. McWILLIAM: Do you think we should have a similar amendment to the House of Commons and the Senate Acts? Do you know anything about that?

The WITNESS: I would not care to express an opinion on that.

Mr. McWILLIAM: You could not deal with the House of Commons or Senate Acts anyway?

The WITNESS: No.

Mr. FAIR: I wonder if in the past there is any record of any member elected to the House of Commons whose election has been questioned under this provision?

Hon. Mr. HARRIS: I do not know that it ever has been invoked in the case of a sitting member, but I do recall one occasion when a member stood up in the House and said he was sure he had offended under this section and he resigned his seat and they had to call a new election in his riding. He made it appear to the House that he was disqualified, but quite inadvertently.

Mr. FAIR: But do the lawyers have any difference with that opinion?

Hon. Mr. HARRIS: No, that was the case there.

Mr. FAIR: According to my reading of it, it is not very good. I think we should start and make the necessary modifications because I can see very readily where anybody could be the shareholder of a company which would disqualify him for the position, not necessarily because he was getting any indirect benefit but simply because he was the shareholder of a company such as has been mentioned here, the Canadian Pacific Railway or many other large companies, and we have such shareholders all over the country. If it is going to put persons in an embarrassing position of that kind I think we better have it cleared up.

Hon. Mr. HARRIS: In view of what the chief electoral officer has said as to the necessity for changes in the other statutes I suppose the thing to do would be to come to some conclusion as to what amendments we thought should be made and to draw that to the attention of the House and have it worked out for the other statutes as well.

Mr. HERRIDGE: Yes.

The VICE-CHAIRMAN: Would you be prepared, Mr. Minister, to bring this to the attention of the proper authorities in regard to the House of Commons Act? By the way, who is responsible for the House of Commons Act, the House of Commons?

Hon. Mr. HARRIS: Mr. Speaker is, I presume.

Mr. MACDOUGALL: That is the only item outstanding, is it not?

The VICE-CHAIRMAN: That is correct.

Mr. MACDOUGALL: Mr. Chairman, would it be necessary that this committee meet again on a very technical point? We have the minister with us today and I think we could all support the statement that he would make with respect to taking it up with his cabinet colleagues and ascertaining whether or not they feel that it would be a proper step to take and from whence that step should come. Personally, I do not believe that this committee has very much jurisdiction over the House of Commons Act or the Senate Act.

Mr. BOISVERT: We have no jurisdiction.

The VICE-CHAIRMAN: None at all.

Mr. MACDOUGALL: None whatsoever. And now, if Mr. Harris will draw that matter to the attention of the government, whoever happens to be responsible—it may be a matter for the prime minister, I don't know—then we would have a clarification of it in the House rather than playing along with it here, because we are really rolling along in the darkness.

Hon. Mr. HARRIS: The question could be raised in the committee of the whole.

Mr. FAIR: Would it not involve the cooperation of two or three groups to deal with it properly?

The VICE-CHAIRMAN: There is one more matter that we have not really dealt with yet and that is the letter of Mr. Argue, his suggested amendment to the committee as to the eligible age of voters being reduced from 21 years to 18 years. I think that should be dealt with one way or the other.

Mr. MURPHY: That, Mr. Chairman, seems to be one of the perennials, of course.

The VICE-CHAIRMAN: I think it is actually, yes.

Mr. MURPHY: And I, for one, am of the opinion that the way it stands now, 21, need not be altered.

Mr. MACDOUGALL: Do you make that a motion, Mr. Murphy?

Mr. MURPHY: I will.

Mr. MACDOUGALL: I will second it.

The VICE-CHAIRMAN: You have heard the motion. Those in favour? Those opposed?

I declared the motion carried.

