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Campbell N. (P.A.)

Canada. Parliament. House of
Commons. Special Committee on
Dominion Elections Act and
Corrupt Practices Inquiries Act,
1929.

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MINUTES OF PROCEEDINGS AND EVIDENCE

SPECIAL COMMITTEE

ADMINISTRATIVE PROCEDURE ACT AND OTHER
PRACTICES INVOLVED

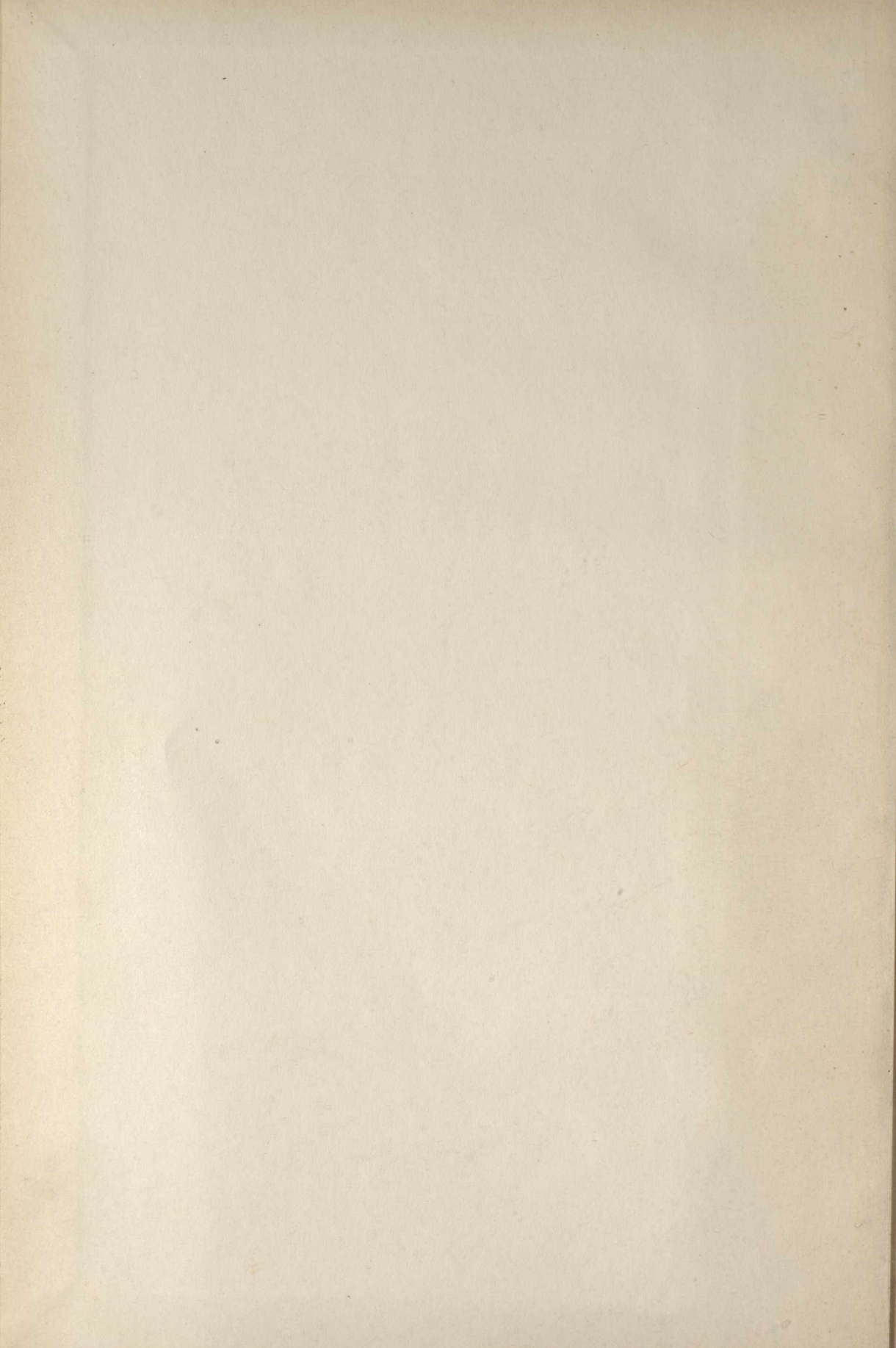
Washington, D.C., January 21, 1929
Tuesday, January 22, 1929

MEMORANDUM

Reference is made to the report of the Special Committee on Administrative Procedure Act and Other Practices Involved, dated January 15, 1929, and to the report of the Special Committee on Administrative Procedure Act and Other Practices Involved, dated January 16, 1929.

Approved: _____

Administrative Procedure Act and Other Practices Involved



SESSION 1929

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT
PRACTICES INQUIRIES ACT

No. 1

Wednesday, February 27, 1929

Tuesday, March 5, 1929.

WITNESSES:

E. E. Pelletier and Byron Baker, representing the Railway Transportation Brotherhoods.

T. E. Kaiser, M.P., Jules Castonguay, Chief Electoral Officer; E. E. Stockton, Office of Auditor General.

Appendix of Proposed Amendments to the Act.

ORDERS OF REFERENCE

FRIDAY, 22nd February, 1929.

Resolved,—That a Special Committee consisting of Messrs. Anderson (Toronto-High Park), Bancroft, Bird, Black (Yukon), Bothwell, Boys, Cahar, Cannon, Cantley, Dussault, Elliott, Girouard, Guthrie, Hanson, Jacobs, Kellner, Kennedy, Ladner, Laflamme, Lapierre, MacDonald (Cape Breton South), McPherson, Power, Ralston, Ryckman, St-Père, Sanderson, Sinclair (Queens), and Totzke, be appointed in accordance with the following recommendation of the Second and Final Report of the Select Standing Committee on Privileges and Elections, concurred in by the House on the 5th June, 1928:—

The Committee recommend that a Special Committee of the House should be appointed at the next session of Parliament to examine into the evidence and deliberations of this Committee this year and to study the Dominion Elections Act, 1920, and the amendments thereto, and the Corrupt Practices Inquiries Act, and to suggest to the House such other amendments to the said Acts as they may deem advisable, such Committee to give special attention to the method of selecting returning officers and the preparation of voters' lists.

and that the said Special Committee have power to send for persons, papers and records, to examine witnesses under oath and report from time to time.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

MONDAY, 25th February, 1929.

Ordered,—That the provision of Standing Order 65 under which no special committee may, without leave of the House, consist of more than fifteen members, be suspended in connection with the Resolution passed by this House on February 22nd, appointing the Special Committee on the Dominion Elections Act, 1920.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

WEDNESDAY, 27th February, 1929.

Ordered,—That the said Committee be given leave to print the proceedings and the evidence taken before the said Committee, from day to day, for the use of the Committee and the members of the House; (b) that 100 copies in English of the evidence taken before the Select Standing Committee of Privileges and Elections during the Session of 1928, be printed for the use of the Committee; and that Standing Order 64 be suspended in relation thereto.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

WEDNESDAY, 27th February, 1929.

Ordered,—That the said Committee be given leave to sit while the House is in Session.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

TUESDAY, 5th March, 1929.

Ordered,—That the quorum of the said Committee be reduced from fifteen members to nine members.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

MINUTES OF PROCEDURE

HOUSE OF COMMONS,

WEDNESDAY, February 27, 1929.

The committee being duly convened the clerk called for nominations for the position of chairman.

Mr. Power was then nominated and there being no further nominations the clerk declared Mr. Power elected.

Mr. Power took the chair and called the meeting to order.

Members present: Messrs. Anderson, Bancroft, Bird, Bothwell, Cannon, Cantley, Dussault, Elliott, Girouard, Jacobs, Kellner, Kennedy, Laflamme, Lapierre, Power, Ralston, Sanderson, Sinclair, Totzke.

The chairman read the order of reference and outlined in general terms the order of procedure suggested to be followed.

Upon motion duly made and carried, a subcommittee of Messrs. Kellner, Bothwell, Boys and Power was appointed to prepare and submit a report on procedure.

The chairman advised the committee that Mr. O. M. Biggar had been retained by the Government to assist the committee.

The clerk was instructed to procure and distribute copies of the Dominion Elections Act and the Corrupt Practices Inquiries Act and also the Report of the Chief Electoral Officer for 1926.

The committee adopted a resolution directing the chairman to report to the House recommendations for the printing of the proceedings and evidence of the committee from day to day and of copies of the evidence of the Committee on Privileges and Elections for 1928 and for leave to sit while the House is in session.

The committee then adjourned at the call of the chair.

A. A. FRASER,
Clerk of Committee.

MINUTES OF PROCEDURE

HOUSE OF COMMONS,

TUESDAY, March 5, 1929.

The committee came to order at 10.30 o'clock a.m., Mr. Power presiding.

Members present: Messrs. Anderson, Bancroft, Bird, Black, Bothwell, Boys, Dussault, Girouard, Kellner, Kennedy, Ladner, Laflamme, Lapierre, MacDonald, McPherson, Power, Ralston, Senn, St-Père, Sanderson.

Mr. E. E. Pelletier and Mr. Byron Baker representing the Railway Transportation Brotherhoods, appeared before the committee and advocated amendments to the Dominion Elections Act in respect to Advance Polls (see Appendix hereto).

Mr. T. E. Kaiser, M.P., was called and gave the committee data in respect to the compulsory voting system obtaining in the Commonwealth of Australia.

Mr. Kaiser and Mr. Boys, members of the committee, were appointed to draft amendments to the Act with respect to this subject matter.

Mr. Jules Castonguay, Chief Electoral Officer, was called and filed the Report of the Chief Electoral Officer, dated December 1, 1926.

The witness upon examination expressed his views as to the proper method of appointing returning officers and was requested to draft amendments in accordance therewith, for submission to the committee.

Witness also to prepare and file a statement of the number of returning officers at the last general election who held the office of sheriff in their respective provinces.

Mr. E. E. Stockton of the Office of the Auditor General was called and questioned as to the nature of complaints of returning officers in respect to fees and other remuneration.

Proposed amendments to the Act were filed by Mr. Neill, M.P., and ordered printed in the Appendix to the Proceedings and Evidence.

On motion of Mr. Boys the chairman was instructed to report to the House a recommendation that the quorum of the committee be reduced from fifteen members to nine members. Carried.

On motion of Mr. McPherson the committee adjourned till 4 o'clock p.m. Thursday the 7th inst., when Mr. O. M. Biggar, formerly Chief Electoral Officer will attend.

A. A. FRASER,
Clerk of Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

TUESDAY, March 5, 1929.

The Special Committee appointed to consider the Dominion Elections Act met at 10.30 o'clock, the Chairman, Mr. C. G. Power, in the chair.

LOUIS L. PELLETIER, representing the Railway Transportation Brotherhoods, called.

The CHAIRMAN: Gentlemen, we have with us to-day Mr. Pelletier and Mr. Baker, representing the Railway Transportation Brotherhoods who have some recommendations to make with respect to advance polls under the Act. Mr. Pelletier, will you be kind enough to tell us what you desire to say on this subject?

The WITNESS: Mr. Chairman and gentlemen of the committee: It is not unpleasant to be before you, but we are not here of our own volition; we were directed to come before this committee with these amendments. Probably it would not do any harm to say that we collaborated with the General Returning Officer who framed the Act. It was an experiment at the time. Mr. O'Connor was then the General Returning Officer, and Mr. Meighen, the then Solicitor General, directed us to collaborate with Mr. O'Connor. It was understood at that time that experience probably would show that some amendment would be needed as time went on.

We are in this position, that we have received a great number of complaints from different parts of the Dominion on the working out of the Act, which I will briefly try to explain to you.

Section 102 *re* advance polls for railway employees, sailors and commercial travellers is as follows:

Subsection (8) to read:

(8) Advance Polls shall be open from the hours of two o'clock to five o'clock in the afternoon and from seven o'clock to ten o'clock in the evening of the three days, exclusive of Sunday, immediately preceding polling day.

This is practically a copy of the Ontario Act, which we find has worked very well. It is not necessary for me to enlarge on that.

By the Chairman:

Q. What is the change you propose?—A. The hours now are from 7 to 10 in the evening, and we propose to change the hours to from 2 to 5 in the afternoon and 7 to 10 in the evening of the three days, exclusive of Sunday, immediately preceding polling day. It is not necessary to accept our wording, but this will give you an indication of what we desire.

By Mr. Senn:

Q. At the present time it is only open in the evening?—A. Yes. I might explain to you, to save my doing it hereafter, that this affects railroad men more adversely than any other class of men, because they are working in what

[Mr. L. L. Pelletier.]

is called "chain gang work." That is, they never know whether they are going to be in or out; they might have come in on their regular train on polling day and be called out by an accident, and would have to go because if they did not it would be a case of insubordination which would not be tolerated by the officials. By having these polls open it would give them more opportunity for voting. For many years the men did not know whether they could vote or not, and they got out of the habit of voting. That is the difference between the old situation and the proposed change.

By Mr. Boys:

Q. Do these hours of yours cover all of the runs?—A. Pretty well, yes. Now, subsection 10 reads:

Amend subsection (10) to read:

(10) Every person applying to vote at an Advance Poll shall, before voting, be required by the Deputy Returning Officer to make the following declaration, which shall be kept by the Deputy Returning Officer with the other records of the poll:

The declaration contains but one change, and that is in the wording. It reads:

Declaration

I declare that my employment or calling is that of a Railway Employee, Sailor or Commercial Traveller and necessitates, from time to time, my absence from my ordinary place of residence, and that I have reason to believe that because of possible necessary absence from my ordinary place of residence in the pursuit of my employment or calling, I may be unable to vote at the pending Dominion Election on polling day. I am aware that after voting at an Advance Poll, I have no right to vote or to attempt to vote at any other polling station at the pending Dominion Election.

Dated at....., this.....day of.....10..

Witness.....

Deputy Returning Officer.

.....

Name of Voter.

This was looked upon by many people almost as an oath, and they did not care to definitely say they would not be in, when they might, or that they would be away, when they might be in, and this change is made to meet that condition. It amounts to this, that if a citizen gets a certificate and finds he is not in but expects to be, he cannot make a declaration that he will be out, and vice versa. We have changed the declaration to read "may be away." I am trying to explain it to make it easier for you either to accept our suggestion or to turn it down.

By Mr. Ladner:

Q. Would you not be up against the difficulty that almost anybody could make a declaration? Supposing you used the words "expect to be away by virtue of my calling."

Mr. SENN: Or "I have reason to believe I will be away."

The WITNESS: The declaration of the province of Ontario is very comprehensive. It reads: "... declare that I am at present employed by..... railway company and that I expect in the course of my employment to be absent from my usual place of residence on the day for holding the polls at the coming general or by-election." That is in the Ontario Election Act of 1919.

[Mr. L. L. Pelletier.]

There have been revisions or rather amendments to it since then but it is the same in that regard. However, it goes a little farther than that; that declaration may be taken before a deputy returning officer at the poll, but in this (indicating) there is a registrar appointed. We have had a lot of difficulty over the registrar business. Proclamations are frequently put up giving the hours at which the registrar can be found before whom to make this declaration. There has been the question of difficulty in locating the registrar; frequently he has not been where he was supposed to be. I can give you proof of that. At Ottawa at the last election, we were pestered by a number who had to leave without voting because they could not find the registrar to take their declaration. This would do away with that difficulty. We are simply adopting the Ontario Election Act, which is working out all right. I am quite willing to admit, for instance, that the Ontario Election Act provides that any officer of the poll can exact an oath. We have no objection to that, but may I suggest that there is no law that is proof against fools and rogues, if they want to take advantage of it. I think perhaps Mr. Anderson, of Toronto, is familiar with that Act.

Mr. KENNEDY: Is that due to the preparation of the law?

The WITNESS: No. Before a railroad man or a commercial traveller or a sailor can vote, the law provides for a registrar before whom he has to make this declaration. If you have not made the declaration you are not permitted to vote, and if you cannot get it, you cannot vote. We have tried to simplify the procedure by adopting the provision of the Ontario Act. There are difficulties enough amongst our men to get their votes in, and we thought we would endeavour to simplify it as much as we could without interfering with the sacredness of the ballot at elections. That is about all of our amendments.

By the Chairman:

Q. The registrar of any rural community or the revising officer for any urban polling division is the man who gives you the certificate?—A. Yes.

Q. Are there many rural divisions in which there are advanced polls?—A. Several. Suposing you are a railroad man at Chapleau; the registrar may be three or four hundred miles away.

Q. There are a few advanced polls in the rural communities to-day?—A. Yes.

Q. It would not suit your purpose any better if the man who was to issue these certificates was the returning officer for the division? You would be up against the same difficulty?—A. The same thing. That is why the Ontario Election Act works so well. We have about 40 different divisional points of importance, and the same difficulties would have arisen under that Act if the same provisions were made as are made in this Act. My purpose is not to take up unnecessary time, but to explain why we want these things and I would be glad to meet with your sub-committee and get into an argument with them.

By Mr. Anderson (Toronto-High Park):

Q. Section 102, subsection 15, reads:

15. Revising officers and registrars authorized to issue certificates to vote at advance polls shall attend for that purpose at such times and places as may be directed by the Chief Electoral Officer, who may specify what public notice, if any, is to be given by such registrar or revising officer that he will so attend.

—A. Yes.

Q. Now how have you found that to work out?—A. Is the present chief electoral officer here? We have at the present time discussed two or three cases with Mr. Biggar, and he has made some changes in his proclamation. He admitted that he thought the Act was a little circumscribed.

Q. Take a constituency like the one of West York, which is partly urban and partly rural, and yet there is a large terminal point at Mimico. A large number of C.N.R. men live in New Toronto and Mimico. The registrar may live in Weston, miles away. How do you make that convenient?—A. We urge the same procedure as under the Ontario Act. There is no trouble about the Ontario Act.

Q. How does it work? Briefly, tell us about that point. There are not many advanced polls. If the registrar was required to attend at these advanced polls he would be convenient, but that might interfere with the performance of his other duties?—A. Yes.

By Mr. McPherson:

Q. Would the advanced polls be held at a time before the registration was completed?—A. Three days before election.

Q. Is not the registrar out of town before the advanced polls are open?—A. No. They may drop in there the very day of the last poll.

By Mr. Boys:

Q. Your objection is that the electors are put to the trouble of obtaining the certificates from the registrar?—A. In the rural communities it is the returning officer, and they are generally quite convenient.

Q. You are not objecting to the electors going to the revising officers in the urban polling divisions.—A. The whole trouble is that at the poll where a man is supposed to vote, the Deputy Returning Officer is not there.

By Mr. Anderson (Toronto-High Park):

Q. The Deputy Returning Officer in charge of the advanced poll must be there. Why could he not issue the certificate?—A. That is what we ask.

By Mr. Kennedy:

Q. That is exactly what your amendment suggests.—A. Yes.

Q. Say the voting day came about the middle of the week; commercial men are in for the week-end. They are clamouring for a change in that regard. How would it operate in their case?—A. Well, if a commercial man was home on a Saturday, say, and the election was on a Monday, he could go on Saturday and make his declaration and vote right there.

By the Chairman:

Q. Mr. Anderson's objection is, if the election took place on Thursday, Friday or Saturday, the man would be out of luck.—A. Well, we cannot see any other way out of it. We are not at all blind to anything that might arise in connection with an Act, and for that reason we have no objection at all to having this declaration made stronger even than Ontario's declaration. But if in your wisdom you think it is not possible we are not going to growl about it.

By Mr. Boys:

Q. Just say in a few words what it is you believe the railway men want in this connection. Do they want to eliminate the certificate entirely?—A. No.

Q. Do you know of any objection to the elimination of the certificate?—A. No. We did not think it would be possible to get that, though we did talk it over, and thought that it ought to be.

[Mr. L. L. Pelletier.]

Q. Why do you think it should be?—A. Well, supposing you were one of us, Mr. Boys, and you go there and get that certificate. Very well, you vote; you make a declaration. But supposing you have not got a certificate, and you go there and want to vote as one of those covered by the advance poll, and you take your oath, yet you cannot vote. We fail to see why it is that you cannot vote.

Q. Cannot any elector do that if he wants to?—A. He could, if he was one of those described in the advance poll.

Q. What is the population of Chapleau?—A. About 1,200, I think.

By Mr. Anderson (Toronto-High Park):

Q. Is there any greater virtue in a declaration taken before the revising officer than before the deputy?—A. None at all. Take Chapleau, for instance. The returning officer, or the deputy returning officer may be visiting there on a certain day, but that particular day may not suit all the men, and they are unable to make their declaration. The chances are that many of them would be out, and that is what happens.

By Mr. Boys:

Q. I do not know that I entirely understand the Ontario Act which you seem to be so desirous of adopting. What is the provision? What does the man do? Does he just go to the poll and say, "I am so and so"?—A. He makes a declaration that he may be absent from his place of residence and wants to vote there. There is a larger vote cast in the provincial elections in Ontario than there is in the federal election, and there is no difficulty in the working out of the system in Ontario. We do not see why there should be any difficulties in connection with the Dominion Elections Act.

By Mr. Kennedy:

Q. Is there any reason why this advance poll privilege, or whatever we like to call it, should be restricted to railway employees, sailors and commercial travellers?—A. Well, it was on account of their occupations, because they were away from home on the polling day and were unable to cast their votes. In other words, they were disfranchised.

Q. Suppose other voters are similarly situated; is there any reason why they should not be entitled to the same privilege?—A. I have an idea that it is broader than is stated in this old Act. There have been amendments to this Act since it was put in.

By the Chairman:

Q. Mr. Kennedy's question was as to why other classes of labour should not be entitled to the same privilege. Has labour any objection to any other class of persons who may be absent on election day receiving the same privilege?—A. No, no. You only increase the difficulty under the Act, according to our experience.

By Mr. Lapierre:

Q. You would have no objection to prospectors, and men working in mines, and so forth, being granted the same privilege?—A. No, none whatever.

By Mr. Ladner:

Q. So far as labour is concerned, or the organization which you represent, which I understand to be the railway employees, is there any objection to that principle being extended to other classes?—A. No. May I point out that the first Ontario Act was amended later to entirely refer to railway employees,

[Mr. L. L. Pelletier.]

train service employees. Then they broadened it, and the Act included sailors and commercial travellers. I may be a little hazy about it, but it seems to me that our Act has been broadened since. I did not look that up.

By the Chairman:

Q. But it is still restricted?—A. It is still restricted. It does seem to me that any elector who is entitled to vote, and who can go up there and take a declaration at an advanced poll three days before voting day, stating that he is going to be away on election day, should be allowed to use that poll. Of course, there may be a reason for restricting it. It was understood it was all experimental. We are here to ask if you can do something in this regard.

Q. You are here seeking relief and not suggesting it for other branches.—A. We do not want it broadened so that there will be so much contention that we will lose what we have already got.

Q. Would the railway employees have any objection to the advanced poll itself being fixed on a Saturday, Monday, or Tuesday?—A. It does not make any difference. As a rule, commercial men frequently are at headquarters on a Monday. They get home at the week-end, and in that way they have a chance to vote if the advance poll was, say, on a Saturday.

By Mr. McPherson:

Q. Would your trouble be eliminated if the law said it had to take place on a Monday?—A. It might be. Mr. Baker is here. If I have omitted anything he will probably be able to give it to you, or he may be able to polish up the matter a little more.

BYRON BAKER (representing the Railway Transportation Brotherhoods) called.

The WITNESS: I think Mr. Pelletier has covered the ground in good shape. I would just like to say, however, that I have found by experience myself that it is a very difficult matter to locate the Registrar to get that certificate. In the election instructions issued by Colonel Biggar he says that certificates should, if possible, be applied for in business hours during the week preceding the ordinary polling day, and so on. In my case I put the matter off until the evening of the third day before the poll closed, and I am sure I was in at least half a dozen office buildings here on Sparks street. I then went up to Queen street in my endeavour to locate the man I was after, and during my travels from one building to another I met several other railroad men—about 8.30 in the evening—who were leaving on the train due to leave at eleven o'clock, and they finally gave it up in despair. They said, "Well, we won't vote, we have not got the time to monkey around any longer." The result was that they did not vote. However, I found my man over in the Fraser Building on Queen street and got my certificate.

Now, we propose to do away with that registrar's certificate altogether. It is not a bit more important, in my opinion, than this declaration which we propose here, and which is provided for in the Ontario Act. We simply go to the advance poll during the hours that it is open, and the deputy returning officer has forms with this declaration printed thereon, and if I am making the declaration I sign it, and if he or any of the other officers there are doubtful about me they ask me if I will take an oath. That oath is also described in the Election Act, and I can take the oath if I wish.

By Mr. Kellner:

Q. You do not have to take the oath?—A. No.

Q. It is optional?—A. Yes, it is optional. This applies to railway men, commercial travellers and sailors. I presume the reason they were picked out

[Mr. Byron Baker.]

is because they made application to be included. I do not see why any other class of men, if they made application and had weight enough, could not be included. We have no objection whatever to their being included.

By Mr. Kennedy:

Q. Was it during the last election that you had this trouble you speak of?—A. I do not remember whether it was the last election or not. I know I voted at the advance poll at both the Dominion and Provincial Elections.

By the Chairman:

Q. Might I ask this question of both you gentlemen? I read in the newspapers that organized labour as such has on a number of occasions requested the government to bring into effect proportional representation. Have you anything to say on that on behalf of organized labour?

Mr. PELLETIER: We do not speak for organized labour. We try to mind our own business, and sometimes we fail to do that as effectively as we would like. We simply represent the train service employees for this Dominion.

Q. And this is all they ask?—A. I am Chairman of the Committee for the four brotherhoods, and that is all we have to ask. At times we have supported something that was important for labour, but they have most voluminous things, things that would take three or four hours to present. We generally are well treated, and if we are not we never grumble. We thank you very much, Mr. Chairman and gentlemen.

Witness retired.

Dr. T. E. KAISER, M.P., called.

By the Chairman:

Q. Dr. Kaiser, in your suggestion made to the Solicitor General you stated that you thought that some system of compulsory voting should be studied. Would you tell us just what you had in your mind?—A. Mr. Chairman and members of the committee: In the first place I am here at the request of the Chairman. I am not here to thrust myself on this committee. Just by way of preliminary, I may say that it is forty years since I first had anything to do with elections, and during that time I have managed elections for myself and for other men. I figure that I have had to do with the management of about twenty-five or twenty-six elections in that time. I have studied the matter very carefully, and I have asked people in other countries to write and tell me what they have done in regard to elections, and of the countries that I have been in communication with during the last few years, Australia is the country that appeals to me as having the best system. What they are doing there appeals to me very strongly.

All that I am going to do this morning, and all that I think is necessary, is to tell you that in Australia they have brought in an Act known as The Commonwealth Electoral Act, based on what they call compulsory voting. I do not like the word "compulsory." I do not think it would go well in Canada, and all that I would suggest is that we add to the Election Act what might be called a "non-voters penalty." In Australia this is their law and their method. It is not very long:

128A—(1) It shall be the duty of every elector to record his vote at each election.

(2) It shall be the duty of each Divisional Returning Officer at the close of each election to prepare a list (in duplicate) of the names and

[Mr. T. E. Kaiser, M.P.]

descriptions of the electors enrolled for his Division who have not voted at the election, and to certify the list by statutory declaration under his hand.

(3) The list so certified shall in all proceedings be prima facie evidence of the contents thereof and of the fact that the electors whose names appear therein did not vote at the election.

I will omit reading all the details as to how the returning officers proceed to transmit to the electoral officers the names of those who failed to vote, and how they proceed down to the penalty which is the imposition of a fine:

(12) Every elector who—

(a) fails to vote at an election without a valid and sufficient reason for such failure; or

(b) on receipt of a notice in accordance with subsection (4) of this section, fails to fill up, sign, and post within the time allowed under subsection (5) of this section the form (duly witnessed) which is attached to the notice; or

(c) states in such form a false reason for not having voted, or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, in pursuance of subsection (7) of this section, states in such form a false reason why that other elector did not vote,

shall be guilty of an offence.

Penalty: Two pounds.

I think in Canada that fine would be a little too high; my idea would be to make the fine about \$5.

By Mr. Kennedy:

Q. From what section are you reading?—A. Section 128a of the Commonwealth Electoral Act, 1918-1925.

By Hon. Mr. Ralston:

Q. I did not quite catch the purport of what you said. Your suggestion is that if he does not vote he must send to the electoral officer a statement showing why he did not vote.—A. He must give the reason, or pay the penalty.

Q. He sends it to the General Electoral Officer?—A. It finally reaches him. There is a good deal of detail here in which I do not presume you are interested as to how it finally gets to the Chief Electoral Officer.

Q. He may do that within a certain time after the election?—A. Yes.

By Mr. Black (Yukon):

Q. Who will decide whether his reason is sufficient or not?—A. The electoral officer.

By Hon. Mr. Ralston:

Q. Does he do that under oath?—A. Yes. He signs a certificate—that is, the man who failed to vote; he must give the reason why he did not vote.

Q. I wanted to find out about that, before you came to the question of penalty.—A. That is it.

By Mr. McPherson:

Q. Does it not also provide a penalty where a man gives a false declaration?—A. Yes, and for the man who assists him.

[Mr. T. E. Kaiser, M.P.]

I have here a letter dated the 16th of March, 1927, from the Prime Minister of Australia which reads as follows:

PRIME MINISTER,
MELBOURNE, 16th March, 1927.

DEAR DR. KAISER:

With reference to your letter of the 8th January, I have very much pleasure in forwarding you herewith copy of the Commonwealth Electoral Act 1918-1925, and copy of the Electoral and Referendum Regulations, Statutory Rules 1926/201.

I am also enclosing a graph which shows in respect of each election and referendum held since the inception of the Commonwealth:

- (a) the number of electors enrolled;
- (b) the number of electors to whom ballot-papers were issued; and
- (c) the percentage of electors to whom ballot-papers were issued to electors enrolled.

I cannot recall press criticism of any consequence against the introduction of compulsory voting. At the 1925 Federal Elections the Government was returned to power with a very strong majority in the House of Representatives and it secured every vacant seat in the Senate. In the press after the Elections there was much comment as to whether compulsory voting had been responsible for the Government victory.

Some sections of the press took the view that the introduction of the compulsory voting did not affect the proportion of votes in favour of the Government, while other sections claimed that it had materially assisted the Government. The outstanding feature of the voting, however, was the large number of electors who recorded their vote, the percentage for the last Election being 91 per cent. Prior to the introduction of the compulsory voting in 1917, the percentage of federal voters was 78.30 and in 1922 it fell to 59.36.

It is rather difficult to gauge the effect of the compulsory voting at the last Federal Election, as at the time owing to the activities of the communistic element in Australia there were many people who had previously voted for the Labour Party but who did not do so on the last occasion.

I very much appreciate the remarks which you have so kindly made regarding my recent visit to Canada.

Yours sincerely,

(Signed) P. M. BRUCE,

Dr. F. E. KAISER, M.P.,
House of Commons,
Canada.

I do not think it is necessary to say anything farther.

By the Chairman:

Q. In that letter, or from any other place, have you any statistics showing how many people were prosecuted for not voting?—A. No, I have no figures on the results.

By Mr. McPherson:

Q. Would it not depend a great deal on how the laws were made up?—A. I suppose so. Another section here deals with the matter of registration. A number of days were assigned for registration, and the people were told about it, and if they did not go and register, they were fined.

Q. Under our Act the registration official can put a man's name on the list even if he does not appear personally, and the voter may not even know he is on the list.—A. He is either on it or he is not. His business is to get on the list. If he is not, under the Ontario Election Act, he can come to the polls on election day, and if he takes an oath, he can vote anyway.

By Mr. Boys:

Q. So he does under the Dominion Act, in the rural communities.—A. Yes. All I have to say is that there are countries which have adopted this, and I have read a letter from the Premier of Australia saying that it is working out satisfactorily. I know of no greater humbug than that of endeavouring to run an election in a small municipality. It has staggered every man who has had anything to do with it. People who live within twenty rods of a polling place demand an automobile to take them to vote. I believe that the people of our country should concern themselves with the actual politics of our country, and we should be free to discuss the country's affairs and get the people interested in them. Why, I have known ten men take the trail of one voter in one day. Every automobile dealer in the country loads up your committee rooms with all the old automobiles he can find, puts all his old tires on them, and when the election is over it takes you six months to pay for the tires. And, oh, the string of fish you have to deal with. Not very long ago there was an election in Ontario where there were a number of coloured people—coons. Both parties were anxious to have them vote. The Liberals got in first and gave every nigger a dollar, and then the Tories went around and gave them two dollars, and the coons went out and voted, and they all voted Grit. They were asked afterwards why they had done that, and they said that the Liberals were the less corrupt of the two, and is why they voted for them. I believe that two-thirds of the humbug and the things which annoy us so much about an election would be overcome if we were to fix some kind of a penalty for the man who has a vote and refuses to poll it.

By the Chairman:

Q. In principle, I am inclined to agree with you. The practical application worries me a bit. Who would do the prosecuting?—A. Here (indicating) is the story of the way the others are doing it.

By Hon. Mr. Ralston:

Q. Do they disfranchise them, or drop them off the list for the next election?—A. I cannot read that, but I think they should make it optional; either pay the fine or drop them off for so many years from the list.

By the Chairman:

Q. Could that only not be done if you had a permanent list?—A. In Ontario we disfranchise a great number of people for all sorts of things, and if their names appear on the list, and they vote, they are penalized.

By Mr. Kellner:

Q. Does the Act give any definition of a "valid and sufficient reason for not voting"? I will read what it says:

(4) Within the prescribed period after the close of each election the Divisional Returning Officer shall send by post to each elector whose name appears on the list prepared in accordance with subsections (1) and (2) of this section, at the address mentioned in that list, a notice, in the prescribed form, notifying the elector that he appears to have failed to vote at the election, and calling upon him to give a valid truthful and sufficient reason why he failed so to vote.

[Mr. T. E. Kaiser, M.P.]

(5) Before sending any such notice, the Divisional Returning Officer shall insert therein a date, not being less than twenty-one days after the date of posting of the notice, on which the form attached to the notice, fully filled up and signed by the elector, is to be in the hands of the Divisional Returning Officer.

(6) Every elector to whom a notice under this section has been sent shall fill up the form at the foot of the notice by stating in it the true reason why he failed so to vote, sign the form, and post it so as to reach the Divisional Returning Officer not later than the date inserted in the notice.

(7) If any elector is unable, by reason of absence from his place of living or physical incapacity, to fill up, sign, and post the form, within the time allowed under subsection (5) of this section, any other elector who has personal knowledge of the facts may, subject to the regulations, fill up, sign and post the form, duly witnessed, within that time, and the filling up, signing and posting of the form may be treated as compliance by the first-mentioned elector with the provisions of subsection (6) of this section.

(8) Upon receipt of a form referred to in either of the last two preceding subsections, the Divisional Returning Officer shall indorse on both copies of the list prepared in accordance with subsection (2) of this section, opposite the name of the elector, his opinion whether or not the reason contained in the form is a valid and sufficient reason for the failure of the elector to vote.

(9) The Divisional Returning Officer shall also indorse on both copies of the list, opposite the name of each elector to whom a notice under this section has been sent and from or on behalf of whom a form properly filled up, signed, and witnessed, has not been received by him, a note to that effect.

(10) Within two months after the expiration of the period prescribed under subsection (4) of this section, the Divisional Returning Officer shall send to the Commonwealth Electoral Officer for the State one copy of the list, with his endorsements thereon, certified by statutory declaration under his hand.

(11) Each copy of the list prepared and endorsed by the Divisional Returning Officer, indicating:

(a) the names of the electors who did not vote at the election;

(b) the names of the electors from whom or on whose behalf the Divisional Returning Officer received, within the time allowed under subsection (5) of this section, forms properly filled up and signed; and

(c) the names of the electors who failed to reply within that time, and any extract therefrom, certified by the Divisional Returning Officer under his hand, shall in all proceedings be prima facie evidence of the contents of such list or extract, and of the fact that the electors whose names appear therein did not vote at the election, and that the notice specified in subsection (4) of this section was received by those electors, and that those electors did, or did not (as the case may be), comply with the requisitions contained in the notice within the time allowed under subsection (5) of this section.

(12) Every elector who—

(a) fails to vote at an election without a valid and sufficient reason for such failure; or

[Mr. T. E. Kaiser, M.P.]

- (b) on receipt of a notice in accordance with subsection (4) of this section, fails to fill up, sign and post within the time allowed under subsection (5) of this section the form (duly witnessed) which is attached to the notice; or
- (c) states in such form a false reason for not having voted, or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, in pursuance of subsection (7) of this section, states in such form a false reason why that other elector did not vote,

shall be guilty of an offence.

Penalty: Two pounds.

(13) Proceedings for an offence against this section shall not be instituted except by the Chief Electoral Officer or an officer thereto authorized in writing by the Chief Electoral Officer.

By Mr. Girouard:

Q. Is the General Election Officer obliged to abide by the decision of the returning officers?—A. There is another part of this section where they are permitted to appear and appeal.

By Mr. MacDonald (Cape Breton):

Q. There must be a prosecution before some judicial officer. A man has a right to come before a tribunal and show he has a good reason?—A. Certainly.

Witness retired.

JULES CASTONGUAY, Chief Electoral Officer, called.

By Mr. Kellner:

Q. In answer to a question put to you last year, you said: "To my mind the whole thing hinges on the appointment of the Returning Officer. If they were chosen from provincial officers, such as sheriffs, registrars, and so forth, it would be a safeguard against happenings such as occurred in Athabaska." We were discussing the irregularities there. Just what method of appointing returning officers would you suggest?—A. At the time I made the suggestion that the provincial officers should have preference in the appointment of returning officers I felt that there was a sufficient number of these officers throughout the district to fill these positions.

By Mr. Hanson:

Q. Is it not a fact that sheriffs are usually appointed?—A. Formerly they were. In the olden days the writs were not directed to an individual, but to "The Sheriff of the County of Westmoreland," for instance.

Q. We always use the sheriff?—A. In some provinces they have followed that practice.

By the Chairman:

Q. It is your suggestion that certain specified provincial officers should be selected from whom to choose the returning officers?—A. My suggestion was that they be chosen as returning officers.

By Mr. Hanson:

Q. How would that work out in the case of the large cities like Montreal or Toronto, where there is only one sheriff and one prothonotary, but where there may be twelve or thirteen seats?—A. It would be more difficult in Montreal or Toronto, but these are the only two places.

[Mr. Jules Castonguay.]

By the Chairman:

Q. Quebec city?—A. There they have a registrar, a deputy registrar, a sheriff and a deputy sheriff.

Q. You might find a sufficient number of officials to carry on these duties in each of the thirteen seats you mentioned?—A. Yes.

By Mr. Lapierre:

Q. What would you do in the event of a sheriff refusing to act?—A. Use the deputy sheriff.

By the Chairman:

Q. It is your suggestion with regard to the choice of the election officers that there should be a permanent list from which they should be chosen.—A. They should be chosen from the provincial officers.

By Mr. Hanson:

Q. Who will make the appointment?—A. Well, that is a fundamental question.

By the Chairman:

Q. You would not take the responsibility of saying they should be taken in the order of seniority?—A. No.

By Mr. Hanson:

Q. Do you think any political party in power which is going to the country would ever consent to some officer such as yourself naming the returning officers?

The CHAIRMAN: If it is in the statute they would have to.

Mr. HANSON: I do not think they would ever agree to it.

By Mr. Kellner:

Q. We were discussing the same point last year. I noticed you were asked about it and I see that your answer was that you would like to give the matter some further thought. Have you given it any further thought?—A. That is in connection with the returning officers in cities like Montreal and Toronto? I have not given that any further thought.

Q. You have no amendment to offer now?—A. No sir.

By the Chairman:

Q. Are you prepared to give us an amendment to the Act which would embody your proposals?—A. At the next sitting yes.

By Mr. Hanson:

Q. I would like to know at the next sitting how many of the returning officers out of the 241 constituencies were sheriffs, at the election of 1926.

By Mr. Lapierre:

Q. What is your objection to the system at the present time?—A. My suggestion was made last year. I was asked what remedy I had to offer for the situation at Athabaska, and I stated at that time that if a provincial officer had been acting as a returning officer for that district those happenings would not have taken place. You know what took place in Athabaska in 1925? I believe it would be advantageous to adopt my suggestion.

By Mr. Ladner:

Q. What number of returning officers have made complaints to the Chief Electoral Officer with respect to their dues for their work under the Act?

Mr. HANSON: You are speaking of the remuneration?

[Mr. Jules Castonguay.]

Mr. LADNER: In some cases they had to make payments out of their own pockets.

By the Chairman:

Q. Apart from the question of remuneration were there many complaints?
—A. Very few.

By Mr. Kellner:

Q. I am speaking only from memory now, but I think you stated last year that you thought the Chief Electoral Officers did not have sufficient power in enforcing the administration of the Act. If I am correct in that statement, will you tell us what additional powers the officers require?—A. I do not remember having made that statement.

By the Chairman:

Q. Have you any suggestion to make now concerning proposed amendments to the Act, or do you prefer to come back later on with a prepared statement?—A. I would prefer to wait until later on.

Witness retired.

EDMUND E. STOCKTON of the Office of the Auditor General, called.

By the Chairman:

Q. Give us in a few words the gist of the complaints you have received from returning officers or from the Chief Electoral Officer, or from anybody else, with respect to the remuneration paid to election officers.—A. The chief complaint is that they are not getting enough money.

By Mr. Girouard:

Q. Do you think that complaint is well founded?—A. In some cases, but not in the large percentage of cases.

By Mr. Hanson:

Q. Could you give us a statement which would show the average of what they get, (a) for themselves, and (b) for their clerks?—A. One thing I could give which perhaps would be as good as another would be to consider the province of Manitoba where the provincial subdivisions are few; also the provinces of Alberta and Saskatchewan, where the subdivisions are many. In other words, in the province of Manitoba, the returning officer, being paid on the basis of an electoral subdivision, gets very much less remuneration than the returning officer in Alberta or Saskatchewan where the subdivisions are many, and he is paid on the basis of subdivisions. In New Brunswick, Nova Scotia and Prince Edward Island, we have very few complaints about the actual remuneration; it is usually a question of travelling or other expenses outside of the actual remuneration.

By Mr. Kellner:

Q. Would the work not be correspondingly less in Manitoba?—A. No, not correspondingly less. It would be less due to the fact that they would have a lesser number of polls to provide for, but the actual clerical work in the office is not materially reduced. The returning officer, from the time he gets his appointment by writ, has to devote practically all of his time up to the date of the election.

[Mr. E. E. Stockton.]

By Mr. Hanson:

Q. Unless he has an excellent clerk?—A. Yes, unless he has an excellent clerk. In many cases we have electoral districts where practically all of the work is done by the clerk.

Q. All of the outside work is done by the clerk?—A. Yes.

By Mr. Boys:

Q. You have fairly well crystallized ideas of what the increases should be?—A. No, I have not. Section 30 of the present Act provides a tariff and permits the Auditor General or the Chief Electoral Officer to give an additional fee providing the returning officer can show cause for it. The tariff provides that the returning officer must show wherein his district is exceptional.

By the Chairman:

Q. From your experience, can you tell us just how the schedule of fees should be raised, without the returning officer being obliged to prove that his case is exceptional?—A. I can make some suggestions, but I do not think it is possible for me or any other man to provide a tariff which will be suitable or satisfactory to all of the returning officers. A very large part of the difficulty is caused by the difference in the provincial fees. For instance, the provincial fees for returning officers in the province of Quebec are low; in British Columbia they are very high, and consequently the federal returning-officers base their own remuneration on the basis of the provincial fees.

Q. You have no complaint from the province of Quebec?—A. We have complaints, but not to the same extent. The same applies to the maritime provinces. In the local elections the fees are much lower than the federal fees.

By Mr. Lapierre:

Q. Is the mileage question taken into consideration?—A. That has always been a cause of trouble. We have returning officers who will put in claims for mileage they have never travelled; we have other returning officers who more or less forget their mileage and put in a bloc item, and cannot give us the details of it, so we are up against it from both points of view, from the returning officer putting in exorbitant mileage, which we know to be exorbitant mileage, and other returning officers not putting in enough mileage, when we know he has travelled more miles than those for which he is claiming.

Q. Does that apply to the large rural districts or, say, to the unorganized territory of Northern Ontario?—A. It is more or less up to the man; it is not particularly regarding any territory. Some men will make out an account for that service which we know is very large—

Q. Do you not find it very difficult to arrive at a figure that is satisfactory to the returning officer who has a large unorganized territory to look after?—A. Of course, the rate for mileage is based upon the tariff, but we find great difficulty in checking up the mileage claimed by the returning officers.

By the Chairman:

Q. Have you any suggestion to make which would make your work easier, such as a flat rate, based on the population, or the number of voters, or the geographical situation?—A. No, I cannot say that I have. The trouble will always be with us.

By Mr. Boys:

Q. You seriously think there is cause for complaint?—A. Undoubtedly there is, but it is the men's own fault. If they strictly follow the instructions of the Chief Electoral Officer and use the forms provided for them, they will have very little difficulty in having their accounts satisfactorily adjusted.

Q. You are of the opinion that the Act is all right as at present, and that the trouble is due to the men, and not to the Act?—A. I think so.

By Mr. Kennedy:

Q. The nearer you come to getting a permanent election machine, the better it will be?—A. Yes.

By Mr. Hanson:

Q. Do you think it necessary for the returning officer to visit every poll in his district?—A. That depends on the returning officer himself. We had returning officers in the elections of 1925 and 1926 who had practically no mileage at all. That would apply to your own district. We have others who have exorbitant mileages. I think if a man visits every poll and explains the machinery, he is entitled to be paid for it.

Q. The Chief Electoral Officer has a staff of men from whom year after year he chooses returning officers?—A. That is one of the benefits of the federal government using the provincial officers.

By Mr. Girouard:

Q. I am thinking of one returning officer who was obliged to make three trips to get a deputy, and the Auditor General refused to allow mileage. I do not think that is fair. I think if the returning officer really makes the necessary trips to secure the necessary deputy, the Auditor General should accept his mileage. I do not think that the Auditor General or any one of his department should have the authority to take away money properly spent by any returning officer.—A. The instructions to the Chief Electoral Officer provide that the returning officer in making his appointments shall appoint the registrars and deputies.

By Mr. Hanson:

Q. Just one more thing in connection with this: the only difficulty we have ever had in our constituency is the attempt on your part, or on the part of your office, to eliminate the door-keeper or constable. The ground you take I understand is that in a rural poll or a small poll, it is unnecessary to have a guardian of the peace. I have always contended that it was necessary to have a constable at the door, so that only one voter at a time could come in.—A. If you will read the Election Act and the instructions of the Chief Electoral Officer you will see that he definitely states that it is not necessary.

I might make this suggestion, that the returning officer be appointed a considerable time before the election. The greatest difficulty that we have had is the appointment of a returning officer immediately prior to the issuing of the Writ.

Witness retired.

The Committee adjourned until Thursday, March 7th, at 4.00 p.m.

APPENDIX

OF

PROPOSED AMENDMENTS TO THE DOMINION ELECTIONS
ACT AND THE CORRUPT PRACTICES
INQUIRIES ACT. FILED

FILED ON BEHALF OF THE LEGISLATIVE COMMITTEE
OF THE RAILWAY BROTHERHOODS

Dominion Election's Act

Amend Section 102—re Advance Polls for Railway Employees, Sec. 102.
Sailors and Commercial Travellers—as follows:

Subsection (8) to read:

“(8) Advance Polls shall be open from the hours of two o'clock to five o'clock in the afternoon and from seven o'clock to ten o'clock in the evening of the three days, exclusive of Sunday, immediately preceding polling day.”

Amend Subsection (10) to read:

“(10) Every person applying to vote at an Advance Poll shall, before voting, be required by the Deputy Returning Officer to make the following declaration, which shall be kept by the Deputy Returning Officer with the other records of the poll:

Declaration

“I declare that my employment or calling is that of a Railway Employee, Sailor or Commercial Traveller and necessitates, from time to time, my absence from my ordinary place of residence, and that I have reason to believe that because of possible necessary absence from my ordinary place of residence in the pursuit of my employment or calling, I may be unable to vote at the pending Dominion Election on polling day. I am aware that after voting at an Advance Poll, I have no right to vote or to attempt to vote at any other polling station at the pending Dominion Election.”

Dated at _____, this _____ day of _____, 19____

Witness:.....
Deputy Returning Officer Name of Voter

The remaining subsections of Section 102 to be amended accordingly, or repealed.

FILED BY MR. NEILL, M.P.

1. That Election Day be proclaimed a public half-holiday, with pay. This was actually inserted in the Act in the Session of 1925, but by a clerical error was omitted from the Act as submitted to the Senate. The records of Hansard, 1925, Page 4750 will show where it passed the House of Commons.

2. In rural constituencies the qualifying date of ordinary resi- Sec. 29.
dents is two months prior to date of writ. In the election of 1925 this meant that anyone voting on October 29th had to be in residence on July 5th. This is too long in British Columbia where the population, many of them single men, move about a great deal. It also disenfranchises a large number of school teachers. Both in 1925 and 1926 qualifying date fell during the summer holidays when most teachers were away from their schools, and when they

came back on September 1st they were too late to qualify. This disenfranchises practically all our school teachers. They could, of course, register in the district where they were on July 5th, but that meant going back to the district, which was impossible. The same argument applies to the many fishermen on the coast, and often means their disenfranchisement.

Sec. 55 (5),
102 (8).

3. I would recommend the close of polling to be at seven p.m. instead of six p.m. for the greater convenience of workers, not all of whom can take advantage of a half holiday, and especially so if the half holiday mentioned under No. 1 is not granted. It really means the disenfranchisement of a lot of these workers.

Sec. 63 (3)

4. I would recommend that the voter be allowed to retain possession of his ballot and himself deposit it in the box. He can show the counterfoil to the Deputy Returning Officer and himself tear it off in the presence of the Officer and hand the counterfoil to him, but the voter should never have to hand his ballot to anyone. When he does so, the secrecy of the ballot is very much endangered. The paper is thin, and a sharp-eyed Scrutineer could quite easily see where the pencil mark is made through the back of the ballot. I have known this done. Also the Returning Officer may quite innocently, in handling the ballot and tearing off the counterfoil, slightly open it and disclose where it is marked, or if he is unscrupulous and wishes to find out how some particular man has voted, it is very easy for him to rub the ballot paper open and disclose the way the man voted. If complained about, he can say it was an accident, as indeed it might have been, but it may cost the voter his job. There is a very strong feeling that the voter should not have to hand his marked ballot over to anyone, but himself deposit it in the box.

Secs. 77, 78.
Tariff by
O. in C.

5. I recommend that Deputy Returning Officers and Poll Clerks in the West should be paid \$10 and \$5 a day respectively. The Poll Clerk has to be a man of some education and reputation, and has to visit the Polling Station the day before the election to see that everything is ready, and has to be on duty all day and have his meals sent in, etc., and good men cannot be got to do it for \$7.

As regards the Polling Clerks, the same thing applies. They have to be on the job from 7.45 a.m. until the poll is finished, the counting done, and all forms filled up, which often means eight or nine o'clock. They are not allowed anything for meals, and no hotel will send in a meal under a dollar, and that gives him, at the present rate, \$2 for his day's work, whereas if he were working at the lowest form of manual labour he would work only eight hours and get \$4 a day with no deduction, as he would of course bring his lunch with him, and go home for his supper.

It is really difficult to get people to do the work for the money, and it requires men of some education, and we certainly want them to be of some standing.

Secs. 55 (5),
102 (8).

6. I suggest polls should close in the East two hours later than in British Columbia, otherwise city voters hold off voting until the eastern votes come in, and their vote will be affected accordingly.

Secs. 77, 78.
Tariff by
O. in C.

7. The tariff of fees allows \$5 only for rent of polling booth and includes heating, furniture and fixing the place up for voting. In rural places this is all right for one booth, but in villages which

require say three booths, it takes quite a lot of fixing up, and the hall naturally needs to be much bigger and cannot be got for \$5. I think the allowance ought to be \$5 for rent of each polling booth, so that if there were three Deputy Returning Officers in one building, the allowance could be \$15.

8. A great deal of misunderstanding is created by the respective wordings of the first section of Section 57 of Chapter 53 Revised Statutes of Canada, 1927, and that of Section 64 of the same Act. It has been held again and again by quite conscientious Returning Officers, and even by the electors themselves, that the last clause of Section 1 of Section 57, which reads as follows: "and he may vote at the polling station of the polling division upon the list of voters for which his name appears and at no other," prevents and contradicts the privilege of swearing in, granted by Section 64. I would suggest that it be made clear by the addition of the following wording, that after the word "other" of Subsection 1 of Section 57, instead of a period put a comma, and then add "unless he votes under the provisions of Section 64". It is true that the first words, except as otherwise provided in this Act, may be held to apply, but it is not clear enough for the ordinary Deputy Returning Officer and elector. Secs. 57, 64.

Section 64 should also be amended, I think, by inserting after the word "list" on the fourth line, the words "for that particular rural polling division."

What happens is this, a man is on, or perhaps is improperly put on a list for Polling Division No. 10. He has resided the proper length of time in Polling Division No. 12 but he knows his name has been put on the list for No. 10 and the Deputy Returning Officer says, "You cannot vote in No. 12 because your name appears on the list for No. 10, and he is threatened or he is afraid of getting into trouble.

The two corrections that I suggest would meet the situation. They may not be worded in the correct way, but certainly some change is needed to make it clear that a man can vote at a Polling Division if he has resided the proper number of days in the district, even-although his name should be upon the list of another polling division.

You may say that it is the law now, and I know that Col. Biggar so held it, but it has to be made plain for the protection of the ordinary voter and the ordinary Returning Officer. I regard this as most important.

FILED BY THE LABOUR MEMBERS OF THE HOUSE OF COMMONS

1. That all possible public buildings should be used as polling booths and registration places. Secs. 28, 34,
55 (1).
2. That the boundaries of polling sub-divisions should follow those of the cities and municipalities. Sec. 28.
3. That the number of the Polling Division should be shown opposite the name of the voter on the lists. Sec. 32,
Form 17.

4. That no voter should be accosted by anyone within a hundred feet of the Polling Sub-division.
- Sec. 32. 5. That in the Court of Revision there should be no registration by proxy upon written request by the applicant showing an adequate cause for his or her absence.
- Sec. 21. 6. That in the cities, the City Clerk or other officials, should be the Returning Officer, and wherever possible, permanent D.R.Os. should be appointed by the Electoral Officer in Ottawa.
- P.R. in urban div. 7. That proportional representation with Group Constituencies in urban areas should be inaugurated.
- Polling day half holiday 8. That a half-holiday with pay on polling day should be allowed to all employees of corporations or other concerns.
- Secs. 55 (5) 102 (8). 9. That as an alternative, if the half-holiday is not granted, an extension of the voting hours should be made law.
- Sec. 40 (9)b., 40 (5). 10. The abolition of election deposits and that increased number of signatures be required on the nomination.
- Sec. 9. 11. The repeal of that part of the Election Act which prevents Unions from contributing to election campaigns.
- Campaign funds—publication 12. That there should be a publication of the source of all campaign funds received by all political parties.

SESSION 1929

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT
PRACTICES INQUIRIES ACT

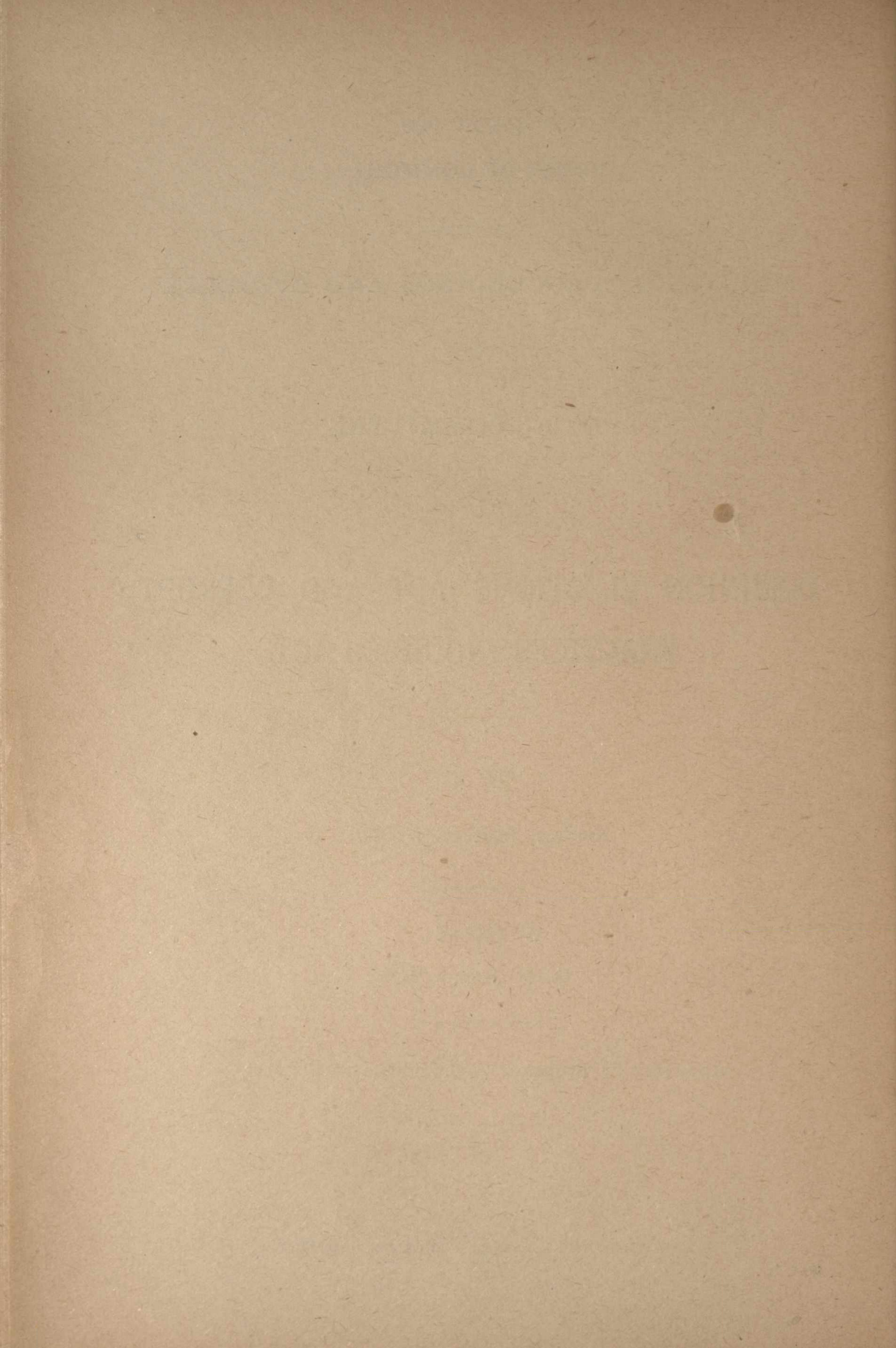
No. 2

Friday, March 8, 1929

WITNESS:

O. M. Biggar, K.C.

Appendix of Proposed Amendments to the Act.



MINUTES OF PROCEDURE

HOUSE OF COMMONS,

FRIDAY, March 8, 1929.

The Committee came to order at 4 o'clock in the afternoon, Mr. Power presiding.

Members present: Messrs. Anderson (Toronto-High Park), Bird, Black (Yukon), Bothwell, Boys, Dussault, Girouard, Hanson, Kellner, Kennedy, Ladner, Laflamme, McPherson, Power, St-Père, Totzke.

Mr. Jules Castonguay, Chief Electoral Officer, attended and filed a proposed amendment to section 21, Returning Officer, also a statement of permanent provincial officers who acted as returning officers at the General Elections of 1900 to 1926, inclusive. (See Appendix hereto.)

Mr. O. M. Biggar appeared before the Committee and gave evidence covering the recommendations contained in his several reports as Chief Electoral Officer, dealing more particularly with the subjects of Permanent or Closed Lists and Appointment of Returning Officers.

It was decided that the next meeting of the Committee would be largely devoted to a consideration of the subject of Closed Lists.

The Committee then adjourned till Tuesday, March 12th, at 4 o'clock.

A. A. FRASER,

Clerk of Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

FRIDAY, March 8, 1929.

The Special Committee appointed to consider the Dominion Elections Act met at 4 o'clock p.m., the Chairman, C. G. Power, presiding.

O. M. BIGGAR, K.C., called.

By the Chairman:

Q. You are a barrister practising in the city?—A. Yes.

Q. And you were for a number of years the Chief Electoral Officer?—A. From 1920 to 1927.

Q. During that time you had occasion to study the workings and the administration of the Dominion Elections Act?—A. Very closely.

Q. And also to make reports, under section 72?—A. Yes, sir.

Q. To the Speaker of the House?—A. Yes, sir.

Q. Will you tell the Committee, generally, what was contained in those reports, and make any suggestion you care in regard to improving the workings of the Act?—A. Mr. Chairman and gentlemen: the last report I made was that following the general election of 1926. That was dated December first of that year, and it incorporated the suggestions which had been made in previous reports and which had not been acted upon, so that the report carried my knowledge of the election administration and election machinery up to two or three months before I ceased to be Chief Electoral Officer. I have really nothing to add to what is in that report. The only general remark which I have to make with regard to the contents of the report is to repeat the view I have always held that an electoral machine that is well understood by everybody, candidates and public, is likely to work very much more efficiently than a perfect machine which nobody understands. You may theorize about election machinery as much as you like, but it is the practical thing which has to be carried on by, roughly speaking, one hundred thousand people. There are approximately that number of people directly engaged in the public service, and, of course, there are probably 150,000 or 200,000 more who are working at elections and consequently are interested in the machinery.

By Mr. Kennedy:

Q. What do you mean by "a perfect machine which nobody understands"?—A. You can work out a machine, but very generally each one has its disadvantages as well as its advantages.

The general subjects are covered in my report in paragraphs 8 and 9 chiefly, and are in regard to the situation concerning lists. I might deal with these general subjects first and then come to the particular proposals which I have made. I did not suggest any specific action with regard to lists, but I did point out some of the general considerations which apply to the present machinery for preparing lists, and one may say, by way of preface, that really the lists exist, not for the sake of the election machinery as such, but for the sake of the candidates. If it were simply a question of giving facilities for everybody to vote, then you would not need any lists. The reason you need

[Mr. O. M. Biggar, K.C.]

lists is to exclude from voting the people who are not entitled to vote and whom the candidates are interested in seeing do not get an opportunity to cast a vote. In my report of 1925, I think it was, I pointed out that it was impossible to avoid mistakes with the present machinery. You begin to prepare lists containing approximately over four million names in a period of six weeks, and you cannot hope to have it accurate. You pick up, roughly speaking, sixty thousand or seventy thousand people throughout the country for the purpose of preparing lists, and even presuming that every one of those individuals was intelligent as possible, and as careful as possible, there would be bound to be mistakes. Having regard to the way that you must recruit your forces, you cannot possibly hope to have lists prepared, under our present laws, which are either complete or accurate. They serve as a guide, and they are useful within limits, but it is perfectly futile really to quarrel with errors in them, because with the present system of preparation, errors are absolutely inevitable.

By Mr. Kellner:

Q. If we accept that statement, should we not have to accept any list that is given?—A. No. What I have in my mind is this: that the present system, many advantages though it may have, has this disadvantage, that there is no feasible way of preparing a complete list for the whole country in six weeks or so. We cannot hope to have an accurate machine. I am convinced of that. The time is not available to prepare an accurate list for the whole country—the time is too short.

By Mr. Hanson:

Q. Do you suggest that that is the only factor?—A. No. There are a great many factors which go to make for errors in lists, but there are two things which really affect the correctness of the lists as we have them. One is the hurry, and one is that you are employing for the purpose of preparing those lists, roughly speaking, sixty thousand people selected for purely temporary employment from one end of the country to the other, and you cannot get these people trained in time, even if otherwise they were perfectly adapted to their jobs.

Q. Take the rural registration: that presupposes the people are changed every election. As a matter of fact that is not really the case. With us there is continuity.—A. That is the reason why there has been less trouble in each general election since 1920, when this Act came into force. There has been a considerable change in the direction of the machine working more smoothly on each occasion, and I attribute that very largely to the increased knowledge of the people who are appointed to work at these elections.

Q. Of course, it is a different basis in each province? For instance, we have a provincial list which is revised every year. That is the basis of our lists in New Brunswick, and it has worked very well in a non-partisan way.—A. Yes. As a matter of fact that was really the next point I was coming to. I was about to refer to what was in that report on this subject after describing the different way in which lists might be prepared, which we need not trouble about now. The report goes on to say this:—

Our present Dominion system may be said to be a combination of all four plans. In the Provinces of Nova Scotia, New Brunswick, Quebec and Ontario lists are prepared for provincial purposes periodically by administrative officers. In British Columbia facilities for the registration of voters are continuously available and the lists are periodically revised. In Manitoba, Saskatchewan and Alberta provincial lists are prepared only in anticipation of an immediate election, some

of them being prepared on the administrative and some on the registration plan. In the Province of Prince Edward Island there are never any provincial lists. The Dominion system is founded upon the separate systems of the nine different provinces and itself combines both the administrative and registration features, rural registrars being required to include in their lists the names of all qualified voters without any intervention on the part of the latter, and urban registrars being restricted to recording-registrations based either on the provincial lists, if any, or upon applications made by or on behalf of the voters concerned.

By Mr. Kellner:

Q. I would like to have some information about that. Last year we asked for a copy of the '25 report.

The CHAIRMAN: The 1926 report.

The WITNESS: This is 1926 I have before me, but this part of it was in the 1925 report.

Paragraph No. 12 says:—

12. This combination of systems has certain definite advantages of elasticity. Dominion lists are everywhere prepared during the election itself, when public interest is at its maximum and it is hardly possible for any voter to be unaware of the approach of an opportunity of exercising his franchise or of the wisdom of making sure that he will be entitled to vote where he happens to be. It is, moreover, possible to most temporary and local conditions, almost, one might say, to chase the voter with a ballot box, and a tendency to press for action in this direction is to be frequently observed. These advantages have, however, counterbalancing disadvantages. Prepared as the lists are within a few weeks before the election by officers sometimes selected on party grounds and therefore suspected by their party opponents, ordinary errors are attributed to bad faith and misfeasance. Moreover, the haste with which the lists must be prepared is a frequent cause of mistakes, and the completed lists do not reach the candidates who desire to use them until so short a time before polling day that their value in the organization of the electoral district is at a minimum. The very elasticity of the system which permits the establishment of fresh polling divisions up to hardly more than a few days before polling day, makes the pre-election organization of an electoral district a very difficult task, especially when no trustworthy or recent provincial lists are available for the purpose.

Then in the report itself the subject is referred to in paragraphs 8, 9 and 10. After a reference to this appendix, from which I have just read, it goes on in the second sentence of paragraph 8 of the report proper to say:—

It may be open to question whether the advantages of the present system counterbalance its heavy cost and the inconvenience attendant upon it. There is no doubt that by an expenditure of less than \$250,000 a year up to date lists having a high degree of accuracy could be continuously kept available, and the cost of the poll itself could at the same time be substantially reduced. A reduction by half of the length of the campaign would doubtless also do much to relieve the burden the present system places upon candidates. These results could probably, however, be secured only at the sacrifice of some of the elasticity which the present system possesses.

9. One reason for the unsatisfactory character of the lists prepared under the present system is the defectiveness of the provincial lists upon which, when available, the statute requires federal lists to be based. In rural areas, where accurate lists are, comparatively speaking, of small importance, the statutory procedure for their preparation results in the production of lists having a fair degree of accuracy, whether provincial lists are used or not; in urban areas, on the other hand, and particularly in large cities where, if personation and fraudulent voting are to be prevented, voters lists should be as nearly as possible complete and free from error, the lists based upon the provincial lists are inaccurate to a serious degree. This is well exemplified by a comparison of the results in the cities of Winnipeg, Montreal and Toronto. In Winnipeg, where, at the last two general elections, no provincial lists have been available for use and every voter has been required to register, the proportion of voters on the list who actually cast their votes was 84 per cent in 1925 and 82 per cent in 1926. In Montreal, where the provincial lists include only the names of men, but women must all register, the percentage of listed voters who voted was 73 per cent in 1925 and 70 per cent in 1926.

By Mr. Hanson:

Q. Do you attribute that to the state of the lists?—A. Partly, not wholly.

By the Chairman:

Q. When you find in a small constituency like my own, a list with some fifteen thousand people, with two thousand of them on twice, would that not decrease the number who could vote?—A. Yes (reading):—

In Toronto, where the provincial lists purport to include the names of both men and women, the percentages for the respective elections were only 58 per cent and 47 per cent. It is difficult to explain why 16 per cent to 18 per cent of voters who take the trouble to register should abstain from casting their votes, and some increase in the percentage of abstention might reasonably be expected when any names are included in the lists without the active intervention of the voters themselves. Moreover, the comparative intensity of the public interest in the result may in part account for the differences between the three cities. It may, however, fairly be inferred that at least 15 per cent of the names on the Toronto lists represent persons who are either not qualified to vote at a Dominion election or are not resident at the addresses which the lists give for them. A similar condition prevails in different degrees in all urban areas in which provincial lists are resorted to. The value of the resulting federal lists is thus reduced, and unnecessary expense is incurred for the printing of names which the lists should not contain.

Q. Did you ever make any study or think of what would be the percentage of changes in addresses in urban areas within a year?—A. I made a good many inquiries at one time from the directory companies and from some other sources—I have forgotten what they were; but I rather came to the conclusion that in the urban areas you could put down about thirty per cent as representing a fair average of changes per annum in addresses.

By Mr. Hanson:

Q. In cities big and little?—A. I meant in the larger cities.

Q. It would not be true in the smaller communities?—A. No.

[Mr. O. M. Biggar, K.C.]

By the Chairman:

Q. Running from one hundred thousand up?—A. Yes. That was the class of cities with which I concerned myself.

Q. So that a list two years' old would have almost sixty-five per cent of changes within the two years?—A. I think that would not be far out.

By Mr. Black (Yukon):

Q. Part of the same thirty per cent might change twice?—A. Yes. I anticipated that sometime there might be an inquiry to ascertain whether there was any possible alternative system, and while I was Chief Electoral Officer, between the years 1923 and 1926, I made a study of possible alternatives, and I came to the conclusion that the most satisfactory alternative—which is not free from disadvantages—would be to have a complete list of all the voters maintained at Ottawa, using the post offices throughout the country as registry offices, open three hundred days in the year, and then my general idea was to give people who moved a six months' opportunity to register their changes of addresses. That is to say, that if they wanted to vote on a given list in a given polling division, they must have lived at that address in the polling division, which the list gave them, within six months of the election. Of course, that system is beautiful on a theoretical basis. It is inexpensive; it provides information which would be of very high value to a large number of governmental departments, and it has other corresponding theoretical advantages of that kind. It has, particularly having regard to the training of people in Canada, a very considerable disadvantage in that until the system had been in force for some little time there would probably be found to be a very large number—I do not say "a large proportion," because it is impossible to say what the proportion would be—but a very large number of people who were accustomed to have their names put on voters' lists without any intervention on their part and who would find themselves on election day on no list and therefore not able to vote, because it depends for its utility on having a closed system, as at the time the writs are issued, the lists are closed.

By Mr. Hanson:

Q. With the extension of the rural mail service and the closing of a large number of rural post offices and the sending out of the mail from incorporated towns—take the city of Fredericton: we have rural mail deliveries radiating to every point of the compass. It would be difficult to get lists made up in that way.—A. I provided for that in the scheme I laid out, because the postmasters could nominate persons, and my idea was that the rural mail postmasters themselves should have power to take these applications.

By Mr. Kennedy:

Q. Why should you, even with this system of permanent lists, cut off the registration on the day the writ was issued? Could you not provide registry offices?—A. Not usefully. The real utility of the list is that the candidates in the constituencies should know what they have to know. I mean that the present lists are satisfactory enough if you are going to work out your lists during the election campaign.

Q. Who should keep these lists up?—A. The arrangement I had in mind was an organization here to whom the applications would come in.

Q. An organization in the hands of the Chief Electoral Officer?—A. I do not know whether that is his function or not.

Q. Supposing we made that a function of the Chief Electoral Officer? If your officers were selected without regard to political persuasion, could we not depend on keeping the lists up?—A. I do not think there would be the

slightest difficulty in the world with these lists so far as they contained the names of people. The only quarrel with that kind of a list would be that people would not take the trouble to get themselves on it.

Q. Would it be absolutely essential that each individual voter should look after himself in that regard?—A. Yes, it would be essential because you never see the voter. If you take applications from anybody, you would find that list loaded up with non-existent people.

Q. That might hold in the cities, but I do not see why it would hold good in the country where everybody practically is known to everybody else.—A. There was one possibility suggested which again presents some additional disadvantages and some additional advantages. The real difficulty with the present system is only in the cities, and really only in the large cities. I think the system works to the general satisfaction of the rural areas where the population does not change quickly. It is entirely satisfactory, I know, in the west—

Q. Not entirely.—A. In the rural areas.

Q. With one or two striking exceptions.—A. I know there have been exceptions. That was a circumstance which I hope can be remedied by adopting the proposal to which I am coming. It is a subject upon which Mr. Castonguay has already presented a draft proposal. The trouble you refer to was misfortune in the appointment of the election officer.

By Mr. McPherson:

Q. I hardly think you are correct in saying it is satisfactory in the country. You may not have received any complaints, but there is one big drawback in the west, and that is that the lists were not available until election day.—A. That is practically true. That is always a trouble, and it is inevitable; you cannot help it. Under the present system the registration work is not over until the ninth day before the polling day, but even then the lists are not closed, and they are satisfactory because nobody cares much whether there is a list or not.

By Mr. Hanson:

Q. If the nominations were made two weeks before the polling, and a provision made that the lists should be in by registration day, would that help us any?

By Mr. Boys:

Q. Colonel Biggar, from your experience do you really believe that your suggestion regarding the closed lists would be preferable to the plan outlined in the Act?—A. I am sure it would prevent a great deal of quarreling with the present machinery in the cities.

Q. Supposing it was left entirely to you; do you really believe that you could bring into force a closed list?—A. In the cities? I think so.

By the Chairman:

Q. You are so sure about the country?—A. No, I do not think the public is ready for that.

By Mr. Boys:

Q. Do you mean large cities, or urban centres with a population of five thousand or so?—A. I think you would have to make a selection. That is to say, you would have lists of that kind in those cities where there was a considerable movement of population. That means very large cities, and some comparatively small ones, where people do not know each other. That is what it would amount to.

Q. It seems to me that I can foresee a lot of trouble throughout the country in connection with the use of rural postmasters and mail carriers. That does not appeal to me at the present time.

The CHAIRMAN: By "large cities" you mean cities of fifty thousand, sixty thousand or one hundred thousand population.

The WITNESS: Or perhaps some which are smaller.

By the Chairman:

Q. Growing cities in the west?—A. Yes.

By Mr. Kellner:

Q. To revert to that statement about the satisfaction with the present method: I have before me a return from the House which contains a letter which I wrote to Colonel Biggar at the time he was Chief Electoral Officer, dated the 29th of March, 1926, and I gave him a record of over one hundred lists of which I did not have a list in the election held October 29, 1925. Manifestly the list would not be any good to the candidate at that time, so I think it is rather absurd to say that to that extent the present system was satisfactory?—A. As I say, I think the quarrel is not so much with the system as with the individuals who were working it. If you get an unsatisfactory individual working any system, it will always be unsatisfactory.

By Mr. Hanson:

Q. The personal element of a system such as this is of primary importance?—A. Yes. As a matter of fact, that was the next suggestion I was going to make. That was the next one dealt with in my report.

By Mr. Kennedy:

Q. The other day we heard something about the voting. If we had compulsory registration, would that meet the difficulty?—A. It probably would. At all events it would, apart from removals. As a matter of fact, I think it is intimately connected with compulsory voting, because I do not think that is open to be considered until you have a complete list.

By the Chairman:

Q. If you had a permanent list it would be easy to drop off that list the names of persons who could not vote?

By Mr. Boys:

Q. You cannot prosecute a man for not voting if he is not on the voters' list.

Mr. KENNEDY: You could compel everybody to register once a year.

By Mr. McPherson:

Q. In considering a closed list for the Dominion, could it be worked out on the basis of one complete registration throughout the Dominion in a certain year, the registration to be revised every year afterwards, and then drop the names off that list of those who had not voted at the previous election? Start with that, and then revise the list each year?—A. Yes, with constant revision afterwards.

By Mr. Hanson:

Q. In those countries where they have compulsory voting do they have compulsory registration?—A. I only know of Australia where compulsory voting is in effect and there they have compulsory registration—complete registration for the whole country.

By Mr. St. Père:

Q. How do they proceed to get this complete registration?—A. They have offices about the country where the registration takes place.

By Mr. Kellner:

Q. How is the compulsory registration carried out?—A. I am not quite sure how they work the compulsory registration. If a man does not vote he is really fined by the Chief Electoral Officer. The statutory fine is £2, but the actual fine, as I am informed by the Chief Electoral Officer for Australia, is two pounds and six pence.

By Mr. Kennedy:

Q. Is that in the report?—A. No. I never put forward this scheme in concrete form. As a matter of fact, while I was Chief Electoral Officer I reframed all the provisions of the Act so as to have in mind all of the possible alternatives.

By Mr. Totzke:

Q. I understood you to say that you did not think it feasible.—A. That is my view of this Dominion work. There is no possible way in which it could be satisfactory.

The CHAIRMAN: We will leave this matter open for discussion amongst the members of the Committee. What is the next question?

The WITNESS: The next question was the question of the appointment of the returning officers. I can say to the Committee, as it is contained in my report, that it is my experience that if you get a decent, honest returning officer, it makes no difference what his politics are, but what does make a difference—and it makes a difference to both sides of politics—is that it is essential that the returning officer should know his job. The difficulties I always had with returning officers,—aside from some individual circumstances of a special character—were with fellows who were asked to operate a complicated piece of machinery without knowing anything about it and who ran themselves into difficulties all the way along the line, and ran the candidates into difficulties. The more often a returning officer has acted, the better the election is conducted from everybody's point of view. The chief difficulty has been due to the constant change of returning officers.

By Mr. Kennedy:

Q. What has been the cause of that constant change?—A. That is developed in the first appendix to this report. It is simply a short history of the appointment of returning officers since confederation. It is rather short, and I will read it.

APPENDIX I

SUMMARY REVIEW OF THE STATUTORY PROVISIONS AFFECTING FROM TIME TO TIME THE APPOINTMENT AND DUTIES OF RETURNING OFFICERS

Under the British North America Act, 1867, section 42, the Governor General was empowered to issue a writ for the election of a member of the House of Commons to such returning officer in each electoral district as he thought fit, the person selected to conduct the election in accordance with the electoral law of the province in which lay the electoral district for which he was appointed. Under the first Dominion Elections Act, passed in 1874 (37 Vict. c. 9), the discretion thus given to the

Governor General was taken away, and it was provided that the writ should issue to the sheriff or registrar of deeds for the electoral district or a portion of it. The Governor General had accordingly power to choose the returning officer at his discretion only in a district in which there was no sheriff or registrar or the incumbents of these officers were disqualified or unable to act. The position in Canada was thus assimilated to that which then existed and has ever since existed in Great Britain, where the returning officer is always, *ex officio* the sheriff, the mayor or the chairman of the local municipal council. This new rule, however, continued in force in Canada only for eighteen years. In 1892, by 45 Vict. c. 3, s. 6, the Governor General was again given a discretion, whenever an election was required to be held in any electoral district, to select such person to act as returning officer as he thought fit, and this discretion he has continued ever since to exercise. If the change made in 1892 was not due to the redistribution of that year, that and successive redistributions have afforded grounds both for the grant and the persistence of the discretionary power.

Until, in 1925, the law was amended in the way to be later mentioned, this power fell to be exercised only on the occasion of the issue of the writ for an election, and it was accordingly inevitable, even apart from the fact that the returning officer had a casting vote in case of a tie, that appointments should, as a general rule, be made from among the political supporters of the Government of the day; in practice each returning officer no doubt was chosen usually on the recommendation of the person or persons by whom the local party patronage was controlled. Though there were exceptions to this general rule, particularly when officers appointed by the provincial government such as sheriffs or registrars were available to act and were willing to undertake the returning officer's duties, these were not numerous, and a secondary but very natural consequence of the established practice was that the returning officers selected their deputy returning officers from among their political friends, the names being no doubt often supplied from the same source as that from which the recommendation for the returning officer's own appointment had emanated. Again the general rule was subject to exceptions: in some electoral districts there grew up the practice of selecting half the deputies from each political party, this exceptional practice being no doubt usually confined to those electoral districts in which the returning officership itself was not looked upon as a party appointment. In most electoral districts, however, the political party in power had exclusive administrative control of the election.

In 1920 by 10-11 Geo. V. c. 46, a comprehensive Dominion-wide qualification for voters at federal elections was established and a new and somewhat complicated procedure was laid down for the preparation of Dominion lists in the interval between the issue of the writ of an election and the poll. A new duty in respect of the preparation of lists was thus imposed upon returning officers and without unduly prolonging the election campaign, little time could be allowed for the several steps in the procedure which had, therefore, to be taken under great pressure. In order so far as possible to ensure the efficient performance of this new work and the proper conduct of the poll, provision was made for the instruction of election officers by a Chief Electoral Officer, who was made responsible to Parliament instead of to the Government of the day. He was required to exercise "general direction and supervision over the administrative conduct of elections", with a view to ensuring both compliance with the provisions of the law and "the fairness and

impartiality of all election officers". It also became his duty to recommend the removal of any returning officer who was incompetent or neglected his duty.

Notwithstanding that as a result of the adoption of this new system the responsibilities of returning officers were greatly extended, and thenceforward included the appointment of registrars as well as of deputy returning officers, no restriction of the discretion returning officers had formerly exercised in the selection of their subordinates was suggested, nor was it at that time proposed that there should be any change in their tenure of office. In 1925, however, the law on the last point was amended, it being provided that returning officers, instead of being appointed only for the purpose of conducting a particular election, should hold office during pleasure like other servants of the Crown. The first returning officers appointed under the new provision were those who acted at the general election held later in 1925. When, nevertheless, a second general election was required to be held within less than twelve months, most of the appointments thus made were cancelled and new returning officers named instead of the original appointees. Any other course was hardly to be expected in the absence of any arrangement about the casting vote or the choice of subordinate election officers.

I mean any government would be foolish, if the practice was to select political supporters, to go and direct two hundred and forty odd elections in any one or more of which there might be a tie, in which event the returning officer would cast his vote in favour of his party's candidate.

By Mr. Kennedy:

Q. Has it ever happened?—A. It has never happened.

Q. I do not believe the casting vote would have much to do with it.—A. No, but there is a possibility of it.

By Mr. McPherson:

Q. Are you suggesting taking away the right of the casting vote?—A. No. The proposal is contained in paragraph 10 of the report proper. It begins with the second sentence of paragraph 10.

There is, however, a change in practice which would, in my opinion, conduce much more greatly than any amendment of the statute to secure a marked and permanent improvement in the conduct of elections generally. This change relates to the actual as distinguished from the legal tenure of office of returning officers. Within five years there have been three general elections, but of the 241 returning officers who acted at the last, only 3 had acted at both the previous ones, and only 42 at either one or the other of them. The complications of the present election procedure makes the administration of an election a difficult and worrying duty on the first occasion on which it is undertaken. Moreover, the inexperience of a returning officer tends to give rise to misunderstandings and mistakes which constitute a serious handicap to candidates; usually also it increases quite unnecessarily the expense of the election administration. To make clear how and why the present practice has grown up, a historical review of the position of returning officers from time to time is appended (Appendix 1).

I do not think I need to bother with the next paragraph, but in paragraph 12 the subject is further dealt with.

12. These difficulties would largely disappear if it were understood that returning officers, by whatever administration appointed, should select subordinate election officers without regard to their political

affiliations, or, in other words, as nearly as may be in equal numbers from among the supporters of each of the principal political parties which may be expected to have candidates in the field. There would then remain no *prima facie* reason for suspecting an election officer of partiality, the justification which the present system affords for dismissing returning officers and appointing fresh ones in large numbers would no longer exist, the experience and knowledge of their districts gained by one set of returning officers would not be lost as it now generally is, and the conduct of elections would be put on a footing which would in the long run, be much more satisfactory to all concerned.

By the Chairman:

Q. How would you arrive at this Utopian scheme?—A. I do not think it presents any difficulties; it sounds much more Utopian than it is.

Q. Assuming we achieve a permanent returning officer of some kind, how would you arrive at the appointment of subordinate officers?—A. By a saw-off method; partly by the character of the man appointed deputy returning officer—

By Mr. Hanson:

Q. Has not the returning officer the absolute say about it?—A. Yes.

Q. You cannot dictate to him whom he is to appoint.

The CHAIRMAN: Unless you put it in the statutes.

The WITNESS: I would not suggest that you should make any hard and fast rule because I do not think it is wise. There should be an inquiry in each case. A hard and fast rule would be unreasonable. The way I would get at the same result would be to require the returning officer to be a public officer. I would list the public officers and from amongst those he should be chosen. I would like to go further and put these in the day in which they should be chosen. I would like to recommend the appointments to come, not from either party but from the Chief Electoral Officer and restrict his discretion to the appointment of public officers. I would put the sheriff first, then the registrar, and perhaps the prothonotary or the clerk of the court, the city clerk, and the city assessor—some public officers of that kind—so that you would not have more than perhaps a dozen election officers.

By Mr. Hanson:

Q. Let us analyse that a little further. In the province of Nova Scotia until recently—if it has not been changed—the sheriffs are appointed by the provincial government and may only be removed for malfeasance in office. In the province of New Brunswick they are appointed annually. They are not always changed with a change of government, but frequently they are, and nearly always the appointees are, in the case of death or of changes, appointed by the party in power for more or less political reasons. We will assume their fitness for the office. In the case of a sheriff you nearly always get a political appointee. In the case of Nova Scotia when the present government came in every sheriff was a Liberal, having been appointed within the past forty years, and the new government was powerless to remove them. In fact, they were defied to remove them when asked to do so. Conditions may have been changed since, but you certainly would not be improving conditions by appointing men of that type.—A. Not if you stop there, but you do not need to stop there.

Q. Then let us go on to the registrar of deeds. I think they hardly ever are removed from office at a change of government, but they die like everybody else, and almost invariably the new ones are recruited from members of the

provincial legislature or from the defeated candidates. That has happened four times in my county. One man was there for forty years; he was a stand-by; he died. His position was given to a defeated candidate; that man died, in turn—he was the man who opposed me in the election of 1921. His position was given to another man who also died, and upon his death the position went to another defeated candidate, a man who had run for the House of Commons more than three times. He died, and the man who had been a member of the legislature got the job.

The CHAIRMAN: But all of these men would have some knowledge of elections, although not sufficient to defeat you, Mr. Hanson.

The WITNESS: As a matter of fact, you will never be able to find a returning officer who has no political affiliations. If you have one, you have a fool, so to speak.

By Mr. Kennedy:

Q. The chief electoral officer is appointed by resolution of the House of Commons?—A. Yes.

Q. Why could he not be given authority to select the returning officers and their assistants in each province, if necessary, and let them be held responsible for the selection of the proper officers to run the election?—A. I would myself think it entirely proper to have the recommendations for the appointment of returning officers come from the Chief Electoral Officer. I would not think it advisable for the Chief Electoral Officer to be given unlimited discretion.

Q. Then what is the value of his recommendation?—A. Perhaps I had better explain what is in my mind. Such returning officers as go wrong now, go wrong because they think they have been given this duty in order that they may serve some political party purpose. You have knocked away four-fifths of the chances of that if you make the appointment come from the Chief Electoral Officer, because it is certainly then not a political party appointment. My reason for restricting the discretion, or suggesting the restriction of the discretion of the Chief Electoral Officer, is that he is sitting in an office here in Ottawa and it is impossible for him to know the individuals throughout the country.

By Mr. Hanson:

Q. That is a weakness?—A. That is the reason. You cannot get a perfect system. All you can do is to get one likely to work out, not only something better than the present system but something as nearly perfect as can reasonably be expected, and I think that if you gave the Chief Electoral Officer power to make that recommendation so as to make sure it was not a political recommendation, and at the same time restricted him to these public officers, you would in almost every case have proper service. There would be, however, cases in which there would be a doubt, and I would certainly give the Chief Electoral Officer in those cases the power to make a fresh recommendation in his discretion without proving any impropriety on the part of the returning officer he has recommended, so that the returning officers should know that they are solely in the hands of the Chief Electoral Officer, as far as the continuation of their appointment is concerned, and that the Chief Electoral Officer might at any time make a recommendation for their removal if he thought it was in the public interest that they should cease to act as such.

Q. You would have no check on him?—A. I would make certain restrictions. For example, supposing he appointed a sheriff as the one at the top of the official list and then he found that the sheriff was not satisfactory; his next recommendation would be another man from the official list.

Q. That is not what I have in mind. That simply is in the exercise of his discretion. What I think you had in mind was that there should be some check on his power of appointment by the government of the day—A. I would certainly think the appointment should come from the government on the recommendation of the Chief Electoral Officer. I do not know how far the idea formulated by me would meet the situation. I have made a list of the order in which I would make these appointments. First, the sheriff, whose office as such is situated within the electoral district and whose jurisdiction extends to the whole or a greater part of it.

Q. What about a case where there were two sheriffs?—A. Either of them would do.

By Mr. McPherson:

Q. The sheriff in my county would be the sheriff in Winnipeg who would have to handle four districts, because he takes in perhaps seven seats.—A. Then you have a sheriff whose office as such only extends to part of the district and not the whole of it; then the two registrars, then the sheriff whose office is situated outside the electoral district, but whose jurisdiction extends to any part of it; then the registrar of the same kind. Then the deputies of the sheriff and registrar, if they are not already election clerks, and then the city clerks, and the assessors. I did not put in the clerks of the courts. You could easily frame up a list of that kind. As a matter of fact, it does not matter; if it is wise to give the Chief Electoral Officer complete discretion, he could work it out along the same general lines.

By Mr. Boys:

Q. This is really a list of qualified persons, and if necessary you could appoint others?—A. Exactly.

By Mr. Kennedy:

Q. I understood you to say a little while ago that one of the difficulties in connection with the Chief Electoral officer appointing the returning officers is that the Chief Electoral Officer is here in Ottawa and does not know the men throughout the length and breadth of the country?—A. Yes.

Q. Could that not be overcome by selecting a deputy in each province who would have general local knowledge sufficient to appoint the returning officers?—A. I do not know how you would frame up the duties of the deputy, apart from that. What would he do besides selecting returning officers?

Q. He could assist the Chief Electoral Officer in respect to those things which the Chief Electoral Officer could not undertake for himself.—A. That is the only thing which the Chief Electoral Officer could not do conveniently.

Q. You mentioned a little while ago the appointment of certain individuals with certain classes of jobs in the provinces being selected as returning officers, leaving the discretion to the Chief Electoral Officer to recommend. Why go to the trouble of recommending to the Secretary of State, for instance? Why not give the Chief Electoral Officer the power to appoint and discharge?—A. I have no objection to that.