Hon. Mr. HARRIS: Mr. Chairman, I have a number of things I would like to bring to the attention of the committee, merely for the purpose of clearing up the work of the committee. When this committee was set up in 1950 there was some discussion in the House by members on the resolution drawing to our attention some of the difficulties that had crept into the Act. I do not know whether the committee has formally disposed of these or not. We have, I know, disposed of all the points raised by our own members but I wonder if it is not in order for us to recognize the other members who have spoken in the House, and if we do not feel inclined to debate the measures at least we might note them for the purpose of the record. I have had a summary made of them and with your permission I would read them and if in my absence you have dealt with them I would be glad to know. They are as follows: it was stated that we should permit voting by persons who will be absent from their homes on election day. You remember there was an argument as to whether we should adopt the system used in British Columbia for the benefit of persons who are not in a restricted group. It is argued that every voter should have the opportunity to vote in some manner prior to polling day if he knows he is not available at home.

The VICE-CHAIRMAN: It seems to me we dealt with that.

Hon. Mr. HARRIS: I am seeking confirmation.

Mr. MACDOUGALL: Yes, in 1950 and 1951. We were like Cal Coolidge and sin—"we was agin it."

Hon. Mr. HARRIS: Then Mr. MacInnis referred to the fact that returning officers were not provided with sufficient funds to pay their election officials on time, that it took a long time to get their pay through. Have we discussed that?

Mr. MACDOUGALL: Yes, we dealt with that.

Hon. Mr. HARRIS: And it was mentioned that the polling hours should be longer to permit commuters, particularly in the Toronto area, to vote, and it was suggested something should be done to make the polls available for those persons who have a long way to go. My recollection is we provided three consecutive hours for that purpose.

Mr. MACDOUGALL: We had the suggestion to allow three consecutive hours to vote, which is the same thing.

Hon. Mr. HARRIS: Mr. Hansell suggested elections should be held at fixed periods and should not be subject to the present uncertainty.

The VICE-CHAIRMAN: I think we dealt with that in no uncertain terms.

Hon. Mr. HARRIS: Then Mr. Diefenbaker put forward the argument that the votes of service personnel should be placed under the supervision of the electoral officer and not the commanding officer in the various camps. I take it we have been through that.

Mr. MACDOUGALL: That has all been discussed.

Hon. Mr. HARRIS: There was an objection made by Mr. Diefenbaker that the writing of the service personnel's name on the outside of the envelope did to some extent destroy the secrecy of the ballot. We have discussed that.

Mr. FAIR: I understand under the present system of voting, with the name on the envelope, it may lead to destroying the secrecy of the ballot.

The VICE-CHAIRMAN: We discussed it without dealing with it, as I remember it.

Mr. MURPHY: I do not think it was finalized.

Hon. Mr. HARRIS: My understanding is that there is an affidavit by the service personnel.

The WITNESS: This ballot is as secret as the civilian ballot.

The VICE-CHAIRMAN: You might explain what happens to the service ballot.

The WITNESS: There is an outer envelope on which are printed the name and address of the special returning officer of the voting territory. On the back of the outer envelope there is a declaration which the service man signs, giving his name, rank and place of residence. When the service man has filled out his declaration he gives it to the deputy returning officer and the deputy returning officer gives him a blank ballot in this form. He also gives him a list of the candidates in the electoral district in which he will attribute his vote, and which is determined by maps and a postal guide. The service man then marks his ballot in secret and returns with the ballot; then the deputy returning officer gives him an inner envelope in which the service man himself inserts his ballot, after which he hands the sealed inner envelope to the deputy returning officer who puts it in this outer envelope, and seals it in the presence of the service man. There are no marks on the inner envelope to identify it. After it is sealed, he hands it to the voter and the voter then mails it himself. The only way this can be tampered with is in the mails from the place of voting to the special returning officer's office and that is not probable. There are six scrutineers in that office, two appointed by the leader of the government, two by the leader of the opposition, and one by each party which has a representation of ten members in the House. They act also as clerical assistants and they are there during the whole period of voting and counting. On the Tuesday following the ordinary polling day they take the outer envelopes, there may be fifteen such envelopes in the large envelope for a given electoral district, and the scrutineers, who must be of different political interests, then open such outer envelopes, take out the inner envelopes and put them in the ballot box. They do that for the fifteen. Once these inner envelopes leave the outer envelopes there is no way of telling where they come from. These inner

envelopes are dropped in the box and when they are all in the box is opened and the count is proceeded with. The only way this ballot can associate with this outer envelope would be through collusion of these scrutineers in the special returning officer's office. I do not think that has ever happened and I do not think there have been any complaints of lack of secrecy or violation of the secrecy. We did have difficulty through the fact the service men did not understand the mechanics, so at the last election we prepared a memorandum trying to explain to the service men that the ballot was as secret as a civilian ballot and I have no fear at all of the secrecy being violated.

Mr. NOWLAN: The difficulty is not that. What the Chief Electoral Officer is complaining of is the difficulty in making the men believe it. The returning officer knows his instructions and carries them out, but sometimes the service personnel think the guy on the other end is going to open that envelope and check it and know how he votes. That is the difficulty that Mr. Diefenbaker wanted overcome. I do not know how it can be done, but there should be more publicity given to it so every man knows what we know, and does not believe it is not secret or thinks someone is going to know how he votes. I think it is highly important that the men be given clearly to understand it is as you say it is and as I believe it is. You are perfectly right, the secrecy was not violated; but I am quite certain 90 per cent of the men assumed it was, and they think making them sign their names on the envelope is so you can check them and some guy will say so and so voted in such and such a way.

Mr. HERRIDGE: Following up that, I know the instructions are useful for a considerable number but I think if you are going to convince the men in a certain group that the ballot is secret, something should be done to get the commanding officer or some responsible officer to explain the procedure to the men. I think something like that should be done.

Hon. Mr. HARRIS: National Defence can do that and they could get out a little card saying "what happens to your ballot after you mail it."

The VICE-CHAIRMAN: Is there any further discussion on this?
Agreed.

I do not think it requires a motion.

Then there was a complaint about returns being known in the west before the voting was completed there, and we dealt with that.

Mr. Coldwell made several remarks and one was a complaint about undue expenditure of money by candidates, and there should be some method of checking the amount of money the candidates would spend.

There was also a motion that polling hours should be extended as late as 8 o'clock if necessary to take care of those who wished to vote, and I think we dealt with that also. Mr. Pearkes commented on the secrecy of the ballot for service personnel and Mr. Graydon said that the voters' list provision should be left as it is, but that postcards be sent to the voters saying where and when to vote, and this applies particularly to the more heavily populated areas. Indirectly we have done that because with the list of voters there is a notice where the revising officer will sit and what hours. There is a notice at what hours the revising officer is going to sit to check any notices of objection to any names on the list and also a notice advising the elector where he will vote and he receives that approximately three weeks before the election.

I may add that in 1930 we used to send post cards. Now this is sent to each group with the same surname and then to any other elector who has a different surname. In hospitals and institutions they are sent to each elector. That is the new method recommended last year.

Mr. MACDOUGALL: With respect to the question Mr. Harris brought up on expenditures, as long as politics are politics that is going to be a never ending

question and I think the best thing we can do is follow the guidance of the Good Book in that, and that is, "When thou givest alms give them in secret." and that is that. We will never be able to settle that question there.

Hon. Mr. HARRIS: I think I have covered all the points raised by the speakers in the general debate.

The VICE-CHAIRMAN: I have the draft bill which has now been through the mill of justice. It contains a great many changes, but they are all of a clerical or legal nature as far as I can determine. You will notice the reprinted bill has some changes in wording. Do not feel there are any changes in substance—unless you so find—and then I hope you will refer to them at once.

For example, the change in the first page is in connection with "subsection" and "paragraph". On the next page the change is "votes" to "ballots", and similar improvements in wording. I do not see any change in any particular section anywhere.

It brings to my mind that I read the proceedings of the first meeting of the committee and I think Mr. Nowlan said that he would like to consider the bill before giving his approval to it. I was wondering if he had been able to do that and if there are any points we should determine before we go into the House with it—as a result of that consideration?

Mr. NOWLAN: No, there is nothing I have to raise at the moment. I have checked all the changes against the old bill and the regulations, and I confess there is nothing I can raise at the moment. I would not want to hold the committee up.

Mr. MACDOUGALL: Like Harry Lauder, we are at the end of the road.

Mr. CHURCHILL: It has been stated that in 1950 you discussed the question of enlarging the number of people who might be eligible to vote at advance polls. Was that recorded in the minutes of the committee's proceedings?