Q. And thereby saddle him with direct responsibility?—A. I think it would be a little unfair without giving him the right to appoint public officers.

By the Chairman:

Q. You mean the right to compel public officers to act?—A. Yes.

By Mr. McPherson:

Q. If we wipe away all camouflage as shown in past history, if the Chief Electoral Officer had the power to appoint the returning officers, would he not drop letters to friends in the various districts asking whom they would recommend?—A. With my present experience, I think it would be the same, if conditions of that kind were imposed on me. I would feel under obligation not to make any inquiries of a political nature.

Q. You would not find anybody who qualified.—A. All I would want would be honest men.

Q. If you were to go to a man for a recommendation in Manitoba, Saskatchewan or Alberta, for instance, you would hunt for a man capable of judging and recommending a person for this office, and he would be a strange man, if he had not a strong interest in politics himself, who would not recommend somebody of his own political faith.—A. As a matter of fact I do not think it makes a great deal of difference where the Chief Electoral Officer gets his information, because my experience is that if the appointment is non-political it will be treated by the holder as being non-political. We are taking our judges every day from those holding political beliefs and having no trouble at all.

Q. I do not object to that system of nominating. It has been satisfactory, and yet I think when you get down to brass tacks and wipe away the camouflage, you will find the appointment finally goes to one side or the other.—A. You could not very well get away from that.

By Mr. Hanson:

Q. Your analogy of the appointment of judges is not a fair one. When a man is appointed to the bench he is appointed to a high and important position, and he dissociates himself at once from politics. In every election you are simply pushing men into the maelstrom of politics.—A. I do not think you can get a perfect system. All you can do is to get a better one.

By Mr. Kennedy:

Q. Have you read the report of the committee of last year?—A. No, I do not think I have seen it.

Q. I would like you to look at section 4 of that report on the first page which reads as follows:

Your committee is of the opinion that the cause of corrupt and illegal practices in the election held in the federal constituency at Athabaska in 1925 was the partisanship, ignorance and incompetence of certain election officials.

Would that have happened in 1925 if the responsibility of selecting those officials had been placed in the hands of the Chief Electoral Officer, who has no political affiliations?—A. It could not have happened; it really could not have happened.

By Mr. Kellner:

Q. Is the only objection you see to the appointment of a deputy returning officer in each province the fact that you would not have a job for him?—A. Yes, and it is a very serious objection, because if he has no functions he has no responsibility.

Q. Supposing for a minute you were prepared to delegate some of the powers which the Chief Electoral Officer has under the Act, and which he does not use, or has not used in the past—suppose you delegated them to the Deputy Chief Electoral Officer, and let him carry them out; would that not provide him with a job and give you more satisfactory machinery?—A. No; the work would have to be done in Ottawa.

By Mr. Kennedy:

Q. Could he not be selected for three months, during the election?—A. I would just as soon—

Q. Could you get nine men in Canada who could give you that local assistance?

Mr. BOTHWELL: How much better off would you be?

Mr. KELLNER: The actually carrying on of the elections is not done in Ottawa. Ottawa simply over-sees it.

By Mr. Anderson:

Q. Supposing that were done and this responsibility placed upon you: you are supposed to be non-political in holding that office; you have no personal guide or knowledge to whom you can refer, or from whom you can ask for information— --A. I think it would be unfair to impose that duty on the Chief Electoral Officer, unless he had the power to appoint public officials.

Q. Then it would go back to the Secretary of State?—A. No.

Q. Supposing you had the power now vested in the Secretary of State, that is, the naming of the returning officers. How would you get your information?—A. I would appoint the Sheriff, for example, of Edmonton, or the Registrar at Edmonton without enquiry. I know he is a public officer, and I can rely upon that. I would not get into such trouble as arose, for instance, under different circumstances.

By Mr. McPherson:

Q. Your position is that unless the statutes contained a list of officials from whom to appoint, you would not want that power?—A. As a matter of fact, the form does not matter, because the Act has now a provision in it that anybody who is appointed as a returning officer—whether with his consent or not—must go on and act when a writ is sent to him, subject to the penalty of fine and imprisonment. So there is no difficulty about the compulsory feature; it is in the Act now.

By Mr. Hanson:

Q. Supposing you were appointing the Sheriff—take the case of Nova Scotia up to within recent years—do you think the Conservative party would agree to a proposal like that? Every returning officer in the province of Nova Scotia would be of the opposite political faith.

The CHAIRMAN: The witness thinks there would be a "saw-off," for in the other provinces, every sheriff might be a Conservative. Taking it by-and-large throughout the country, he thinks we would get about a fifty-fifty split.

By Mr. Bothwell:

Q. Take the constituency of Swift Current, 225 miles long and 65 miles wide. If an election came on in the fall of the year, it would be impossible for the sheriff to spend his time in looking after the election campaign as returning officer?—A. That is practically true.

Q. He would have to deputize somebody else, some junior in his office, to do the work because he could not go out and attend to it?—A. That is what is very frequently done now. The person who is nominally the returning officer does not do the work; it is done by his election clerk. It does not matter whether the returning officer does the work himself or has someone do it for him. Of course, you gentlemen know more about that than I do. I am only speaking to you out of my experience, but I have no trouble with returning officers since they were definitely appointed for the purpose of serving their parties in the offices—

By the Chairman:

Q. I take it that your view is that you would have a better chance to get someone to do the work well if the man happened to be a public officer and had certain responsibilities, than if you picked up any man recommended to you by the politicians?—A. That is my idea.

Q. This man, after all, has to keep carrying on his public office year after year; he has certain responsibilities to the public, whereas the man appointed only for the job might do the job very well?—A. Yes.

By Mr. McPherson:

Q. Did you find in 1925 or 1926 any real serious trouble in connection with the returning officers?—A. I had a great deal of trouble in two or three constituencies. I have said in my report that it is perfectly astonishing that 240 odd men picked up and taken out of their ordinary jobs for about two months for a political duty showed the measure of probity, intelligence and capacity which they did. That has always been astonishing to me, having regard to the way they were selected and appointed. As a matter of fact, that is always the difficulty when you begin to discuss a vast number of instances. You can always get a sufficient number of exceptions to look imposing. All of the normal cases where the work was done without comment are simply forgotten; attention is directed to the exceptional cases. That was a difficulty I always found in keeping my mind from being affected by the exceptional cases, and keeping the background sweet.

By Mr. Hanson:

Q. Would you not say that under any system you would find these exceptional cases?—A. Yes; the only thing you can do is to get a system which will be likely to show as few exceptions as possible.

By the Chairman:

Q. With how many general elections have you been connected?—A. Three.

Q. And in that time you have had about 700 returning officers?—A. Yes.

Q. Of all those, with regard to how many would you say you had serious complaint?—A. I cannot say exactly.

Q. What is the percentage?—A. I think I reported about six out of about 600.

By Mr. Anderson:

Q. I see in your appendix 2 that out of 1,136 letters which you sent out asking for suggestions and complaints you received only 37 complaints.—A. Yes, and in 1926 I received only four. The difference was due to the fact that in 1921 and 1925 I wrote a personal letter to every candidate and asked him whether he had any complaint to make. In 1921 my report was printed, and I think there were about forty replies to those personal letters making some suggestions; in 1925, there were 36. In 1926, I did not write a personal letter to every candidate; I just let it go on the instructions, because it was suggested in the election instructions which related to candidates, and I only got four letters from all the candidates—the candidate or his election agent.

By Mr. Kennedy:

Q. What did you ask for? I never received one of those.—A. In 1925, 1,138 letters were sent to candidates and official agents. This is the letter:

Referring to section 74 of the Dominion Election Act and paragraph 266 of the election instructions, I have the honour to ask if there is any amendment to the Act or any complaint as to the conduct of an

[Mr. O. M. Biggar, K.C.]

election officer which you desire me to bring to the attention of the Speaker of the House of Commons with my official report. If not, please do not trouble to acknowledge this letter, but if so I shall append to my report a copy of any communication you may desire to send me on either of the subjects mentioned.

Q. That would not cover a case where there was a great deal of inefficiency in the general arrangements of polling districts—A. Yes.

Q.—due to the fact that the officials did not have the time?

Mr. McPHERSON: I think that letter would cover complaints and suggestions as to how the Act should be amended.

Mr. KENNEDY: I have this in mind: In the province of Alberta we had a provincial election about two months ahead of the federal election. In every case where there was practically a solid farmer vote in the provincial election, there was no poll at all in the federal election, and the people were asked to travel from 15 to 21 miles to vote.

The CHAIRMAN: You should have complained about that.

Mr. KELLNER: What good would it have done?

Mr. KENNEDY: I did not receive a letter. I am more anxious to remedy this than to complain about it.

Mr. BOTHWELL: We had complaints filed during the course of the election, with no result, and it was no use sending in a report afterwards.

The WITNESS: That certainly was not true in connection with any election when I was Chief Electoral Officer.

Mr. BOTHWELL: That was in 1926.

The WITNESS: There was never a complaint that was not dealt with within twenty-four hours.

Mr. BOTHWELL: There was no action taken.

The WITNESS: There was always all the action taken which was possible under the circumstances.

Mr. BOTHWELL: Let me give you an instance. In the Swift Current constituency there were polls placed in position so that we had to station men along the road to show the voters where to vote. Schoolhouses which had been used previously for polling places were not used during the general election. Complaints regarding that were sent in by telegraph during the course of the election.

The WITNESS: I have not my file with me, and I cannot reply definitely to that statement. You may well imagine that I received a very large number of complaints during the election, chiefly by telegraph, which later turned out to be entirely unfounded, and it was impossible to give an ex parte report of improper conduct on the part of any returning officer on the information then before me. It is not reasonable to ask that I at once order a returning officer to do certain things, because, as I say, in about three cases out of five telegraphic suggestions or complaints of a general character it turned out that the complaints were based on a complete misunderstanding of the situation. In approximately two out of three of these cases I was able to adjust matters by getting the candidate or the complainant in touch with the officer against whom the complaint was made.

Mr. BOTHWELL: We got in touch with the proper officials, as we thought, but without results.

The WITNESS: My general practice was not only to make an investigation of such matters as you speak of but also to telegraph the returning officer at the same time that a complaint had been made and ask him to take such neces-

sary action as he could. The result was that if I heard nothing more about it I assumed an arrangement had been made between the parties on the spot. If I did hear more about it, then further action was always taken. That was the only possible course of action which could be taken.

Mr. BOTHWELL: I thought when we were amending the Act we could rectify that situation in connection with the placing of polling places. So far as that particular instance is concerned, there was no remedy there.

The WITNESS: I would very much like to look at the file, because I am sure that everything was done that could be done.

By Mr. Kennedy:

Q. Would not the straightening out of difficulties of this kind be a good job for a provincial deputy?—A. Practically the work has to be done by telegraph anyway, and it is just as easy to telegraph from Calgary to Ottawa as from Calgary to Edmonton. If I were Chief Electoral Officer I would much rather take the responsibility of whatever action was taken myself than refer it to somebody else who could not get much nearer to the spot than I could.

By the Chairman:

Q. There will invariably be an appeal anyway.—A. You could not finally take responsibility for 30,000 polling divisions in Canada.

Q. Under your system the deputy returning officer would be the representative of the Chief Electoral Officer?—A. Yes.

Q. The difficulty to which Mr. Bothwell refers could not happen in our country. The polls are at or near a certain fixed place.—A. Yes. As a matter of fact, I have always had a feeling in regard to that, and I have always thought there was an advantage in these permanent lists. I have always had a normal lot of difficulties with the location of polling stations and the delimitation of the boundaries of polling divisions, particularly in the west.

By Mr. Hanson:

Q. That is not true in other parts— —A. Not in the older parts of Ontario, but a good many returning officers rearrange the polling division boundaries.

Q. Have they the power to do that?—A. They must be given the power to do that. The great advantage of a permanent list maintained in an office here would be to prevent geographical delimitation of the polling divisions which is improperly done in every province in Canada. There is very little attention paid to that. A great many of the polling divisions are delimited by the exercise of the franchise, but sometimes you find that provincial polling divisions are delimited for some provincial or municipal franchise and contain either a normal or a large number of manhood suffrage votes. It is ridiculous in some places to depend on the manhood suffrage vote. We have had polling divisions where there were two or three hundred people on a local list, by reference to which the polling division was delimited, and we have found ten or twenty manhood suffrage voters in it, because perhaps it was down town in some large city, among a number of large office buildings and the only voters were the caretakers of them.

By Mr. McPherson:

Q. Would we be up against this trouble with polling divisions in the rural districts in the west, where they are very often fixed by reason of their natural situation, or the geographical contour of the country? It may look ridiculous to be the way it is, but it is all right.—A. I have had cases where the returning officers did delimit them in a more or less ridiculous way, creating a long poll-

ing division very inaccessible to some people; for instance, with a stream running through the centre of it, and perhaps the men to the north of the stream would have trouble in getting to the poll, or vice versa. There was one instance where a man had to swim across a lake to get to the polling place.

By Mr. Bothwell:

Q. There have been so many changes in the west that it is difficult to keep a polling place stationary.—A. Very difficult.

By Mr. Bancroft:

Q. In your experience with three elections have you had many complaints of the returning officers using their positions to further the interests of the party to which they belonged?—A. Proportionately and comparatively extraordinarily few; absolutely, a considerable number.

By Mr. Kennedy:

Q. What about the men appointed under the returning officers to do the organizing?—A. I have had two or three instances of a returning officer being a mask for somebody who was really fixing the thing up for some political end.

By Mr. Bancroft:

Q. I have been through the same elections as you have, and the three returning officers with whom I had to do were extreme party men. Two belonged to one party and one to another, and I never had any trouble, nor do I know of any complaint in my constituency. The only trouble was at the beginning of each campaign when we had a new man who did not know anything about the work.—A. That was the general experience.

By Mr. Kellner:

Q. I would like to ask why you consider the sheriff the most suitable appointee. Why, in Edmonton, for instance, would you consider the sheriff better than John D. Hunt?—A. They are both officers. John D. Hunt is a first-rate man and an excellent public servant.

Q. But according to your suggestion he would not be considered at all.—A. That is perfectly true.

Q. Why not consider him?—A. The only reason for restricting the discretion of the Chief Electoral Officer is that it leaves him more free from criticism, because he has the direction of, but not the general discretion with regard to each electoral district.

Q. I think the answer to that is that if he carries on a good clean election he need not fear criticism.—A. He may do his best and still get into trouble. I have known chief electoral officers who did that.

By the Chairman:

Q. Have you anything further to say?—A. Those are the only two substantial points. There are a number of minor amendments, but they are purely in regard to the machinery with regard to the election clerks. There is a recommendation with regard to certain changes in urban registration and the revision of urban lists and some purely formal things about recounts and so on. The only other point which has any substantial bearing is, as the report suggests, in regard to an interval of seven days between nomination and polling being too short to efficiently carry on the work in a number of electoral districts.

By Mr. Hanson:

Q. In many cases you suggest that seven days is enough?—A. I have always thought it was a mistake to go back to seven days; everybody would be as pleased if it were fourteen days. There is no advantage whatever in seven days. It creates an administrative difficulty which always seems to be unnecessary and was I think originally based on a misconception of the advantage or disadvantage of early nominations. However, the committee at that time took the other view, but there are certain cases where undoubtedly a seven-day period is too short.

By Mr. Totzke:

Q. Have you any electoral division which allows more than seven days?—A. There are twenty-five or thirty of them which have fourteen days.

By Mr. Hanson:

Q. Do you wish to extend that time?—A. Yes.

The CHAIRMAN: I think if anybody comes before the committee and states that in his constituency there should be fourteen days between nomination and polling, I think the committee would recommend it.

By Mr. Kennedy:

Q. If two weeks were allowed, for instance, in Wetaskiwin, Acadia or Red Deer, do you think that would be sufficient in a district like Peace River?—A. Peace River already has two weeks.

Q. If you had two weeks for Acadia, Camrose, Wetaskiwin, Neepawa, and so forth, should it not be more in Peace River?—A. If Peace River were double its size you would only have two weeks. You cannot allow more than that.

By Mr. Anderson (Toronto-High Park):

Q. Is not seven days too short in a great majority of the constituencies?—A. I think the old rule of fourteen days everywhere was really a sound rule.

Q. We have found it too short in a city like Toronto. A. I think it is too short. I think the reason which lead the committee to make the change in 1925 was based upon a misconception of the situation; it should have been left at fourteen days everywhere.

The CHAIRMAN: Are there any further questions to ask Colonel Biggar in regard to the Act in general, not only on the matters he has discussed? If not, we will adjourn.

The committee adjourned.

APPENDIX

OF

PROPOSED AMENDMENTS TO THE DOMINION ELECTIONS
ACT AND THE CORRUPT PRACTICES
INQUIRIES ACT. FILED

FILED ON BEHALF OF THE LEGISLATIVE COMMITTEE
OF THE RAILWAY BROTHERHOODS

Dominion Election's Act

Amend Section 102—re Advance Polls for Railway Employees, Sec. 102.
Sailors and Commercial Travellers—as follows:

Subsection (8) to read:

“(8) Advance Polls shall be open from the hours of two o'clock to five o'clock in the afternoon and from seven o'clock to ten o'clock in the evening of the three days, exclusive of Sunday, immediately preceding polling day.”

Amend Subsection (10) to read:

“(10) Every person applying to vote at an Advance Poll shall, before voting, be required by the Deputy Returning Officer to make the following declaration, which shall be kept by the Deputy Returning Officer with the other records of the poll:

Declaration

“I declare that my employment or calling is that of a Railway Employee, Sailor or Commercial Traveller and necessitates, from time to time, my absence from my ordinary place of residence, and that I have reason to believe that because of possible necessary absence from my ordinary place of residence in the pursuit of my employment or calling, I may be unable to vote at the pending Dominion Election on polling day. I am aware that after voting at an Advance Poll, I have no right to vote or to attempt to vote at any other polling station at the pending Dominion Election.”

Dated at _____, this _____ day of _____, 19 _____

Witness:.....
Deputy Returning Officer _____ Name of Voter _____

The remaining subsections of Section 102 to be amended accordingly, or repealed.

FILED BY MR. NEILL, M.P.

1. That Election Day be proclaimed a public half-holiday, with pay. This was actually inserted in the Act in the Session of 1925, but by a clerical error was omitted from the Act as submitted to the Senate. The records of Hansard, 1925, Page 4750 will show where it passed the House of Commons.

2. In rural constituencies the qualifying date of ordinary residents is two months prior to date of writ. In the election of 1925 this meant that anyone voting on October 29th had to be in residence on July 5th. This is too long in British Columbia where the population, many of them single men, move about a great deal. It also disenfranchises a large number of school teachers. Both in 1925 and 1926 qualifying date fell during the summer holidays when most teachers were away from their schools, and when they

came back on September 1st they were too late to qualify. This disenfranchises practically all our school teachers. They could, of course, register in the district where they were on July 5th, but that meant going back to the district, which was impossible. The same argument applies to the many fishermen on the coast, and often means their disenfranchisement.

Sec. 55 (5),
102 (8).

3. I would recommend the close of polling to be at seven p.m. instead of six p.m. for the greater convenience of workers, not all of whom can take advantage of a half holiday, and especially so if the half holiday mentioned under No. 1 is not granted. It really means the disenfranchisement of a lot of these workers.

Sec. 63 (3)

4. I would recommend that the voter be allowed to retain possession of his ballot and himself deposit it in the box. He can show the counterfoil to the Deputy Returning Officer and himself tear it off in the presence of the Officer and hand the counterfoil to him, but the voter should never have to hand his ballot to anyone. When he does so, the secrecy of the ballot is very much endangered. The paper is thin, and a sharp-eyed Scrutineer could quite easily see where the pencil mark is made through the back of the ballot. I have known this done. Also the Returning Officer may quite innocently, in handling the ballot and tearing off the counterfoil, slightly open it and disclose where it is marked, or if he is unscrupulous and wishes to find out how some particular man has voted, it is very easy for him to rub the ballot paper open and disclose the way the man voted. If complained about, he can say it was an accident, as indeed it might have been, but it may cost the voter his job. There is a very strong feeling that the voter should not have to hand his marked ballot over to anyone, but himself deposit it in the box.

Secs. 77, 78.
Tariff by
O. in C.

5. I recommend that Deputy Returning Officers and Poll Clerks in the West should be paid \$10 and \$5 a day respectively. The Poll Clerk has to be a man of some education and reputation, and has to visit the Polling Station the day before the election to see that everything is ready, and has to be on duty all day and have his meals sent in, etc., and good men cannot be got to do it for \$7.

As regards the Polling Clerks, the same thing applies. They have to be on the job from 7.45 a.m. until the poll is finished, the counting done, and all forms filled up, which often means eight or nine o'clock. They are not allowed anything for meals, and no hotel will send in a meal under a dollar, and that gives him, at the present rate, \$2 for his day's work, whereas if he were working at the lowest form of manual labour he would work only eight hours and get \$4 a day with no deduction, as he would of course bring his lunch with him, and go home for his supper.

It is really difficult to get people to do the work for the money, and it requires men of some education, and we certainly want them to be of some standing.

Secs. 55 (5),
102 (8).

6. I suggest polls should close in the East two hours later than in British Columbia, otherwise city voters hold off voting until the eastern votes come in, and their vote will be affected accordingly.

Secs. 77, 78.
Tariff by
O. in C.

7. The tariff of fees allows \$5 only for rent of polling booth and includes heating, furniture and fixing the place up for voting. In rural places this is all right for one booth, but in villages which

require say three booths, it takes quite a lot of fixing up, and the hall naturally needs to be much bigger and cannot be got for \$5. I think the allowance ought to be \$5 for rent of each polling booth, so that if there were three Deputy Returning Officers in one building, the allowance could be \$15.

8. A great deal of misunderstanding is created by the respective wordings of the first section of Section 57 of Chapter 53 Revised Statutes of Canada, 1927, and that of Section 64 of the same Act. It has been held again and again by quite conscientious Returning Officers, and even by the electors themselves, that the last clause of Section 1 of Section 57, which reads as follows: "and he may vote at the polling station of the polling division upon the list of voters for which his name appears and at no other," prevents and contradicts the privilege of swearing in, granted by Section 64. I would suggest that it be made clear by the addition of the following wording, that after the word "other" of Subsection 1 of Section 57, instead of a period put a comma, and then add "unless he votes under the provisions of Section 64". It is true that the first words, except as otherwise provided in this Act, may be held to apply, but it is not clear enough for the ordinary Deputy Returning Officer and elector. Secs. 57, 64.

Section 64 should also be amended, I think, by inserting after the word "list" on the fourth line, the words "for that particular rural polling division."

What happens is this, a man is on, or perhaps is improperly put on a list for Polling Division No. 10. He has resided the proper length of time in Polling Division No. 12 but he knows his name has been put on the list for No. 10 and the Deputy Returning Officer says, "You cannot vote in No. 12 because your name appears on the list for No. 10, and he is threatened or he is afraid of getting into trouble.

The two corrections that I suggest would meet the situation. They may not be worded in the correct way, but certainly some change is needed to make it clear that a man can vote at a Polling Division if he has resided the proper number of days in the district, even although his name should be upon the list of another polling division.

You may say that it is the law now, and I know that Col. Biggar so held it, but it has to be made plain for the protection of the ordinary voter and the ordinary Returning Officer. I regard this as most important.

FILED BY THE LABOUR MEMBERS OF THE HOUSE OF COMMONS

1. That all possible public buildings should be used as polling booths and registration places. Secs. 28, 34,
55 (1).
2. That the boundaries of polling sub-divisions should follow those of the cities and municipalities. Sec. 28.
3. That the number of the Polling Division should be shown opposite the name of the voter on the lists. Sec. 32,
Form 17.

4. That no voter should be accosted by anyone within a hundred feet of the Polling Sub-division.
- Sec. 32. 5. That in the Court of Revision there should be no registration by proxy upon written request by the applicant showing an adequate cause for his or her absence.
- Sec. 21. 6. That in the cities, the City Clerk or other officials, should be the Returning Officer, and wherever possible, permanent D.R.Os. should be appointed by the Electoral Officer in Ottawa.
- P.R. in urban div. 7. That proportional representation with Group Constituencies in urban areas should be inaugurated.
- Polling day half holiday 8. That a half-holiday with pay on polling day should be allowed to all employees of corporations or other concerns.
- Secs. 55 (5) 102 (8). 9. That as an alternative, if the half-holiday is not granted, an extension of the voting hours should be made law.
- Sec. 40 (9) b., 40 (5). 10. The abolition of election deposits and that increased number of signatures be required on the nomination.
- Sec. 9. 11. The repeal of that part of the Election Act which prevents Unions from contributing to election campaigns.
- Campaign funds—publication 12. That there should be a publication of the source of all campaign funds received by all political parties.

FILED BY JULES CASTONGUAY, CHIEF ELECTORAL
OFFICER*Returning Officer*

Sec. 21

21. From time to time, as required, the Governor in Council upon the recommendation of the Secretary of State shall for every electoral district in Canada appoint a person, described either by name or by his title of office, who shall be returning officer for such electoral district: unless there is good reason to the contrary, such person shall be the first mentioned of the public officers hereinafter described, namely:—

- (a) A sheriff whose jurisdiction extends to the whole or any part of the electoral district;
- (b) A registrar of deeds whose jurisdiction extends to the whole or any part of the electoral district;
- (c) A protonotary whose jurisdiction extends to the whole or any part of the electoral district;
- (d) The deputy of any such sheriff, registrar or protonotary, in the same order, provided that the sheriff, registrar or protonotary whose deputy the nominee is has not been already appointed to be returning officer for some other electoral district, or if he has been so appointed, has not named his deputy as his election clerk;
- (e) The city clerk of any city in which the electoral district is wholly included or of which the whole or part is situate in the electoral district;
- (f) The assessor of any such city.

2. Every person so appointed shall be removable only for cause and notice of his appointment shall be given immediately in the *Canada Gazette*.

3. A person not holding any public office shall not be recommended for appointment as returning officer unless there is no such public officer as is described in this section against whose appointment good reason does not exist.

FILED BY THE CHIEF ELECTORAL OFFICER

Sheriffs and Registrars

Deputy Sheriffs and Registrars who acted as returning officers at the General Elections of 1900 to 1926 inclusive:—

General Election	Number
1900	66
1904	68
1908	63
1911	46
1917	35
1921	17
1925	32
1926	15

SESSION 1929

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT
PRACTICES INQUIRIES ACT

No. 4

Thursday, March 14, 1929

Wednesday, March 20, 1929

WITNESS: Tom Moore, president Trades and Labour Congress of Canada.

Appendix of Proposed Amendments to the Act.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1929

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

THURSDAY, March 14, 1929.

The meeting came to order at 4 o'clock p.m., Mr. Power presiding.

Members present: Messrs. Anderson, Black, Bothwell, Boys, Cannon, Cantley, Kellner, Kennedy, Laflamme, Totzke.

No witnesses being present the members present discussed at length the procedure to be followed at subsequent meetings.

It was decided to hear Mr. Tom Moore, president of the Trades and Labour Congress at the next meeting on Wednesday, March 20.

The sense of the committee was that no division on an important motion would be taken at any meeting prior to the Easter recess.

The committee adjourned till Wednesday, March 20, at 10 a.m.

A. A. FRASER,
Clerk of Committee.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

WEDNESDAY, March 20, 1929.

The meeting came to order at 10 o'clock a.m., Mr. Power presiding.

Members present: Messrs Anderson, Bothwell, Boys, Girouard, Hanson, Kellner, Kennedy, Lapierre, McPherson, Power, Sinclair, Totzke.

Mr. Tom Moore, president of the Trades and Labour Congress appeared and submitted recommendations of the Congress with respect to several provisions of the Dominion Election Laws.

The clerk of the committee advised that he had received from Mr. O. M. Biggar, K.C., copies of draft bills, namely: (a) An Act to Provide for the Preparation of Dominion Voters' Lists in Cities; (b) An Act to amend the Dominion Elections Act (Election Officers), which were ordered printed in the Appendix.

Mr. Roy Campbell of Montreal appeared and presented a plan for the preparation of voters' lists, based on a compilation of the original list by a card system to be completed by a photostatic process.

The presentation of this system by Mr. Campbell was followed by discussion, when it was decided to refer the matter to the Chief Electoral Officer for consideration.

Mr. Campbell also presented a voters' identity card and photo system which was received with much interest by the committee members and referred to the Chief Electoral Officer.

The committee decided to request Albert McCaughan of the Office of the Provincial Voters' Lists, Montreal, and John D. Hunt, Clerk of the Executive Council, Edmonton, to attend before the committee at a subsequent meeting, the clerk being instructed accordingly.

The committee then adjourned at the call of the chair.

A. A. FRASER,
Clerk of Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

March 20, 1929.

The Special Committee appointed to consider the Dominion Elections Act met at 10 o'clock, A.M., the Chairman, Mr. C. G. Power, in the chair.

TOM MOORE, President of the Trades and Labour Congress of Canada, called.

The WITNESS: Mr. Chairman and members of the Committee: for several years past, but particularly for the last two or three years, the organized labour movement through the Trades and Labour Congress has presented to the government a number of requests touching upon the Election Act and upon the electoral reform. We desire to place this before your Committee for consideration, and if there is any explanation which I can give you beside what is contained in this short memorandum, I will be very glad to do so. There may be some other matters, such as fixed election lists, which are not covered in this memorandum as I have confined it to the subjects actually dealt with by resolution and action of the convention of the Trades and Labour Congress of Canada. If there be anything upon which you desire my personal opinion, I will be glad to add it to the memorandum.

*MEMORANDUM on Electoral Reform and Election Act Amendments
Submitted to the Special Committee of the House of Commons on
Behalf of the Trades and Labour Congress of Canada, Ottawa,
Wednesday, March 20, 1929.*

1. *Re-election of Cabinet Ministers.*

Believing that the system which prevails of demanding that those accepting Cabinet portfolios return to their constituencies to seek re-election immediately after a general election is a waste of time, money and energy, we suggest that the necessary legislative changes be enacted which would abolish this practice where such promotions are made within two years subsequent to a general election.

In making this request it is not intended that those who may be appointed to Cabinet positions and have not, at the time, a seat in Parliament should hold such offices without securing election as members of Parliament.

The change herewith submitted would make possible a much freer choice of Cabinet Ministers according to their suitability and qualification of the office instead of such choices being governed, as we believe has often been the case, by their ability to retain the constituency for the party in power.

Just in elaboration of that I might state that immediately after an election, if it has been very close, there may be a suitable man for a cabinet position, but his majority has been so small that the seat is rather doubtful, and naturally the government does not like to open the seat, and so a less suitable

[Mr. Tom Moore.]

man might be promoted to a cabinet position, whereas if they could promote a man to the cabinet without opening the seat, they would be able to appoint perhaps a much better man for that position.

2. *Appointment and Control of Returning Officers.*

From time to time cases arise which emphasize the need for some change in the method of appointment and control of returning officers and their subordinates charged with the conduct of Federal elections. These circumstances, we believe, can be attributed to the present practice of making appointments of returning officers a matter of party patronage. Feeling that they owe their appointment to the political party to which they belong, the same practice is followed by them in making their appointments of poll clerks, etc.

The interjection of political partyism into what should be an impartial state function not only lends itself to the arousing of suspicion as to unfair practices but also, in the case of elections following each other in close sequence, leads to inefficiency through the replacement of returning officers before they have had a fair opportunity to become fully acquainted with their duties.

By the legislation enacted in 1920 provision was made for the appointment of a Chief Electoral Officer and for the safeguarding of his administrative authority against undue political interference. The success which has attended the removal of this important office from the field of party politics leads us to express the opinion that the extension of similar protection to the positions of returning officers would remove much of the dissatisfaction as to the conduct of elections which now exists.

We recommend that all official election appointments should be made on a non-political basis and that the incumbents should be thereafter under the full control of the chief electoral officer, returning officers not to be subject to removal from office except for just cause and on the recommendation of the chief electoral officer.

By Mr. Boys:

Q. You say "all election officials"?—A. Yes.

Q. By that you mean poll clerks and everybody?—A. Yes; of course, we realize when we say "on a non-political basis" that there would be appointed men who are members of a certain political party for the time being, but they would be appointed chiefly on their merits and the Chief Electoral Officer would see that they fulfilled their duties regardless of the party to which they belonged, and if they did not they would be removed by the Chief Electoral Officer. They would stay until it was shown that they did not do their job right.

By Mr. Kennedy:

Q. Would you put the authority in the hands of the Chief Electoral Officer instead of recommending that they be discharged or appointed—that he would have the authority to hire and discharge personally?—A. I do not think it would do any harm. Certainly I would not allow anyone to interfere except it was on his recommendation, and I think he should have the authority to act.

By Mr. Boys:

Q. How would he do that? I do not oppose the thought at all; personally, I am quite favourable to the idea of making the returning officers permanent, because there are not so many of them, but when you go to the deputies and polling clerks, and even the constables, how can an electoral officer in Ottawa

[Mr. Tom Moore.]

do that work himself? He will have to delegate his authority to others, and if he is going to do that he might as well let the person doing the actual work have the authority.—A. I realize there are a lot of technical points to cover.

Q. It is impractical, not technical.—A. I have read the ex-electoral officer's evidence, given before this Committee, very carefully on that point, and I realize that part of the work will have to be delegated, but in making the Chief Electoral Officer responsible under the Act, these other men would only be acting for him, and he would have the power to override their decisions. If you delegate the authority to subordinates it takes it out of the hands of the Chief Electoral Officer. If you appoint a chairman or manager of the Canadian National Railways, it is well known that a lot of the work must be done by subordinates, but that chairman alone is responsible to the shareholders, and in the same way making the Chief Electoral Officer responsible, he would be responsible to see that he had efficient subordinates to carry out the policy, and the responsibility would rest on his shoulders and not on those of his subordinates.

By the Chairman:

Q. How would you change the present wording of the Act?—A. By exercising general supervision. It is well known that the appointments there are made by the patronage committee of the constituency and not by the Chief Electoral Officer, and only made for one election. It is not looked upon as part of the staff of the Chief Electoral Officer.

Q. Would you definitely state in the Act that the Chief Electoral Officer must not accept any recommendation?—A. No, I would state in the Act—lawyers know better how to frame the wording of a particular section to cover a certain point—I would state that it shall be the duty of the Chief Electoral Officer to appoint these people and be responsible for their conduct.

By Mr. Boys:

Q. And he will appoint them on the recommendation of the returning officer?—A. I would leave that fairly wide open, because if he had the responsibility he would take the proper methods to see that the duties were carried out properly.

Q. The Act as worded gives authority to the returning officer to appoint the deputies, and the deputies in turn to appoint the poll clerks. I agree with you as to what the actual practice is; we know what is being done, but I want to know if you are going to give him the responsibility and say that he shall make the appointment. How will it work out in practice? Will the returning officers send him their recommendations, or what will happen?—A. It is quite likely that in practice, to save time, the returning officers will be asked by him to appoint, and will submit suitable names, and he will usually accept them unless he feels he has reason to reject some of them. In practice that would undoubtedly resolve itself into a matter of form.

Q. You would eliminate from the Act the authority now given to the returning officer and the deputies to appoint their subordinates?—A. I would make the Chief Electoral Officer responsible in the last analysis for all appointments.

By Mr. Kellner:

Q. He could then delegate his powers?—A. Naturally. Nobody assumes you would expect one man to do all the duties laid down. They have to be delegated. That is why you provide him with assistants named in the Act. I am not a drafting clerk, so far as the wording of the Act is concerned; all I can do is to give you a broad idea of what we want.

[Mr. Tom Moore.]

Mr. Boys: It is not a question of drafting; it is a question of how we shall do it.

The CHAIRMAN: It is a question of party politics. I think the experience of every one of us has been that we do not know who the poll clerks are until the morning of the election. We have quite a time finding them. The returning officer himself has a time finding them.

The WITNESS: The chief thing we want to emphasize is that a man once appointed would remain until, for misconduct or inefficiency, he would be removed. After you got the staff throughout the country it would remain, with perhaps certain changes for inefficiency or wrong practices, but you would not have the difficulty of not knowing who the polling clerk was, except in a minor number of constituencies where changes are likely to take place. As it is now, the appointments are for each separate election, and immediately that is over the polling clerk ceases to hold that office, but under the proposed practice it is a settled position, only changeable by the Chief Electoral Officer. The biggest difficulty would naturally arise in the first appointment; after that they would be able to give closer supervision because there would be but very few appointments to make thereafter.

By Mr. Boys:

Q. Your recommendation is that election officers, down to the most humble, should be appointed by the Chief Electoral Officer who should be responsible.—A. Yes, and should remain in that office until removed by the Chief Electoral Officer for cause.

Q. They would be permanent officials?—A. Yes.

By Mr. Totzke:

Q. You say the deputies and the polling clerks should be permanent officials?—A. I would say so, yes. You find so much inefficiency under the present system of changes. A man is strange to the work, and often you go to the polls early in the morning, and you find a very inefficient officer, who sometimes cannot even advise you what to do.

By Mr. Kennedy:

Q. The Chief Electoral Officer has to appoint a returning officer in some distant part of Canada—east or west; there is nothing to hinder him going to anybody, political candidates, well known lawyers, or anybody else in the district whom he knows is reliable, and asking them for their recommendation?—A. It would naturally leave it open to his discretion as to the best way of getting the best men. If he abused that practice, you would have cause to remove him, under the present act.

Q. Would there be any difficulty, in your mind, in his delegating the power to make direct appointments of subordinate officials?—A. I think he could approach it in another way.

Q. Do you know of any other business that is Dominion wide, carried on in the same way?—A. I have only close experience with the Canadian National Railways, which is a Dominion wide business.

Q. Is Sir Henry Thornton responsible in a general way for the whole thing?—A. Absolutely.

Q. Does he know all the details?—A. He does not attempt to. He has his vice-presidents and they have their divisional superintendents.

Q. How is the discipline maintained?—A. It gives to these men the responsibility, and if they fall down, the man is removed.

[Mr. Tom Moore.]

By Mr. Boys:

Q. The superintendents of the Canadian National can hire and discharge without consulting the executive?—A. Yes. There is some difference between a business which is carried on continuously and election matters. I would leave fairly wide discretionary powers as to how it should be carried into effect. The main thing is that he would be responsible only to government or parliament in the last analysis.

By Mr. Kennedy:

Q. Then the matter sifts down to this, that each election official throughout the Dominion would know that he would have to conduct the election properly according to law?—A. Absolutely.

Q. And the only person who, in the last analysis, would be responsible would be the Chief Electoral Officer?—A. That is our proposal.

By Mr. Kellner:

Q. In regard to the poll clerks at the present time: the deputy returning officers appoint them. Would you not consider that satisfactory? If the deputy returning officer was sufficiently covered would it not be satisfactory?—A. It might work out in practice. If it was found there were too many abuses, it might be proper to make a check of it, but in the first practice it would probably work out that way.

By Mr. Bothwell:

Q. I imagine it would be difficult to get permanent poll clerks. You would have a different one practically every election, anyway.—A. I think there would be the biggest labour turnover there, if I may use that expression.

By the Chairman:

Q. What do you think of the objection made by Mr. Biggar that if he were the Chief Electoral Officer he would not care to undertake the responsibility which you would put upon him—as would also Mr. Kennedy, Mr. Kellner and others—because he does not think that it could be worked out practically?—A. I have the utmost respect for Mr. Biggar and I think he knows the duties and the difficulties of the position better than any man in Canada, and I would not care to comment much on his personal opinion, but we have our opinion that it would undoubtedly be an improvement. We admit it would add a burden to the responsibilities of any chief electoral officer.

Section 3 is as follows:—

3. *Proportional Representation and Transferable Vote.*

Under the present system of representation, the House of Commons does not always bear comparison to the actual numbers casting their ballots in favour of the respective political groups and as a step towards making it more representative of the people we would ask for changes in the Election Act so as to provide for proportional representation in group constituencies and the use of the transferable vote in single member constituencies.

By the Chairman:

Q. Would you indicate where you would form these group constituencies?—A. I think they are possible practically only in large industrial centres, such as Toronto and Montreal, where there are many members. To try and group the rural constituencies to-day would, in my personal opinion, cause too large

[Mr. Tom Moore.]

a constituency to be of any benefit to those seeking minority representation. In sections like Toronto and Montreal, the larger centres, it would be possible to group them for proportional representation. In a single member constituency where more than two candidates are running, by the use of the transferable votes, it might come down to the second choice until you got a majority in favour of the man who really came to parliament.

Q. Of the two, you would favour the transferable vote because the proportional representation would only apply to two or three constituencies?—A. Perhaps so. I think the transferable vote is the more important of the two at the present time.

By Mr. Kennedy:

Q. Is the single transferable vote in single member constituencies the same thing on the ballot as the method we adopted in selecting a party leader at a convention, where there are two, or three, or four votes?—A. I have never been at a political convention, so I cannot say.

Q. That is the way it is done. You take one vote and nobody has a majority and two or three fellows drop out, and the delegates apply their votes to a second choice.—A. It is the same thing in principle, except you cannot go back after a second ballot, and therefore you have to mark it on the first ballot. It is the same principle as holding the second, third, or fourth ballot.

The CHAIRMAN: However, I do not think we need enlarge upon that.

WITNESS (reads):

4. Election Day Half Holiday.

During the 1925 session of Parliament an amendment to the Election Act was passed by the House of Commons providing for a half-day holiday on Election Day, but this failed to become law owing to an error in the same not being incorporated in the Bill sent to the Senate. In view of this, the Government passed an Order in Council providing for a half-day holiday for the Federal elections, held in 1925. This Order in Council was not clear, however, as to whether the holiday should be an extension of the provision for two hours' time, with pay, which exists in the present Act and a certain amount of dissatisfaction and confusion arose therefrom. We, therefore, recommend that the Election Act be amended so as to make it compulsory for employers to grant a half-day holiday, with pay, to all workers on Federal election day.

By Mr. Lapierre:

Q. You would impose a penalty in the event of this regulation not being observed. Is that not provided for now?—A. By the employers?

Q. Yes?—A. I have not read it very closely, but I take it for granted that there are penalties for any violation of the Act.

The CHAIRMAN: I am not clear as to whether you are not infringing upon provincial rights there, to a certain extent. I am not certain that a man suing his employer could collect through the courts the moneys he claims he would be entitled to for the half-day he did not work, even though it was provided for by federal statute. I am not clear in my mind that he could do that. I speak subject to correction by better lawyers than I am.

WITNESS: Does the Act not provide now for two hours?

By Mr. Lapierre:

Q. Have we any provision now for payment for holidays?—A. We have. This is only an extension from two hours to five hours, or from two hours to half a day.

[Mr. Tom Moore.]

By Mr. St-Père:

Q. Did you ever have any complaint from labouring men that they could not vote in two hours?—A. Yes.

Q. I represent a labour riding, and we have never had a complaint?—A. We find considerable complaint that the two hours are very difficult to get, sometimes, that while it is in the Act, it is very difficult to take them without dislocating the employer's business too much. They fear the result of it, and do not take it. In other cases the two hours are not long enough; where the constituencies are growing, and the men have to go perhaps to the other end of the city, two hours is not a long enough time.

By Mr. Lapière:

Q. It is not enough in our mining districts. There are men in our mining districts so far away that they cannot possibly vote in two hours?—A. There are cases in cities like Toronto where a man might move of necessity from east to west, or up north, and two hours are absolutely useless, unless someone provides him with an automobile.

By the Chairman:

Q. Have you had any cases where men have taken two hours to vote and have been docked their pay?—A. No, I cannot remember any specific cases where men have been docked. The tendency is rather the other way, that the men would not jeopardize their employer's business by taking two hours to vote.

By Mr. St-Père:

Q. According to your suggestion, everybody would get to vote with pay?—A. Yes. Under present modern industrial development I think it is often more expensive to have the two hours than closing down for half a day. In many cases one operation depends upon another, and if a man is away two hours, it holds up the rest of the production. Then someone else is away, because there is no statement as to when these two hours may be taken. They may be taken from noon until two o'clock, or from two to four o'clock, or from four o'clock to quitting time.

By the Chairman:

Q. Your complaint about the two hours is really that the employer says "Well, take the time you have off for dinner, take that for your two hours."?—A. I do not think the employer really interferes very much, but mentally it is in the man's mind; a man knows the dislocation it causes, and he thinks if there is to be a lay-off, he is going to be the first one. It is mental on the part of the man, and he does not take the time off, especially if he is the last man on and is liable to be the first man off. Then sometimes he wants to be the best man, and he sticks to his job. We believe closing down for half a day absolutely would clear the air, and would be much better.

5. Contributions to Election Funds.

Clause 10 of the Franchise Act, 1920, prohibits unincorporated associations, such as trade unions, etc., from making voluntary contributions towards election campaigns and Clause 11 of the Franchise Act, 1920, prohibits any person not being an elector and who resides without Canada from assisting in any manner in election campaigns.

These sections work particular hardship to candidates dependent upon contributions towards election expenses inasmuch as they prevent subscriptions being taken up at trade union and similar gatherings and

we, therefore, ask that these two sections be repealed. It is true they have not been strictly enforced. This, however, only creates a lack of respect for the law as a whole and, we venture to assert, is an added argument for their repeal.

Unless a trade union takes the trouble to incorporate itself as a political body, you are prohibited from donating any voluntary contributions. Supposing an officer of a trade union who happened to be from out of town, not an elector, and not a resident of Canada, and who made a chance remark at a meeting, and somebody asked us to take it up, and he said, "Yes, so and so is a good friend of ours.", that would be actionable under Clause 11, his taking part in a campaign, on account of being a resident outside Canada.