The VICE-CHAIRMAN: I know there was quite a bit of discussion on it.

Mr. MACDOUGALL: Did not the conclusion we arrived at bear this out? If we were going to greatly alter the number of avocations, or the persons in certain vocations who would be eligible to vote in advance polls, we would be having several days of general elections rather than one day of general elections. I think that was the final and deciding issue with respect to that debate.

The VICE-CHAIRMAN: Mr. Churchill, it was thoroughly discussed and if I am not mistaken we spent a full day on it.

The WITNESS: Part of two full days.

Mr. CHURCHILL: I just wanted to know really for information. It is a matter of very considerable interest out in our area and I will be asked about it when I get back.

The VICE-CHAIRMAN: As I remember, we did have considerable discussion and if we can find it we will give it to you. We did increase the number of advance polls in each constituency.

Mr. NOWLAN: That was done in 1951.

The VICE-CHAIRMAN: It won't affect the urban polls but it will very materially affect the rural polls.

Mr. MACDOUGALL: I think we discussed the particular question in May of 1950.

The VICE-CHAIRMAN: Last May; 1951. Would you like to discuss it further now?

Mr. CHURCHILL: I did read something in the minutes for last June with regard to some of the categories listed now in the Act, but the point at issue

is that when elections are held in June many of our people are leaving the city for one reason or another. They feel very annoyed that they have not the privilege of casting their votes at an advance poll. They think the Act as it reads refers to a period many years ago when there was not as much travel, not as many people moving about as there are at present.

The VICE-CHAIRMAN: You had something to say on that, Mr. Castonguay?

The WITNESS: Section 95 of the Act in which the various classes are enumerated was revised in 1938. A committee was set up between 1936 and 1938 and they considered the matter very fully. The question came up again when the committee was re-established in 1947 and 1948; and it was also considered by this committee. All committees finally were of the opinion that you cannot broaden the privilege of advance polls because, in effect, you would be creating four full days of general elections instead of one day of general elections. The most that an urban poll can handle is about 350 people a day. If parliament gave the privilege of voting at advance polls to everybody and, there being 40,000 electors in a district, if 10 per cent availed themselves of those facilities you would have 4,000 electors voting at the advance poll. I am speaking of an urban electoral district. There would have to be an increase of about 15 to 20 polls, and then in a rural electoral district you would have to provide an advance poll in each fairly large community or village. You could not give the privilege for instance to one village and not have an advance poll at another village fifteen miles away. The complaint would be: "Why have I got to drive 15 miles to vote at an advance poll."

If the privilege were granted I would have to provide the facilities as Chief Electoral Officer and, with that in mind, it would result in four days of general elections in the final analysis.

Mr. MURPHY: You dealt with costs at that time?

The WITNESS: Well, the costs are tremendous. Speaking from memory I would say an advance poll costs about \$80. You have three days of advance polls and the deputy returning officer will receive \$12 a day, the poll clerk \$8 a day, and the landlord \$10 a day. Then, there is the printed material that goes with it, and fees that go to the returning officer. It does not take very long to get it up to \$100. I would have to establish something like 15,000 advance polls at \$100 each, and I am not sure that people would use the facilities. In the province of Ontario at the last election they extended those facilities to everyone. In the urban districts they provided, I believe, one advance poll per twenty polling divisions. In one district which I know about, Ottawa East, I believe there were no more than 21 electors who voted at the six advance polls. That is \$600 for 21 votes.

It might be said that it was not the proper time of year and people did not take advantage of those facilities. However, if you put it in the statute or in the legislation—well, it is there and these polls have to be established.

Mr. BOISVERT: If you extended the privilege to everybody it would be hard to check on polling day in the urban districts?

The WITNESS: The other big difficulty is a mechanical one. Whenever you issue an advance poll certificate you have to issue a duplicate and see that the duplicate is sent to the polling station where that person would vote if he were not absent. I cannot see, if 10 per cent of people took advantage of this, that 4,000 duplicates could be delivered in those three days. I am not saying 4,000 people would vote but they might and the delivery of 4,000 duplicates in an urban district is quite a job, let alone what it would be in a rural riding. So, there are mechanical difficulties.