By Mr. Kennedy:

Q. In Alberta I think we comply with the law. If not, I would like to know about it. They simply have a body incorporated for political purposes, in Calgary, and various constituencies, and they simply go out and appeal for funds, all the U.F.A. in the country?—A. We have considered that the best economic interests of the trade unions are served by keeping them aloof from actual political organization, this clause in the Act forces us to do something else, to incorporate as a political body if we want to make a contribution to any political body no matter which one they belong to.

By the Chairman:

Q. I think you would be better off if you separated these two recommendations, rather than grouping them, because they do not refer one to the other. One is with regard to election contributions, the other is entitled "Foreign Canvassers". It strikes me you would get more sympathy for your representations if they were separated, rather than having one in with the other?—A. We have no objection to their being separated. They have little connection in a trade union sense, because a number of our general organizers sometimes are residents of Canada when they are appointed, but from their occupation are moving about. Might I just mention one, a Montreal man, who lived there, who was born there, but who found it necessary because of his appointment as a General Chairman to move to Vermont. If he came back to Montreal and made any remark towards inducing these men to be favourably disposed towards one particular man, he would probably invalidate that man's election.

Q. I will go farther than that. You will remember the Hon. James Murdock, who before becoming a candidate resided in Cleveland. He became a candidate, and had to canvas for himself, I presume, although he was a Canadian citizen but resided without Canada.—A. These are the Canadian cases I am referring to.

Q. I think your objection would be met if they changed the words "citizen of Canada," if that term has any meaning.—A. We do not see what it is really getting at, because we know that many of the large corporations, international in their business, might get somebody to act for them here, a dummy corporation, but be instructed from the other side, and somebody might go to one of their meetings, from outside Canada, and because of the technical meaning of the Act, would invalidate the election.

Mr. KENNEDY: Does anyone know why that section was incorporated in the Act.

The CHAIRMAN: If my memory serves me right, there was an election held in Manitoulin Island, in which a man named Stratton and a man name Gamey were the candidates. Is my memory right on that, Mr. Boys?

Mr. Boys: In part it is.

[Mr. Tom Moore.]

Mr. KELLNER: I remember a discussion in the House, when the Hon. George P. Graham made a number of remarks about it. He mentioned the danger of constituencies along the border having an influx of campaigners, and that in that case thought it would be undesirable to have them.

The CHAIRMAN: It only came into the Act in 1920, so my supposition is wrong.

Mr. KELLNER: I think when the Hon. Mr. Graham spoke about that, it was sometime subsequent to Mr. Ramsay MacDonald being here. There was some objection to his being allowed to speak at a meeting, although he was a good speaker. I think Mr. Irving introduced an amendment.

WITNESS: There might be odd cases where it would be a detriment. The other one is really the most important of the two, that is, in regard to contributions. Workers often do feel in their meetings that they would like to make a contribution from the funds of the organization, or voluntarily, if they take up a collection there, it is a violation of the law. We have been told that it is not enforced, so why bother about it? But any law that is not enforced cannot be considered desirable and is far better out.

By Mr. Boys:

Q. Just in regard to your request for a half holiday, Section 14 says:—

Every employer shall on polling day, allow to every elector in his employ at least two additional hours other than the noon hour, for voting, and no employer shall make any deduction from the pay of any such elector nor impose upon or exact from him any penalty by reason of his absence during such hours.

The jurisdiction is recognized there, but put in a negative way. One would imagine that if an employer sought to deduct the wages of employees, and an employee sued for them, the law would compel him to give back that proportion?—A. We are not asking for a new principle. We are merely asking for an extension of the number of hours.

By Mr. Kellner:

Q. Do you think if we accepted that clause we should make it compulsory for the man to vote?—A. No, I do not agree with any attempt to make voting compulsory. I think you would be liable to get a lot of unintelligent voting. You get some now, but you would get more if it was done to avoid a penalty. This is personal opinion. We have discussed it in the Executive, and the general opinion was that way. If there was a fixed list, as proposed by Colonel Biggar, and if men were to be put off the list, the trouble of being put back would often be as great as the trouble of voting, and there would be no benefit.

By the Chairman:

Q. You would be prepared to accept the suggestion that he be dropped off the list, but not disfranchised?—A. I would say penalize him by disfranchising, only it takes so much trouble to get back on the list.

By Mr. Boys:

Q. Have you read the Australian Act?—A. No, I have not. I just have a general knowledge of it.

6. *Abolition of forfeiture of Election deposits.*

The forfeiture of election deposits as called for in the present Act creates a hardship and is in the nature of a penalty on poverty. In a free democracy integrity and ability should supersede wealth as a qualification

for election to Parliament. We, therefore, suggest the abolition of all election deposits and forfeiture of same, and the substitution thereof of a qualifying requirement that a candidate should secure a stated number of signatures of electors before his nomination can be accepted.

By Mr. Hanson:

Q. You are proceeding on the basis that wealth is a necessary qualification for running in an election?—A. I know the difficulty of raising up two hundred dollars for a deposit, especially where there is a likelihood of it being lost.

Q. But it was rather intended, was it not, to show that the men meant business to prevent nuisance candidates?—A. On the other hand, sir, you will agree, that a man with wealth can much more easily put up two hundred dollars and take a chance than a poor man can raise two hundred dollars among his friends.

Q. Nobody will dispute that. Was not the reason that the deposit was originally required, to keep out Tom, Dick and Harry from becoming nuisances by reason of becoming candidates?—A. We might make the number of signatures large enough to prevent Tom, Dick and Harry from running.

Q. The number is twenty now?—A. You are not preventing the nuisances now, because they are often so persistent that they raise the two hundred dollars much more easily than a bona fide poor man would.

Q. It is a great detriment to the nuisance candidate. I am against you on that, Mr. Moore.—A. My experience has been that the nuisance candidate can get the money very easily. The nuisance candidate can, but the poor candidate cannot. The nuisance candidate would find it harder to get a larger number of names than he would to get the money.

Q. Do you suggest that a genuine poor man who has the backing cannot raise two hundred dollars?—A. I certainly suggest that many times that is so.

Q. If he cannot raise two hundred dollars, he has no business to take on an election, the way it is done to-day, with all kinds of expenses?—A. He often forfeits it, because it often takes all he can raise; he cannot get enough votes to save his deposit, and he loses that.

By Mr. Kennedy:

Q. How many signatures would you suggest a candidate should have?—A. It would depend on the constituency. There is no reason why a man should not have 100 or even 200; whatever the Committee might think necessary to prevent nuisance candidates.

Mr. BOYS: There is no trouble in getting signatures.

Mr. HANSON: You can get enough signatures to hang a man.

The CHAIRMAN: The trouble is, to get them all in proper form, to have the same man witness them.

Mr. BOYS: It puts the man to a lot of bother. In Canada anybody can get two hundred signatures, if he wants them.

Mr. ST. PERE: What is the minimum now?

Mr. HANSON: Twenty.

Mr. ST. PERE: Any nuisance candidate can pick up that much money. I had a personal experience of that in the last election.

WITNESS: I seriously say that the two hundred dollars is a handicap to many men running, in the first instance, and secondly, being unable to properly carry on their campaign afterwards because of having to place two hundred dollars on deposit first.

[Mr. Tom Moore.]

By Mr. Hanson:

Q. Do you think they could not borrow that from the bank, on the strength of getting the two hundred dollars back?—A. It is evident that we move in different circles, and come across different people. We know the difficulty of getting money from the banks.

7. Voting by Seamen.

“The present advance polls are oftentimes of no value to seamen who are compelled to be away from home whilst following their employment and it is therefore requested that some provision be made in the Election Act so that seamen be privileged to exercise their franchise away from home when following their employment as seamen.

That was submitted by the Marine Engineers' Association of Canada, and endorsed in principle. Frankly I must say that I must leave it to your Committee to decide whether it can be practically carried out.

Q. Would that include deep sea seamen?—A. Lake seamen too. They are often away from home for many weeks.

By the Chairman:

Q. Many deep sea seamen are away for months at a time. If you gave them two weeks, there is no reason why you should not give them two months?

Mr. HANSON: They are never two months absent, from the issue of the election writ until the election day.

The WITNESS: There might be something learned from the method of over-sea voting during the war.

The CHAIRMAN: Mr. Telford of the House of Commons has some suggestion along these lines. His suggestion is that a ballot be mailed, as they have in British Columbia.

Mr. HANSON: I understand that they found it unworkable, and are about to abolish it.

The CHAIRMAN: Do you approve of a ballot being sent by mail?

The WITNESS: I must confess that I have not considered that.

Mr. LAPIERRE: Has anybody any idea how many votes were cast in the last general election at the advanced polls?

The CHAIRMAN: Very small.

Mr. HANSON: In my constituency it hardly paid to have the poll.

By Mr. Kennedy:

Q. In connection with the advanced polls, do you see any reason why they should not be open to anybody who is liable to be away from home?—A. Personally I do not. I have been disfranchised myself on account of being away from home. The poll was open, but I could not use it.

By Mr. Hanson:

Q. Would you follow it up by some system in which the deputy returning officers would have the names taken off the list? There is a chance there for fraud?—A. There are difficulties in opening it wide, but as a general principle I do not see why anyone should not have the privilege.

Mr. HANSON: But there may be difficulties in working it out.

The CHAIRMAN: Some member of the House or of the Committee at one time suggested that there should be a change in the qualification of voters, which would prohibit all people receiving charitable assistance being allowed to exercise the franchise.

WITNESS: This is the first time I have had it drawn to my attention.

Mr. HANSON: Who made that suggestion?

The CHAIRMAN: I think it was Mr. Barber. It was discussed here.

WITNESS: I think it is a relatively old idea, that a person who becomes a ward of the State should be disfranchised. On general principles, it would be opposed to our ideas. If a man is compelled to accept relief, he should not be debarred from the franchise.

The CHAIRMAN: If we are proceeding under a democratic system, we should see that such a man was not disfranchised.

WITNESS: I think that principle would meet with our approval, but it has not been drawn to our attention. I think it would be approved by us, because men to-day are compelled to accept temporary relief, and at the time of an election might possibly not be receiving relief.

Mr. HANSON: Does the statute go that far? The man who takes temporary relief is not disfranchised, under the present law. We have at East St. John an institution for such persons, and they have never been disfranchised.

WITNESS: The principle has been adopted in the old age pensions scheme. Those receiving old age pensions are not disfranchised. It would only be extending a principle accepted by the House under the Old Age Pensions Act.

By Mr. Kaiser:

Q. Have you any objection to imposing a penalty upon those who do not vote, or any objection to handing a list of the names of those who do not vote to the returning officer?—A. I should think that they should be dropped from the list.

Q. So you have no objection to handing that list to the returning officer?—A. No.

Q. Is there any objection to the returning officer sending a form to every man who has not voted, asking him why he did not vote?—A. No. I think that would be necessary as part of the facilities for getting the man back on the list. After a man is dropped from the list there would have to be some machinery for him to get back; therefore your suggestion would provide that machinery, because in filling that form up he would be automatically kept on the list, if the objection was valid.

Q. Well, supposing there are men who do not vote, there is no objection to the state saying to every man that once in four years he has to account for himself. Now, follow up the point of whether you would impose a penalty or not. You have a great many voters who do not vote and who give no reason. The state may say, "we will urge you to vote by imposing a penalty, or we may not." The point in the Australian Act is as to whether finally a penalty should or should not be imposed. Supposing a man is compelled by the state to tell why he did not vote, that would be the great point?—A. We are very slow in imposing penalties for not performing civic duties, because we know that the man who has facilities for putting up a proper defence is much less likely to be penalized than the man who has no such facilities, and for that lack he is more likely to be liable to penalties than the other man.

By Mr. Hanson:

Q. Is that not a reflection upon the administration of justice?—A. No, I think not.

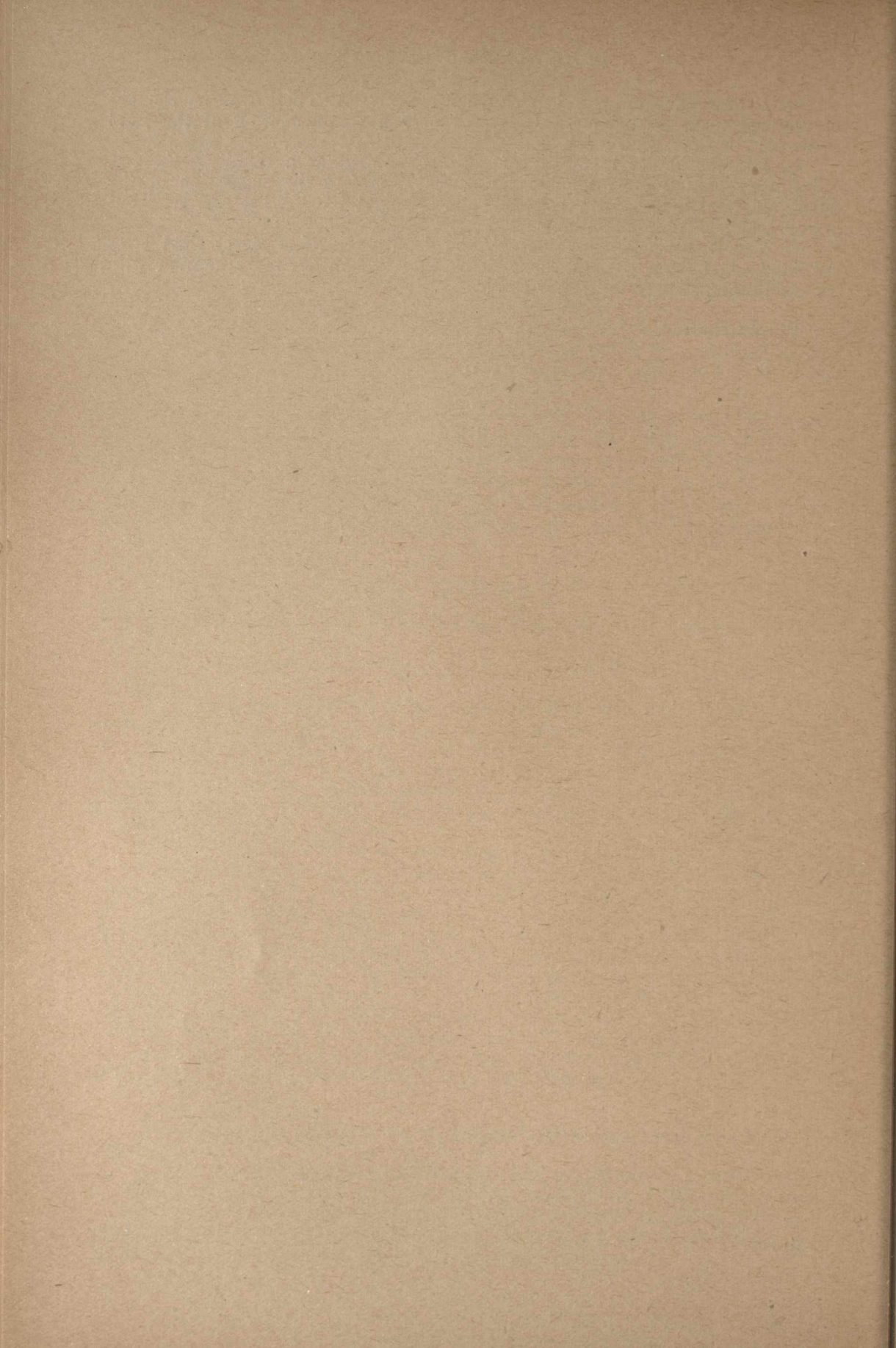
Q. You say that the man who has money can get off, or has a better chance of getting off than the man who has not any money?—A. I did not say that. I say the man who is sufficiently educated to know what his rights are has a much better chance than if he was not, and if he had money he would be in a much better position than the man who had not any money.

Q. I must have misapprehended your reason?—A. There was no thought of any aspersion on the courts. It was only a commendation of the legal fraternity, in doing a good job.

Q. You are rather in favour of disfranchisement as a penalty?—A. Yes, unless they can show reasonable cause, and therefore the suggestion of the honourable member that the returning officer might have a list and send out a form would be quite acceptable.

Q. You would have that done by the deputy returning officer right after the poll?—A. I think I would sooner leave that to someone more familiar with the election machinery to answer that.

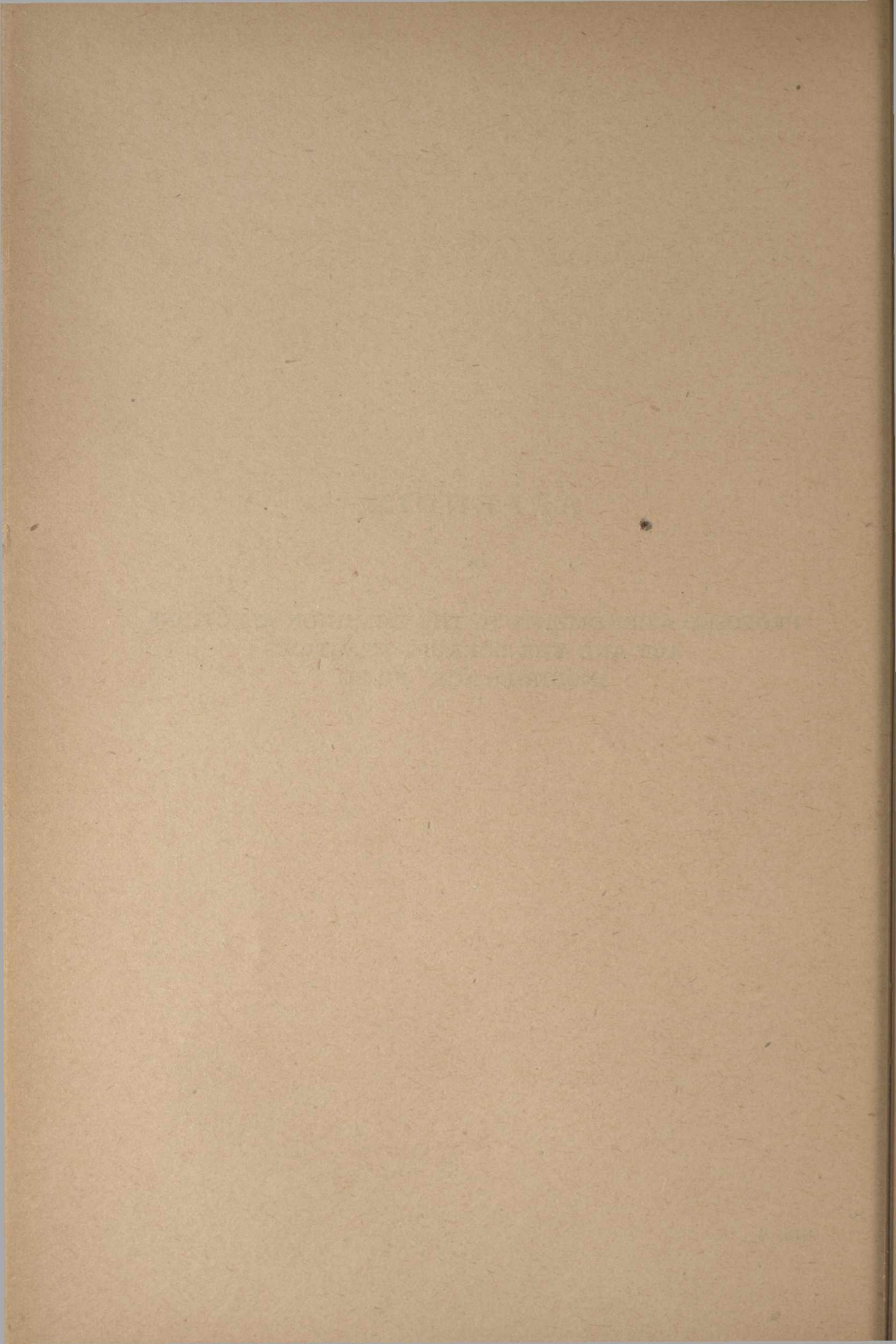
Witness retired.



APPENDIX

OF

PROPOSED AMENDMENTS TO THE DOMINION ELECTIONS
ACT AND THE CORRUPT PRACTICES
INQUIRIES ACT. FILED



FILED ON BEHALF OF THE LEGISLATIVE COMMITTEE
OF THE RAILWAY BROTHERHOODS

Dominion Election's Act

Amend Section 102—re Advance Polls for Railway Employees, Sec. 102.
Sailors and Commercial Travellers—as follows:

Subsection (8) to read:

“(8) Advance Polls shall be open from the hours of two o'clock to five o'clock in the afternoon and from seven o'clock to ten o'clock in the evening of the three days, exclusive of Sunday, immediately preceding polling day.”

Amend Subsection (10) to read:

“(10) Every person applying to vote at an Advance Poll shall, before voting, be required by the Deputy Returning Officer to make the following declaration, which shall be kept by the Deputy Returning Officer with the other records of the poll:

Declaration

“I declare that my employment or calling is that of a Railway Employee, Sailor or Commercial Traveller and necessitates, from time to time, my absence from my ordinary place of residence, and that I have reason to believe that because of possible necessary absence from my ordinary place of residence in the pursuit of my employment or calling, I may be unable to vote at the pending Dominion Election on polling day. I am aware that after voting at an Advance Poll, I have no right to vote or to attempt to vote at any other polling station at the pending Dominion Election.”

Dated at _____, this _____ day of _____, 19 _____

Witness:.....
Deputy Returning Officer Name of Voter

The remaining subsections of Section 102 to be amended accordingly, or repealed.

FILED BY MR. NEILL, M.P.

1. That Election Day be proclaimed a public half-holiday, with pay. This was actually inserted in the Act in the Session of 1925, but by a clerical error was omitted from the Act as submitted to the Senate. The records of Hansard, 1925, Page 4750 will show where it passed the House of Commons.

2. In rural constituencies the qualifying date of ordinary residents is two months prior to date of writ. In the election of 1925 this meant that anyone voting on October 29th had to be in residence on July 5th. This is too long in British Columbia where the population, many of them single men, move about a great deal. It also disenfranchises a large number of school teachers. Both in 1925 and 1926 qualifying date fell during the summer holidays when most teachers were away from their schools, and when they

came back on September 1st they were too late to qualify. This disenfranchises practically all our school teachers. They could, of course, register in the district where they were on July 5th, but that meant going back to the district, which was impossible. The same argument applies to the many fishermen on the coast, and often means their disenfranchisement.

Secs. 55 (5),
102 (8).

3. I would recommend the close of polling to be at seven p.m. instead of six p.m. for the greater convenience of workers, not all of whom can take advantage of a half holiday, and especially so if the half holiday mentioned under No. 1 is not granted. It really means the disenfranchisement of a lot of these workers.

Sec. 63 (3)

4. I would recommend that the voter be allowed to retain possession of his ballot and himself deposit it in the box. He can show the counterfoil to the Deputy Returning Officer and himself tear it off in the presence of the Officer and hand the counterfoil to him, but the voter should never have to hand his ballot to anyone. When he does so, the secrecy of the ballot is very much endangered. The paper is thin, and a sharp-eyed Scrutineer could quite easily see where the pencil mark is made through the back of the ballot. I have known this done. Also the Returning Officer may quite innocently, in handling the ballot and tearing off the counterfoil, slightly open it and disclose where it is marked, or if he is unscrupulous and wishes to find out how some particular man has voted, it is very easy for him to rub the ballot paper open and disclose the way the man voted. If complained about, he can say it was an accident, as indeed it might have been, but it may cost the voter his job. There is a very strong feeling that the voter should not have to hand his marked ballot over to anyone, but himself deposit it in the box.

Secs. 77, 78.
Tariff by
O. in C.

5. I recommend that Deputy Returning Officers and Poll Clerks in the West should be paid \$10 and \$5 a day respectively. The Poll Clerk has to be a man of some education and reputation, and has to visit the Polling Station the day before the election to see that everything is ready, and has to be on duty all day and have his meals sent in, etc., and good men cannot be got to do it for \$7.

As regards the Polling Clerks, the same thing applies. They have to be on the job from 7.45 a.m. until the poll is finished, the counting done, and all forms filled up, which often means eight or nine o'clock. They are not allowed anything for meals, and no hotel will send in a meal under a dollar, and that gives him, at the present rate, \$2 for his day's work, whereas if he were working at the lowest form of manual labour he would work only eight hours and get \$4 a day with no deduction, as he would of course bring his lunch with him, and go home for his supper.

It is really difficult to get people to do the work for the money, and it requires men of some education, and we certainly want them to be of some standing.

Secs. 55 (5),
102 (8).

6. I suggest polls should close in the East two hours later than in British Columbia, otherwise city voters hold off voting until the eastern votes come in, and their vote will be affected accordingly.

Secs. 77, 78.
Tariff by
O. in C.

7. The tariff of fees allows \$5 only for rent of polling booth and includes heating, furniture and fixing the place up for voting. In rural places this is all right for one booth, but in villages which

require say three booths, it takes quite a lot of fixing up, and the hall naturally needs to be much bigger and cannot be got for \$5. I think the allowance ought to be \$5 for rent of each polling booth, so that if there were three Deputy Returning Officers in one building, the allowance could be \$15.

8. A great deal of misunderstanding is created by the respective wordings of the first section of Section 57 of Chapter 53 Revised Statutes of Canada, 1927, and that of Section 64 of the same Act. It has been held again and again by quite conscientious Returning Officers, and even by the electors themselves, that the last clause of Section 1 of Section 57, which reads as follows: "and he may vote at the polling station of the polling division upon the list of voters for which his name appears and at no other," prevents and contradicts the privilege of swearing in, granted by Section 64. I would suggest that it be made clear by the addition of the following wording, that after the word "other" of Subsection 1 of Section 57, instead of a period put a comma, and then add "unless he votes under the provisions of Section 64". It is true that the first words, except as otherwise provided in this Act, may be held to apply, but it is not clear enough for the ordinary Deputy Returning Officer and elector. Secs. 57, 64.

Section 64 should also be amended, I think, by inserting after the word "list" on the fourth line, the words "for that particular rural polling division."

What happens is this, a man is on, or perhaps is improperly put on a list for Polling Division No. 10. He has resided the proper length of time in Polling Division No. 12 but he knows his name has been put on the list for No. 10 and the Deputy Returning Officer says, "You cannot vote in No. 12 because your name appears on the list for No. 10, and he is threatened or he is afraid of getting into trouble.

The two corrections that I suggest would meet the situation. They may not be worded in the correct way, but certainly some change is needed to make it clear that a man can vote at a Polling Division if he has resided the proper number of days in the district, even although his name should be upon the list of another polling division.

You may say that it is the law now, and I know that Col. Biggar so held it, but it has to be made plain for the protection of the ordinary voter and the ordinary Returning Officer. I regard this as most important.

FILED BY THE LABOUR MEMBERS OF THE HOUSE OF COMMONS

1. That all possible public buildings should be used as polling booths and registration places. Secs. 28, 34,
55 (1).
2. That the boundaries of polling sub-divisions should follow those of the cities and municipalities. Sec. 28.
3. That the number of the Polling Division should be shown opposite the name of the voter on the lists. Sec. 32,
Form 17.

4. That no voter should be accosted by anyone within a hundred feet of the Polling Sub-division.
- Sec. 32. 5. That in the Court of Revision there should be no registration by proxy upon written request by the applicant showing an adequate cause for his or her absence.
- Sec. 21. 6. That in the cities, the City Clerk or other officials, should be the Returning Officer, and wherever possible, permanent D.R.Os. should be appointed by the Electoral Officer in Ottawa.
- P.R. in urban div. 7. That proportional representation with Group Constituencies in urban areas should be inaugurated.
- Polling day half holiday 8. That a half-holiday with pay on polling day should be allowed to all employees of corporations or other concerns.
- Secs. 55 (5) 9. That as an alternative, if the half-holiday is not granted, an extension of the voting hours should be made law.
- 102 (8).
- Sec. 40 (9) b., 40 (5). 10. The abolition of election deposits and that increased number of signatures be required on the nomination.
- Sec. 9. 11. The repeal of that part of the Election Act which prevents Unions from contributing to election campaigns.
- Campaign funds—publication 12. That there should be a publication of the source of all campaign funds received by all political parties.

FILED BY JULES CASTONGUAY, CHIEF ELECTORAL OFFICER

Returning Officer

Sec. 21

21. From time to time, as required, the Governor in Council upon the recommendation of the Secretary of State shall for every electoral district in Canada appoint a person, described either by name or by his title of office, who shall be returning officer for such electoral district: unless there is good reason to the contrary, such person shall be the first mentioned of the public officers hereinafter described, namely:—

- (a) A sheriff whose jurisdiction extends to the whole or any part of the electoral district;
- (b) A registrar of deeds whose jurisdiction extends to the whole or any part of the electoral district;
- (c) A protonotary whose jurisdiction extends to the whole or any part of the electoral district;
- (d) The deputy of any such sheriff, registrar or protonotary, in the same order, provided that the sheriff, registrar or protonotary whose deputy the nominee is has not been already appointed to be returning officer for some other electoral district, or if he has been so appointed, has not named his deputy as his election clerk;
- (e) The city clerk of any city in which the electoral district is wholly included or of which the whole or part is situate in the electoral district;
- (f) The assessor of any such city.

2. Every person so appointed shall be removable only for cause and notice of his appointment shall be given immediately in the *Canada Gazette*.

3. A person not holding any public office shall not be recommended for appointment as returning officer unless there is no such public officer as is described in this section against whose appointment good reason does not exist.

FILED BY THE CHIEF ELECTORAL OFFICER

Sheriffs and Registrars

Deputy Sheriffs and Registrars who acted as returning officers at the General Elections of 1900 to 1926 inclusive:—

General Election	Number
1900..	66
1904..	68
1908..	63
1911..	46
1917..	35
1921..	17
1925..	32
1926..	15

FILED BY MR. KENNEDY, M.P.

Amendments to Dominion Elections Act, R.S., c. 53

- Chief Electoral Officer. 1. (1) Subsections one and two of section eighteen of the *Dominion Elections Act*, chapter fifty-three of the Revised Statutes of Canada, 1927, are repealed, and the following are substituted therefor:—
- Appointment. “18. (1) The Chief Electoral Officer shall be appointed by resolution of the House of Commons.
- Qualification. “(2) *No person shall be eligible to receive such appointment unless he has been admitted to the bar of one of the provinces and has been actually engaged in the practice of his profession for at least ten years before the date of appointment, and is one of His Majesty’s Counsel learned in the Law.*
- Salary. “(3) He shall be paid such salary as shall be fixed by the Governor in Council, and *not less than* per year.
- Retirement. “(4) *He shall cease to hold office upon reaching the age of seventy-five years.*
- Tenure of office. “(5) *He shall hold office during good behaviour, and shall be removable only for cause or for becoming, by reason of age or infirmity, incapacitated for or disabled from the due execution of his office.*
- Rank and power. “(6) He shall rank as the deputy head of a department, shall communicate with the Governor General through the Secretary of State of Canada, and in addition to the exercise of the powers and the performance of the duties with respect to elections formerly exercised and performed by the Clerk of the Crown in Chancery, he shall and may,
- Dismissal of officers. “(a) throughout every election properly direct all deputy electoral officers and returning officers and, in case of incompetency or neglect of duty or breach of law on the part of any of them, *may remove or dismiss such officer and appoint another in his stead;*
- Prosecutions. “(b) exercise general direction and supervision over the administrative conduct of elections with a view to ensuring the fairness and impartiality of all election officers and compliance with the provisions of this Act, *and prosecute any person, company or association or officers thereof, who may commit any offence against those provisions, and he shall be charged with the regulation and conduct of all litigation in relation thereto, and be empowered to engage counsel in any province to carry out his instructions and secure the conviction of such offenders;*
- Report on all irregularities and offences. “(c) report to the House of Commons, through the Speaker, after an election, *all offences or irregularities which have come to his knowledge or to the knowledges of the officers employed by him, in the course of the election, and any matters arising thereout or in relation thereto which may be of importance as affecting administration or amendments of the Act;*

"(7) The Chief Electoral Officer shall appoint a deputy electoral officer for each Province, and such deputy electoral officer shall have power to appoint, in conjunction with and subject to the approval of the Chief Electoral Officer, all return officers in the province in which he is appointed to act.

"(8) The Chief Electoral Officer shall have power to dismiss any deputy electoral officer or any returning officer in any province for incapacity, neglect of duty or unlawful conduct, and the deputy electoral officer shall have power, with the approval of the Chief Electoral Officer, to dismiss forthwith any returning officer in any province for the same reasons, and in case there is not sufficient time before an election to consult the Chief Electoral Officer, the deputy electoral officer shall act upon his own responsibility as to such dismissals.

"(9) The Chief Electoral Officer shall be charged with and be responsible to the House of Commons for the proper administration of the Act, and for the conduct of the deputy electoral officers, returning officers and other election officers.

"(10) Any charge or complaint against the Chief Electoral Officer or the deputy electoral officer must be presented within six months after the date of the election by petition in Form 57, signed by not less than three electors of the constituency in which the cause of complaint arose, which petition shall be executed in duplicate and one copy thereof shall be forwarded by registered mail to the Clerk of the House of Commons at Ottawa, and one copy shall be forwarded, by registered mail, to the Chief Electoral Officer at Ottawa.

"(11) The petition shall be referred to such Committee of the House of Commons as the House shall direct, which Committee shall make a full investigation into the matters alleged, and shall dismiss the petition if in their opinion the application is frivolous or vexatious or does not justify further inquiry, or if the evidence is not conclusive. The Committee shall be empowered to render a final judgment on the whole matter, and if in its opinion the public interest demands a further and more extensive examination into the case the Committee shall have the power to direct that a commission be appointed with all the powers of a commissioner appointed under the Inquiries Act, to conduct a full and complete examination of the case and report the finding and evidence to the House.

"(12) If the Committee or the inquiry commission find that any election officer is guilty of any misfeasance or any act or omission in violation of this Act, such Officer shall be forthwith dismissed from office and be held guilty of a corrupt or an illegal practice, and of an indictable offence against this Act punishable as in this Act provided."

2. The subsections numbered three to nine of the said section eighteen are re-numbered thirteen to nineteen, respectively.

Powers of dismissal.

Responsibility of Chief Electoral Officer.

Complaints against Chief Electoral Officer of the Deputy Electoral Officer.

Petition

Petition referred to Committee of House.

Reference to inquiry commission.

Penalties.

Subsections re-numbered.

COMPULSORY VOTING AND REGISTRATION

*From Australian Commonwealth Electoral Act 1918-1925**Registration*

S. 42.

Duty to
apply.

(1) Every person who is entitled to have his name placed on the Roll for any Subdivision whether by way of enrolment or transfer of enrolment, and whose name is not on the Roll, shall forthwith fill in and sign, in accordance with the directions printed thereon, a claim in the prescribed form, and send or deliver the claim to the Registrar for the Subdivision.

Offence.

(2) Every person who is entitled to have his name placed on the Roll for any Subdivision whether by way of enrolment or transfer of enrolment, and whose name is not on the Roll upon the expiration of twenty-one days from the date upon which he became so entitled, or at any subsequent date while he continues to be so entitled, shall be guilty of an offence unless he proves that his non-enrolment is not in consequence of his failure to send or deliver to the Registrar for the Subdivision for which he is entitled to be enrolled, a claim in the prescribed form, duly filled in and signed in accordance with the directions printed thereon.

Penalty: For the first offence, Ten shillings; and for any subsequent offence, Two pounds.

Change of
residence.

(3) Every person who changes his place of living from one address in the Subdivision for which he is enrolled to another address in that Subdivision, and who, at any time after the expiration of twenty-one days from the date of making the change, has failed to notify the Registrar for the Subdivision in the prescribed form of the new address shall be guilty of an offence.

Penalty: For a first offence, Ten shillings; and for every subsequent offence, Two pounds.

Voting

S. 128A.

(1) It shall be the duty of every elector to record his vote at each election.

(2) It shall be the duty of each Divisional Returning Officer at the close of each election to prepare a list (in duplicate) of the names and descriptions of the electors enrolled for his Division who have not voted at the election; and to certify the list by statutory declaration under his hand.

(3) The list so certified shall in all proceedings be prima facie evidence of the contents thereof and of the fact that the electors whose names appear therein did not vote at the election.

Show
cause.

(4) Within the prescribed period after the close of each election the Divisional Returning Officer shall send by post to each elector whose name appears on the list prepared in accordance with subsections (1) and (2) of this section, at the address mentioned in that list, a notice, in the prescribed form, notifying the elector that he appears to have failed to vote at the election, and calling upon him to give a valid truthful and sufficient reason why he failed so to vote.

(5) Before sending any such notice, the Divisional Returning Officer shall insert therein a date, not being less than twenty-one days after the date of posting of the notice, on which the form attached to the notice, duly filled up and signed by the elector, is to be in the hands of the Divisional Returning Officer. 21 day's.

(6) Every elector to whom a notice under this section has been sent shall fill up the form at the foot of the notice by stating in it the true reason why he failed so to vote, sign the form, and post it so as to reach the Divisional Returning Officer not later than the date inserted in the notice. Reasons to be given.

(7) If any elector is unable, by reason of absence from his place of living or physical incapacity, to fill up, sign, and post the form, within the time allowed under sub-section (5) of this section, any other elector who has personal knowledge of the facts may, subject to the regulations, fill up, sign, and post the form, duly witnessed, within that time, and the filling up, signing, and posting of the form may be treated as compliance by the first-mentioned elector with the provisions of sub-section (6) of this section. Absence.

(8) Upon receipt of a form referred to in either of the last two preceding sub-sections, the Divisional Returning Officer shall indorse on both copies of the list prepared in accordance with sub-section (2) of this section, opposite the name of the elector, his opinion whether or not the reason contained in the form is a valid and sufficient reason for the failure of the elector to vote. Decision as to excuse.

(9) The Divisional Returning Officer shall also indorse on both copies of the list, opposite the name of each elector to whom a notice under this section has been sent and from or on behalf of whom a form properly filled up signed and witnessed has not been received by him, a note to that effect. Default.

(10) Within two months after the expiration of the period prescribed under sub-section (4) of this section, the Divisional Returning Officer shall send to the Commonwealth Electoral Officer for the State one copy of the list, with his indorsements thereon, certified by statutory declaration under his hand.

(11) Each copy of the list prepared and indorsed by the Divisional Returning Officer, indicating:

- (a) the names of the electors who did not vote at the election;
- (b) the names of the electors from whom or on whose behalf the Divisional Returning Officer received, within the time allowed under sub-section (5) of this section, forms properly filled up and signed; and
- (c) the names of the electors who failed to reply within that time.

and any extract therefrom, certified by the Divisional Returning Officer under his hand, shall in all proceedings be prima facie evidence of the contents of such list or extract, and of the fact that the electors whose names appear therein did not vote at the election, and that the notice specified in sub-section (4) of this section was received by those electors, and that those electors did, or did not (as the case may be), comply with the requisitions contained in the notice within the time allowed under sub-section (5) of this section.

(12) Every elector who:

- (a) fails to vote at an election without a valid and sufficient reason for such failure; or
- (b) on receipt of a notice in accordance with sub-section (4) of this section, fails to fill up, sign, and post within the time allowed under sub-section (5) of this section the form (duly witnessed) which is attached to the notice; or
- (c) states in such form a false reason for not having voted, or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, in pursuance of sub-section (7) of this section, states in such form a false reason why that other elector did not vote, *shall be guilty of an offence.*

Penalty: Two pounds.

(13) Proceedings for an offence against this section shall not be instituted except by the Chief Electoral Officer or an officer thereto authorized in writing by the Chief Electoral Officer.

FILED AT THE REQUEST OF THE COMMITTEE BY
O. M. BIGGAR, K.C.

BILL No.

An Act to Amend The Dominion Elections Act.

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

1. The following section is inserted in the Dominion Elections Act as section twenty-one A thereof:—

21A. It shall be the duty of the Chief Electoral Officer to transmit to the Secretary of State for the consideration of the Governor in Council a recommendation for the appointment of a returning officer for every electoral district and thereafter for the appointment from time to time of a new returning officer for any electoral district:

- (a) In any case in which a vacancy occurs in the office of returning officer for such electoral district; or
- (b) in any case in which the returning officer for such electoral district notifies the Chief Electoral Officer that he desires to resign his office, and, in the opinion of the Chief Electoral Officer, it is not contrary to the public interest to permit such returning officer to resign; or
- (c) in any case in which, without having received any such notification, the Chief Electoral Officer is of the opinion that the returning officer for such electoral district is incapable of discharging the duties of his office satisfactorily by reason of illness or otherwise.

2. The Chief Electoral Officer may recommend two or more persons for appointment as returning officer in order that the Governor in Council may make a selection among them.

3. When it becomes the duty of the Chief Electoral Officer to make a recommendation for the appointment of a returning officer for an electoral district, he shall, unless there is good reason to the contrary, recommend the first mentioned of the public officers hereinafter described, namely:

- (a) A sheriff whose office as such is situate within the electoral district and whose jurisdiction extends to the whole or the greater part thereof;
- (b) A sheriff whose office as such is situate in the electoral district and whose jurisdiction extends to any part thereof;
- (c) A registrar of deeds whose office is situate within the electoral district and whose jurisdiction extends to the whole or the greater part thereof;
- (d) A registrar of deeds whose office as such is situate in the electoral district and whose jurisdiction extends to any part thereof;
- (e) A sheriff whose office is situate outside the electoral district but whose jurisdiction extends to any part thereof;
- (f) A registrar of deeds whose office is situate outside the electoral district but whose jurisdiction extends to any part thereof;
- (g) The deputy of any such sheriff or registrar in the same order, provided that the sheriff or registrar whose deputy the nominee is has not been already appointed to be returning officer for some other electoral district, or if he has been so appointed, has not named his deputy as his election clerk;

- (h) The city clerk of any city in which the electoral district is wholly included or of which the whole or part is situate in the electoral district;
- (i) The assessor of any such city.

4. In the province of Quebec, registrars of deeds shall have precedence over sheriffs and the next preceding subsection shall be read accordingly.

5. Any recommendation made by the Chief Electoral Officer may be made by reference to the title of office of the appointee and any person appointed returning officer for any electoral district by his title of office, and the successors from time to time of such person in such office, shall be returning officer for the electoral district for which the appointment is made until another recommendation has been made by the Chief Electoral Officer and acted upon by the Governor in Council.

6. A person not holding any public office shall not be recommended for appointment as returning officer unless there is no such public officer as is described in this section against whose appointment good reason does not exist.

7. A list of the returning officers for every electoral district in Canada shall be published by the Chief Electoral Officer in the *Canada Gazette* between the first and twentieth days of January in each year.

2. The said Act is amended by repealing section twenty-three thereof and substituting the following:—

23. Subject as aforesaid every election clerk shall hold office during the pleasure of the returning officer by whom he has been selected and, after the death of such returning officer or the expiry of his term of office, until his successor has appointed a new election clerk.

3. The said Act is amended by inserting the following provision as section twenty-three A:

23A. It shall be the duty of the returning officer and of the election clerk forthwith to notify the Chief Electoral Officer if the returning officer at any time becomes unable to act by reason of illness, absence from the electoral district or otherwise and it shall be the duty of the election clerk forthwith to notify the Chief Electoral Officer of the death of the returning officer.

4. The said Act is amended by inserting the following section as section twenty-four B:

24B. If the returning officer dies or becomes unable to act the election clerk shall be responsible for the administration of the election as if he had himself been appointed to be returning officer, and in any case in which the returning officer has died or become unable to act before the issue of a writ of election and before his successor has been appointed, the writ of election may be addressed either to the returning officer or to the election clerk.

2. Every election clerk, who is required to act as returning officer at an election in the place of the returning officer by whom he was appointed, shall himself in his turn appoint an election clerk.

BILL NO.

An Act to amend the Dominion Elections Act.

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

1. The following section is inserted in the Dominion Elections Act as section twenty-one A thereof:

21A. It shall be the duty of the Chief Electoral Officer to transmit to the Secretary of State for the consideration of the Governor in Council a recommendation for the appointment of a returning officer for every electoral district and thereafter for the appointment from time to time of a new returning officer for any electoral district:

- (a) in any case in which a vacancy occurs in the office of returning officer for such electoral district; or
- (b) in any case in which the returning officer for such electoral district notifies the Chief Electoral Officer that he desires to resign his office, and, in the opinion of the Chief Electoral Officer, it is not contrary to the public interest to permit such returning officer to resign; or
- (c) in any case in which, without having received any such notification, the Chief Electoral Officer is of the opinion that the returning officer for such electoral district is incapable of discharging the duties of his office satisfactorily by reason of illness or otherwise.

2. The Chief Electoral Officer may recommend two or more persons for appointment as returning officer in order that the Governor in Council may make a selection among them.

3. When it becomes the duty of the Chief Electoral Officer to make a recommendation for the appointment of a returning officer for an electoral district, he shall, unless there is good reason to the contrary, recommend the first mentioned of the public officers hereinafter described, namely:

- (a) A sheriff whose office as such is situate within the electoral district and whose jurisdiction extends to the whole or the greater part thereof;
- (b) A sheriff whose office as such is situate in the electoral district and whose jurisdiction extends to any part thereof;
- (c) A registrar of deeds whose office is situate within the electoral district and whose jurisdiction extends to the whole or the greater part thereof;
- (d) A registrar of deeds whose office as such is situate in the electoral district and whose jurisdiction extends to any part thereof;
- (e) A sheriff whose office is situate outside the electoral district but whose jurisdiction extends to any part thereof;
- (f) A registrar of deeds whose office is situate outside the electoral district but whose jurisdiction extends to any part thereof;
- (g) The deputy of any such sheriff or registrar in the same order, provided that the sheriff or registrar whose deputy the nominee is has not been already appointed to be returning officer for some other electoral district, or if he has been so appointed, has not named his deputy as his election clerk;
- (h) The city clerk of any city in which the electoral district is wholly included or of which the whole or part is situate in the electoral district;
- (i) The assessor of any such city.

4. In the Province of Quebec, registrars of deeds shall have precedence over sheriffs and the next preceding subsection shall be read accordingly.

5. Any recommendation made by the Chief Electoral Officer may be made by reference to the title of office of the appointee and any person appointed returning officer for any electoral district by his title of office, and the successors from time to time of such person in such office, shall be returning officer for the electoral district for which the appointment is made until another recommendation has been made by the Chief Electoral Officer and acted upon by the Governor in Council.

6. A person not holding any public office shall not be recommended for appointment as returning officer unless there is no such public officer as is described in this section against whose appointment good reason does not exist.

7. A list of the returning officers for every electoral district in Canada shall be published by the Chief Electoral Officer in the *Canada Gazette* between the first and twentieth days of January in each year.

2. The said Act is amended by repealing section twenty-three thereof and substituting the following:

23. Subject as aforesaid every election clerk shall hold office during the pleasure of the returning officer by whom he has been selected and, after the death of such returning officer or the expiry of his term of office, until his successor has appointed a new election clerk.

3. The said Act is amended by inserting the following provision as section twenty-three A:

23A. It shall be the duty of the returning officer and of the election clerk forthwith to notify the Chief Electoral Officer if the returning officer at any time becomes unable to act by reason of illness, absence from the electoral district or otherwise and it shall be the duty of the election clerk forthwith to notify the Chief Electoral Officer of the death of the returning officer.

4. The said Act is amended by inserting the following section as section twenty-four B:

24B. If the returning officer dies or becomes unable to act the election clerk shall be responsible for the administration of the election as if he had himself been appointed to be returning officer, and in any case in which the returning officer has died or become unable to act before the issue of a writ of election and before his successor has been appointed, the writ of election may be addressed either to the returning officer or to the election clerk.

2. Every election clerk, who is required to act as returning officer at an election in the place of the returning officer by whom he was appointed, shall himself in his turn appoint an election clerk.

BILL No.

An Act to Provide for the Preparation of Dominion Voters' Lists in Cities.

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

INTRODUCTORY

1. This Act may be cited as the Dominion Voters' Lists (Cities) Act.
2. In this Act, unless the context otherwise requires,
 - (a) "Controller of Voters' Lists" or "Controller" means and includes the Minister as hereinafter defined, the deputy of such Minister, and the principal officer, if any, specially appointed for the purpose of the administration of this Act under that or any other title of office.
 - (b) "judicial district" means a territory, county or judicial district in respect of which a judge has been appointed to exercise judicial functions.
 - (c) "judge" means
 - (i) in relation to any place within the judicial districts of Quebec or Montreal in the Province of Quebec, the judge from time to time performing the duties of Chief Justice of the Superior Court, or the Acting Chief Justice, as the case may be, or such other judge appointed by the Governor in Council and resident in the judicial district as may be assigned by the said Chief Justice or Acting Chief Justice to perform the duties in this Act required to be performed by the judge.
 - (ii) in relation to any other place in the Province of Quebec, the judge indicated by the Chief Justice or Acting Chief Justice as being the judge exercising from time to time the jurisdiction of the Superior Court Judge of the judicial district within which such place lies, and if there is more than one judge exercising such jurisdiction, the senior of them.
 - (iii) in relation to any place in the Yukon Territory, the judge exercising from time to time the jurisdiction of the judge of the Territorial Court of the said Territory, and
 - (iv) in relation to any other place in Canada, the judge exercising from time to time the jurisdiction of the judge of the county court of the county, or the judge of the district court of the district, as the case may be, within which such place lies, and if there is more than one such judge, the senior of them.
 - (d) "Clerk of the court" means the officer who, if the judge were sitting for the trial of a civil action for the recovery of a debt, would act as clerk of the court in which such action would be tried.
 - (e) "Minister" means the Minister of the Crown designated by the Governor in Council from time to time to administer this Act.
 - (f) "polling division" means any area for which a separate list of voters is or is directed to be prepared, and all polling divisions as to which Part II of this Act has been brought into force shall be known as "closed-list polling divisions".
 - (g) "postmaster" includes every person duly appointed to take charge permanently or temporarily of any post office in Canada, and any other person employed in the postal service and authorized by the Postmaster General to certify applications for registration or for the correction of the list of voters or notices of objection to entries therein.

PART I.

PREPARATION OF VOTERS' LISTS.

Preparation of Original Lists

3. There shall be prepared for every polling division in the places and areas mentioned in Schedule 1 to this Act, a list of voters containing the names, occupations and addresses of every voter who registers as such in accordance with the provisions of Schedule 2.

4. Such lists shall on their receipt be set up in type under the direction of the Controller of Voters' Lists and, as amended by addition, alteration or otherwise from time to time under the provisions of this Act, shall constitute the lists of voters for the said polling divisions respectively.

Boundaries of Polling Divisions.

5. Except as hereinafter provided the Controller of Voters' Lists shall have power at any time and from time to time to re-arrange the boundaries of the polling divisions as defined for the purpose of the registration held in accordance with the provisions of Schedule 2 of this Act and it shall be his duty so to do in accordance with the following principles:

- (a) The convenience of the voters is to be considered and the polling divisions so arranged that a polling station or polling stations for each may be established at some point therein such that voters may attend to vote with the least effort which can be required of them consistently with the exercise of due economy of public money.
- (b) Subject to the directions in the following clauses contained, the list of voters for each polling division shall include about three hundred names.
- (c) If the area or the configuration of the polling division is such that it is more convenient to establish therein two or more polling stations close together and divide the list of voters for such polling division alphabetically between such polling stations, the number of names to be included in the list of voters for any such polling division shall be a multiple of about 300.
- (d) If the illiteracy, language or usual occupation of the residents in any area is such that voters therein are likely to require more time than usual to vote, the Controller of Voters' Lists may reduce the number of names to be included in any voters' list for a polling division included in such area.
- (e) No polling division shall include areas belonging to two or more electoral districts.

6. If any five voters on the list for any polling division jointly make a written request for the alteration of the boundaries thereof, and the Controller of Voters' Lists refuses to grant their request, he shall, if the petitioning voters so desire, transmit the request and all the papers in his custody relating to the boundaries of the said and adjoining polling divisions to the judge, who shall make such order as the justice of the case requires.

7. On any reference to him under the last preceding section of any question relating to the boundaries of polling divisions, the judge may cause notice thereof and of the date upon which he will hear all persons interested therein to be given by notices posted in the post offices in the area affected, or otherwise as he considers necessary.

8. The Controller of Voters' Lists shall act upon any order made by the judge and shall not, without a further reference to the judge, make any re-arrangement of the boundaries of polling divisions affected unless there has since the date of the reference to the judge been a change of at least twenty per cent in the number of names on the list for any of such polling divisions, or unless the number of names on the list for any of such polling divisions has increased beyond 325.

9. If the polling divisions involved in any reference to the judge lie within two or more judicial districts the reference shall be made to the judge whose judicial district would appear first in a list of judicial districts arranged alphabetically, and any order made by such judge shall have effect as well without as within his judicial district.

Distribution of Original Lists.

10. Forthwith upon the completion of the printing of the lists for the polling divisions in any place or area mentioned in Schedule 1, three sets of prints of such lists shall be transmitted to the member or members of the House of Commons for such electoral district, three sets to each candidate defeated at the last contested election therein, and one set to each postmaster in the place or area within which such polling division lies and to the clerk of the court for every judicial district any part of which is contained therein.

(2) With each of the said sets of prints there shall be transmitted a sketch showing the boundaries of each of the polling divisions with such further geographical details as may be necessary to enable the said boundaries readily to be determined.

PART II

CORRECTION OF LISTS OF VOTERS

Operation of Part

11. The provisions of this Part shall come into force in each electoral district only after the provisions of the last preceding section have been complied with in respect of all the places or areas mentioned in Schedule 1 which are included in such district, and notice of the date of the coming into force of this Part in any electoral district shall be forthwith published by the Controller of Voters' Lists in the *Canada Gazette*.

Registration and Amendment of Entries in Lists

12. Every postmaster in any place or area mentioned in Schedule 1 shall be supplied with, and shall furnish to persons requiring the same, forms of application for registration as a voter, for the correction of the voters' list, for the transfer of the name of a voter from one polling division to another, and of notice of objection to an entry in the voters' list.

13. An application for registration as a voter may be made by any person who claims to be qualified as a voter and whose name is not included in the list of voters for any closed-list polling division in Canada.

14. An application for the correction of the voters' list or for the transfer of a name from the list for any polling division to the list for some other polling division may be made by the person described or intended to be described by an entry in any list.

15. An objection to any entry in the list of voters for any polling division may be made by any person whose name appears upon the list of voters for any polling division in the same electoral district.

16. Every postmaster, upon demand by any person by whom any such application or notice of objection has been sufficiently completed, and whose signature thereto has been personally written or acknowledged in the presence of such postmaster, shall, upon satisfying himself that such person understands the statements made over his signature, ask him if such statements are true and if he understands that they have the same effect as if made under oath. If the applicant replies in the affirmative to both questions, the postmaster shall so certify on the application or notice, shall stamp the same with his office stamp and shall mail it to the Controller of Voters' Lists.

17. Any false statement in any such application or notice of objection shall be punishable in the same way as if such false statement had been made under oath, and the application or notice and the postmaster's certificate thereon shall, upon production to any Court by or on behalf of the Controller of Voters' Lists, be received in evidence without proof of the signature of the postmaster and shall, as against the person by whom the same purports to be signed, be *prima facie* evidence that the statements in the application set out were made by him and that the provisions of this Act were fully complied with.

18. The Governor in Council may allow to postmasters, or to any class or classes of postmasters, for each such application or notice of objection certified by them respectively, such fee not exceeding five cents, as the Governor in Council may direct.

19. Every application for registration as a voter, for the correction of a voters' list or for the transfer of a voter's name shall, forthwith after its receipt be examined by the Controller of Voters' Lists and, if the particulars given are sufficient and the right of the applicant to be registered, or to have the list corrected or his name transferred pursuant thereto, sufficiently appears therefrom, the necessary additions to or correction of the lists shall be made accordingly within thirty days.

20. If the particulars given are insufficient, or the right of the applicant to be registered or to have the list corrected or his name transferred pursuant thereto does not, in the opinion of the Controller, sufficiently appear from the application, the same shall be returned to the applicant with a notification of the reason for refusing to act thereupon and that, if the applicant desires to pursue his application, he must either, as the circumstances require, make a new application correcting the deficiencies which have prevented action upon the application, or produce the latter to the judge and establish before him his right to be registered or to have the entry in question corrected or transferred, as the justice of the case requires.

21. Upon the production at any time by an applicant to the judge sitting in court or chambers of any application returned to the applicant by the Controller, as aforesaid, and of the Controller's statement of the reasons for his refusal to act upon it, the judge shall make summary enquiry into the matter of the application and return to the Controller the application and the notice of refusal to act thereon, with a minute of his decision, which shall be acted upon by the Controller.

22. Upon the receipt by the Controller of any notice of objection certified by a postmaster as hereinbefore provided, he shall forthwith, and upon the receipt of any other written objection to any entry in any list of voters he may, send by registered mail to the voter described in the entry objected to, at his address mentioned in the list of voters, a notice calling upon him to admit or deny the validity of the objection, and if within sixty days from the despatch of the said notice the voter described in the entry objected to has not notified the Controller that he contests the objection, the entry shall be struck from the list of voters as corrected or transferred according to the notice of objection, as the case may require.

23. If, within sixty days from the despatch of the said notice, the voter described by the entry objected to notifies the Controller that he contests the objection, then

- (a) if the notice of objection was not one certified by a postmaster as hereinbefore provided, no further proceedings shall be taken upon it, but
- (b) if the notice of objection was certified by a postmaster as hereinbefore provided, all necessary papers relating to the qualification of such voter, and the objection to the entry in the list referring to him, shall be transmitted by the Controller to the clerk of the court

Reference of Objections to Judge

24. Upon the receipt from the Controller by the clerk of the court of the papers relating to an objection to any entry in the list of voters, the clerk shall lay them before the judge, who shall fix a place, hour and day not less than twenty or more than forty days distant, for the hearing of the objection, and the clerk shall forthwith give notice accordingly to the voter concerned and to the objector.

25. On any such application the judge shall first require the grounds of the objection and the reasons for believing it to be well founded to be stated on oath by or on behalf of the objector, and if the evidence given by or on behalf of the objector is, in the opinion of the judge, sufficient to indicate a probability that the objection is well founded he shall call upon the person described in the entry to which the objection is made to give evidence in answer to the objection.

26. If, upon being called upon to give evidence in answer to the objection, the person described in the entry objected to is present or represented he, and any witnesses he may desire to call, shall be heard forthwith or after adjournment, as the case may require, and the decision of the judge shall be given according to the right and justice of the case.

27. If the person described in the entry objected to, upon being called upon to give evidence in answer to the objection, is not present or represented the judge shall, if the evidence given by or on behalf of the objector is, in his opinion, sufficient to establish the validity of the objection, direct the amendment of the entry objected to, but if the said evidence, although sufficient to require the person described in such entry to be called upon to give evidence in answer thereto, is insufficient to establish the validity of the objection to the satisfaction of the judge the judge shall either dismiss the objection or, if the objector so desires, adjourn the application to permit the issue of a subpoena for the attendance of the person described in the entry to which the objection is made.

28. No such adjournment shall be made unless the objector deposits with the clerk of the court a sum of money exceeding by one-fifth the sum certified by the said clerk as likely to be sufficient, having regard to the address of the person described in the entry objected to as shown in the list of voters, to meet his travelling expenses in coming to, staying at, and returning from the place at which the judge proposes to sit for the purpose of disposing of the said objection, together with the sum of four dollars for each working day which will necessarily be occupied by the person described in the entry objected to in coming to, attending at and returning from such sitting, and in no case shall less than one day be allowed.

29. Upon such deposit being made and adjournment granted the clerk of the court shall issue a subpoena to the person described in the entry objected to, and shall, upon the payment to him of the postage and registration fee payable thereon, cause such subpoena to be served by sending a duplicate original

thereof by registered mail addressed to the person described in the entry objected to at the address stated in the list of voters, and a second duplicate original to any other address at which it may appear that such person will be found.

30. If, at the time and place to which the hearing of the objection has been adjourned, the person described in the entry objected to attends or is represented, the application shall be proceeded with and disposed of in the same way as it would have been if such person had been present or represented when the objection first came on for hearing. If the decision is in favour of the validity of the objection, the sum of money deposited shall be returned to the objector: otherwise there shall be paid thereout to the person described in the entry objected to his travelling expenses and an allowance as aforesaid. Any excess shall be returned to the objector and judgment may be given against him for any deficiency.

31. If, at the time and place to which such application has been adjourned, the person described in the entry objected to fails to attend or be represented without satisfactory reason given, the judge shall decide in favour of the validity of the objection, and the sum of money deposited as aforesaid shall be forthwith returned to the objector.

32. The judge shall immediately report to the Controller of Voters' Lists his decision on any objection to an entry in the voters' lists and if the objection was in his opinion frivolous, or made without reasonable cause, he shall so state in his report. The controller of Voters' Lists shall within thirty days after the receipt of any such report, make all such corrections in the lists of voters as are necessary to make such lists conform to such decision.

33. If, on the hearing of an objection to an entry in any list of voters on the ground that the address therein stated does not correctly describe the place at which the voter concerned is ordinarily resident, it appears that such address does not in fact do so, but that the voter was, at the date of the objection, ordinarily resident at such address, the judge shall decide against the validity of the objection, but shall specially report the facts to the Controller of Voters' Lists who shall, within thirty days after the receipt of such report, amend the voters' lists and transfer the entry relating to the voter concerned to the list for some other polling division in the same or another electoral district, as the case may require.

34. For the purpose of any application under this Act the judge shall be deemed to be acting as a court and shall have and exercise all the powers which he would if the application were an action pending before him.

35. Any clerk of a court who, after the disposition of any application to a judge under this Act or after the lapse of time limited for the making of any such application, transmits to the Controller of Voters' Lists a duplicate or original of any notice or subpoena despatched by him pursuant to this Act, together with the certificate of the registration thereof, shall be paid such fee as the Governor in Council may direct.

General Provisions

36. (1) Any person who frivolously or without reasonable cause gives notice of objection to any entry in any list of voters shall be guilty of an offence and shall be liable on summary conviction to imprisonment for three months or to a fine of \$100 or to both fine and imprisonment.

(2) In any prosecution under this section a certificate purporting to be signed by the Controller of Voters' Lists setting out the particulars of any objection made to any entry in any list of voters, the date upon which the same

was made, and the fact that such objection was referred to a judge under this Act and was by him reported to have been frivolous or made without reasonable cause, shall, as against the objector, be evidence of the facts therein stated, without proof of the signature of the Controller of Voters' Lists.

37. Every person under a legal duty to receive, transmit or record deaths shall, upon request by the Controller of Voters' Lists, transmit to him forthwith upon their receipt by such person from time to time, full particulars of each person of twenty-one years of age or over whose death he is by law required to receive, record or transmit, and there shall be payable for every notice transmitted under this section such fee, if any, as is prescribed by the Governor in Council.

38. Upon the receipt of any such particulars of the death of any person, search shall, if the particulars given are sufficient, be made to ascertain whether the name of the person therein mentioned appears upon any list of voters, and if such person's name so appears, a notice shall be sent by registered mail to such person at the address given in the list of voters, referring to the particulars received, and if, within sixty days from the despatch of such notice, the Controller of Voters' Lists does not receive an advice signed by the person addressed stating that he desires to have his name retained upon the list of voters, his name shall be removed from such list.

Reprinting and Distribution of Lists

39. The Controller of Voters' Lists shall cause to be kept in his office at least thirty copies of the list of voters for every polling division in any electoral district from which only one member is to be returned and an additional ten copies for every member in excess of one to be returned from the electoral district in which the polling division lies.

40. The Controller of Voters' Lists shall from time to time at intervals of not more than one month, cause to be attached to or made upon the prints of the list of voters for every polling division a list of the corrections made therein pursuant to this Act and shall from time to time, at intervals of not more than six months, cause the lists to be reprinted with the corrections embodied therein, provided that no list need be reprinted until the number of corrections to be made affect at least five per cent of the entries therein.

41. Two copies of every printed list of the corrections to be made in the list of voters for any polling division in any electoral district, and two copies of every freshly corrected print of the whole list of voters for such polling division shall, upon the written request of the member for such electoral district or any defeated candidate therein, be sent from time to time forthwith after its preparation without charge to such member or defeated candidate, or to such other person as he may direct.

(2) Every such request shall expire on the 31st day of December next following its being made, but may be renewed from year to year.

42. As fresh corrected prints of the lists of voters for the polling divisions in any electoral district are made from time to time, one set thereof shall be sent to every postmaster in the place or area mentioned in Schedule 1 within which such polling division lies, or to the clerk for each judicial district in which any part of such place or area is included, and the last set of prints of the lists of voters so sent to any postmaster or clerk shall be so kept by him as to be available for ready reference at any time by any voter desiring to refer to the same.

43. Any person shall be entitled, on request made to the Controller of Voters' Lists, to receive prints of the voters' list for any polling division, and of the list of the corrections from time to time made therein, on payment of such amount as may be fixed from time to time by the Minister. The amount so fixed may vary according to the number of polling divisions for which lists are requested at any one time, or by reference to the length of time during which the lists are to continue to be delivered or otherwise.

Use of Lists for Provincial Purposes

44. If, under the laws of any province, lists prepared under this Act are directed to be used in relation to the election of members of the Legislative Assembly thereof, or in relation to any municipal election, and the Governor in Council approves of the use of the said lists for the purpose of such election:

- (a) The Governor in Council may specify specially the amounts to be paid for prints of the lists and of the lists of corrections therein required for the purpose of any such election, and for copies, required from month to month or otherwise in the interval between such elections, of the fresh prints from time to time made of such lists, and of prints of the lists of corrections therein, and,
- (b) In the arrangement of polling divisions pursuant to this Act regard shall be had to the boundaries of the provincial electoral districts or to the municipalities therein, as the case may require, and no polling division shall include as well an area within which lists prepared under this Act are directed by the law of the province to be used and an area within which they are not so.

(2) The amounts specified as payable under this section shall not be changed except with the consent of, or on one year's notice to the Lieutenant Governor of the province concerned.

Purging of Lists

45. After any election, the Controller of Voters' Lists shall, if he is furnished with any list upon which a deputy returning officer or his poll clerk at such election has indicated the voters who have or who have not voted, send to each of the latter a notice requiring such voter, if he desires his name to remain on the list, to advise the Controller accordingly within sixty days, and the name of any voter to whom such notice is sent and who fails to notify the Controller as requested shall be removed from such list.

Revision of Schedule 1.

46. It shall be the duty of the Chief Electoral Officer immediately after an election in any electoral district to consider whether the provisions of this Act should be extended to any place or area not mentioned in Schedule 1 or should cease to apply to any place or area not mentioned in the said schedule.

47. The provisions of this Act shall not be extended to any place or area not mentioned in Schedule 1 nor shall they cease to apply to any area mentioned in the said Schedule unless the Chief Electoral Officer is satisfied that there has been such a change in the character or density of the population of the place or area in question, or that such changes have been made under provincial law in the boundaries of municipalities or have been made by Act of Parliament in the boundaries of electoral districts, as to make it advisable that the provisions of this Act should be extended or should cease to apply, as the case may be.

48. If, for the reasons aforesaid, the Chief Electoral Officer is satisfied that the provisions of this Act should cease to apply to any place or area mentioned in Schedule 1, he shall cause to be published in the *Canada Gazette* a notice setting forth the reasons for his conclusions and fixing a date not less than a month after the date of publication of such notice upon which the provisions of this Act shall cease to apply to such place or area.

49. The Chief Electoral Officer shall furnish a copy of such notice to the Controller of Voters' Lists who shall thereupon prepare to make any necessary changes in the boundaries of polling divisions for which lists are prepared under the provisions of this Act, and such changes shall come into force and be made as of the date fixed by the Chief Electoral Officer as aforesaid.

50. If the Chief Electoral Officer is satisfied that the provisions of this Act should be extended to some place or area not mentioned in Schedule 1, he may, at any time within six months after the return of a writ of election for the electoral district including such place or area.

- (a) Give notice in the *Canada Gazette* of the reasons for his conclusion and fix by such notice a day, not less than three months from the date of the publication of such notice, at which the provisions of this Act shall be extended to such place or area, and
- (b) Furnish to the Controller of Voters' Lists a copy of such notice and copies of the lists of voters used at such election for the place or area to which the provisions of this Act are to be extended.

51. Controller of Voters' Lists, upon the receipt of the copy of the notice and of the lists aforesaid, shall cause the said list to be set up in type and make preparations for the alteration of the boundary of polling divisions, if any, consequent upon the extension of the provisions of this Act to the place or area in question, and upon the date fixed as aforesaid by the Chief Electoral Officer the lists of voters so set up shall, subject to amendment by addition or otherwise as in this Act provided, become the list of voters for such place or area.

PART III.

Consequential Amendments of Dominion Elections Act.

With respect to every election in an electoral district to which Part II of the *Dominion Voters' Lists (Cities) Act* has been brought into force, the *Dominion Elections Act* shall be amended as follows from and after the date upon which notice of the coming into force of the said Part in respect of the said electoral district has appeared in the *Canada Gazette*:—

(1) By inserting the following provision in Section two of the said Act as clause (bb) thereof:—

(bb) "Clerk of the court" has the same meaning as it has in the *Dominion Voters' Lists (Cities) Act*.

(2) By inserting the following clause as clause, (bbb) of Section two:—

(bbb) "Controller of Voters' Lists" means the officer or officers charged with the preparation of voters' lists under the *Dominion Voters' Lists (Cities) Act*.

(3) By repealing clause (l) of section two of the said Act and substituting the following therefor:—

(l) "Judge" has the same meaning as it has in the *Dominion Voters' Lists (Cities) Act*.

(4) By repealing clause (m) of Section two and substituting the following therefor:—

(m) "List of voters" or "voters' lists" when used with respect to the list for any polling division to which Part II of the *Dominion Voters' Lists (Cities) Act* applies means the list of voters last printed for such polling division under the said Act together with all lists of corrections thereon and additions thereto and any corrections therein and additions thereto made by a judge pursuant to this Act, and in the case of any polling division to which Part II of the *Dominion Voters' Lists (Cities) Act* do not apply, means the list of voters prepared for the said polling division pursuant to this Act.

(5) By repealing clauses (v), (w), (y), (z) and (aa) of section two of the said Act and substituting the following therefor:—

(v) "Polling division" means a territorial area for which a separate list of voters is prepared and within which one or more polling stations are established.

(w) "Closed-list polling division" means a polling division in a place or area with respect to which Part II of the *Dominion Voters' Lists (Cities) Act* has been brought into force.

(ww) "Open-list polling division" means any polling division other than a closed-list polling division.

(aa) "Voter" means a person entitled to vote at an election under this Act.

(6) By inserting the following sections in the said Act as sections twenty A, twenty B, twenty C, twenty D and twenty E thereof:

20A. When any election is directed to be held in an electoral district which includes any closed-list polling division, the Chief Electoral Officer shall immediately notify the Controller of Voters' Lists, and after the receipt of such notification, there shall, except as hereinafter provided, be no further changes made in or additions made to the list of voters for any such closed-list polling division.

20B. If at the time of the receipt of the said notification, the list of voters for any closed-list polling division in the electoral district for which the writ of election is directed to issue has not already been corrected or added to pursuant to any directions therefore given by a judge pursuant to the *Dominion Voters' Lists (Cities) Act* the Controller of Voters' Lists shall forthwith prepare a special list of such additions and corrections so directed by a judge.

20C. The Controller of Voters' Lists shall thereupon forthwith transmit to the Chief Electoral Officer twenty-three copies of the list of voters for each closed-list polling division included in the electoral district in which an election has been directed, such list including the last complete reprint of the list with any subsequent printed corrections thereof and additions thereto and the special list of corrections and additions prepared under the last preceding section.

(2) If for any electoral district more than one member is to be returned the number of copies of the list to be so transmitted to the Chief Electoral Officer shall be increased by twenty copies for each member to be returned in excess of one.

20D. The Controller of Voters' Lists shall also immediately prepare and transmit to the judge a list of all applications for registration as a voter or for the correction of the voters' lists in such electoral district which have been received by him and have not been rejected, but upon which the necessary action to add to or correct the lists has not been taken.

(2) The Controller of Voters' Lists shall also transmit to each of the persons by whom such applications have been made, respectively, a notice in Form or Form in Schedule One to this Act of the special sittings of the judge hereinafter provided for.

(3) The Controller of Voters' Lists shall also prepare and transmit to the Chief Electoral Officer for delivery to candidates through the returning officer a number of copies of the list as sent to the judge equal to four times the number of candidates to be returned from the electoral district.

20E. Every judge shall, upon receipt of such notification as in the last preceding section mentioned or upon his otherwise receiving notice that an election is to be held in an electoral district wholly or partly contained in his judicial district, send or cause to be sent to every person by or in respect of whom there is at the time pending before him any application under the *Dominion Voters' Lists (Cities) Act*, which would or might not under the arrangements theretofore made be disposed of before the Monday intervening between nomination and polling days, a notice by registered mail that, for the purpose of the pending election, he will, in the event of the poll being required, hold a special sitting, on the said Monday (or if it is a holiday, then on the following day) at ten o'clock in the forenoon at a place to be stated in the notice, for the purpose of dealing with the said applications, which said notice may be in one of the Forms 2, 3 or 4 in Schedule 1 to this Act, as the case may require.

(2) In case the judge is prevented from acting by reason of illness or otherwise, he may appoint some other person, being a barrister of not less than five years' standing, to act for him in disposing of such applications as may be made at the sittings aforesaid.

(3) If any person, the entry of whose name in any list of voters has been objected to, does not appear at such sittings, and the evidence given on behalf of the objector, although insufficient to establish the validity of the objection, is sufficient to render gravely doubtful the qualification of the person objected to, the judge may direct the name of such person to be struck from the list for the purpose only of the pending election and without prejudice to such further proceedings as may, pursuant to any then outstanding notice, be taken in accordance with the provisions of the *Dominion Voters' Lists (Cities) Act*.

(4) The clerk of the court shall send to any returning officer, to whom has been directed a writ for an election in any electoral district wholly or partly contained in the judicial district, a certificate of every decision given by the judge between the date of the said writ and the close of the special sittings hereinbefore directed which involves any addition to or alteration of the list of voters for any polling division in the said electoral district.

(5) At such sittings the judge shall also hear and determine any applications which may be made to him by persons mentioned in the list forwarded to him by the Controller of Voters' Lists as hereinbefore provided.

(7) By repealing Sections twenty-nine and thirty of the said Act and substituting the following therefor:

29. Subject as hereinafter provided, every person, male or female, shall be entitled to be included in the list of voters in any polling division if at the date of his application to be so included he

(a) is of the full age of twenty-one years, and

(b) is a British subject by birth or naturalization, and

(c) has been ordinarily resident in Canada for at least twelve months,
and

(d) is resident in the polling division in the list of voters for which he applies to be included.

unless he or she

(e) is the Chief Electoral Officer or the Assistant Chief Electoral Officer,

(f) is a judge appointed by the Governor in Council,

(g) is an Indian ordinarily resident on an Indian reservation who did not serve with the naval, military or air forces of Canada in the war 1914-1918,

(h) is a prisoner undergoing punishment for an offence,

(i) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease,

(j) has within two months received charitable support or assistance out of funds (other than private trust funds) administered under the direction of the Crown in the right of Canada or of any province thereof or out of the funds of any municipal corporation, or is legally responsible for the support of any other person who has within two months received such support or assistance, unless in either case, such support or assistance is given by reason of services performed in the naval, military or air forces of His Majesty,

(k) is disqualified by reason of his race from voting for a member of the Legislative Assembly of the province in which he resides, and did not serve in the naval, military or air forces of Canada in the war 1914-1918,

(l) is disqualified from voting under any law relating to the disqualification of voters for corrupt or illegal practices.

(8) By repealing section thirty-two of the said Act and Schedule A to the said section and substituting the following therefor:

32. In each open-list polling division a list of voters shall be prepared under the rules set forth in the schedule to this section.

(2) If, at the date of the issue of any writ of election, any provincial or municipal officer has in his possession a list of voters for any open-list polling division or part thereof, which has been prepared under the laws of the province and would be used with or without revision at a provincial or municipal election commenced at the same time as an election under this Act, and such provincial or municipal officer can, within such time after demand as to permit the use thereof under this Act, supply one or more copies of such list as may be required, the returning officer shall obtain such copy or copies, and the same shall, in the open-list polling division to which the list refers, be used for the purpose of the election under this Act as in the Schedule to this section provided.

(3) The legal custodian of any provincial or municipal voters' list shall deliver certified copies thereof, or any part thereof, as last revised and corrected, to any person applying therefor for the purpose of this Act, on payment of a fee not exceeding that, if any, allowed by the provincial law in the like case.

(4) If any such legal custodian refuses, or omits for an unreasonable time after application made, to so deliver he is guilty of an indictable offence against this Act punishable as in this Act provided.

(5) If any question arises as to whether any list, or which of two or more lists, prepared under the laws of a province, should be used as herein provided, the Chief Electoral Officer may direct the use under this section of such list as should in his opinion be used, and such list shall be used accordingly.

(9) By repealing Rule two of schedule B to section thirty-two of the said Act and substituting the following therefor:—

Rule (2). Each registrar shall take an oath as such in Form No. 6, and shall, at such time as the returning officer directs, prepare, in an index book in Form No. 17, a list of the persons who are qualified to vote at a Dominion election, and were resident in the polling division for which the registrar has been appointed on a day two months before the issue of the writs.

Rule (2A). Each registrar to whom the returning officer furnishes a copy of a provincial or municipal list of voters, and who is directed by the returning officer to use such list, shall transfer to the list prepared by him under this schedule, the names of such of the persons as appear on such provincial or municipal lists as are, in the opinion of the registrar, qualified to vote under this Act, and shall add to the list so prepared by him the addresses and descriptions of all such persons and the names, addresses and descriptions of all other persons so qualified to vote, although their names do not appear upon such provincial or municipal list.

Rule (2B). In the index book the names of the voters shall be grouped according to the initial letter of their respective surnames, and the groups shall be arranged in alphabetical order; the letter "W" in brackets, thus (W) shall be entered after the name of every female voter whose name appears in the list, the names of every married woman or widow being included in the alphabetical group determined by the first letter of the surname of her husband or deceased husband, as the case may be.

Rule (2C). Forthwith upon the completion of this list in the index book, each registrar shall forthwith prepare three plainly written copies thereof in Form No. 11.

(10) By inserting the following sections as sections thirty-two A, thirty-two B and thirty-two C thereof:

32A. Every person, who, having applied to have his name included in a list of voters prepared under the *Dominion Voters' Lists (Cities) Act*, has no reason to believe that his application has been refused or that the registration made thereon has been cancelled, and who applies under the last preceding section to have his name included in any list of voters prepared thereunder, shall be guilty of a non-indictable offence and liable to the penalties imposed in this Act upon persons guilty of such an offence.

32B. Every person, who applies under this Act to be registered as a voter in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, shall be guilty of an offence of personation and liable to the penalty imposed in this Act upon persons guilty of that offence.

32C. Any registrar appointed for any polling division pursuant to the provisions of section thirty-two or any schedule thereto who wilfully and without reasonable excuse includes in any list of voters prepared by him the name of any person whose name he has not good reason to suppose should be included therein, or who omits to include in such list the name of any person whom he has good reason to believe has the right to have his name so included, shall be guilty of an offence punishable on summary conviction as in this Act provided.

(11) By repealing subsections one to four inclusive of section thirty-three of the said Act and substituting the following:—

33. When a by-election is directed to be held in any electoral district and there are in the custody of the Chief Electoral Officer copies of the lists of voters prepared for any previous election for the same Parliament in

the open-list polling divisions in such electoral district, it shall not be necessary to prepare preliminary lists in accordance with the provisions of section thirty-two of this Act, but the Chief Electoral Officer shall forward to the returning officer with the writ of election six copies of the lists of voters so in his custody.

(2) The returning officer shall furnish to each registrar three of such copies which the registrar shall post up, correct and certify as if the list had been prepared by him under Rules one to three inclusive in the schedule of the said section thirty-two and the list so corrected shall be the list for the polling division to which it relates.

(12) By repealing section thirty-four of the said Act and substituting the following therefor:—

34. Where it appears to the returning officer that there are in any polling division more than about three hundred voters qualified to vote, and in the opinion of the returning officer the number of voters likely to vote is such that they will not all be able conveniently to vote at a single polling station, the returning officer may, with the approval of the Chief Electoral Officer, provide within the polling division two or more adjacent polling stations, which shall if possible be in the same building.

(2) If for any open-list polling division it is proposed to establish two or more polling stations, the returning officer shall direct the registrar to divide his list for such polling division into two or more parts, each containing groups of names with different initial letters, as for example from A-K and L-Z, or as the case may be, and each polling division shall be designated by reference to the initial letters of the groups of names assigned to it.

(3) A deputy returning officer shall be appointed for each polling station and there shall be required to be furnished to him only such portion of the list of voters for the polling division as contains the names of the voters the initial letters of whose surnames fall within the group of letters designating such polling division, and the voters in such polling division shall be entitled to vote accordingly.

(13) By repealing clause (d) of subsection one of section thirty-six of the said Act.

(14) By inserting the following subsection in section thirty-six of the said Act as subsection 1 (a) thereof:

36 (1a). The Chief Electoral Officer shall, at the same time as, or immediately after, the despatch of the writ to the returning officer, send to him twenty-three copies of the list of voters for each closed-list polling division in the electoral district, as such list has been received by him from the Controller of Voters' Lists; provided that if more than one member is to be returned for such electoral district, there shall be so despatched an additional twenty copies of each such list for each member to be elected in excess of one.

(15) By repealing subsections one and two of section forty of the said Act and schedule three thereto and substituting the following therefor:

40. The Governor in Council shall fix the day for the nomination of candidates and the day for polling, and the days so fixed shall be named in the writ of election; at a general election the writs for all the electoral districts shall be dated on the same day and the same days shall be fixed for the nomination and the polling in all electoral districts.

(2) Subject as hereinafter provided, the day for the nomination of candidates at any election shall be a Monday and the day for the poll, if one is required, shall be the second Monday following nomination day.

(2a) The days for the nomination and for the poll may be fixed for a Tuesday instead of Monday and the interval between nomination and the poll may be shortened or lengthened by one day accordingly.

- (1) If the Monday on which either of such days would otherwise fall is a holiday as defined by the Interpretation Act; or
- (2) if, in the case of a general election, either of such days would otherwise fall on a day which is generally observed by the residents of any province as a day for religious exercise and is declared to be a holiday by the law of such province; or
- (3) if, in the case of a by-election, either of such days would otherwise fall on a day so generally observed in, and so declared by the laws of the province within which the electoral district in question lies.

(16) By inserting the following section in the said Act as section 40A thereof:

40A. The returning officer shall, on the request of any candidate who has been duly nominated and to whom a receipt for his deposit has been given, immediately deliver to such candidate (a) twenty-five copies of this Act and of any printed instructions issued by the Chief Electoral Officer in respect of the conduct of the election and (b) five copies of the list of voters for each closed-list polling division in the electoral district.

(2) If, however, there have been nominated, or appear likely to the returning officer to be nominated before the close of nominations, a number of candidates exceeding four times the number of members to be elected, the number of copies of the lists of voters to be furnished to each candidate as aforesaid shall be reduced accordingly; such number may, on the other hand, be increased if a smaller number of candidates is in fact nominated, provided that each candidate receives an equal number of copies or that all candidates consent to the distribution being unequal.

(3) The returning officer shall, before the delivery to any candidate of the copies of the lists of voters to which he is entitled under the provisions of this section, correct one thereof in accordance with any certificates of decisions of the judge already received by him from the clerk of the court, and if any such certificates are so received after the delivery to any candidate of the copies of the lists of voters to which he is entitled, the returning officer shall give such candidate notice of the effect of such decisions.

(4) The returning officer shall keep in his office for reference on request during ordinary office hours a complete set of the lists of voters received by him for all the closed-list polling divisions in the electoral district and shall also retain in his custody an additional copy of the list of voters for each such polling division, which he shall send or deliver to the deputy returning officer for the polling division with the ballot box, the ballot papers and other supplies for the poll.

(5) If any advance poll is authorized to be established for any place in the electoral district, a third copy of the list of voters for each polling division in such place shall be retained by the returning officer in his custody and sent or delivered to the deputy returning officer for each such advance poll with the ballot box, the ballot papers and other supplies for the poll.

(6) Upon the receipt from the clerk of the court of any certificate of any decision by the judge directing any connection of or addition to the list of voters for any closed-list polling division in the electoral district, the returning officer shall correct accordingly his own and the deputy returning officer's copy of the list affected, noting against the correction the words "Judge's correction" or the letters "J. C." with the date of the certificate, and shall verify such note with his initials; the effect of any certificate of any judge's decision received after the deputy returning officer's copy of any such list has been delivered to him shall, if time permits, be forthwith notified to such deputy returning officer by the returning officer.

(17) By repealing subsections one and two of Section fifty-three of the said Act and substituting the following therefor:—

53. Upon the production to the returning officer of a writing, signed by any candidate who has been duly nominated, whereby such candidate appoints a person whose name appears upon the list of voters for any closed-list polling division to act as agent for him at a polling station established for some other polling division, the returning officer shall issue to such agent a transfer certificate in Form 30A in Schedule One to this Act.

(2) Any candidate whose name appears upon the list of voters for any closed-list polling division shall be entitled at his request to receive a like transfer certificate entitling him to vote in any specified polling division instead of that upon the list for which his name appears.

(2A) The returning officer may also issue a like transfer certificate to any person whose name appears on the list of voters for any closed-list polling division and who has been appointed to act as deputy returning officer or poll clerk at the polling station established for any other polling division in the electoral district.

(2B) The registrar of any open-list polling division may issue a transfer certificate in Form 30 in schedule One to this Act to any candidate, deputy returning officer, agent or poll clerk who is on the list for the polling division for which such registrar has been appointed and who, being a candidate, requests the registrar so to do, or being a deputy returning officer, agent or poll clerk, satisfies the registrar by the production of his appointment in writing that he has been appointed to act as such deputy returning officer, agent or other poll clerk at the polling station established for some other polling division.

(2C) The returning officer or any registrar by whom any transfer certificate is issued (a) shall sign such certificate and mention thereon the date of its issue, (b) shall consecutively number every such certificate in the order of its issue, and (c) shall not issue any such certificate in blank.

(18) By repealing subsection one of Section fifty-seven of the said Act and substituting the following therefor:—

on the list of voters for a closed-list polling division shall be entitled to vote at the polling station established for such polling division, provided

57. Subject as hereinafter provided, every person whose name appears that he is a British subject of the full age of twenty-one years, was ordinarily resident (as hereinafter defined) in Canada during the twelve months immediately preceding the issue of the writ of election, is not disqualified from voting, and has within six months resided at the address given for him in the list of voters.

(1A) Subject as hereinafter provided, every person whose name appears on the list of voters for an open-list polling division shall be entitled to vote at the polling station established for such polling division, provided that he is a British subject of the full age of twenty-two years, was ordinarily resident in Canada during the twelve months immediately preceding the issue of the writ of election, and is not disqualified from voting, and provided further that:

- (a) At a general election, he was resident (as hereinafter defined) in the electoral district on the day two months before the date of the issue of the writs of election, or
- (b) At a by-election he was resident (as hereinafter defined) in the electoral district during the two months immediately preceding the date of the issue of the writ for the said election.

(1B) The following rules shall apply to the interpretation of the words "resident" and "resided" in this section and in any other sections of the Act in which the said words or either of them are used with respect to the right of a voter to vote:

- (a) Subject as provided in the succeeding clauses of this subsection, the question where a person is or was resident or is or was resident at any material time or during any material period shall be determined by a reference to all the facts of the case, including the proprietorship or tenancy of the residential quarters, the relationship of the person to the proprietor, tenant or actual occupants thereof, and the dependency or otherwise of such person.
- (b) Any person on active service with the naval, military or air forces of Canada shall be deemed to continue to reside in the polling division in which such person was resident at the time of enrolment for such active service unless such person thereafter elects to establish some other residence in Canada.
- (c) A minister, priest or ecclesiastic of any religious faith or worship, who at the time of his being included in the list of voters for any polling division, or of his applying to be so included, is in charge of or permanently attached for duty to an established place of worship or a recognized mission of his church or religious denomination in or in the neighbourhood of such polling division, shall, if otherwise qualified, be deemed to have the residential qualification necessary to entitle him to vote at the polling station established for such polling division, irrespective of the length of time he has been resident in the electoral district.
- (d) Any teacher, who at the time of his being included in the list of voters for any polling division, or of his applying to be so included, is employed in teaching at a school in or in the neighbourhood of such polling division pursuant to a contract duly made with the educational authority controlling such school, shall, if otherwise qualified, be deemed to have the residential qualification necessary to entitle him to vote in such polling division, irrespective of the length of time he has been resident in the electoral district.
- (e) A pupil in actual attendance at any educational institution in the electoral district, who, at the time of his being included in the list of voters for any polling division, or of his applying to be so included, has, for at least seven of the twelve months immediately preceding such time been registered as a pupil and has been in regular attendance at the educational institution aforesaid, shall, if otherwise qualified, be deemed to have the residential qualifica-

tion necessary to entitle him to vote in such polling division, irrespective of the length of time he has been resident in the electoral district.

- (f) No person shall at any time be deemed to be resident in quarters or premises which, though sometimes or ordinarily occupied by him or his family in some or all of the months between May and October inclusive, ordinarily remain vacant and unoccupied from the month of November to April inclusive, or during the greater part of the period included in the said months.

(19) By repealing subsection one of Section fifty-nine of the said Act and substituting the following therefor:—

59. A voter, whose name appears on the list of voters for the polling division at the polling station established for which he applies to vote, shall, before receiving a ballot paper, if so required by the deputy returning officer, the poll clerk, one of the candidates, an agent of a candidate, or any elector present, take an oath as hereinafter provided, and if he refuses to take the same, erasing lines shall be drawn through his name in the poll book and the words "Refused to be sworn" shall be written thereafter.

(1A) The oath so required to be taken by any voter shall be as follows:—

- (a) In any closed-list polling division, an oath in Form 33 in Schedule One to this Act; or
- (b) In any open-list polling division, at a general election, an oath in Form 33A in the said Schedule; or
- (c) In any open-list polling division, at a by-election, an oath in Form 33B in the said Schedule.

(20) By repealing Section sixty-four of the said Act and substituting the following:—

64. Subject as hereinafter provided, any person who is a British subject of the full age of twenty-one years, was ordinarily resident in Canada during the twelve months immediately preceding the issue of the writ of election, is not disqualified from voting, and is resident in the polling division for which the polling station at which he applies to vote has been established, may vote at such polling station, notwithstanding that his name does not appear on the list of voters for such polling division, provided, at a general election, that he was resident in the electoral district on a day two months before the date of the issue of the writs of election, or that, at a by-election, he was resident in the electoral district during the two months immediately preceding the date of the issue of the writ for such election.

(2) Any such person may vote as aforesaid upon:

- (a) his being vouched for by some other voter whose name appears upon the list for such polling division, and who personally attends at the polling station with him, and takes an oath in Form 36 in Schedule One to this Act, and
- (b) himself taking an oath either in Form 33A or 33B as the case requires, and also an additional oath in Form 35.

Upon the said oaths being taken as herein provided, the name of the voter so applying to vote shall be added to the voters' list and shall be entered in the poll book with a note of the fact of the oaths having been taken and of the name of the person who has vouched for the voter as aforesaid.