The VICE-CHAIRMAN: Mr. Churchill, we have found the information you were looking for and we will give it to you.

Mr. MACDOUGALL: I move we adjourn.

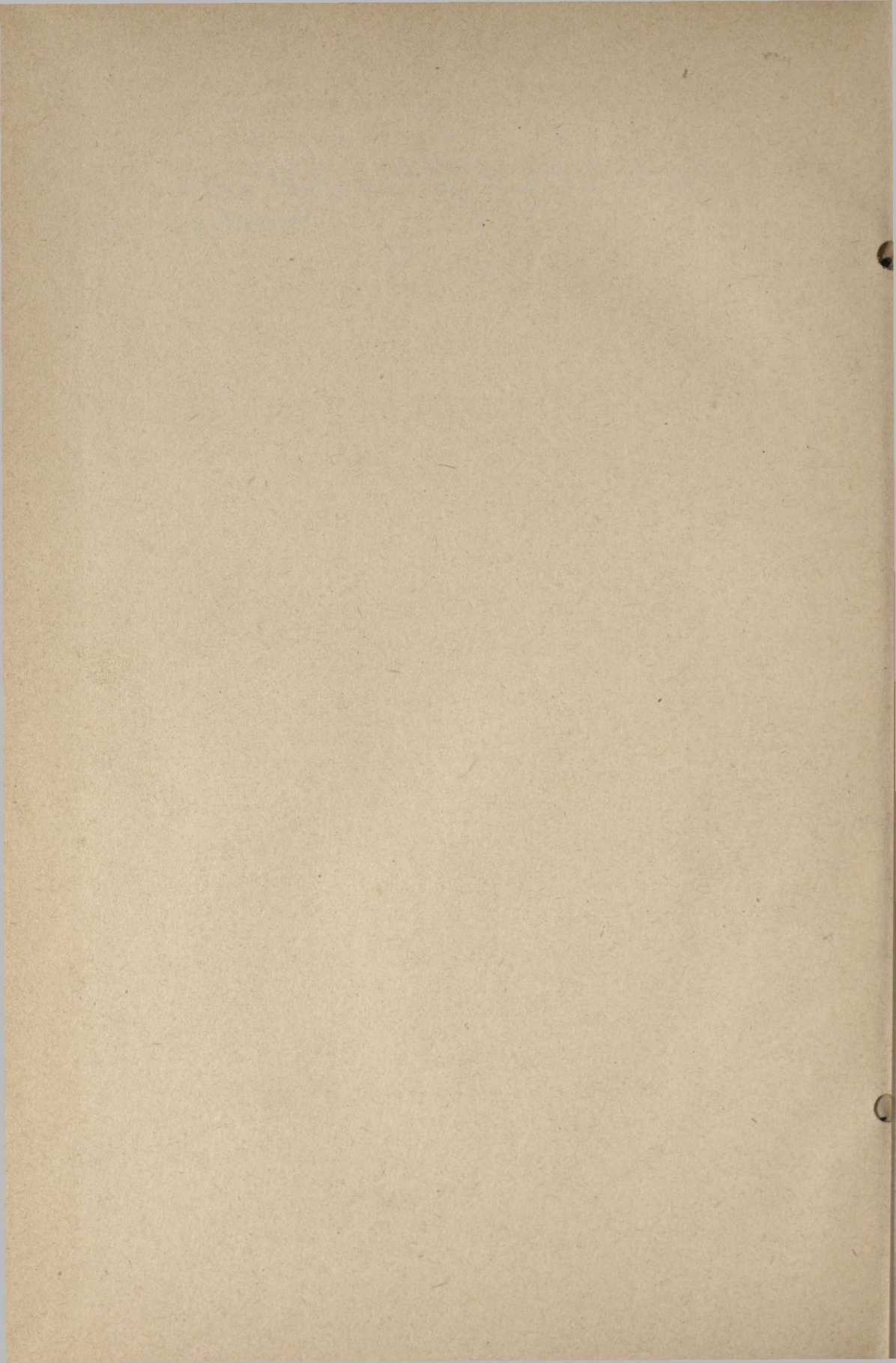
The VICE-CHAIRMAN: Very well, but I should say, gentlemen, that we may have to meet again. There is the question raised by Mr. Boisvert.