(21) By repealing subsection two of Section seventy-one of the said Act.

(22) By repealing section eighty-five of the said Act and substituting the following:—

85. Any person who votes, or induces or procures any other person to vote, at an election, knowing that he, or such other person, is for any reason disqualified, non-qualified or incompetent to vote at such election, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

2. Upon the trial of any person accused of violating this section, when it is proved that the person in respect of whose vote the prosecution is had, voted at such election, the burden of proving that such person was qualified to vote, or, if such person was disqualified, non-qualified or incompetent to vote, that the accused did not know thereof, shall be upon the accused. 1920, c. 46, s. 30; 1925, c. 42, s. 34.

(23) By repealing subsection one of Section one hundred and two of the said Act and substituting the following therefor:—

102. Subject as hereinafter provided, every person, who is employed either by a railway company or on a vessel or as a commercial traveller and is obliged, in the course and by reason of his said employment, to be absent from time to time from his ordinary place of residence, may vote in advance of polling day at an advance poll established under this section if he has reason to believe that because of necessary absence from his place of residence in the pursuit of his employment, he is likely to be unable to vote on polling day in the polling division on the list for which his name appears.

(24) By repealing subsection eight of Section one hundred and two of the said Act and substituting the following therefor:—

(8) Advance polls shall be open and shall only be open between the hours of seven and ten o'clock in the afternoons of the Thursday and the Friday immediately preceding polling day and between the hours of two and ten o'clock in the afternoon of the Saturday immediately preceding polling day.

(25) By repealing subsections ten to twenty-three inclusive of Section one hundred and two of the said Act and substituting the following therefor:—

(10) The deputy returning officer at every advance poll established for the purpose of receiving the votes of persons resident within any closed-list polling divisions shall be furnished by the returning officer with a set of corrected copies of the lists of voters for such polling divisions.

(11) No person shall be entitled or permitted to vote at an advance poll unless:

- (a) he is a person whose name appears on the list of voters for a closed-list polling division in the place or one of the places for which the advance poll is established and signs, at the polling station, a declaration in Form 53A in Schedule One to this Act, or
- (b) he produces to the deputy returning officer a certificate in Form 54 from the registrar of an open-list polling division in the place or one of the places for which the advance poll is established, and signs, in the presence of the deputy returning officer, a declaration in Form 55,

and unless, in either case, he takes, if so required, the appropriate oath in Form 33, 33A or 33B.

(12) The registrar for any open-list polling division within which any place mentioned in Schedule Two is wholly or partly contained shall, on application of an elector whose name appears on the list of voters of such polling division, issue *gratis* to such elector's attendance and request made in person, but not otherwise, a certificate in Form No. 54, and shall forthwith thereafter enter in the "Remarks" column of his list of voters, opposite the name of such elector, the words "Advance Poll".

(13) Every registrar authorized to issue certificates to vote at advance polls shall attend for the purpose at such times and places as may be directed by the Chief Electoral Officer, who may specify what public notice, if any, is to be given by such registrar that he will so attend.

(14) If, at the time of issue of such certificate, the registrar has already delivered to the deputy returning officer the official list of voters, the registrar shall issue certificate in duplicate and forthwith deliver to the deputy returning officer one of such duplicates, whereupon the deputy returning officer shall make, opposite such name on the official list of voters, the like entry, which shall produce the like effect.

(15) For the purposes of the election officers at any ordinary polling station established for an open-list polling division, persons who have secured a certificate in Form No. 54 shall be deemed to have already voted: Provided, however, that if an elector who has obtained such a certificate does not vote at an advance poll, he shall be entitled to vote on polling day at the polling station on the list for which his name appears upon surrendering to the deputy returning officer who shall then and there cancel such certificate and the entry concerning the same on the official list of voters and such elector shall then be entitled to vote as if such certificate had never been issued.

(16) There shall be no list of electors nor poll book supplied to or kept at an advance poll, but the poll clerk thereat shall assist the deputy returning officer as required; he shall, on the copy of the voters' list for closed-list polling divisions and on the certificates issued by the registrars for open-list polling divisions, make such notations as, if there were a poll book, he would be required by this Act to make opposite the voters' name therein.

(17) At the close of the poll each day, the deputy returning officer shall in the presence of such of the candidates or their agents or of the electors representing candidates as may be entitled to be present and are present:—

- (a) unseal and open the ballot box,
- (b) empty the ballots (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose,
- (c) seal such envelope,
- (d) count the unused ballots and the declarations and certificates which up to that time have been made and presented,
- (e) place the unused ballots and the declarations and certificates in another envelope which shall be supplied for the purpose.
- (f) endorse thereon the number of such unused ballots and the number of such declarations and the number of such certificates, and
- (g) seal up the said envelope.

The deputy returning officer shall and such candidates and their agents or electors representing candidates as are present may affix their seals or signatures to both envelopes and the deputy returning officer shall then place both envelopes in the ballot box and lock the same and the deputy returning officer shall and every candidate or agent present who desires to do so may affix their respective seals and signatures to the ballot box in such a manner that the box cannot be opened or anything deposited therein or removed therefrom without breaking such seals.

At the re-opening of the poll each day the ballot box shall be opened by the deputy returning officer in the presence of such of the candidates or their agents or of the electors representing candidates as may be entitled to be present and are present and the envelope containing the unused ballots shall be taken out and opened, the ballot box being immediately thereafter locked and kept locked except as herein otherwise provided.

(18) The deputy returning officer shall, at six o'clock in the afternoon of polling day, attend with his poll clerk at the polling station where the advance poll was held, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballots, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made as so required and be annexed to the declarations and certificates in this section referred to.

(19) Subject as hereinbefore provided the procedure at advance polls shall be as nearly as possible the same as that directed to be followed at the ordinary polls on polling day.

(20) Any person who corruptly

(a) for the purpose of obtaining from a registrar a certificate in Form in Schedule 3 to this Act, makes to such registrar any false statement; or

(b) being a registrar for a polling division, issues any such certificate to any person whose name is not on the list for such polling division or whom he has not good reason to believe to be a person entitled to obtain such certificate;

(c) forges or fabricates any such certificate, or any name thereon, or not being the person named therein, presents any such certificate to any deputy returning officer or poll clerk at any polling station for the purpose of voting thereon; or

(d) makes before any deputy returning officer a false declaration; or

(e) after having obtained from a registrar a certificate in the Form in Schedule 6 to this Act, votes or attempts to vote at the polling station established in the polling division on the list for which his name appears without presenting such certificate to the deputy returning officer at such polling station; or

(f) in any other manner contravenes any provision of this section;

is guilty of an offence against this Act punishable on summary conviction as by this Act provided.

(2) By cancelling Form 33 in Schedule One to the said Act and substituting the following three forms:—

FORM NO. 33

Oath of Qualification (Closed-list polling division).

You swear that you are a British subject of the full age of twenty-one years and that you have been ordinarily resident in Canada for the twelve months last past and that within the last six months you have actually resided or had a personal or family home at (*stating the address given for the voter in the list*), and that you are not within any of the classes of persons who are disqualified from voting by reason of their being judges,

Indians, prisoners, lunatics or paupers or by reason of race or employment for pay or reward in reference to the election, and that you have not been guilty of any disqualifying, corrupt or illegal practice, and have not already voted in this election. So help you God.

FORM No. 33A.

Oath of Qualification (Open-list polling division: General Election)

You swear that you are a British subject of the full age of twenty-one years, that you have ordinarily resided in Canada for the twelve months immediately preceding the day of , 19 (*naming the day of the issue of writs of election*), that you were ordinarily resident in this electoral district on the day of , 19 (*naming the day two months before the day of the issue of the writs of election*), that you are not within any of the classes of persons who are disqualified from voting by reason of their being judges, Indians, prisoners, lunatics or paupers or by reason of race or employment for pay or reward in reference to the election, that you have not been guilty of any disqualifying, corrupt or illegal practice, and that you have not already voted in this election. So help you God.

FORM No. 33B.

Oath of Qualification (Open-list polling division: By-elections).

You swear that you are a British subject of the full age of twenty-one years, that you have ordinarily resided in Canada for the twelve months and in this electoral district for the two months immediately preceding the day of , 19 (*naming the date of the issue of the writ of election*), that you are not within any of the classes of persons who are disqualified from voting by reason of their being judges, Indians, prisoners, lunatics or paupers or by reason of race or employment for pay or reward in reference to the election, that you have not been guilty of any disqualifying corrupt or illegal practice, and that you have not already voted in this election. So help you God.

(2) By inserting the following form as Form 53A:—

FORM 53A.

Declaration at Advance Poll.

(To be made by voter on list for closed-list polling division).

I, the undersigned, do declare that I am the person described on the list of voters for Polling Division No. in this electoral district as (*setting out the number, name, address and occupation as given in the list*); that I am (*insert either (a) a commercial traveller, or (b) employed by the Railway Company (naming it), or (c) employed on the vessel known as the (naming it)*), and that I am obliged in the course and by reason of my said employment to be absent from time to time from my ordinary place of residence, and that I have reason to believe that, because of necessary absence therefrom in the pursuit of my said employment, I am likely to be unable to vote on polling day in the above mentioned polling

division, and that I am aware that any mis-statement in this declaration, or any attempt to vote on polling day, after having voted or attempted to vote at this advance poll will render me liable to imprisonment.

Signature of declarant.

Signed in my presence
at the advance poll
in
this day of
19 .

Deputy Returning Officer.

(28) By cancelling Forms 54 and 55 in Schedule One of the said Act and substituting the following:—

FORM No. 54.

Certificate to a Railway Employee, Sailor, or Commercial Traveller entitled to vote at an Advance Poll (Sec. 102).

I, the undersigned registrar for Polling Division No. of the electoral district of hereby certify:

1. That (*insert full name, occupation and full address*), whose ordinary residence is at is an elector whose name appears on the list of voters for the said polling division prepared by me for the purposes of the pending Dominion election.

2. That, said elector on this day of , 19 , having personally attended before me and request of me a certificate enabling him to vote at such election in advance of polling day, I, being satisfied that he is a person who is entitled under the said section 102 of the *Dominion Elections Act* to vote at the advance poll established for (*naming the place in which the polling division is situate*), have required him to sign his name hereunder, and this by him first done, I have signed and issued this certificate.

.....
Signature of voter

.....
Signature of registrar.

FORM No. 55.

Statement of Identification and Declaration

(Sec. 102).

I, the undersigned, declare that I am the elector mentioned in the above certificate, and that I am (*insert either (a) a commercial traveller, or (b) employed on the Railway Company (naming it), or (c) employed on the vessel known as the (naming it)*) and that I am obliged in the course and by reason of my employment to be absent from time to time from my ordinary place of residence and that I have reason to believe that because of necessary absence therefrom in the pursuit of my employment I am likely to be unable to vote on polling day in the polling division above mentioned. I

am aware that any mis-statement in this declaration or any attempt on polling day after voting or attempting to vote at this advance poll will render me liable to imprisonment.

.....
Signature of voter.

Signed in my presence
at the advance poll
in
this day of
19

.....
Deputy Returning Officer.

(29) By substituting the expression "open-list polling division" for the expression "rural polling division" wherever it occurs in the said Act.

SCHEDULE ONE

Places and areas to which the Act applies: Section 3.

(Note: The name refers to the municipality, unless otherwise stated.)

Alberta.—Calgary, Edmonton.

British Columbia.—Vancouver, Victoria.

Manitoba.—Winnipeg North, Winnipeg North Centre, Winnipeg South, Winnipeg South Centre (electoral districts), and that part of the city of Winnipeg included in the electoral district of St. Boniface.

New Brunswick.—St. John.

Nova Scotia.—Halifax, Sydney.

Ontario.—Brantford, Fort William, Hamilton, Kingston, Kitchener, London, Ottawa, Peterborough, Sault Ste. Marie, Toronto, Windsor, York South (electoral district), York West (electoral district).

Quebec.—Hull, Lachine, Montreal, Outremont, Quebec, Sherbrooke, Three Rivers, Verdun, Westmount.

Saskatchewan.—Regina, Saskatoon.

Memorandum of Possible Additions to Schedule One.

British Columbia.—New Westminster.

Manitoba.—Brandon, St. Boniface.

New Brunswick.—Moncton.

Nova Scotia.—Glace Bay.

Ontario.—Guelph, Niagara Falls, Port Arthur, St. Catharines, St. Thomas, Sarnia, Stratford, Timmins.

Saskatchewan.—Moosejaw.

SCHEDULE TWO

Provisions for Initial Registration.

1. As soon as possible after the coming into force of this Act, the Chief Electoral Officer shall send to the returning officer for the electoral district in which is situate any of the places or areas mentioned in Schedule 1, a direction to provide for a registration of voters in each such place or area; such direction shall be acted upon by each returning officer to whom it is addressed in the same way as if it was a writ of election directed to him under the *Dominion Elections Act*.

2. Every person, male or female, shall be entitled to be registered as a voter hereunder if he or she, at the date of his application:

- (a) is of the full age of 21 years, and
- (b) is a British subject by birth or naturalization, and
- (c) has been ordinarily resident in Canada for at least twelve months, and
- (d) is resident in such polling division.

unless he or she:

- (e) is the Chief Electoral Officer or the Assistant Chief Electoral Officer,
- (f) is a judge appointed by the Governor in Council,
- (g) is an Indian ordinarily resident on an Indian reservation who did not serve with the naval, military or air forces of Canada in the war 1914-1918.
- (h) is a prisoner undergoing punishment for an offence,
- (i) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease.
- (j) has within two months received charitable support or assistance out of funds (other than private trust funds) administered under the direction of the Crown in the right of Canada or of any province thereof or out of the funds of any municipal corporation, or is legally responsible for the support of any other person who has within two months received such support or assistance, unless, in either case, such support or assistance is given by reason of services performed in the naval, military or air forces of His Majesty,
- (k) is disqualified by reason of his race from voting for a member of the Legislative Assembly of the province in which he resides and did not serve with the naval, military or air forces of Canada in the war 1914-1918,
- (l) is disqualified from voting under any law relating to the disqualification of voters for corrupt or illegal practices.

3. Every returning officer to whom any such direction is addressed shall be entitled to demand and to obtain from the legal custodian thereof any by-laws, orders, proclamations or other documents of proceedings, or certified duplicates or copies of any such by-laws, orders, proclamations or other documents of proceedings, defining the boundaries of the provincial or municipal polling divisions as laid off in such place or area.

4. Each returning officer shall thereupon make such re-arrangement of the boundaries of the polling divisions as are in his opinion necessary in order that each polling division shall be likely to contain as nearly as possible three hundred voters resident therein and entitled to have their names included in the lists of voters, provided, however, that if it has been the practice locally to establish two or more polling stations in any municipal or provincial polling division and the Chief Electoral Officer approves of such practice being followed in elections under the *Dominion Elections Act*, the boundaries of any polling division may be so laid off that the number of probable voters therein will be as nearly as possible twice or three times three hundred.

5. The returning officer shall thereupon group together the polling divisions into registration districts, each containing about five or six polling divisions, and shall prepare descriptions of the boundaries of such registration districts.

6. Forthwith after defining the boundaries of the polling divisions as aforesaid, each returning officer shall transmit to the Chief Electoral Officer a description of such boundaries and of the manner in which they are grouped into registration districts as aforesaid.

7. Each returning officer shall for each of the registration districts appoint in writing in Form 5 in Schedule 1 of the *Dominion Elections Act* hereto, two persons to be registrars of voters for each such district, and shall require each

of such persons before acting as registrars to take the oath in Form 6 in the said Schedule.

8. Each returning officer shall also appoint a place in each registration district at which the registrars shall sit as hereinafter provided for the registration of voters.

9. The returning officer shall cause to be printed a notice describing the boundaries of each of the registration districts, giving the names of the registrars for each thereof, setting out the registration office at which such registrars will attend for the registration of voters, and stating the days and hours during which such offices will be open. A sufficient supply of copies of such notice shall be furnished by the returning officer to the registrars, who, at least three days before the commencement of the registration, shall cause six copies for each thousand of the population to be posted up in conspicuous places throughout the registration district, and, before nine o'clock on the morning of the day the registration commences, shall cause an additional five copies to be posted up outside of and near to the place where they sit for the registration of voters; they shall see that these latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up throughout the whole period of registration.

10. The returning officer shall also furnish to the registrars at each place of registration a sufficient supply of the necessary forms of application for registration (each of which shall bear a different consecutive number and shall have a detachable stub bearing the same number), for a list of voters registered, for a return of refused applications for registration, and for a return of spoiled applications for registration.

11. The returning officer shall carefully record the consecutive numbers of all forms of application furnished for use at each registration office.

12. Every registration office shall be open for the registration of voters from nine o'clock in the forenoon until nine o'clock in the afternoon on six week days to be fixed by the Chief Electoral Officer and notified to the returning officer, and both registrars shall remain continuously in attendance at such office while the same is open, except that each shall be entitled to be absent at different times for not more than three hours in any day and not more than one and a half hours on any one occasion. Subject to the instructions of the returning officer the registrars appointed to act any registration office may arrange for the division of the work between them during the time they are both in attendance.

13. If at any time the number of applications for registration at any registration office is such that the registrars cannot promptly dispose of them, the returning officer may, with the approval of the Chief Electoral Officer, appoint an additional registrar or additional registrars for such office or may provide clerical assistance for the registrars acting thereat.

14. Any person resident in any polling division included in the registration area may make application for registration at the registration office for the registration district in which such polling division is included, and every person who so applies as hereinafter provided and is qualified to vote shall be entered in the list of voters for the polling division in which he resides. Every person applying to be registered shall sign a form of application in which all the information required by the said form shall be completely filled in either by the applicant personally or by a registrar at the applicant's request.

15. Before entering the name of any such person in the list of voters the registrar shall, if the applicant so requests, give him any information he desires as to the effect of the statements required to be made in the application and shall satisfy himself that the applicant understands the effect of such statements.

16. If it appears to the registrar that the applicant understands the effect of such statements and it appears to him that the applicant is qualified as

hereinbefore provided, he shall notify the applicant that his registration is accepted and shall certify accordingly by signing the appropriate certificate on the stub of the application which he shall forthwith detach and deliver to the applicant.

17. If, in the opinion of the registrar, the statements made by the applicant in his application do not show the applicant to be qualified as hereinbefore provided, he shall notify the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. He shall also certify the fact of the refusal of such application by signing the appropriate certificate on the stub of the form of application and shall detach and deliver such stub forthwith to the applicant.

18. No registrar shall permit any form of application for registration to be taken from the registration office, and in case any such form is spoiled the same shall be carefully preserved by the registrar with the stub thereof and he shall record the number of such form in the return of spoiled applications.

19. The completed forms of application for registration which the registrar has accepted shall be segregated according to the polling divisions to which the same respectively belong, and such forms shall, at or before the conclusion of the registration, be arranged by the registrar in exact alphabetical order. The registrar shall thereupon prepare a complete list in alphabetical order of the voters for each polling division, and a number of copies thereof equal to the number of candidates nominated in the electoral district of the last preceding election therein.

20. Any completed applications in respect of which the registrar has issued a certificate of refusal to register shall also be segregated according to the polling division in which the applicant resides and shall be attached to a return in the prescribed form.

21. Within one week after the close of the sittings for registration the registrars at each registration office shall transmit to the returning officer:

- (a) The bundles of accepted applications for registration for each polling division, the forms of application in each bundle being arranged alphabetically as aforesaid, and each bundle being carefully marked with the number of the polling division to which the applications belong.
- (b) The lists of voters and copies thereof for each polling division.
- (c) The bundles of rejected applications for registration for each polling division with attached to each the return thereof in the prescribed form.
- (d) A bundle of the forms of applications spoiled at the registration office with attached thereto a return thereof in the prescribed form.
- (e) A bundle of unused forms of application with attached thereto a memorandum of the consecutive numbers thereof, and
- (f) All other unused forms and supplies.

22. It shall be the duty of the returning officer carefully to check the returns of application forms accepted, refused, spoiled and unused, to compare the same with his record of the consecutive numbers of the application forms supplied to each registration office and to satisfy himself that all application forms issued have been accounted for.

23. The returning officer shall thereupon transmit to the Chief Electoral Officer:

- (a) All the forms of applications accepted and refused;
- (b) One set of lists of voters for each polling division;
- (c) A report on the registration, with a certificate that all application forms issued have been accounted for; and
- (d) All unused forms and supplies.

24. The returning officer shall furnish to each candidate who was nominated in the last preceding election in the electoral district one copy of the list of voters for each polling division as prepared by the registrars; if, at the last preceding election, no poll was required in the electoral district, or if any candidate nominated thereat has died, a list of voters shall be furnished to such persons as the Chief Electoral Officer shall direct.

25. The Chief Electoral Officer shall, forthwith on their receipt by him, transmit to the Controller of Voters' Lists all forms of application received by him from the returning officers respectively and also the copy of the list of voters for each polling division so received.

26. The provisions of the *Dominion Elections Act* as to the transmission of papers, oaths, offences and penalties in connection with a registration under the said Act shall apply to the registration held hereunder.

27. The Chief Electoral Officer shall submit to the Governor in Council for approval a tariff of fees, costs, allowances, expenses to returning officers and other persons employed in or with respect to the registration of voters held hereunder, and payments according to such tariff shall be made in the same way and subject to the same conditions as if such tariff had been approved by the Governor in Council pursuant to section seventy-seven of the *Dominion Elections Act*.

FILED BY TOM MOORE

MEMORANDUM on *Electoral Reform and Election Act Amendments*
Submitted to the *Special Committee of the House of Commons*
on behalf of the *Trades and Labour Congress of Canada*,
Ottawa, Wednesday, March 20th, 1929.

1. *Re-election of Cabinet Ministers*

R.S. Cap. 147
Secs. 13, 14
(Bill 13)

Believing that the system which prevails of demanding that those accepting cabinet portfolios return to their constituencies to seek re-election immediately after a general election is a waste of time, money and energy, we suggest that the necessary legislative changes be enacted which would abolish this practice where such promotions are made within two years subsequent to a general election.

In making this request it is not intended that those who may be appointed to cabinet positions and have not, at the time, a seat in Parliament should hold such offices without securing election as members of Parliament.

The change herewith submitted would make possible a much freer choice of cabinet ministers according to their suitability and qualification of the office instead of such choices being governed, as we believe has often been the case, by their ability to retain the constituency for the party in power.

5.21

2. *Appointment and Control of Returning Officers*

From time to time cases arise which emphasize the need for some change in the method of appointment and control of returning officers and their subordinates charged with the conduct of federal elections. These circumstances, we believe, can be attributed to the present practice of making appointments of returning officers a matter of party patronage. Feeling that they owe their appointment to the political party to which they belong, the same practice is followed by them in making their appointments of poll clerks, etc.

The interjection of political partyism into what should be an impartial state function not only lends itself to the arousing of suspicion as to unfair practices but also, in the case of elections following each other in close sequence, leads to inefficiency through the replacement of returning officers before they have had a fair opportunity to become fully acquainted with their duties.

By the legislation enacted in 1920 provision was made for the appointment of a chief electoral officer and for the safeguarding of his administrative authority against undue political interference. The success which has attended the removal of this important office from the field of party politics leads us to express the opinion that the extension of similar protection to the positions of returning officers would remove much of the dissatisfaction as to the conduct of elections which now exists.

We recommend that all official election appointments should be made on a non-political basis and that the incumbents should be thereafter under the full control of the chief electoral officer, returning officers not to be subject to removal from office except for just cause and on the recommendation of the chief electoral officer.

Tenure
of office.

3. *Proportional Representation and Transferable Vote*

Under the present system of representation, the House of Commons does not always bear comparison to the actual numbers casting their ballots in favour of the respective political groups and as a step towards making it more representative of the people, we would ask for changes in the Election Act so as to provide for proportional representation in group constituencies and the use of the transferable vote in single member constituencies.

4. *Election Day Half Holiday*

During the 1925 session of Parliament an amendment to the Election Act was passed by the House of Commons providing for a half-day holiday on Election Day, but this failed to become law owing to an error in the same not being incorporated in the Bill sent to the Senate. In view of this, the Government passed an Order in Council providing for a half-day holiday for the Federal elections, held in 1925. This Order in Council was not clear, however, as to whether the holiday should be an extension of the provision for two hours' time, with pay, which exists in the present Act and a certain amount of dissatisfaction and confusion arose therefrom. We, therefore, recommend that the Election Act be amended so as to make it compulsory for employers to grant a half-day holiday, with pay, to all workers on Federal election day.

Election day.
Half holiday

5. *Contributions to Election Funds*

Clause 10 of the Franchise Act, 1920, prohibits unincorporated associations, such as trade unions, etc., from making voluntary contributions towards election campaigns and Clause 11 of the Franchise Act, 1920, prohibits any person not being an elector and who resides without Canada from assisting in any manner in election campaigns.

Sec. 9.

These sections work particular hardship to candidates dependent upon small contributions towards election expenses inasmuch as they prevent subscriptions being taken up at trade union and similar gatherings and we, therefore, ask that these two sections be repealed. It is true they have not been strictly enforced. This, however, only creates a lack of respect for the law as a whole and, we venture to assert, is an added argument for their repeal.

6. *Abolition of forfeiture of Election deposits*

5.40

The forfeiture of election deposits as called for in the present Act creates a hardship and is in the nature of a penalty on poverty. In a free democracy integrity and ability should supersede wealth as a qualification for election to Parliament. We, therefore, suggest the abolition of all election deposits and forfeiture of same, and the substitution thereof of a qualifying requirement that a candidate should secure a stated number of signatures of electors before his nomination can be accepted.

7. *Voting by Seamen*

5.102

The present advance polls are oftentimes of no value to seamen who are compelled to be away from home whilst following their employment and it is therefore requested that some provision be made in the Election Act so that seamen be privileged to exercise their franchise away from home when following their employment as seamen.

SESSION 1929

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT
PRACTICES INQUIRIES ACT

No. 5

Wednesday, April 10, 1929

Tuesday, April 16, 1929

Witnesses: Mr. Neill, M.P.; Mr. John D. Hunt, Chief Electoral Officer,
Alberta.

Appendix of Proposed Amendments to the Act.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS,

WEDNESDAY, April 10, 1929.

The committee came to order at 10 o'clock a.m., Mr. Power presiding.

Members present: Messrs. Anderson, Bancroft, Bothwell, Boys, Cantley, Kennedy, Power, Ralston.

The witness of the day, Albert McCaughan of Montreal, having been called and not appearing, the committee after some discussion as to procedure, adjourned till Tuesday, April 16th, at 10 a.m.

A. A. FRASER,

Clerk of Committee.

HOUSE OF COMMONS,

TUESDAY, April 16, 1929.

The committee came to order at 10 o'clock a.m., Mr. Power presiding.

Members present: Messrs. Bancroft, Bird, Bothwell, Boys, Cantley, Kennedy, Laflamme, MacDonald, Power, Ralston.

Certain recommendations in writing received by the Clerk of the Committee by post from Joseph A. Clarke of Edmonton, Alberta, were ordered printed in the Appendix. (See Appendix hereto.)

Mr. Neill, M.P., appeared before the committee and explained the reasons behind his recommendations previously filed with the committee, and also commented on other recommendations filed.

Mr. John D. Hunt, Chief Electoral Officer for the Province of Alberta, was called, examined and retired.

The witness filed certain documents a list of which is printed in the Appendix hereto, and subsequently with the collaboration of the Chief Electoral Officer for Canada, filed certain recommendations for amendment of the Dominion Elections Act. (See Appendix hereto.)

The committee adjourned till Wednesday, the 24th inst., at 10 a.m.

A. A. FRASER,

Clerk of Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

TUESDAY, April 16, 1929.

The Special Committee appointed to consider the Dominion Elections Act met at 10.30 a.m., the Chairman, Mr. C. G. Power, presiding.

The CHAIRMAN: I have here for distribution among the members, samples of the identification cards as described in the evidence of Mr. Campbell. The members may get samples when they so desire.

The first witness this morning is Mr. Neill, M.P., who, as you know, made some suggestions which are contained in the appendix of No. 4.

Mr. NEILL, M.P., called.

The WITNESS: Mr. Chairman and gentlemen: I am very much obliged for the opportunity of presenting my views here. There are not many members from British Columbia on the Committee. You will understand that the suggestions which I am presenting are only from the point of view of the members of rural ridings. I have nothing to do with the cities, which are in many respects quite different from the country.

If I might be permitted very briefly to go over one or two of the recommendations in addition to my own, for instance the recommendations of the Railway Brotherhoods, I should like to do so.

They make a recommendation for advanced polls for railway employees, sailors and commercial travellers. I have nothing to say against that. But why should not that relate also to other occupations, as for example, fishermen? I do not see why it should not be open to anybody. If a man wants to go away for a few days, I do not see why he should not be able to come under the same rule as would relate to commercial travellers. I know of an employer who sent his man away so that he could not vote; but he would not have cared to do that if this privilege or right extended over three or four days.

First, as to election day being proclaimed a half-holiday. That provision actually passed the House, but by a mistake of some clerk it was taken out before it reached the Senate, and the error has never been corrected.

So, in rural constituencies, the qualifying date is too long for ordinary residents. It requires that a man shall be a resident in the constituency two months prior to the date of the writ for the election. That disqualifies nearly all school teachers. Either they have to leave their school and go back to where they were at the date of the writ, or they will be disfranchised. They are an intelligent body, and I do not know why this disqualification should exist.

In British Columbia we have a large floating population. A man goes out to a logging camp and he cannot afford to go back to the place where he has lived in order to vote, and he is therefore cut off from his right to vote.

The CHAIRMAN: Did you read the proposed amendment of Colonel Biggar in reference to school teachers, clergymen, and others?

The WITNESS: No, does that meet the situation?

The CHAIRMAN: It is provided for.

[Mr. Neill, M.P.]

The WITNESS: I am pleased to hear that. I know logging camps where they are supposed to have two hours. Instead of shutting down at six, they shut down at four. A man comes out of the bush and gets his supper. Then he has to get a launch and go perhaps ten miles to reach the nearest polling station. As you can understand, the result is that he does not go at all.

Mr. TOTZKE: Would that be necessary, Mr. Neill, if they had the half-holiday?

The WITNESS: No, I think not. I see the Labour people make the some recommendation, either the half-holiday or the extended poll.

Then as to suggestion No. 4, that the voter be allowed to retain possession of his ballot; a man comes along and gets his ballot, and very often it is thin paper; he goes into the booth and marks it; he returns and hands it to the Returning Officer, and the Returning Officer manipulates it and tears off the end of it. There is a good deal of feeling about that. Let the voter keep the ballot in his own hand and either tear off the end himself in the presence of the Returning Officer, or let the Returning Officer tear it off while the voter retains the ballot and then puts it into the box himself. What happens? I know what often happens. The Returning Officer, when he wants to know how John Jones votes can look at his mark at the time when he is manipulating the ballot paper. I have had a man after an Election tell me how certain men voted. I would say,—“How can you tell?” And he said, “I sat there and saw it when the Returning Officer handled the ballot.”

Mr. KENNEDY: Did this happen during the last three Elections?

The WITNESS: Yes. Sometimes it is done quite accidentally; the D.R.O. is careless. It may cost that man his job. I cannot think of any reason why I should pass my ballot into the hands of the Returning Officer. I know one man who, when he found he had to do that, threw his ballot on the floor and walked out.

Suggestion No. 5, is that Deputy Returning Officers and Poll Clerks in the West should be paid \$10 and \$5 per day. In provincial elections they are paid that much, in the province of British Columbia. Then when it comes to a Dominion Election, the amount is reduced to \$7 and \$4. It does not pay the man, and you have trouble to get good men to do it. Also the Deputy Returning Officer has to be more than one day on duty, because he has to see that the poll is ready; and the Poll Clerk has to put in long hours. If he gets \$4, he has to take one or two dollars out of that for meals. I have a letter from Mr. Biggar in which he said he was seriously considering making the pay of Poll Clerks at least \$5.

Mr. CAHAN: Would it not be wise to provide that the returning officer should supply these officers with meals?

The WITNESS: Yes, that would certainly help.

Mr. CAHAN: At the public expense?

The CHAIRMAN: Would not the Returning Officer in rural constituencies find that it was considerable trouble to make those arrangements?

The WITNESS: In British Columbia provincial elections they not only pay \$10 and \$5 but they also furnish the meals as well.

Then as to suggestion No. 6, I suggest that the polls should close at least two hours later in the East than in British Columbia and the West. The result has been that people in the west wait until they see what the returns are from the east. They have information about a “sweeping victory” in the east. That may or may not be the fact. We get the bulletins from the east about an hour before our polls close. That is a well-known trick or custom, at the last moment, to say what the results in the east are, because people are apt to go with the tide.

[Mr. Neill, M.P.]

In regard to suggestion No. 7, I propose that the tariff of fees should be \$5 for each polling booth. I have been told here by Mr. Stockton that that is the custom. The Returning Officer in my district said that he had great difficulty in getting anybody to rent a room big enough for three polls for \$5. I think the change suggested would be advisable.

Suggestion No. 8—the result of the present law is that there is a great deal of misunderstanding of what is really intended. Of course a lawyer takes notice of the words “except as otherwise provided in this Act”, but the Returning Officer out in the bush does not understand what those words mean.

Section 57 reads:

57. Except as otherwise provided in this Act every person shall be entitled to vote whose name appears on a voters' list prepared under this Act, and he may vote at the polling station of the polling division upon the list of voters for which his name so appears and at no other.

And then under Section 67 there is a provision for what is known as being sworn in. That is a very desirable and useful section. I will not talk of people who try to work a graft on a bona fide and sincere man. A man comes up to the booth and says “I want to vote.” Somebody says “You are not on the list. You must be sworn in.” Somebody else says “Oh, but your name is on the list at so-and-so.” The result is that because he was left on some other list by some careless registrar, who because he gets paid for each name will not strike out more names than he has to, this man loses his vote, because he may have moved six months before.

I called that to the attention of Mr. Biggar, and he referred to the words “Except as otherwise provided in this Act.” Such a man as the one to whom I have referred is often told “If you vote you are liable to be prosecuted.” Mr. Biggar tells me that the one clause was intended to be read with the other, and that the words “Except as otherwise provided in this Act” were intended to provide for the very suggestion I would make. My suggestion would make the Act exactly as Mr. Biggar suggests it should be, as it was intended to be, and make it plain, by saying that a man may vote at a polling division if he has resided the proper number of days in that district, even although his name may be upon the list of another polling subdivision. Sometimes people move away and are left on the list by mistake or through carelessness, and then they think they cannot vote where they are, although Mr. Biggar admits that that is the spirit and intention of the Act.

About the other suggestions. I agree with nearly everything that the Labour representatives suggest.

Section 6 reads like this: “that in the cities the City Clerk or other official, should be the Returning Officer, and wherever possible, permanent Deputy Returning Officers should be appointed by the Electoral Officer in Ottawa.

How in the world can a man in Ottawa make the appointment of Deputy Returning Officers: Then it says that they shall be permanent. Surely that must have been meant for the Returning Officers.

The CHAIRMAN: May I point out that the Labour representatives asked that all election officers, including the Deputy Returning Officers and poll clerks, be appointed permanently.

The WITNESS: Then may I be permitted to say that as far as I am concerned I consider that absurd. Fancy a man getting four dollars for one day every four years being a permanent appointee.

As to No. 10, the abolition of election deposits, I think I would go that far.

As to No. 12, that there should be publication of the source of all campaign funds received by all political parties, we have that now to a certain extent, because the candidate has to put in a return of his expenses, and state where he got the funds.

After the election, the Returning Officer told me that I had not put in my expenses. I said "Do I have to do it? It will be a good deal of trouble to dig it up." I asked "What will happen if I do not?" He said "You will be disqualified if you do not do it." So I did it, even if it was not done very well that time. I thought, as a particular man ran against me, that that would be a very good chance to ascertain where he got his expenses. I spoke of that to the Returning Officer, and he said "I cannot make Jones do it, but I can make you do it." I think he should. It binds the member and it does not bind the other man. That is not fair; as it should apply on both sides."

Mr. Boys: I think there is a penalty, is there not?

WITNESS: I doubt it but anyhow there is no way of collecting it. To some of the men, who run on a shoe string, there is not much use of talking about a penalty. Then the return is not of much use when he does make it. You ask him "Where did you get this \$4,000?" and his agent replies in the return that he received four thousand dollars from "the candidate" and "others."

What is the use of that? He may have put up ten dollars and someone else may put up four thousand.

The CHAIRMAN: May I call your attention, Mr. Neill, to the fact that the suggestion of the labour representatives really referred to contributions to party funds and not to the funds of any particular candidate. I think they consider that the law at the present time sufficiently covers that phase of it.

The WITNESS: Yes, you are right. I mistook the reference there. It is the political parties he was talking about. But, as I say, he can get around it by saying, I got four thousand dollars from Jones and others.

As regards the suggestion made by Mr. Castonguay, *re* returning officers, if this applies to cities, I have nothing to say. But the suggestion is made here that it should be the sheriff. Take the district I represent. We do not run by counties there. We sometimes have four counties in one district out there. For instance, I have three portions of counties in my district, and the sheriff, in any one of those three counties does not live in my district. In that case it would be quite improper to have him. He does not know anything about the district. He could not handle three districts in any event, and it would be highly unsuitable, such an arrangement as that. Then as to land registrars; well, there are two such registrars covering my district, but they live two hundred miles away. They are clerical men, lawyers, accustomed to handle the work in a registrar's office. They have their own work to do, and I do not think it would be reasonable to expect them to do this work.

Then again I see a suggestion to use the city clerk of any city. That might be all right in a big city. It is not my business to ask who is doing his work when he is doing this work. The city clerk, in my opinion, would often not be suitable. The chances are he would not want the job. And then again who is going to do his work while he is doing this work? Is the city going to pay someone to do his work while he is doing this?

Then the suggestion is made that the assessor of the city might be brought in. The same objection would apply there.

Then it says, "A person not holding any public office shall not be recommended for appointment as returning officer, unless there is no such public officer as is described in this section . . ." It would be confined then to that, and it would be entirely unworkable.

By Mr. Boys:

Q. What do you suggest, Mr. Neill?—A. I think the present system is probably the best, or as good as can be had; that is, appoint them permanently. At present they can be changed if the government changes. I do not know

[Mr. Neill, M.P.]

that it is a very bad thing as long as you get honest men. In the last election, a man entirely opposed to me did the work. I had every confidence in his ability, and in his actions, and at the finish I was able to say he had done the work in a creditable manner.

By Mr. Kennedy:

Q. You are perfectly satisfied then with the present method of appointing election officials?—A. The returning officers are appointed by Order in Council, of course. I do not know that it could be made any better.

Q. Right on that point, I think you described the suggestion of labour as "bunk" in connection with the appointment of election officials. I understand from the statement you have now made, and from the previous statement, that the present method is the best you can conceive of?—A. I would not say it is the best I can conceive of, but it is certainly better than appointing a sheriff, because, as I say, the sheriff might not be suitable, and because I have three county districts in my constituency, and none of the sheriffs live in my district. I think it would be highly undesirable to have the sheriffs appointed as returning officers. I think the Labour suggestions must have been intended for city seats and not to rural districts.

Q. What about the returning officers, and deputies and polling clerks? Do you think we can improve on the present method?—A. I see it has been suggested here that they should be appointed by a man in Ottawa. Well, there is a weak point in that, because the man in Ottawa knows no more than the man in the moon about the local men available in my district. Therefore, he has to get his information from someone else, and in all probability he is going to get it from a political partisan. So we come down to the present system, where the Conservatives appoint the returning officers, we will say. I am quite satisfied with that. It is just as good as if I had the appointing. We know that he is responsible. By placing the appointment in the hands of the Conservatives, say, it would be much more satisfactory than placing the appointment in the hands of a man in Ottawa. It is still political. Doubtless some influential man in the district would be asked to recommend someone, and what influential man is there in any country district who is not tied up with politics. As I say, it would still be a political appointment. If we are going to have a political appointment then call it a political appointment.

Q. Could not your chief electoral officer appoint anybody? He would not be limited at all, would he?—A. He would have to get his advice from someone, and he would get it through the prominent men in the district, men who would have some political views. When one party is in power no doubt they will appoint their friends.

By the Chairman:

Q. Coming from British Columbia you would have some knowledge of the absentee voter system which was in force in that province, and I know you have some knowledge about the advance polls. The suggestion has been made—not before the Committee, but it will come later—to the effect that seamen, navigators who leave their home port in the spring of the year and only return in November should be given an opportunity to vote through the mail. I believe that some such system was in force in British Columbia, and now that you are here I would like to ask what you think of that suggestion?—A. The absentee vote was introduced to meet such conditions, or, say, those arising from people moving away, and it was felt it would be a good thing, because it gave the poor man a chance to register his vote. The rich man could afford to go all over the province and bring people in to vote, by giving them their travelling

expenses, and something over perhaps, and it led to opportunities for impersonation, and so on. So they started the absentee vote. The suggestion is made that in not one case where it was honestly conducted, did the absentee vote swing an election.

By Mr. Bothwell:

Q. What procedure was adopted?—A. The man used to put his vote in an envelope, and that envelope could be opened and fixed. But now it is counted on the day of the election, and in some way it is held back. You have to hold the return back until all districts have a chance to send their returns in, but it is done in such a way that there can hardly be any chance to fake the thing.

By Mr. Lapierre:

Q. Are they all addressed to the returning officer?—A. I am not quite clear as to how it is done. It is counted on the night of the election, and then sent on.

By Mr. Totzke:

Q. All votes must be in by election day?—A. Oh, yes. I think the suggestion in British Columbia will be to extend the system of advanced polls and rather do away with the absentee vote. I think possibly that is what will be done.

Q. Will that help out your seamen who are away?—A. Most of those men's homes are in Victoria, and they are up the west coast, in my district, and cannot vote. I do not know how that could be arranged, unless perhaps a special clause might be put in for seamen, and perhaps fishermen, by which they could be allowed to have a polling station on the boat.

By Mr. Bothwell:

Q. How would their ballots be reported?—A. You could make the captain the returning officer.

By Mr. Totzke:

Q. How do they check up these absentee voters?—A. That is checked up with the original application deposited when they complete their registration. It does away with impersonation.

Q. You have closed lists in British Columbia?—A. Yes.

Q. How would that work out where there are no closed lists?—A. They are closed. If there is any suggestion—and I have heard some myself—that we should adopt the provincial voters' lists, I would be very sorry indeed to see that done. The system is inadvisable as compared with the Dominion system. With the Dominion list, a man can get his name put on the voters' list close up to the date of the election, I think within two weeks, and then he can go and swear himself in on election day.

By Mr. Cahan:

Q. Does not the provincial voters' list in British Columbia form the basis of the Dominion list?—A. Yes, although there is a great misunderstanding about that in this sense that the registrar is supposed to use that as the basis. There is no compulsion on him to do so. He can use a directory if he likes. If he is a lazy man he just takes the provincial list and shoves the names on. But they have always got this saving clause, that they can swear themselves in on election day.

[Mr. Neill, M.P.]

By Mr. Boys:

Q. That is, in rural districts?—A. Oh, yes. I am talking entirely of rural districts.

By Mr. Totzke:

Q. It is really not a closed list then?—A. The provincial list is closed.

Q. Your Dominion election list is not a closed list?—A. No, it is not. But as regards the cities it is quite different. I do not know anything about the merits of it in the city. But in the country it is a good system, and we do not want the B.C. system, because you have to be on the list some four or six months ahead. You all know what human nature is. People will not trouble their heads about it; they will not go and register. The result was in the last provincial election, that there were thousands who did not have a chance to vote at all. They would say, "Well, I was on the Dominion list, I am all right". However, the two lists are quite different. Then they go on election day to swear themselves in and are sore because they cannot swear themselves in. I think the present system of making up the list, in the rural districts, as far as the Dominion is concerned, is better than the B.C. system.

By Mr. Kennedy:

Q. Is there a tendency, in the method of recording the absentee vote, to violate the secrecy of the vote?—A. Only in this way, to bring it right home: there was in the Alberni district, in the local riding, a lady who lived in Alberni; we knew she would vote in a certain riding, and when the returns came in there was only one vote for the Alberni riding cast at that particular polling station. It was very easy to know then how Mrs. so and so voted. But that would only occur if there were only one or two. That is a small danger.

By Mr. Kellner:

Q. I think it would be well if you would give us your opinion on compulsory voting?—A. I really do not know whether that would be a good thing or not. I know people that I would love to see forced to vote.

WITNESS: I do not want anything like that. There is a certain class who adopt a "we are holier than thou" attitude, we are too clean, we are too superior. They sometimes belong to some weird religious sect. They say "we will not vote, we will keep our hands clean," but they are the first to make a kick to the candidate or to the Government if their toes are trodden upon. I do not think it would be a good thing. You can take a horse to water, but you cannot make him drink; you can take a voter to the polls, but you cannot make him vote. He will spoil his ballot. What could you do; you could not prove it. I do not think it would be a good thing.

The Witness retired.

Mr. JOHN D. HUNT called.

By the Chairman:

Q. Mr. Hunt, you occupy an official position in the Province of Alberta in connection with the administration of the Election Act in that province, do you not?—A. Yes.

Q. Will you just tell the Committee what your position is?—A. As Clerk of the Executive Council, I am Chief Electoral Officer of the Province, and have been for seventeen years.

[Mr. John D. Hunt.]

Q. Tell us briefly what your duties are as Chief Electoral Officer?—A. As I have not heard the suggestions that have been made by the various gentlemen previously called, I am somewhat at sea, because I may have to repeat something which has been already said. First of all I want to refer to a matter the previous speaker brought up in connection with the provincial lists. No doubt the gentleman is correct in so far as the Province of British Columbia is concerned, but it does not apply to the Province of Alberta. We have the widest franchise I think there is in the Dominion of Canada. A voter must reside one year in the Province and two months in the electoral division. If the two months have been put in when the list is made—that is, we enumerate—the man's name is put on the list. If the two months are up, then it is up to the Court of Revision to hold that he may get on. If the two months are not up, or if he is not twenty-one years, he can swear himself in on election day. A man who is twenty-one years of age before ten o'clock at night of election day can vote before the poll closes.

So far as our lists are concerned, they are as nearly up to date as it would be possible to get them.

By Mr. Cahan:

Q. By what means do you determine as to his qualification on the election day—his own oath?—A. His own oath, vouched for by a resident elector of the poll, and only one resident elector of a poll can vouch for one person.

By the Chairman:

Q. Does that apply to the cities also?

Mr. KELLNER: Is that not in the Federal Act as well?

The CHAIRMAN: There is no swearing in in the cities, under the Federal Act.

By the Chairman:

Q. Tell us what you do in Alberta when an election is declared; how do you start, and what do you do?—A. The first thing to be done of course is, to issue the writ, and the Government hands me a list of the returning officers.

Q. The Government hands you a list?—A. Yes.

Q. Pardon me if I question you; is that a recommendation?—A. They pass an Order in Council appointing them.

Q. On whose recommendation?—A. I do not know, sir.

Q. So that the Chief Electoral Officer in Alberta is handed a list of names by the Government?—A. Yes, sir.

Q. And the names on this list are to be the names of the returning officers?—A. Yes.

Q. You have no discretion but to accept that list?—A. No. I may say that I have been consulted beforehand as to the qualifications of certain individuals, but I exercise no rights in the matter whatever. If they do not say anything to me, I do not say anything to them. I run it on the principle that I can run an election with anything they give me.

Q. Then what do you do?—A. I send out the lists to the returning officers. I do not appoint the deputies. I have power under the Act to do that, but I do not do it. I allow the other election officials to be appointed by the returning officers. I make certain conditions. We have an election clerk for each constituency, and as a matter of convenience I say to the returning officer, in getting his election clerk: "Are you going on the road, or are you going to keep the office?" He says he does not know anything about the office, he is going to do the work outside. I say, "Get an election officer who knows how to

keep accounts; if you are going to stay in and make up the accounts, get a good man for the road work." One of them should be able to keep a fairly good set of accounts, or they will have trouble over the election expenses. Then we appoint an election clerk; we have power under our Act to appoint more than one election clerk. I understand you get around it in Federal affairs by appointing the deputy returning officer for a poll and then using him as a messenger. We prefer to do it the other way especially in the cities, appointing the two election clerks and dividing the territory between them. The returning officer stays in the office and does the office work. One takes the south half and the other the north half of the riding. It has proven more satisfactory, and does not cost as much money.

By Mr. Cahan:

Q. Is the appointment of an election clerk confirmed by Order in Council, or is it made by the returning officer?—A. It is made by the returning officer. The appointment is made by the returning officer with the sanction of the chief election clerk, but not without my consent.

By Mr. Kennedy:

Q. His appointment is dependent upon the returning officer and your approval?—A. Yes. My approval is not so much as to the personality of the election clerk as to the propriety of having a second election clerk.

By Mr. Totzke:

Q. In that case your election clerk is really a messenger?—A. Yes, with certain powers and privileges as election clerk that he would not have as a messenger. If a messenger swears in the other officials, he has to be appointed specially.

By the Chairman:

Q. That occurs only in cities? You only have two election clerks in city constituencies?—A. We have had two in rural constituencies, where we have an immense area and where there is an absolute division. For example take Mr. Kennedy's constituency; we find it very advantageous to work north of the Peace River, with one man, and south of the Peace River with another. Where you have sixteen thousand or eighteen thousand voters spread all over the country, you need two election clerks. Our returning officer must be a resident of the electoral division, and our deputy returning officers must be residents of the electoral division.

Q. Of the poll?—A. I would like to see it of the poll; I believe that is the solution of a great deal of the difficulty in connection with our elections. Now, an election act should be so framed to be safe, to safeguard the interests of the people. In the second instance, that election act should be simple. It is quite possible to hide a very important principle under a mass of detail, so that the principle itself is lost sight of in trying to carry out certain details. The third should be economy, that is, saving. Now, speaking from the standpoint of making an election safe, the more you localize it the safer you make it. I do not think there is any doubt about that. I have been at it a number of years.

By Mr. Cahan:

Q. What do you mean by safe?—A. S-a-f-e. I mean to safeguard, to make it right, to carry on an election right. We want to have an election turn out right, to have carried on properly.

By Mr. Totzke:

Q. That is to endeavour to have an official who lives in the territory?—A. Yes. There is no man who can run a poll like a man who lives in that poll.

[Mr. John D. Hunt.]

By Mr. Cahan:

Q. You are speaking of country districts?—A. I am speaking of country districts, but I would apply it to the cities as well. There is no reason why you could not have them at any time; you could get them every time in the West, men who would know every person in a poll.

Q. You mean in a city?—A. Yes, you can get them in a large city.

Q. I suggest that in my district there is not a single poll where you could get one man who would know by sight or reputation five per cent of the voters?—A. Then it would not apply there. I am speaking from what I have been through, from my experience. It would apply to the country.

Q. It would apply to the country districts?—A. It would apply to country districts, and I think you would find it work very well indeed.

By the Chairman:

Q. Would you suggest that there should be something in the election act, either in the Provincial Act or in the Dominion Act which is under discussion now, to provide that a deputy returning officer should be a resident or voter in the polling division where he presides?—A. Where it is possible, yes, and where it is impossible I think the returning officer should be called upon to make a statement, a report or a declaration to that effect before he is allowed to appoint an outsider.

By Mr. Boys:

Q. Would it always be possible that he should be a resident of the poll?—A. A resident of the poll, yes, but we have foreigners, you know, and we have polls in the west where we pretty nearly have to send a man in. I do not think the position of poll clerk is nearly so important. The main thing in getting a poll clerk is to get a man who can write a decent hand and get his poll list in shape and put his number on the back of the ballot. I have found that a young man with a little book knowledge and a little experience makes a good poll clerk. I would not insist upon a poll clerk in the same measure as I would a deputy returning officer. I think we will get along better, gentlemen, if you ask questions.

By the Chairman:

Q. If it meets with the approval of the Committee, I will ask some questions. Have you read Mr. Kennedy's suggestion to the effect that the chief electoral officer for the Dominion of Canada should appoint first of all deputy electoral officers for each province, and the deputy electoral officers for each province should in consultation with him appoint the returning officers? These appointments would be made altogether outside of any recommendations of the Government, or recommendations of the Secretary of State, as is done at the present time. What do you think of that? Am I stating your position clearly, Mr. Kennedy?

MR. KENNEDY: Yes. I do not know any reason why the Government should not recommend that an electoral officer be from—

THE CHAIRMAN: But am I stating your position clearly?

MR. KENNEDY: Yes.

WITNESS: As far as appointing a deputy electoral officer in each Province is concerned, I think it is an excellent idea. I think the expenses incurred in having a local man in each province would be repaid a thousand fold. He could correct the returning officers where they misunderstood instructions. He knows these returning officers perfectly, he is right at hand, and as a matter of fact I would heartily concur in that suggestion.

[Mr. John D. Hunt.]

Now, as to how they should be appointed, I do not know that it makes very much difference. The government could appoint them, on the nominations of the chief electoral officer, or the government could nominate several of them and let the chief electoral officer make his selection. There should be no trouble in that. Then this deputy electoral officer should have something to say in the appointment of the returning officers. We are touching, I know, on ground that has to be approached carefully. I am a firm believer in responsible government—and you know what responsible government means. I do not think any government should divest itself of responsibility; at the same time I think an arrangement could be made by which without doing that the required results could be obtained. For example, the deputy electoral officer for a private puts down the names of half a dozen men, whom he knows to fit to be returning officers.

By Mr. Boys:

Q. How would he know, that is the first thing; how would he know, any more than the chief electoral officer in Ottawa?—A. Yes, he would. I can tell you who would make good deputy returning officers for two thousand five hundred polls in Alberta. I have been at it for years.

Q. You have been at it for seventeen years, but what about Ontario? I am not so sure that the province of Ontario needs a deputy; I am speaking more particularly of the west, Alberta, and Saskatchewan.

Q. You would not suggest that we should have one system for one province and another system for another province?—A. No. You might have that, and not be any worse off.

Q. Why do you think that a deputy chief electoral officer would be a bit better than by having the responsibility belong to the chief electoral officer?—A. I am certain you could not pick a well-known man in my province who would not know personally the very latset best choices for returning officers in every federal division.

Mr. CAHAN: Would that apply to large cities?

The CHAIRMAN: Mr. Hunt is speaking of the provinces generally. He says that almost any person could pick a well-known man in, say, the Province of Alberta, who would be able to immediately pick returning officers for each constituency. He is not speaking of deputy returning officers.

Mr. CAHAN: All I am emphasizing is that it would not apply to a city of one million people. I live in an apartment containing two hundred people, and I do not know five per cent of them. I do not know who lives above me or below me.

WITNESS: At the same time, there is some person who knows, who would make a good returning officer, even in your district.

By Mr. Totzke:

Q. Do you suggest having the provincial electoral officers act as deputy returning officers?—A. I do not see any advantage in that. Why should patronage appointments by another party or by another government be expected to do any better work than those of the government in power?

Q. Only in so far as the chief electoral officer would be more conversant with the work in a particular province?—A. I do not know that that would assist very much in carrying out the Election Act, the Federal Act.

Q. You know men who would make efficient returning officers?—A. Yes, we know them well.

The CHAIRMAN: The suggestion of Mr. Kennedy, to sum it up, is that we should do away with patronage in the appointment of returning officers.

[Mr. John D. Hunt.]

By the Chairman:

Q. Do you believe that is possible?—A. What are you going to put in place of it.

Q. It has been suggested that it would be almost impossible, because whoever would be suggested for appointment would have some political bias and would appoint some of his political friends; what do you think of that proposition?—A. I do not see why he should not.

By Mr. MacDonald (Cape Breton South):

Q. Is the man who is an appointee of the Government not going to pick out his partisans in every county? If you want to avoid that, you had better keep your appointments right here.—A. You can make your appointments without making them party appointments.

By Mr. Boys:

Q. I am speaking now for and against the Tories as well as for and against the Liberals; is it not the practice under the present Act that the candidates of the government in power practically name the returning officer?—A. I think that is correct. I think the government in power, that is, the Cabinet, has a duty to perform when a candidate nominates his returning officer.

Q. What Mr. Biggar proposes is that we take these officers from certain classes, the sheriffs, the registrars and so forth, and his suggestion is that by making them permanent officers, they would become more familiar with the Act. Their standing is high in the community, they have a permanent office, and they could not afford to lend themselves to fraud, or improper dealing. By that process he thinks you are apt in the end to get a better class of men, who will study the Act and administer the Act better, rather than have a man who is appointed for one election, for one period of service. That is his suggestion before the Committee. Do you agree with his arguments?—A. I will answer that. I have here a map of the Province of Alberta, showing the judicial districts. You can refer to it, without going on to discuss it. We have no counties; all we have is very large judicial districts. Then we have sheriffs in charge of those districts, and in addition to doing the work of a sheriff they are also clerks of the court. They issue the writs, serve them, come back, sign up judgments, go out and make seizures and conduct sales, and it would be an absolute impossibility to take them away from their work. You would certainly run up against strong opposition, because our sheriffs are busy all the time as sheriffs or clerks of the court.

Q. That is provided for by the proposed amendment, because if a sheriff is unable or unwilling to act they take the next in order. Do you suggest that of the list of six officials referred to in the proposed amendment none of them would be available?—A. I do not say to take six officials, take six individuals.

By the Chairman:

Q. Mr. Boys is putting to you the question, that if a sheriff cannot act, Mr. Biggar's suggestion would be to take the next in order. Have you any objection to that principle?—A. I do not think you would get as good men or get your work as well done as if you picked your men.

WITNESS: I know in Alberta all our officials, our sheriffs, are not familiar with such work at all. Our registrars, of whom we have only two in the Province, would have no time for that.

By Mr. MacDonald (Cape Breton South):

Q. Here is the principle, as I understand it, and I think it comes up from the experience Mr. Kennedy had in his election: the principle is that we want to get, if we can, a returning officer in every polling district, who is trustworthy.

[Mr. John D. Hunt.]

To do that we start by eliminating a lot of people and restricting it more or less to a certain class of people. I would suggest that the magistrate be added. Have you any magistrates out there?—A. You are simply transferring the political patronage from the federal government to the provincial or municipal governments and are using the appointees of another government with the hope that those people will carry out your work better than you can be trusted to pick out your own men for it. Is that not it?

Mr. Boys: Absolutely.

The CHAIRMAN: Mr. Biggar's idea is not quite that. I think Mr. Boys expressed it quite clearly in his first question. Mr. Biggar's idea is that these men are permanent officials. After all, men appointed by the political parties are not permanent. They may be appointed for one election, then go away, but these are permanent, and wish to hold their positions; they cannot afford to do anything wrong or crooked. That is the idea.

Mr. Boys: And after all, they are men of a very high order of intelligence.

The CHAIRMAN: That is the basis of Mr. Biggar's argument, that you would be more likely to get good men from that particular set, than by choosing them from anybody on the street.

By the Chairman:

Q. What do you think of that suggestion, Mr. Hunt?—A. If you can get men of the right calibre, all right.

Mr. Boys: There are five or six classes to choose from, and if they are not available for good reasons, you can get other suitable individuals.

Mr. KENNEDY: Has that not been answered, when you say take five or six individuals?

Mr. Boys: He does not believe in that; he believes in responsible government.

WITNESS: There is the difference. If you are going to do away with responsible government you are entering upon altogether different principles.

By Mr. Boys:

Q. What did you do in your Province? Take the election of 1925 and the election of 1921, were the same officers acting, or did they distribute the favours; did they have the same officers in 1925 as they had in 1921?—A. I know in one particular instance there was a gentleman appointed, where the position was supposed to have been permanent. But there was a change of government before the election came on, and the first thing he did was to send in his resignation. He said "I could not act as a returning officer under the circumstances and conditions, I would not try to." How are you going to get your permanent officers? You have to get the permission of the provincial authorities to use these men, and I can tell you that in our Province you are going to have a time. They are busy men.

Q. I think they would jump at the job, if you ask me. I think there would be ninety-nine who would take it for every one who would not.—A. You could not get them in our Province. They might be willing enough, but the Government certainly would not allow them to do it; they could not lose them.

By Mr. Kellner:

Q. Is it not your experience that when men are appointed they are retained by whatever government is in power?—A. But why should a government in power prefer the appointees of another party or of another government on the ground that they would be more honest and more capable of turning out the work than the men they would appoint directly themselves?

Q. Then, instead of getting men who are non-partisan you are getting those that are absolutely partisan? Getting back to these officials which have been named, a magistrate was suggested as one who might be an election officer?—
A. Yes.

Q. Do you remember whether Mr. Peter Hammell was a magistrate?—
A. I remember one who gave an order for divorce, with alimony.

Mr. KELLNER: I think I am right in saying that there are at least half a dozen office holders such as you have mentioned, before the courts now for electoral corruption.

By Mr. Kennedy:

Q. You understand that the Chief Electoral Officer is appointed in Ottawa by the vote of the House of Commons?—A. Yes.

Q. Is that a violation of responsible government?—A. No, I do not think so. They are responsible for his appointment, and therefore they are responsible for his conduct.

Q. Is it not a case of to the victor belongs the spoils?—A. Not at all. Several additions should be made, to get impartial officers.

Q. Coming to this question of the appointment of election officials in Ontario—you do not know anything about Ontario?—A. I knew it well enough to leave it some years ago.

Q. Suppose you were appointed Chief Electoral Officer, and were saddled with the responsibility of selecting deputies or returning officers in the Province of Ontario, would you rather be limited to selecting the nominees of the political party in power, or would you rather have the right, if you carried the responsibility of having an impartial election, of listening to the suggestions of the party in power and of any candidates who might be running, as well as any other individuals whom you might know?—A. I think it would be better to get all the advice possible. If the Chief Electoral Officer is given the power by the Government, they are passing the power vested in them to the Chief Electoral Officer, and they are responsible for what he does.

Q. Would it make any difference whether they appointed a group of Liberals or of Conservatives if they were fair?—A. I do not think it would make any difference. As a matter of fact, from a political standpoint, is the old story true that having charge of an election was an advantage? If they tie up all the best officials in an election, are they not liable to lose more than they gain. As a matter of fact, if I were a politician, which I am not—

The CHAIRMAN: If you are not, you know a lot about it.

By Mr. Kennedy:

Q. I would like to ask this question. I notice in going over some of the accounts or statements regarding the total cost of elections in Alberta between 1921 and 1923 or 1924, there was a drop of nearly fifty per cent in the cost of elections?—A. Yes.

Q. I have been told that you were responsible for that drop in the cost of elections, and I would like to know how it was done and under what conditions. Will you explain that to the Committee?—A. There were a good many things. The position of returning officer is looked upon as a sort of plum, and for that reason, what I call the semi-professional politicians are always on the look-out for a little easy money, and as the returning officer's position carries a certain amount of emolument, they think it is a good thing to go after, that it is a plum. I reduced the schedule of expenses in our Province down to a working basis, that where a man was doing work and expending a dollar, we would expect to get a dollar's worth, with the result that I got a different class of

election officials entirely. In the last election, especially in our Province, the men whom I had for our deputy returning officers did not give a hoot whether they got paid or not; they did the work as a matter of duty, in order to see that the election was properly carried out, and I can show you instances where the men refused practically to take any pay. Most of them took their pay, but we reduced the election costs in our schedules.

There is another thing; if you want to make an election safe, there should be no charge on your schedule that cannot be checked at the head office. Do not go out and give returning officers so much a day, and so much mileage, and let them run away with their own days and their own mileage. We did not treat them that way. One of our greatest difficulties was, with our enumerators. We do not register, we enumerate. We used to give the enumerators mileage. When an election was called, an enumerator started out with his horse and buggy in those districts—now it would be an automobile—and he camped all over the poll; he ran home at noon-time and ran home at night, and doubled up his mileage, with the result that he had a very large bill. Now, we could not check that in the head office. We changed that all round; we said, "We will give you so much a name, so much for each name there is properly on the list, and we will give you so much a section in lieu of mileage; we will allow you so much for every section of land that is in your poll." We could count the sections in the polls as well as the enumerators could. In that way we had an absolute check. We give them seven cents a name, and there is a provision in the Act by which any elector can bring an action against the registrar, or enumerator, as we call them, and he is liable to a fine of one dollar per name for every one he puts on that he should leave off, or for every one he puts off he should leave on, so long as it can be proven that he did it through gross negligence or wilfully. We have not had to enforce that, although I had to threaten it on one occasion. It certainly has been a big deterrent; we know exactly what we are paying.

Take your Federal schedule; with all respect to the gentlemen who made it and carried it out, if you look at your schedule you will find that many of your fees are hopelessly indefinite. Get as many of your charges as you can down in black and white, with a definite amount, then have your election officers take a check of it. I do not see why you should have the Auditor General here deal with all matters of expense. I presume the Electoral Officer and the Auditor General work in harmony. The Auditor General has nothing to do with the payment of our expenses except to issue a cheque, so long as we keep within the well-defined sections of the Act. The only thing they can call us down for is when we have transgressed the Act. I believe this is, next to keeping an election pure, the best thing you can do. You cut out about one-half of your details, and give the returning officer so much money for the election. You give your election clerk so much money for the election, and the same all the way through.

There is another thing; at the present time, in case of a by-election, or even a general election, if the provincial lists are not two years old, they have to be used as a basis. I have had a great deal of experience in getting out provincial lists for federal elections, and I must say that it has been anything but satisfactory, so far as dealing with the returning officers is concerned, but very satisfactory so far as dealing with the department here is concerned. The first thing a returning officer does in a federal election is to get out of using that provincial list, and make his own list. There is more money in it; he gets more people engaged in the work. I found it was quite difficult to get them to accept a copy of our list. We had a local election in Medicine Hat;

the list lacked just one month of being two years old, and it cost us more trouble and more money to revise that list than it would have cost to make a new one.

By the Chairman:

Q. Cost whom?—A. The government.

Q. The province?—A. The province. What I say is I am confident that any list in the West that is more than a year old should not be used. It might be all right in Ontario, Quebec or the Maritimes. I am speaking of the West. In the city of Medicine Hat, two-thirds of the names of the voters had changed in a year and eleven months, so that I would say that any list in the West that is over a year old should not be used.

Q. What is the alternative! What should be used?—A. Make a new one.

Q. You mean by the enumerator?—A. Yes.

Q. An entirely new one?—A. Yes.

Q. Without having any list as a basis?—A. Yes. In connection with that, there is one other thing I should like to talk about for a minute. I have some ideals on an election—but I never get a chance like this to talk about them. It seems to me that the ideal would be to have uniform polls, instead of having ridings; we would have them too, of course, but have them made up so that your poll always would be uniform for provincial and municipal and federal elections. What is there to prevent it? The great difficulty we have, you mark out your federal boundaries and run up through the middle of six or eight polls on the west side, through the middle of six or eight polls that are provincial polls, then they ask me to give the federal officer for that constituency the provincial list, and he has to take those names and split them into those that are on the east or on the west, and he might leave off the names on the south, in the federal constituencies. That is confusion worse confounded. You can reduce the cost of your elections one-third, and that goes into the millions, I think, by having uniform polls and permanent polls. You say you cannot have permanent polls. I say you can have permanent polls. In the West, were the poll limits rightly defined and you found you had over three hundred voters in a poll, you could split the poll up into A and B and revise it once in every fifteen years.

Q. The difficulty is that you would not have uniform constituencies; I do not know whether that is the way in the West, but it is in the East. Always the provincial constituencies do not coincide with the boundaries of the federal constituencies.—A. You would not have to vary the boundaries of your federal constituencies to any great extent to take in the whole of a poll instead of half of a poll, if you knew the poll boundaries when making up your federal constituencies.

By Mr. Cahan:

Q. But in the cities there might be thousands of voters in one poll?—A. Well, here is another suggestion. Instead of making new polls, use the provincial permanent polls and leave that half poll as a half poll. Call it a poll for federal purposes. It would be a small poll. You would not have to transfer all those names and make a lot of trouble. It is only a suggestion on my part, but it can be done.

Then there is no reason why the cities should not own all the paraphernalia for equipping the polls. If we had these boundaries in the country, we could get them in the cities. If we are having a provincial election, we want to man the polls and if necessary the booths. Equip the polls with everything to work with and pay a rental for them.

Q. All we would have to do in Montreal would be to give the city the contract, and they would supply the polls and everything else?—A. You would take a lot of work off the returning officer, if the city would set them up for

you; tell them where you want them, pay a rental, and let them take them back and take care of them. One of the greatest difficulties returning officers in cities have is to get poll equipment. They have to buy the equipment and hire the men.

Mr. CAHAN: This is extremely interesting, Mr. Chairman, but it does not seem to deal with the Electoral Act we have under consideration.

The CHAIRMAN: It does. The question of costs enter into the consideration of it.

Mr. CAHAN: But it requires uniform action, which would be impossible for years to come.

WITNESS: There are a lot of things which were thought to be impossible, which are now feasible. I can tell you lots of things which were called impossible twenty-five years ago, but that are not impossible now.

Mr. CAHAN: I have no doubt, Mr. Witness, that something might be done after months and years of negotiation.

WITNESS: It would not take two weeks, with us.

By Mr. Cahan:

Q. In the city of Montreal we have twice the population we have in the rest of the province?—A. But it is made up of units.

Q. Of very diverse units?—A. You have polls?

Q. Yes.—A. Why could you not have the same polls year in and year out?

The CHAIRMAN: We do, to a large extent.

Mr. CAHAN: But they do not correspond with the provincial or Dominion polls.

WITNESS: Is there any reason why they should not?

The CHAIRMAN: Yes, there is a reason why they should not, because we have not the same franchise.

Mr. BOYS: Where would we get our jurisdiction to interfere?

WITNESS: It might not be interfering. It would be co-operation.

Mr. BOYS: To start off with, the ridings are different.

By Mr. Kennedy:

Q. There is one question I would like to ask. You made a statement awhile ago regarding a method of keeping down expenses in the province of Alberta?—A. Yes.

Q. Were you given supervising authority to say to the election officers and the returning officers that you could not do this and could not do that?—A. We have a schedule, and that schedule of fees was passed by the Executive Council.

Q. Were you given the right as Chief Electoral Officer to check up an electoral official who was doing extra driving, to check up his mileage?—A. Certainly I was.

Q. You had a free hand?—A. I had a free hand.

Q. Did you have any difficulty whatever?—A. None whatever. I simply would not do it. I knew the routes, I knew the trails, I had been over every one of them. I said to one man, "You have one hundred and twenty miles!" He replied, "Yes." I said, "Why did you go round that way?"

Q. Did they do anything beyond appointing returning officers?—A. The difficulty in running the expenses of an election is that the Cabinet will pass an Order in Council over the head of a returning officer and give a man more money than the schedule calls for, on account of extra work.

Q. Suppose the Deputy Returning Officer in collaboration with you or somebody else has not carried out his duties properly; what powers would you have as an electoral officer?—A. I have no power to deal with him in a criminal way or a legal way.

Q. Could you fire him?—A. Yes.

By the Chairman:

Q. In the course of an election?—A. Yes.

Q. Are you authorized by your Act to institute criminal prosecution against officers who have not performed their duties to your satisfaction?—A. No, sir.

Q. Who does that, in your case?—A. It would be the Attorney General's Department.

Q. Would you like to have that power?—A. Sometimes, if I had the carrying out of the sentence too. I think the legal department for our province does that.

Q. I am asking you that because it is part of Mr. Kennedy's suggestions, and an important part, that the Chief Electoral Officer shall inaugurate prosecutions against electoral officers—he does not say against others—who have acted illegally and fraudulently in an election.—A. I have no objection to it. I would not want it in our province, because it is not necessary. All I would have to do would be to recommend it to the Attorney General's Department and they would do it.

By Mr. Kennedy:

Q. What is the use of having penalty provisions in your Act, if they are not enforced?—A. That is true. I have never had any occasion in my experience to enforce penalties against others, so I cannot speak on that point. The things I am talking about I have been through. I do not want you to think that they would apply to all parts of the Dominion, only in my little corner.

By the Chairman:

Q. He suggests that the Chief Electoral Officer should be the prosecutor?—A. That he should have a free hand.

Q. He appoints officials, dismisses them, appoints others if he so desires, as well as inaugurates prosecutions if he thinks the Act has not been properly enforced. What do you think of those suggestions?—A. I cannot see how the Chief Electoral Officer down here would have sufficient knowledge or be able to make the preliminary investigation necessary for a prosecution. Somebody has to look up the evidence. Who is going to do it? If he had his Deputy Electoral Officer on the ground, and that officer reported that a certain man had done so and so, then I could see why the Chief Electoral Officer would be in possession of sufficient facts to enter a prosecution himself.

By Mr. Kellner:

Q. You have the privilege but not the duty right at the moment to enter prosecutions?—A. Yes.

By the Chairman:

Q. The same privilege as any other citizen?—A. Yes, the same as any other official.

By Mr. Kellner:

Q. Do you consider it your duty to enter prosecutions if any outstanding cases of corruption have been brought to your attention?—A. I certainly would consider it my duty to go to the Attorney General and say that it should be done, and it would be done, sure.

Q. That is tantamount to the same thing?—A. Yes. It would be done, sure.

[Mr. John D. Hunt.]

By the Chairman:

Q. The next thing is, compulsory voting?—A. I think you can get that from New South Wales, if you want it.

Q. What do you think of it yourself?—A. You know what they thought of it down there. It did not work, and they had to abandon it. You will find it in almost any of the reports of that country.

The CHAIRMAN: We got information that it had been adopted by the whole of Australia.

Mr. BOYS: Yes.

By the Chairman:

Q. At the present time the Australian Act provides for compulsory voting?—A. How are you going to compel a man to vote?

Q. In Australia there is a provision for the prosecution of those who do not vote and do not register.

Mr. BOYS: They fine him £2 if he has not the proper excuse for not voting.

WITNESS: They compel him to go to the polls?

By Mr. Boys:

Q. What the Prime Minister wrote was that the average number of votes had been raised from some fifty per cent to ninety per cent.—A. But was the average amount of intelligence in the House increased in proportion. That would be a little more difficult to find out. I do not think you can make anything out of compulsory voting. If a man does not vote, cut him off the next time.

By the Chairman:

Q. But you could not do that with an open list; you would have to have a closed list?—A. Yes.

Q. What do you think of closed lists, in large cities; by closed lists I mean lists made up. I will take a number of closed lists first, lists which will be closed on the day the writs are issued?—A. Without any other records?

Q. Yes, and if a person is not on the list he cannot vote?—A. I may be prejudiced. In that case we use the enumeration, and our lists are open right up to the close of the poll, so I have not had any experience to give you.

Mr. CAHAN: Will the Chairman explain to the witness as to what provision is made for compiling the list?

The CHAIRMAN: Perhaps he has read Mr. Biggar's suggestion. Mr. Biggar's suggestion is that we have an enumeration or a registration once and for all, and after that any elector may on application to the postmaster at a post office, or a sub-post office, which application is sent to Ottawa, have his name placed on the list at any time up to the day of the issue of the writ. The list is consequently in force and is kept so, ready to be sent to the candidates within three or four or five days after the lists have been completed. There is provision also for objections to any name on the list. Any elector may object to the names of certain persons on the list. There is provision also for transfers of votes in election areas for voters who move from one dwelling place to another. Such a voter can go to the postmaster and ask that his name be transferred from one place to another, and finally in case of a dispute between the parties, the candidates shall be notified of the proposed changes, and it is referred to the judge. That is it, in brief.

WITNESS: I suppose there would be some three to six months notice of the date the writ was going to issue?

By the Chairman:

Q. No.—A. Would that not make a big difference?

Q. I do not follow you. What do you mean? That people would not register unless they thought there was an election immediately in prospect?—A. Yes, and they would come in too late.

Q. But this list is going to be a permanent list, for all time?—A. A permanent list for all time in my opinion should be made in the polls, with permanent polls, permanent polls kept all the time.

Q. But he must close it sometime?—A. Well, the additions and subtractions take place at Ottawa?

Q. Yes.—A. Why not have those additions and subtractions take place at the poll?

By Mr. Cahan:

Q. Do you mean day to day voting?—A. No. Keep a permanent enumerator in each poll and revise the list each year and keep it up.

By the Chairman:

Q. The Postmaster does that. Of course it is a mere formality as far as he is concerned; he transfers them to Ottawa?—A. Mr. Biggar probably contemplates having somebody in each poll to do that work. Do not leave it to the individual.

Q. You mean some one will help to canvas the voters so that they will register?—A. That is my idea.

Q. You suggest that they will not register, of their own initiative?—A. Yes. You must have, if you are going to do that, a man in each poll.

By Mr. Totzke:

Q. But that is only applying it to the cities?—A. Yes.

By the Chairman:

Q. You suggest that voters outside the period of an election will not take enough upon themselves to go to the postmaster and register?—A. Yes.

Mr. Boys: They will not bother to go and register, until they know an election is on. I think that is true of ten to fifteen per cent of them.

WITNESS: We go from house to house, in our Province.

By the Chairman:

Q. We find great difficulty in Quebec, and in the cities, such as the city of Montreal, in properly conducting an election, because we only receive our election lists about three or four days prior to an election, and we have no time to check them up. Also we find that sometimes the registration during an election period is faulty, in that persons already on the provincial lists made two years ago, or one year ago, have, since the date of the coming into force of the provincial lists, changed their addresses, and they register at their new homes, or the polls where their new dwelling places are situated. They do not take the trouble to get their names erased from the other list, and there is no machinery provided to-day for that; so that we find people with the right to vote in two or three polls, and we still find people who have the right to vote probably in two or three constituencies in the same city. Have you any suggestions as to how to get over that difficulty?—A. It seems to me that that difficulty would work itself out if you kept your permanent poll boundaries, because you will always be able to get somebody to tell you if somebody has moved off that poll, and you will strike the name off.

Q. You would have a permanent enumerator?—A. A permanent enumerator.

[Mr. John D. Hunt.]

By Mr. Boys:

Q. For each poll?—A. For each poll.

By the Chairman:

Q. Paid all the year around?—A. Once a year.

Q. That is to say, you would have a revision of the list once a year?—A. Yes, keep it right up.

By Mr. Kellner:

Q. That is the permanent list you have in mind?—A. Yes, for the cities.

By the Chairman:

Q. When would you close it?—A. You could have the list closed at the end of any particular month? Do you mean in regard to any particular election?

Q. Yes.—A. I would run it as close to the election as possible.

Q. How long do you have between the date of the issue of the writ and the election?

The CHAIRMAN: I think at the present time the shortest period is about sixty days. I think Mr. Boys has checked that up. An election can take place about sixty days after the writ.

Mr. BOYS: Two months is the shortest possible time.

The WITNESS: We can do it in forty days.

By Mr. Boys:

Q. For Dominion purposes that is what we are concerned with. Why should we have this revision every year if you have these enumerators you are suggesting in the cities as well as the country? We have them in the country?—A. Yes.

Q. In the town an enumerator is appointed for every poll, and it is his duty to go over every name and send in a list, and then there is a provision that up to election day any man can secure a vote by bringing two reputable people; he gets his name on; he takes the oath. But in the cities you cannot do that. Why should you not have an enumerator for every poll in the city just when an election is on and have an enumerator there to make the list complete.

Q. Have you any objection to that?—A. No.

By the Chairman:

Q. We had enumerators in the election of 1917 to place on the list the names of those who were specially qualified according to the provisions of the War Time Elections Act and disfranchise those who were disqualified.

Mr. CAHAN: There is one thing I should like to call attention to, certain conditions in the St. Lawrence-St. George division.

Discussion followed.

By Mr. Kennedy:

Q. Would you be in favour of putting the responsibility upon the returning officer, or would you do it yourself?—A. I cannot do it myself, because it would take a fortnight to do it. The thing is, to have a revision of the lists from the bottom up, with regard to municipal or provincial lists, inaugurating it sometime before the election, and closing it some day before the election, which will give us sufficient lapse of time to examine into the new additions which have been made.

The CHAIRMAN: We entirely agree. That is what we are trying to get at, and that is what I am trying to get from the witness. Mr. Cahan's difficulty is the difficulty of nearly every candidate in a large city.

Mr. BOYS: When the time comes, I am going to suggest something, to move the whole thing forward one month; in other words, you cannot have an election until three months after the issue of the writ. Move it forward one month. You will have your completed list in the hands of the candidates one month instead of six or seven days.

Mr. CAHAN: That would be very helpful.

By the Chairman:

Q. You are not prepared to make any suggestions along these lines. You do not have to face these conditions.

By Mr. Cahan:

Q. Part of the difficulty arises at Montreal in this respect, that to register them at St. Lawrence-St. George, which is more in the centre of the city, you do not have to register at the booths in that division, but you can register at any of the booths on the island, which may be ten or twelve miles away, so that it is possible to go to Lachine or Pointe aux Trembles and register.

The CHAIRMAN: I am sorry to disagree with that, but I do not think you will find authority for that kind of registration in the Act.

Mr. CAHAN: In provincial elections; I am talking of making up the provincial lists.

The CHAIRMAN: Have you any other questions to ask Mr. Hunt?

By Mr. Boys:

Q. How would it do for Mr. Hunt, who is more or less familiar with the Dominion Act, to make suggestions as to the improvement of the Dominion Election Act?—A. Is Mr. Biggar in charge of it?

By the Chairman:

Q. No, it is Mr. Castonguay.—A. I would be very pleased to go through the Federal Act with Mr. Castonguay, and that would leave you out of it.

By Mr. Cahan:

Q. You can make suggestions afterwards to us?

By Mr. Boys:

Q. Would it be asking too much of you to make your suggestions in writing, and we can have them typewritten and distributed?—A. I would be very glad to do that. I have come this long distance, and I want to get away as soon as possible; at the same time I want to stay as long as I can be of use, if I can be of any use. I will either go through it with Mr. Castonguay or by myself and leave it with Mr. Fraser, the Clerk of the Committee.

By Mr. Kennedy:

Q. I think we should have an understanding that you will give us your own opinions. I more or less anticipate a little conflict between your opinions and those of Mr. Castonguay, as to the provincial electoral officers?—A. I can assure you that I do my own thinking. Mr. Castonguay and I will not quarrel about that.

Mr. KENNEDY: I was wondering if Mr. Hunt had any documents bearing upon his evidence, and if so, whether he will file them with the Committee.

WITNESS: I have a document here bearing on the expenses. Every officer in our Province makes out an expense book and balances it. I can leave it here. It is a sample from a real election, not made up for the purpose. I have also a copy of the savings in elections between 1921 and 1926. There is another thing I forgot to mention—although I hate to keep you waiting; I have reduced as many of our election forms as possible into book form, or into pamphlet form, instead of having a number of individual forms. The deputy returning officers' forms are here in order, and when a deputy returning officer fills out his little pamphlet, he has his work complete. Instead of handling ten or fifteen forms when filling the ballot boxes, we just put these in. I have one that I give to the returning officer, and one that goes into the ballot box for the deputy returning officer, and when he is through, he is finished with it.

By Mr. Boys:

Q. With regard to the payment of a returning officer; do you pay him the same in each riding, or do you have regard to the work which has to be done and the fee that has to be given for it?—A. A hundred and fifty dollars is the fee. That is recommended by the election officers in the cities. You could not expect a man in Edmonton to run an election for \$150. Then there is the mileage.

Q. You say he gets so much for mileage?—A. He gets so much per mile.

Q. And you revise it?—A. I revise it, because I know where he has to go, as well as he does. I know his polls. It is wonderful the way it works out.

Q. The point we are discussing does not seem to follow that out?—A. You have to allow it with regard to a returning officer. I make out a route from one poll to another, and if he deviates from that, he does not get his mileage.

Q. Would it be unfair to allow so much per square mile?—A. It could be done.

By the Chairman:

Q. Each returning officer knows what he is going to get, and he cannot subtract from it or add to it?—A. That is better yet. Although as a matter of fact we have had no difficulty, I think ours is the only province which gives instructions to scrutineers from the standpoint of the public. The party always has to stand the cost of instructions to scrutineers.

Q. Will you put one of these in?—A. Yes. The scrutineer makes it out. He has to be a good strong scrutineer. I do not think I brought more than one with me.

By Mr. Boys:

Q. These are distributed on election day to the scrutineers?—A. They are sent to the returning officer away before the election. We send them to the party officers, we send them to anybody who wants them by the thousands or by hundreds. We also have instructions for workers and voters.

The CHAIRMAN: Is it the wish of the Committee that these documents be printed?

WITNESS: I can send hundreds of them down to you, if you wish. This is interesting reading. You will find the way the saving was made in every election, and in every department of the election.

Mr. KELLNER: When we are considering the Act section by section, these would be of considerable advantage to us.

WITNESS: How many are on your Committee? Thirty I understand. I will write up and have them send you from the office about thirty of them.

By Mr. Kennedy:

Q. Have you had considerable experience with proportional representation?—A. I have not come down here to talk about proportional representation. What is it you want me to tell you?

Q. Whether it is any good, and how it works out?—A. Here is our experience. We do not give the enumerators the whole of the Act, we just pick out the sections of the Act, with our instructions, in this shape. These are our instructions for the advanced poll. You have practically admitted that there is no reason why the advanced poll should be confined to travellers and railway men. There is another thing with regard to the advanced poll, where we have the advantage over you. In our Province the advanced poll is always on a Saturday; one of the days is always the Saturday of the week before the election is held; in other words, we always get Saturday as an advanced poll day. We never have it on Wednesday or Thursday. Suppose an election came on a Friday, we would have it on the Saturday before. The advanced poll is meant to catch the week-enders. I think yours run so many days before.

Mr. BANCROFT: A railway man here suggested Saturday or Monday.

The CHAIRMAN: It has been suggested that Mr. Stockton who represents the Auditor General's Department, Mr. Castonguay and Mr. Hunt get together. It is agreed that we put the part which refers to suggestions into the record.

By Mr. Dussault:

Q. Are the candidates supposed to record their election expenses?—A. Yes. The agent of the candidate has to furnish the returning officer with a statement of election expenses, and the returning officer has to publish them at the candidates' expense which I understand he has to pay for himself.

By Mr. Boys:

Q. The agent publishes only those he knows of?—A. Yes.

Q. Have you any provision as to what the candidate should do?—A. I do not think there is any provision in our Act.

Q. The agent will give you a list of all accounts he paid; he will show that he received so much money from the candidate; but that does not mean that there is not a lot more. I am not anxious to throw any additional burden upon the candidate.

WITNESS: It is a dead letter with us.

The CHAIRMAN: I would like to call Mr. Boys' attention to the fact that the witness says it is a dead letter in Alberta, too.

By Mr. Dussault:

Q. Would you advise the cutting out of that?—A. Well, it might be tightened up, to be made useful, but at the present time it is not very useful.

The CHAIRMAN: Mr. Kennedy has filed a document containing a number of suggestions as to the Act generally. I think we should have it printed.

Witness retired.

The Committee adjourned.

APPENDIX

OF

PROPOSED AMENDMENTS TO THE DOMINION ELECTIONS
ACT AND THE CORRUPT PRACTICES
INQUIRIES ACT. FILED

1907
1907
1907

FILED ON BEHALF OF THE LEGISLATIVE COMMITTEE
OF THE RAILWAY BROTHERHOODS

Dominion Election's Act

Amend Section 102—re Advance Polls for Railway Employees, Sec. 102.
Sailors and Commercial Travellers—as follows:

Subsection (8) to read:

“(8) Advance Polls shall be open from the hours of two o'clock to five o'clock in the afternoon and from seven o'clock to ten o'clock in the evening of the three days, exclusive of Sunday, immediately preceding polling day.”

Amend Subsection (10) to read:

“(10) Every person applying to vote at an Advance Poll shall, before voting, be required by the Deputy Returning Officer to make the following declaration, which shall be kept by the Deputy Returning Officer with the other records of the poll:

Declaration

“I declare that my employment or calling is that of a Railway Employee, Sailor or Commercial Traveller and necessitates, from time to time, my absence from my ordinary place of residence, and that I have reason to believe that because of possible necessary absence from my ordinary place of residence in the pursuit of my employment or calling, I may be unable to vote at the pending Dominion Election on polling day. I am aware that after voting at an Advance Poll, I have no right to vote or to attempt to vote at any other polling station at the pending Dominion Election.”

Dated at _____, this _____ day of _____, 19 _____

Witness:.....

Deputy Returning Officer

Name of Voter

The remaining subsections of Section 102 to be amended accordingly, or repealed.

FILED BY MR. NEILL, M.P.

1. That Election Day be proclaimed a public half-holiday, with pay. This was actually inserted in the Act in the Session of 1925, but by a clerical error was omitted from the Act as submitted to the Senate. The records of Hansard, 1925, Page 4750 will show where it passed the House of Commons.

2. In rural constituencies the qualifying date of ordinary resi- Sec. 29.
dents is two months prior to date of writ. In the election of 1925 this meant that anyone voting on October 29th had to be in residence on July 5th. This is too long in British Columbia where the population, many of them single men, move about a great deal. It also disenfranchises a large number of school teachers. Both in 1925 and 1926 qualifying date fell during the summer holidays when most teachers were away from their schools, and when they

came back on September 1st they were too late to qualify. This disenfranchises practically all our school teachers. They could, of course, register in the district where they were on July 5th, but that meant going back to the district, which was impossible. The same argument applies to the many fishermen on the coast, and often means their disenfranchisement.

Secs. 55 (5),
102 (8).

3. I would recommend the close of polling to be at seven p.m. instead of six p.m. for the greater convenience of workers, not all of whom can take advantage of a half holiday, and especially so if the half holiday mentioned under No. 1 is not granted. It really means the disenfranchisement of a lot of these workers.

Sec. 63 (3)

4. I would recommend that the voter be allowed to retain possession of his ballot and himself deposit it in the box. He can show the counterfoil to the Deputy Returning Officer and himself tear it off in the presence of the Officer and hand the counterfoil to him, but the voter should never have to hand his ballot to anyone. When he does so, the secrecy of the ballot is very much endangered. The paper is thin, and a sharp-eyed Scrutineer could quite easily see where the pencil mark is made through the back of the ballot. I have known this done. Also the Returning Officer may quite innocently, in handling the ballot and tearing off the counterfoil, slightly open it and disclose where it is marked, or if he is unscrupulous and wishes to find out how some particular man has voted, it is very easy for him to rub the ballot paper open and disclose the way the man voted. If complained about, he can say it was an accident, as indeed it might have been, but it may cost the voter his job. There is a very strong feeling that the voter should not have to hand his marked ballot over to anyone, but himself deposit it in the box.

Secs. 77, 78.
Tariff by
O. in C.

5. I recommend that Deputy Returning Officers and Poll Clerks in the West should be paid \$10 and \$5 a day respectively. The Poll Clerk has to be a man of some education and reputation, and has to visit the Polling Station the day before the election to see that everything is ready, and has to be on duty all day and have his meals sent in, etc., and good men cannot be got to do it for \$7.

As regards the Polling Clerks, the same thing applies. They have to be on the job from 7.45 a.m. until the poll is finished, the counting done, and all forms filled up, which often means eight or nine o'clock. They are not allowed anything for meals, and no hotel will send in a meal under a dollar, and that gives him, at the present rate, \$2 for his day's work, whereas if he were working at the lowest form of manual labour he would work only eight hours and get \$4 a day with no deduction, as he would of course bring his lunch with him, and go home for his supper.