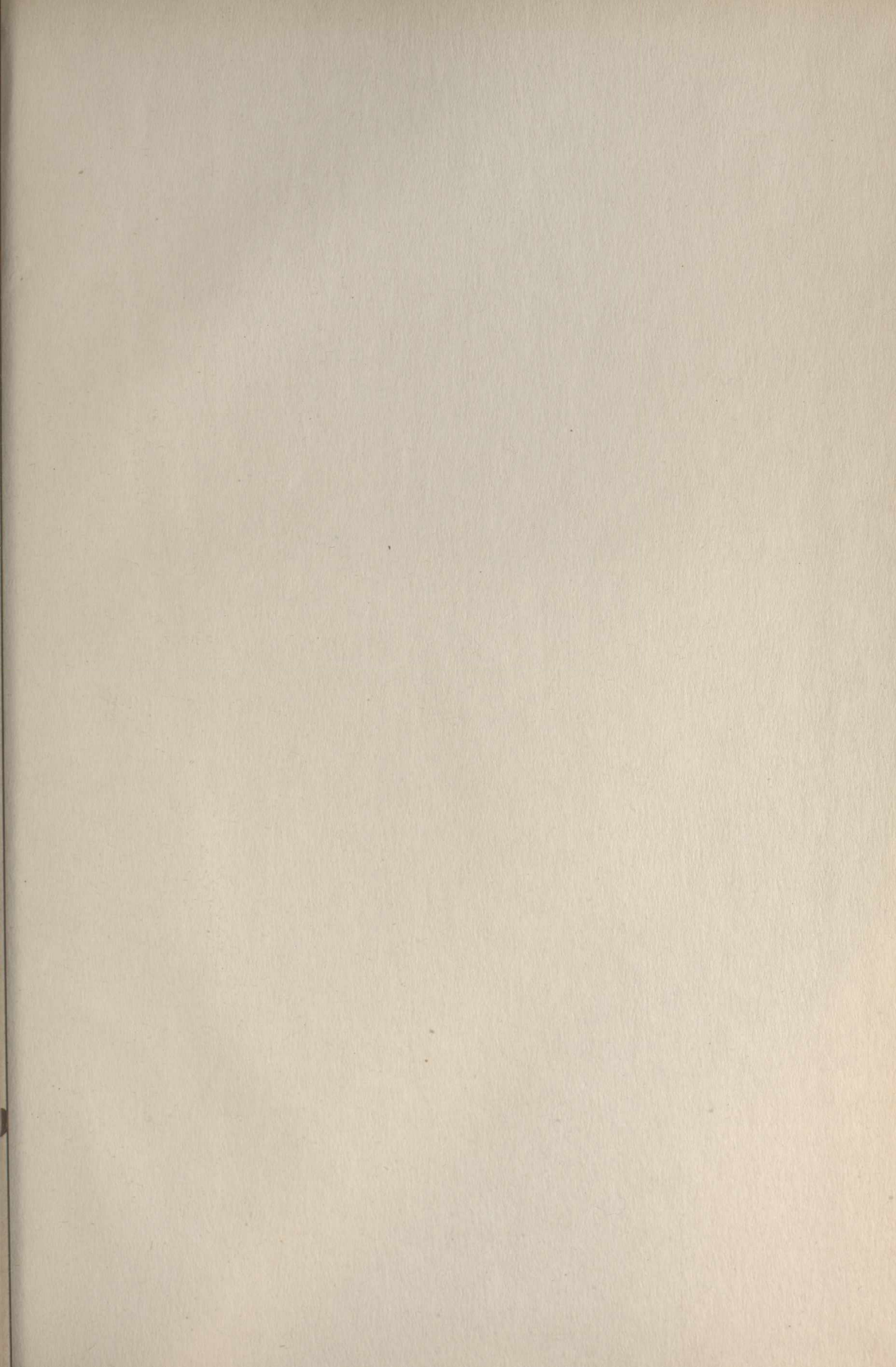
The meeting adjourned.

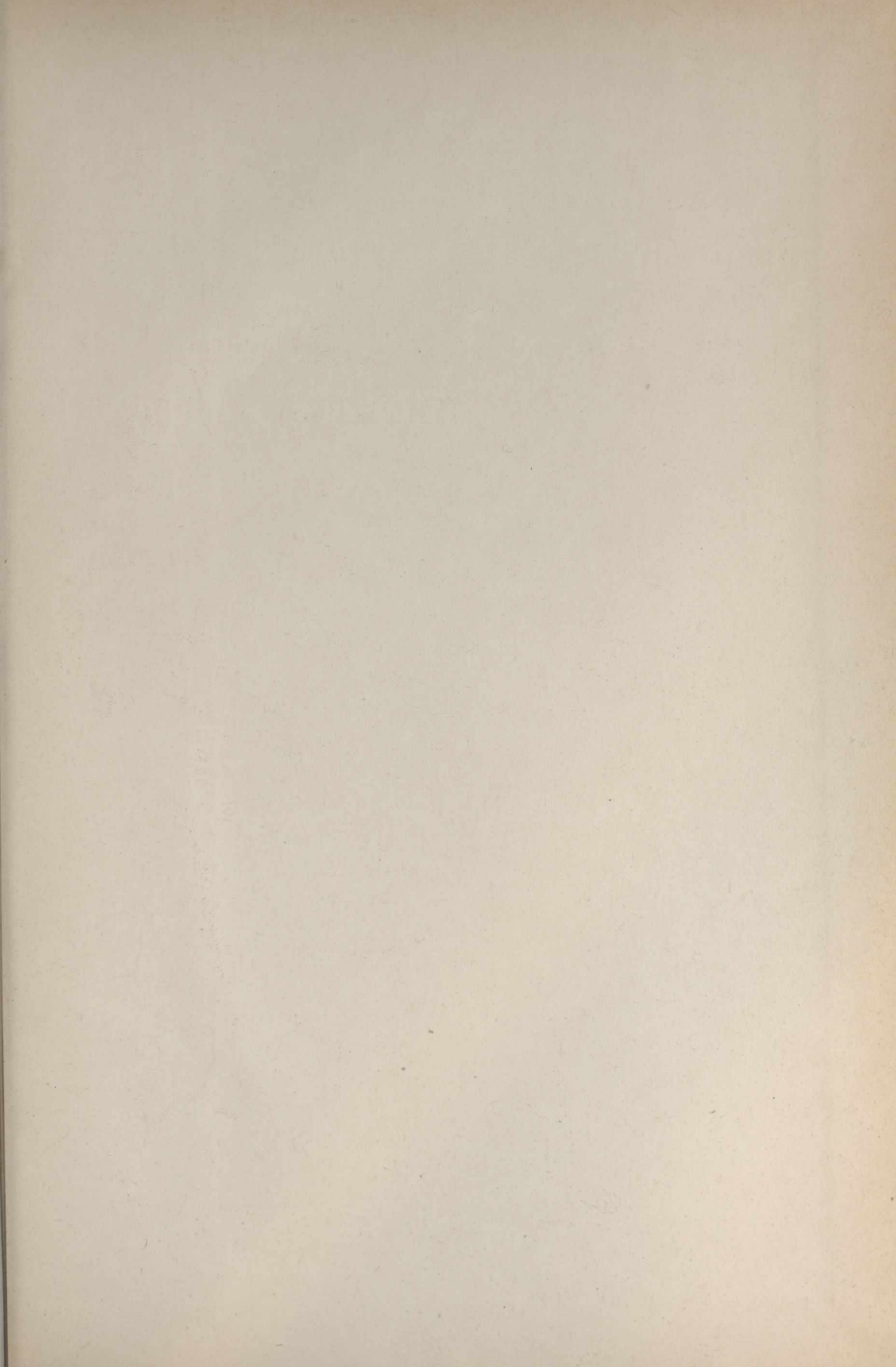
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