It is really difficult to get people to do the work for the money, and it requires men of some education, and we certainly want them to be of some standing.

Secs. 55 (5),
102 (8).

6. I suggest polls should close in the East two hours later than in British Columbia, otherwise city voters hold off voting until the eastern votes come in, and their vote will be affected accordingly.

Secs. 77, 78.
Tariff by
O. in C.

7. The tariff of fees allows \$5 only for rent of polling booth and includes heating, furniture and fixing the place up for voting. In rural places this is all right for one booth, but in villages which

require say three booths, it takes quite a lot of fixing up, and the hall naturally needs to be much bigger and cannot be got for \$5. I think the allowance ought to be \$5 for rent of each polling booth, so that if there were three Deputy Returning Officers in one building, the allowance could be \$15.

8. A great deal of misunderstanding is created by the respective wordings of the first section of Section 57 of Chapter 53 Revised Statutes of Canada, 1927, and that of Section 64 of the same Act. It has been held again and again by quite conscientious Returning Officers, and even by the electors themselves, that the last clause of Section 1 of Section 57, which reads as follows: "and he may vote at the polling station of the polling division upon the list of voters for which his name appears and at no other," prevents and contradicts the privilege of swearing in, granted by Section 64. I would suggest that it be made clear by the addition of the following wording, that after the word "other" of Subsection 1 of Section 57, instead of a period put a comma, and then add "unless he votes under the provisions of Section 64". It is true that the first words, except as otherwise provided in this Act, may be held to apply, but it is not clear enough for the ordinary Deputy Returning Officer and elector. Secs. 57, 64.

Section 64 should also be amended, I think, by inserting after the word "list" on the fourth line, the words "for that particular rural polling division."

What happens is this, a man is on, or perhaps is improperly put on a list for Polling Division No. 10. He has resided the proper length of time in Polling Division No. 12 but he knows his name has been put on the list for No. 10 and the Deputy Returning Officer says, "You cannot vote in No. 12 because your name appears on the list for No. 10, and he is threatened or he is afraid of getting into trouble.

The two corrections that I suggest would meet the situation. They may not be worded in the correct way, but certainly some change is needed to make it clear that a man can vote at a Polling Division if he has resided the proper number of days in the district, even although his name should be upon the list of another polling division.

You may say that it is the law now, and I know that Col. Biggar so held it, but it has to be made plain for the protection of the ordinary voter and the ordinary Returning Officer. I regard this as most important.

FILED BY THE LABOUR MEMBERS OF THE HOUSE OF COMMONS

1. That all possible public buildings should be used as polling booths and registration places. Secs. 28, 34,
55 (1).
2. That the boundaries of polling sub-divisions should follow those of the cities and municipalities. Sec. 28.
3. That the number of the Polling Division should be shown opposite the name of the voter on the lists. Sec. 32,
Form 17.

4. That no voter should be accosted by anyone within a hundred feet of the Polling Sub-division.
- Sec. 32. 5. That in the Court of Revision there should be no registration by proxy upon written request by the applicant showing an adequate cause for his or her absence.
- Sec. 21. 6. That in the cities, the City Clerk or other officials, should be the Returning Officer, and wherever possible, permanent D.R.Os. should be appointed by the Electoral Officer in Ottawa.
- P.R. in urban div. 7. That proportional representation with Group Constituencies in urban areas should be inaugurated.
- Polling day half holiday 8. That a half-holiday with pay on polling day should be allowed to all employees of corporations or other concerns.
- Secs. 55 (5) 102 (8). 9. That as an alternative, if the half-holiday is not granted, an extension of the voting hours should be made law.
- Sec. 40 (9)b., 40 (5). 10. The abolition of election deposits and that increased number of signatures be required on the nomination.
- Sec. 9. 11. The repeal of that part of the Election Act which prevents Unions from contributing to election campaigns.
- Campaign funds—publication 12. That there should be a publication of the source of all campaign funds received by all political parties.

FILED BY JULES CASTONGUAY, CHIEF ELECTORAL OFFICER

Returning Officer

Sec. 21

21. From time to time, as required, the Governor in Council upon the recommendation of the Secretary of State shall for every electoral district in Canada appoint a person, described either by name or by his title of office, who shall be returning officer for such electoral district: unless there is good reason to the contrary, such person shall be the first mentioned of the public officers hereinafter described, namely:—

- (a) A sheriff whose jurisdiction extends to the whole or any part of the electoral district;
- (b) A registrar of deeds whose jurisdiction extends to the whole or any part of the electoral district;
- (c) A protonotary whose jurisdiction extends to the whole or any part of the electoral district;
- (d) The deputy of any such sheriff, registrar or protonotary, in the same order, provided that the sheriff, registrar or protonotary whose deputy the nominee is has not been already appointed to be returning officer for some other electoral district, or if he has been so appointed, has not named his deputy as his election clerk;
- (e) The city clerk of any city in which the electoral district is wholly included or of which the whole or part is situate in the electoral district;
- (f) The assessor of any such city.

2. Every person so appointed shall be removable only for cause and notice of his appointment shall be given immediately in the *Canada Gazette*.

3. A person not holding any public office shall not be recommended for appointment as returning officer unless there is no such public officer as is described in this section against whose appointment good reason does not exist.

FILED BY THE CHIEF ELECTORAL OFFICER

Sheriffs and Registrars

Deputy Sheriffs and Registrars who acted as returning officers at the General Elections of 1900 to 1926 inclusive:—

General Election	Number
1900..	66
1904..	68
1908..	63
1911..	46
1917..	35
1921..	17
1925..	32
1926..	15

FILED BY MR. KENNEDY, M.P.

Amendments to Dominion Elections Act, R.S., c. 53

Chief Electoral Officer.	1. (1) Subsections one and two of section eighteen of the <i>Dominion Elections Act</i> , chapter fifty-three of the Revised Statutes of Canada, 1927, are repealed, and the following are substituted therefor:—
Appointment.	“18. (1) The Chief Electoral Officer shall be appointed by resolution of the House of Commons.
Qualification.	“(2) <i>No person shall be eligible to receive such appointment unless he has been admitted to the bar of one of the provinces and has been actually engaged in the practice of his profession for at least ten years before the date of appointment, and is one of His Majesty's Counsel learned in the Law.</i>
Salary.	“(3) He shall be paid such salary as shall be fixed by the Governor in Council, and <i>not less than</i> per year.
Retirement.	“(4) <i>He shall cease to hold office upon reaching the age of seventy-five years.</i>
Tenure of office.	“(5) <i>He shall hold office during good behaviour, and shall be removable only for cause or for becoming, by reason of age or infirmity, incapacitated for or disabled from the due execution of his office.</i>
Rank and power.	“(6) He shall rank as the deputy head of a department, shall communicate with the Governor General through the Secretary of State of Canada, and in addition to the exercise of the powers and the performance of the duties with respect to elections formerly exercised and performed by the Clerk of the Crown in Chancery, he shall and may,
Dismissal of officers.	“(a) throughout every election properly direct all deputy electoral officers and returning officers and, in case of incompetency or neglect of duty or breach of law on the part of any of them, <i>may remove or dismiss such officer and appoint another in his stead;</i>
Prosecutions.	“(b) exercise general direction and supervision over the administrative conduct of elections with a view to ensuring the fairness and impartiality of all election officers and compliance with the provisions of this Act, <i>and prosecute any person, company or association or officers thereof, who may commit any offence against those provisions, and he shall be charged with the regulation and conduct of all litigation in relation thereto, and be empowered to engage counsel in any province to carry out his instructions and secure the conviction of such offenders;</i>
Report on all irregularities and offences.	“(c) report to the House of Commons, through the Speaker, after an election, <i>all offences or irregularities which have come to his knowledge or to the knowledges of the officers employed by him, in the course of the election, and any matters arising thereout or in relation thereto which may be of importance as affecting administration or amendments of the Act;</i>

"(7) The Chief Electoral Officer shall appoint a deputy electoral officer for each Province, and such deputy electoral officer shall have power to appoint, in conjunction with and subject to the approval of the Chief Electoral Officer, all return officers in the province in which he is appointed to act.

"(8) The Chief Electoral Officer shall have power to dismiss any deputy electoral officer or any returning officer in any province for incapacity, neglect of duty or unlawful conduct, and the deputy electoral officer shall have power, with the approval of the Chief Electoral Officer, to dismiss forthwith any returning officer in any province for the same reasons, and in case there is not sufficient time before an election to consult the Chief Electoral Officer, the deputy electoral officer shall act upon his own responsibility as to such dismissals.

"(9) The Chief Electoral Officer shall be charged with and be responsible to the House of Commons for the proper administration of the Act, and for the conduct of the deputy electoral officers, returning officers and other election officers.

"(10) Any charge or complaint against the Chief Electoral Officer or the deputy electoral officer must be presented within six months after the date of the election by petition in Form 57, signed by not less than three electors of the constituency in which the cause of complaint arose, which petition shall be executed in duplicate and one copy thereof shall be forwarded by registered mail to the Clerk of the House of Commons at Ottawa, and one copy shall be forwarded, by registered mail, to the Chief Electoral Officer at Ottawa.

"(11) The petition shall be referred to such Committee of the House of Commons as the House shall direct, which Committee shall make a full investigation into the matters alleged, and shall dismiss the petition if in their opinion the application is frivolous or vexatious or does not justify further inquiry, or if the evidence is not conclusive. The Committee shall be empowered to render a final judgment on the whole matter, and if in its opinion the public interest demands a further and more extensive examination into the case the Committee shall have the power to direct that a commission be appointed with all the powers of a commissioner appointed under the Inquiries Act, to conduct a full and complete examination of the case and report the finding and evidence to the House.

"(12) If the Committee or the inquiry commission find that any election officer is guilty of any misfeasance or any act or omission in violation of this Act, such Officer shall be forthwith dismissed from office and be held guilty of a corrupt or an illegal practice, and of an indictable offence against this Act punishable as in this Act provided."

2. The subsections numbered three to nine of the said section eighteen are re-numbered thirteen to nineteen, respectively.

COMPULSORY VOTING AND REGISTRATION

From Australian Commonwealth Electoral Act 1918-1925

Registration

S. 42. (1) Every person who is entitled to have his name placed on the Roll for any Subdivision whether by way of enrolment or transfer of enrolment, and whose name is not on the Roll, shall forthwith fill in and sign, in accordance with the directions printed thereon, a claim in the prescribed form, and send or deliver the claim to the Registrar for the Subdivision.

Offence. (2) Every person who is entitled to have his name placed on the Roll for any Subdivision whether by way of enrolment or transfer of enrolment, and whose name is not on the Roll upon the expiration of twenty-one days from the date upon which he became so entitled, or at any subsequent date while he continues to be so entitled, shall be guilty of an offence unless he proves that his non-enrolment is not in consequence of his failure to send or deliver to the Registrar for the Subdivision for which he is entitled to be enrolled, a claim in the prescribed form, duly filled in and signed in accordance with the directions printed thereon.

Penalty: For the first offence, Ten shillings; and for any subsequent offence, Two pounds.

Change of residence. (3) Every person who changes his place of living from one address in the Subdivision for which he is enrolled to another address in that Subdivision, and who, at any time after the expiration of twenty-one days from the date of making the change, has failed to notify the Registrar for the Subdivision in the prescribed form of the new address shall be guilty of an offence.

Penalty: For a first offence, Ten shillings; and for every subsequent offence, Two pounds.

Voting

S. 128A. (1) It shall be the duty of every elector to record his vote at each election.

(2) It shall be the duty of each Divisional Returning Officer at the close of each election to prepare a list (in duplicate) of the names and descriptions of the electors enrolled for his Division who have not voted at the election, and to certify the list by statutory declaration under his hand.

(3) The list so certified shall in all proceedings be prima facie evidence of the contents thereof and of the fact that the electors whose names appear therein did not vote at the election.

Show cause. (4) Within the prescribed period after the close of each election the Divisional Returning Officer shall send by post to each elector whose name appears on the list prepared in accordance with subsections (1) and (2) of this section, at the address mentioned in that list, a notice, in the prescribed form, notifying the elector that he appears to have failed to vote at the election, and calling upon him to give a valid truthful and sufficient reason why he failed so to vote.

(5) Before sending any such notice, the Divisional Returning Officer shall insert therein a date, not being less than twenty-one days after the date of posting of the notice, on which the form attached to the notice, duly filled up and signed by the elector, is to be in the hands of the Divisional Returning Officer. 21 day's.

(6) Every elector to whom a notice under this section has been sent shall fill up the form at the foot of the notice by stating in it the true reason why he failed so to vote, sign the form, and post it so as to reach the Divisional Returning Officer not later than the date inserted in the notice. Reasons to be given.

(7) If any elector is unable, by reason of absence from his place of living or physical incapacity, to fill up, sign, and post the form, within the time allowed under sub-section (5) of this section, any other elector who has personal knowledge of the facts may, subject to the regulations, fill up, sign, and post the form, duly witnessed, within that time, and the filling up, signing, and posting of the form may be treated as compliance by the first-mentioned elector with the provisions of sub-section (6) of this section. Absence.

(8) Upon receipt of a form referred to in either of the last two preceding sub-sections, the Divisional Returning Officer shall indorse on both copies of the list prepared in accordance with sub-section (2) of this section, opposite the name of the elector, his opinion whether or not the reason contained in the form is a valid and sufficient reason for the failure of the elector to vote. Decision as to excuse.

(9) The Divisional Returning Officer shall also indorse on both copies of the list, opposite the name of each elector to whom a notice under this section has been sent and from or on behalf of whom a form properly filled up signed and witnessed has not been received by him, a note to that effect. Default.

(10) Within two months after the expiration of the period prescribed under sub-section (4) of this section, the Divisional Returning Officer shall send to the Commonwealth Electoral Officer for the State one copy of the list, with his indorsements thereon, certified by statutory declaration under his hand.

(11) Each copy of the list prepared and indorsed by the Divisional Returning Officer, indicating:

- (a) the names of the electors who did not vote at the election;
- (b) the names of the electors from whom or on whose behalf the Divisional Returning Officer received, within the time allowed under sub-section (5) of this section, forms properly filled up and signed; and
- (c) the names of the electors who failed to reply within that time.

and any extract therefrom, certified by the Divisional Returning Officer under his hand, shall in all proceedings be prima facie evidence of the contents of such list or extract, and of the fact that the electors whose names appear therein did not vote at the election, and that the notice specified in sub-section (4) of this section was received by those electors, and that those electors did, or did not (as the case may be), comply with the requisitions contained in the notice within the time allowed under sub-section (5) of this section.

- (12) Every elector who:
- (a) fails to vote at an election without a valid and sufficient reason for such failure; or
 - (b) on receipt of a notice in accordance with sub-section (4) of this section, fails to fill up, sign, and post within the time allowed under sub-section (5) of this section the form (duly witnessed) which is attached to the notice; or
 - (c) states in such form a false reason for not having voted, or, in the case of an elector filling up or purporting to fill up a form on behalf of any other elector, in pursuance of sub-section (7) of this section, states in such form a false reason why that other elector did not vote, *shall be guilty of an offence.*

Penalty: Two pounds.

(13) Proceedings for an offence against this section shall not be instituted except by the Chief Electoral Officer or an officer thereto authorized in writing by the Chief Electoral Officer.

FILED AT THE REQUEST OF THE COMMITTEE BY
O. M. BIGGAR, K.C.

BILL No.

An Act to Amend The Dominion Elections Act.

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

1. The following section is inserted in the Dominion Elections Act as section twenty-one A thereof:—

21A. It shall be the duty of the Chief Electoral Officer to transmit to the Secretary of State for the consideration of the Governor in Council a recommendation for the appointment of a returning officer for every electoral district and thereafter for the appointment from time to time of a new returning officer for any electoral district:

- (a) In any case in which a vacancy occurs in the office of returning officer for such electoral district; or
- (b) in any case in which the returning officer for such electoral district notifies the Chief Electoral Officer that he desires to resign his office, and, in the opinion of the Chief Electoral Officer, it is not contrary to the public interest to permit such returning officer to resign; or
- (c) in any case in which, without having received any such notification, the Chief Electoral Officer is of the opinion that the returning officer for such electoral district is incapable of discharging the duties of his office satisfactorily by reason of illness or otherwise.

2. The Chief Electoral Officer may recommend two or more persons for appointment as returning officer in order that the Governor in Council may make a selection among them.

3. When it becomes the duty of the Chief Electoral Officer to make a recommendation for the appointment of a returning officer for an electoral district, he shall, unless there is good reason to the contrary, recommend the first mentioned of the public officers hereinafter described, namely:

- (a) A sheriff whose office as such is situate within the electoral district and whose jurisdiction extends to the whole or the greater part thereof;
- (b) A sheriff whose office as such is situate in the electoral district and whose jurisdiction extends to any part thereof;
- (c) A registrar of deeds whose office is situate within the electoral district and whose jurisdiction extends to the whole or the greater part thereof;
- (d) A registrar of deeds whose office as such is situate in the electoral district and whose jurisdiction extends to any part thereof;
- (e) A sheriff whose office is situate outside the electoral district but whose jurisdiction extends to any part thereof;
- (f) A registrar of deeds whose office is situate outside the electoral district but whose jurisdiction extends to any part thereof;
- (g) The deputy of any such sheriff or registrar in the same order, provided that the sheriff or registrar whose deputy the nominee is has not been already appointed to be returning officer for some other electoral district, or if he has been so appointed, has not named his deputy as his election clerk;

- (h) The city clerk of any city in which the electoral district is wholly included or of which the whole or part is situate in the electoral district;
- (i) The assessor of any such city.

4. In the province of Quebec, registrars of deeds shall have precedence over sheriffs and the next preceding subsection shall be read accordingly.

5. Any recommendation made by the Chief Electoral Officer may be made by reference to the title of office of the appointee and any person appointed returning officer for any electoral district by his title of office, and the successors from time to time of such person in such office, shall be returning officer for the electoral district for which the appointment is made until another recommendation has been made by the Chief Electoral Officer and acted upon by the Governor in Council.

6. A person not holding any public office shall not be recommended for appointment as returning officer unless there is no such public officer as is described in this section against whose appointment good reason does not exist.

7. A list of the returning officers for every electoral district in Canada shall be published by the Chief Electoral Officer in the *Canada Gazette* between the first and twentieth days of January in each year.

2. The said Act is amended by repealing section twenty-three thereof and substituting the following:—

23. Subject as aforesaid every election clerk shall hold office during the pleasure of the returning officer by whom he has been selected and, after the death of such returning officer or the expiry of his term of office, until his successor has appointed a new election clerk.

3. The said Act is amended by inserting the following provision as section twenty-three A:

23A. It shall be the duty of the returning officer and of the election clerk forthwith to notify the Chief Electoral Officer if the returning officer at any time becomes unable to act by reason of illness, absence from the electoral district or otherwise and it shall be the duty of the election clerk forthwith to notify the Chief Electoral Officer of the death of the returning officer.

4. The said Act is amended by inserting the following section as section twenty-four B:

24B. If the returning officer dies or becomes unable to act the election clerk shall be responsible for the administration of the election as if he had himself been appointed to be returning officer, and in any case in which the returning officer has died or become unable to act before the issue of a writ of election and before his successor has been appointed, the writ of election may be addressed either to the returning officer or to the election clerk.

2. Every election clerk, who is required to act as returning officer at an election in the place of the returning officer by whom he was appointed, shall himself in his turn appoint an election clerk.

BILL No.

An Act to amend the Dominion Elections Act.

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

1. The following section is inserted in the Dominion Elections Act as section twenty-one A thereof:

21A. It shall be the duty of the Chief Electoral Officer to transmit to the Secretary of State for the consideration of the Governor in Council a recommendation for the appointment of a returning officer for every electoral district and thereafter for the appointment from time to time of a new returning officer for any electoral district:

- (a) in any case in which a vacancy occurs in the office of returning officer for such electoral district; or
- (b) in any case in which the returning officer for such electoral district notifies the Chief Electoral Officer that he desires to resign his office, and, in the opinion of the Chief Electoral Officer, it is not contrary to the public interest to permit such returning officer to resign; or
- (c) in any case in which, without having received any such notification, the Chief Electoral Officer is of the opinion that the returning officer for such electoral district is incapable of discharging the duties of his office satisfactorily by reason of illness or otherwise.

2. The Chief Electoral Officer may recommend two or more persons for appointment as returning officer in order that the Governor in Council may make a selection among them.

3. When it becomes the duty of the Chief Electoral Officer to make a recommendation for the appointment of a returning officer for an electoral district, he shall, unless there is good reason to the contrary, recommend the first mentioned of the public officers hereinafter described, namely:

- (a) A sheriff whose office as such is situate within the electoral district and whose jurisdiction extends to the whole or the greater part thereof;
- (b) A sheriff whose office as such is situate in the electoral district and whose jurisdiction extends to any part thereof;
- (c) A registrar of deeds whose office is situate within the electoral district and whose jurisdiction extends to the whole or the greater part thereof;
- (d) A registrar of deeds whose office as such is situate in the electoral district and whose jurisdiction extends to any part thereof;
- (e) A sheriff whose office is situate outside the electoral district but whose jurisdiction extends to any part thereof;
- (f) A registrar of deeds whose office is situate outside the electoral district but whose jurisdiction extends to any part thereof;
- (g) The deputy of any such sheriff or registrar in the same order, provided that the sheriff or registrar whose deputy the nominee is has not been already appointed to be returning officer for some other electoral district, or if he has been so appointed, has not named his deputy as his election clerk;
- (h) The city clerk of any city in which the electoral district is wholly included or of which the whole or part is situate in the electoral district;
- (i) The assessor of any such city.

4. In the Province of Quebec, registrars of deeds shall have precedence over sheriffs and the next preceding subsection shall be read accordingly.

5. Any recommendation made by the Chief Electoral Officer may be made by reference to the title of office of the appointee and any person appointed returning officer for any electoral district by his title of office, and the successors from time to time of such person in such office, shall be returning officer for the electoral district for which the appointment is made until another recommendation has been made by the Chief Electoral Officer and acted upon by the Governor in Council.

6. A person not holding any public office shall not be recommended for appointment as returning officer unless there is no such public officer as is described in this section against whose appointment good reason does not exist.

7. A list of the returning officers for every electoral district in Canada shall be published by the Chief Electoral Officer in the *Canada Gazette* between the first and twentieth days of January in each year.

2. The said Act is amended by repealing section twenty-three thereof and substituting the following:

23. Subject as aforesaid every election clerk shall hold office during the pleasure of the returning officer by whom he has been selected and, after the death of such returning officer or the expiry of his term of office, until his successor has appointed a new election clerk.

3. The said Act is amended by inserting the following provision as section twenty-three A:

23A. It shall be the duty of the returning officer and of the election clerk forthwith to notify the Chief Electoral Officer if the returning officer at any time becomes unable to act by reason of illness, absence from the electoral district or otherwise and it shall be the duty of the election clerk forthwith to notify the Chief Electoral Officer of the death of the returning officer.

4. The said Act is amended by inserting the following section as section twenty-four B:

24B. If the returning officer dies or becomes unable to act the election clerk shall be responsible for the administration of the election as if he had himself been appointed to be returning officer, and in any case in which the returning officer has died or become unable to act before the issue of a writ of election and before his successor has been appointed, the writ of election may be addressed either to the returning officer or to the election clerk.

2. Every election clerk, who is required to act as returning officer at an election in the place of the returning officer by whom he was appointed, shall himself in his turn appoint an election clerk.

BILL No.

An Act to Provide for the Preparation of Dominion Voters' Lists in Cities.

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

INTRODUCTORY

1. This Act may be cited as the Dominion Voters' Lists (Cities) Act.
2. In this Act, unless the context otherwise requires,
 - (a) "Controller of Voters' Lists" or "Controller" means and includes the Minister as hereinafter defined, the deputy of such Minister, and the principal officer, if any, specially appointed for the purpose of the administration of this Act under that or any other title of office.
 - (b) "judicial district" means a territory, county or judicial district in respect of which a judge has been appointed to exercise judicial functions.
 - (c) "judge" means
 - (i) in relation to any place within the judicial districts of Quebec or Montreal in the Province of Quebec, the judge from time to time performing the duties of Chief Justice of the Superior Court, or the Acting Chief Justice, as the case may be, or such other judge appointed by the Governor in Council and resident in the judicial district as may be assigned by the said Chief Justice or Acting Chief Justice to perform the duties in this Act required to be performed by the judge.
 - (ii) in relation to any other place in the Province of Quebec, the judge indicated by the Chief Justice or Acting Chief Justice as being the judge exercising from time to time the jurisdiction of the Superior Court Judge of the judicial district within which such place lies, and if there is more than one judge exercising such jurisdiction, the senior of them.
 - (iii) in relation to any place in the Yukon Territory, the judge exercising from time to time the jurisdiction of the judge of the Territorial Court of the said Territory, and
 - (iv) in relation to any other place in Canada, the judge exercising from time to time the jurisdiction of the judge of the county court of the county, or the judge of the district court of the district, as the case may be, within which such place lies, and if there is more than one such judge, the senior of them.
 - (d) "Clerk of the court" means the officer who, if the judge were sitting for the trial of a civil action for the recovery of a debt, would act as clerk of the court in which such action would be tried.
 - (e) "Minister" means the Minister of the Crown designated by the Governor in Council from time to time to administer this Act.
 - (f) "polling division" means any area for which a separate list of voters is or is directed to be prepared, and all polling divisions as to which Part II of this Act has been brought into force shall be known as "closed-list polling divisions".
 - (g) "postmaster" includes every person duly appointed to take charge permanently or temporarily of any post office in Canada, and any other person employed in the postal service and authorized by the Postmaster General to certify applications for registration or for the correction of the list of voters or notices of objection to entries therein.

PART I.

PREPARATION OF VOTERS' LISTS.

Preparation of Original Lists

3. There shall be prepared for every polling division in the places and areas mentioned in Schedule 1 to this Act, a list of voters containing the names, occupations and addresses of every voter who registers as such in accordance with the provisions of Schedule 2.

4. Such lists shall on their receipt be set up in type under the direction of the Controller of Voters' Lists and, as amended by addition, alteration or otherwise from time to time under the provisions of this Act, shall constitute the lists of voters for the said polling divisions respectively.

Boundaries of Polling Divisions.

5. Except as hereinafter provided the Controller of Voters' Lists shall have power at any time and from time to time to re-arrange the boundaries of the polling divisions as defined for the purpose of the registration held in accordance with the provisions of Schedule 2 of this Act and it shall be his duty so to do in accordance with the following principles:

- (a) The convenience of the voters is to be considered and the polling divisions so arranged that a polling station or polling stations for each may be established at some point therein such that voters may attend to vote with the least effort which can be required of them consistently with the exercise of due economy of public money.
- (b) Subject to the directions in the following clauses contained, the list of voters for each polling division shall include about three hundred names.
- (c) If the area or the configuration of the polling division is such that it is more convenient to establish therein two or more polling stations close together and divide the list of voters for such polling division alphabetically between such polling stations, the number of names to be included in the list of voters for any such polling division shall be a multiple of about 300.
- (d) If the illiteracy, language or usual occupation of the residents in any area is such that voters therein are likely to require more time than usual to vote, the Controller of Voters' Lists may reduce the number of names to be included in any voters' list for a polling division included in such area.
- (e) No polling division shall include areas belonging to two or more electoral districts.

6. If any five voters on the list for any polling division jointly make a written request for the alteration of the boundaries thereof, and the Controller of Voters' Lists refuses to grant their request, he shall, if the petitioning voters so desire, transmit the request and all the papers in his custody relating to the boundaries of the said and adjoining polling divisions to the judge, who shall make such order as the justice of the case requires.

7. On any reference to him under the last preceding section of any question relating to the boundaries of polling divisions, the judge may cause notice thereof and of the date upon which he will hear all persons interested therein to be given by notices posted in the post offices in the area affected, or otherwise as he considers necessary.

8. The Controller of Voters' Lists shall act upon any order made by the judge and shall not, without a further reference to the judge, make any re-arrangement of the boundaries of polling divisions affected unless there has since the date of the reference to the judge been a change of at least twenty per cent in the number of names on the list for any of such polling divisions, or unless the number of names on the list for any of such polling divisions has increased beyond 325.

9. If the polling divisions involved in any reference to the judge lie within two or more judicial districts the reference shall be made to the judge whose judicial district would appear first in a list of judicial districts arranged alphabetically, and any order made by such judge shall have effect as well without as within his judicial district.

Distribution of Original Lists.

10. Forthwith upon the completion of the printing of the lists for the polling divisions in any place or area mentioned in Schedule 1, three sets of prints of such lists shall be transmitted to the member or members of the House of Commons for such electoral district, three sets to each candidate defeated at the last contested election therein, and one set to each postmaster in the place or area within which such polling division lies and to the clerk of the court for every judicial district any part of which is contained therein.

(2) With each of the said sets of prints there shall be transmitted a sketch showing the boundaries of each of the polling divisions with such further geographical details as may be necessary to enable the said boundaries readily to be determined.

PART II

CORRECTION OF LISTS OF VOTERS

Operation of Part I

11. The provisions of this Part shall come into force in each electoral district only after the provisions of the last preceding section have been complied with in respect of all the places or areas mentioned in Schedule 1 which are included in such district, and notice of the date of the coming into force of this Part in any electoral district shall be forthwith published by the Controller of Voters' Lists in the *Canada Gazette*.

Registration and Amendment of Entries in Lists

12. Every postmaster in any place or area mentioned in Schedule 1 shall be supplied with, and shall furnish to persons requiring the same, forms of application for registration as a voter, for the correction of the voters' list, for the transfer of the name of a voter from one polling division to another, and of notice of objection to an entry in the voters' list.

13. An application for registration as a voter may be made by any person who claims to be qualified as a voter and whose name is not included in the list of voters for any closed-list polling division in Canada.

14. An application for the correction of the voters' list or for the transfer of a name from the list for any polling division to the list for some other polling division may be made by the person described or intended to be described by an entry in any list.

15. An objection to any entry in the list of voters for any polling division may be made by any person whose name appears upon the list of voters for any polling division in the same electoral district.

16. Every postmaster, upon demand by any person by whom any such application or notice of objection has been sufficiently completed, and whose signature thereto has been personally written or acknowledged in the presence of such postmaster, shall, upon satisfying himself that such person understands the statements made over his signature, ask him if such statements are true and if he understands that they have the same effect as if made under oath. If the applicant replies in the affirmative to both questions, the postmaster shall so certify on the application or notice, shall stamp the same with his office stamp and shall mail it to the Controller of Voters' Lists.

17. Any false statement in any such application or notice of objection shall be punishable in the same way as if such false statement had been made under oath, and the application or notice and the postmaster's certificate thereon shall, upon production to any Court by or on behalf of the Controller of Voters' Lists, be received in evidence without proof of the signature of the postmaster and shall, as against the person by whom the same purports to be signed, be *prima facie* evidence that the statements in the application set out were made by him and that the provisions of this Act were fully complied with.

18. The Governor in Council may allow to postmasters, or to any class or classes of postmasters, for each such application or notice of objection certified by them respectively, such fee not exceeding five cents, as the Governor in Council may direct.

19. Every application for registration as a voter, for the correction of a voters' list or for the transfer of a voter's name shall, forthwith after its receipt be examined by the Controller of Voters' Lists and, if the particulars given are sufficient and the right of the applicant to be registered, or to have the list corrected or his name transferred pursuant thereto, sufficiently appears therefrom, the necessary additions to or correction of the lists shall be made accordingly within thirty days.

20. If the particulars given are insufficient, or the right of the applicant to be registered or to have the list corrected or his name transferred pursuant thereto does not, in the opinion of the Controller, sufficiently appear from the application, the same shall be returned to the applicant with a notification of the reason for refusing to act thereupon and that, if the applicant desires to pursue his application, he must either, as the circumstances require, make a new application correcting the deficiencies which have prevented action upon the application, or produce the latter to the judge and establish before him his right to be registered or to have the entry in question corrected or transferred, as the justice of the case requires.

21. Upon the production at any time by an applicant to the judge sitting in court or chambers of any application returned to the applicant by the Controller, as aforesaid, and of the Controller's statement of the reasons for his refusal to act upon it, the judge shall make summary enquiry into the matter of the application and return to the Controller the application and the notice of refusal to act thereon, with a minute of his decision, which shall be acted upon by the Controller.

22. Upon the receipt by the Controller of any notice of objection certified by a postmaster as hereinbefore provided, he shall forthwith, and upon the receipt of any other written objection to any entry in any list of voters he may, send by registered mail to the voter described in the entry objected to, at his address mentioned in the list of voters, a notice calling upon him to admit or deny the validity of the objection, and if within sixty days from the despatch of the said notice the voter described in the entry objected to has not notified the Controller that he contests the objection, the entry shall be struck from the list of voters as corrected or transferred according to the notice of objection, as the case may require.

23. If, within sixty days from the despatch of the said notice, the voter described by the entry objected to notifies the Controller that he contests the objection, then

- (a) if the notice of objection was not one certified by a postmaster as hereinbefore provided, no further proceedings shall be taken upon it, but
- (b) if the notice of objection was certified by a postmaster as hereinbefore provided, all necessary papers relating to the qualification of such voter, and the objection to the entry in the list referring to him, shall be transmitted by the Controller to the clerk of the court.

Reference of Objections to Judge

24. Upon the receipt from the Controller by the clerk of the court of the papers relating to an objection to any entry in the list of voters, the clerk shall lay them before the judge, who shall fix a place, hour and day not less than twenty or more than forty days distant, for the hearing of the objection, and the clerk shall forthwith give notice accordingly to the voter concerned and to the objector.

25. On any such application the judge shall first require the grounds of the objection and the reasons for believing it to be well founded to be stated on oath by or on behalf of the objector, and if the evidence given by or on behalf of the objector is, in the opinion of the judge, sufficient to indicate a probability that the objection is well founded he shall call upon the person described in the entry to which the objection is made to give evidence in answer to the objection.

26. If, upon being called upon to give evidence in answer to the objection, the person described in the entry objected to is present or represented he, and any witnesses he may desire to call, shall be heard forthwith or after adjournment, as the case may require, and the decision of the judge shall be given according to the right and justice of the case.

27. If the person described in the entry objected to, upon being called upon to give evidence in answer to the objection, is not present or represented the judge shall, if the evidence given by or on behalf of the objector is, in his opinion, sufficient to establish the validity of the objection, direct the amendment of the entry objected to, but if the said evidence, although sufficient to require the person described in such entry to be called upon to give evidence in answer thereto, is insufficient to establish the validity of the objection to the satisfaction of the judge the judge shall either dismiss the objection or, if the objector so desires, adjourn the application to permit the issue of a subpoena for the attendance of the person described in the entry to which the objection is made.

28. No such adjournment shall be made unless the objector deposits with the clerk of the court a sum of money exceeding by one-fifth the sum certified by the said clerk as likely to be sufficient, having regard to the address of the person described in the entry objected to as shown in the list of voters, to meet his travelling expenses in coming to, staying at, and returning from the place at which the judge proposes to sit for the purpose of disposing of the said objection, together with the sum of four dollars for each working day which will necessarily be occupied by the person described in the entry objected to in coming to, attending at and returning from such sitting, and in no case shall less than one day be allowed.

29. Upon such deposit being made and adjournment granted the clerk of the court shall issue a subpoena to the person described in the entry objected to, and shall, upon the payment to him of the postage and registration fee payable thereon, cause such subpoena to be served by sending a duplicate original

thereof by registered mail addressed to the person described in the entry objected to at the address stated in the list of voters, and a second duplicate original to any other address at which it may appear that such person will be found.

30. If, at the time and place to which the hearing of the objection has been adjourned, the person described in the entry objected to attends or is represented, the application shall be proceeded with and disposed of in the same way as it would have been if such person had been present or represented when the objection first came on for hearing. If the decision is in favour of the validity of the objection, the sum of money deposited shall be returned to the objector: otherwise there shall be paid thereout to the person described in the entry objected to his travelling expenses and an allowance as aforesaid. Any excess shall be returned to the objector and judgment may be given against him for any deficiency.

31. If, at the time and place to which such application has been adjourned, the person described in the entry objected to fails to attend or be represented without satisfactory reason given, the judge shall decide in favour of the validity of the objection, and the sum of money deposited as aforesaid shall be forthwith returned to the objector.

32. The judge shall immediately report to the Controller of Voters' Lists his decision on any objection to an entry in the voters' lists and if the objection was in his opinion frivolous, or made without reasonable cause, he shall so state in his report. The controller of Voters' Lists shall within thirty days after the receipt of any such report, make all such corrections in the lists of voters as are necessary to make such lists conform to such decision.

33. If, on the hearing of an objection to an entry in any list of voters on the ground that the address therein stated does not correctly describe the place at which the voter concerned is ordinarily resident, it appears that such address does not in fact do so, but that the voter was, at the date of the objection, ordinarily resident at such address, the judge shall decide against the validity of the objection, but shall specially report the facts to the Controller of Voters' Lists who shall, within thirty days after the receipt of such report, amend the voters' lists and transfer the entry relating to the voter concerned to the list for some other polling division in the same or another electoral district, as the case may require.

34. For the purpose of any application under this Act the judge shall be deemed to be acting as a court and shall have and exercise all the powers which he would if the application were an action pending before him.

35. Any clerk of a court who, after the disposition of any application to a judge under this Act or after the lapse of time limited for the making of any such application, transmits to the Controller of Voters' Lists a duplicate or original of any notice or subpoena despatched by him pursuant to this Act, together with the certificate of the registration thereof, shall be paid such fee as the Governor in Council may direct.

General Provisions

36. (1) Any person who frivolously or without reasonable cause gives notice of objection to any entry in any list of voters shall be guilty of an offence and shall be liable on summary conviction to imprisonment for three months or to a fine of \$100 or to both fine and imprisonment.

(2) In any prosecution under this section a certificate purporting to be signed by the Controller of Voters' Lists setting out the particulars of any objection made to any entry in any list of voters, the date upon which the same

was made, and the fact that such objection was referred to a judge under this Act and was by him reported to have been frivolous or made without reasonable cause, shall, as against the objector, be evidence of the facts therein stated, without proof of the signature of the Controller of Voters' Lists.

37. Every person under a legal duty to receive, transmit or record deaths shall, upon request by the Controller of Voters' Lists, transmit to him forthwith upon their receipt by such person from time to time, full particulars of each person of twenty-one years of age or over whose death he is by law required to receive, record or transmit, and there shall be payable for every notice transmitted under this section such fee, if any, as is prescribed by the Governor in Council.

38. Upon the receipt of any such particulars of the death of any person, search shall, if the particulars given are sufficient, be made to ascertain whether the name of the person therein mentioned appears upon any list of voters, and if such person's name so appears, a notice shall be sent by registered mail to such person at the address given in the list of voters, referring to the particulars received, and if, within sixty days from the despatch of such notice, the Controller of Voters' Lists does not receive an advice signed by the person addressed stating that he desires to have his name retained upon the list of voters, his name shall be removed from such list.

Reprinting and Distribution of Lists

39. The Controller of Voters' Lists shall cause to be kept in his office at least thirty copies of the list of voters for every polling division in any electoral district from which only one member is to be returned and an additional ten copies for every member in excess of one to be returned from the electoral district in which the polling division lies.

40. The Controller of Voters' Lists shall from time to time at intervals of not more than one month, cause to be attached to or made upon the prints of the list of voters for every polling division a list of the corrections made therein pursuant to this Act and shall from time to time, at intervals of not more than six months, cause the lists to be reprinted with the corrections embodied therein, provided that no list need be reprinted until the number of corrections to be made affect at least five per cent of the entries therein.

41. Two copies of every printed list of the corrections to be made in the list of voters for any polling division in any electoral district, and two copies of every freshly corrected print of the whole list of voters for such polling division shall, upon the written request of the member for such electoral district or any defeated candidate therein, be sent from time to time forthwith after its preparation without charge to such member or defeated candidate, or to such other person as he may direct.

(2) Every such request shall expire on the 31st day of December next following its being made, but may be renewed from year to year.

42. As fresh corrected prints of the lists of voters for the polling divisions in any electoral district are made from time to time, one set thereof shall be sent to every postmaster in the place or area mentioned in Schedule 1 within which such polling division lies, or to the clerk for each judicial district in which any part of such place or area is included, and the last set of prints of the lists of voters so sent to any postmaster or clerk shall be so kept by him as to be available for ready reference at any time by any voter desiring to refer to the same.

43. Any person shall be entitled, on request made to the Controller of Voters' Lists, to receive prints of the voters' list for any polling division, and of the list of the corrections from time to time made therein, on payment of such amount as may be fixed from time to time by the Minister. The amount so fixed may vary according to the number of polling divisions for which lists are requested at any one time, or by reference to the length of time during which the lists are to continue to be delivered or otherwise.

Use of Lists for Provincial Purposes

44. If, under the laws of any province, lists prepared under this Act are directed to be used in relation to the election of members of the Legislative Assembly thereof, or in relation to any municipal election, and the Governor in Council approves of the use of the said lists for the purpose of such election:

- (a) The Governor in Council may specify specially the amounts to be paid for prints of the lists and of the lists of corrections therein required for the purpose of any such election, and for copies, required from month to month or otherwise in the interval between such elections, of the fresh prints from time to time made of such lists, and of prints of the lists of corrections therein, and,
- (b) In the arrangement of polling divisions pursuant to this Act regard shall be had to the boundaries of the provincial electoral districts or to the municipalities therein, as the case may require, and no polling division shall include as well an area within which lists prepared under this Act are directed by the law of the province to be used and an area within which they are not so.

(2) The amounts specified as payable under this section shall not be changed except with the consent of, or on one year's notice to the Lieutenant Governor of the province concerned.

Purging of Lists

45. After any election, the Controller of Voters' Lists shall, if he is furnished with any list upon which a deputy returning officer or his poll clerk at such election has indicated the voters who have or who have not voted, send to each of the latter a notice requiring such voter, if he desires his name to remain on the list, to advise the Controller accordingly within sixty days, and the name of any voter to whom such notice is sent and who fails to notify the Controller as requested shall be removed from such list.

Revision of Schedule 1.

46. It shall be the duty of the Chief Electoral Officer immediately after an election in any electoral district to consider whether the provisions of this Act should be extended to any place or area not mentioned in Schedule 1 or should cease to apply to any place or area not mentioned in the said schedule.

47. The provisions of this Act shall not be extended to any place or area not mentioned in Schedule 1 nor shall they cease to apply to any area mentioned in the said Schedule unless the Chief Electoral Officer is satisfied that there has been such a change in the character or density of the population of the place or area in question, or that such changes have been made under provincial law in the boundaries of municipalities or have been made by Act of Parliament in the boundaries of electoral districts, as to make it advisable that the provisions of this Act should be extended or should cease to apply, as the case may be.

48. If, for the reasons aforesaid, the Chief Electoral Officer is satisfied that the provisions of this Act should cease to apply to any place or area mentioned in Schedule 1, he shall cause to be published in the *Canada Gazette* a notice setting forth the reasons for his conclusions and fixing a date not less than a month after the date of publication of such notice upon which the provisions of this Act shall cease to apply to such place or area.

49. The Chief Electoral Officer shall furnish a copy of such notice to the Controller of Voters' Lists who shall thereupon prepare to make any necessary changes in the boundaries of polling divisions for which lists are prepared under the provisions of this Act, and such changes shall come into force and be made as of the date fixed by the Chief Electoral Officer as aforesaid.

50. If the Chief Electoral Officer is satisfied that the provisions of this Act should be extended to some place or area not mentioned in Schedule 1, he may, at any time within six months after the return of a writ of election for the electoral district including such place or area.

- (a) Give notice in the *Canada Gazette* of the reasons for his conclusion and fix by such notice a day, not less than three months from the date of the publication of such notice, at which the provisions of this Act shall be extended to such place or area, and
- (b) Furnish to the Controller of Voters' Lists a copy of such notice and copies of the lists of voters used at such election for the place or area to which the provisions of this Act are to be extended.

51. Controller of Voters' Lists, upon the receipt of the copy of the notice and of the lists aforesaid, shall cause the said list to be set up in type and make preparations for the alteration of the boundary of polling divisions, if any, consequent upon the extension of the provisions of this Act to the place or area in question, and upon the date fixed as aforesaid by the Chief Electoral Officer the lists of voters so set up shall, subject to amendment by addition or otherwise as in this Act provided, become the list of voters for such place or area.

PART III.

Consequential Amendments of Dominion Elections Act.

With respect to every election in an electoral district to which Part II of the *Dominion Voters' Lists (Cities) Act* has been brought into force, the *Dominion Elections Act* shall be amended as follows from and after the date upon which notice of the coming into force of the said Part in respect of the said electoral district has appeared in the *Canada Gazette*:—

(1) By inserting the following provision in Section two of the said Act as clause (bb) thereof:—

(bb) "Clerk of the court" has the same meaning as it has in the *Dominion Voters' Lists (Cities) Act*.

(2) By inserting the following clause as clause, (bbb) of Section two:—

(bbb) "Controller of Voters' Lists" means the officer or officers charged with the preparation of voters' lists under the *Dominion Voters' Lists (Cities) Act*.

(3) By repealing clause (l) of section two of the said Act and substituting the following therefor:—

(l) "Judge" has the same meaning as it has in the *Dominion Voters' Lists (Cities) Act*.

(4) By repealing clause (m) of Section two and substituting the following therefor:—

(m) "List of voters" or "voters' lists" when used with respect to the list for any polling division to which Part II of the *Dominion Voters' Lists (Cities) Act* applies means the list of voters last printed for such polling division under the said Act together with all lists of corrections thereon and additions thereto and any corrections therein and additions thereto made by a judge pursuant to this Act, and in the case of any polling division to which Part II of the *Dominion Voters' Lists (Cities) Act* do not apply, means the list of voters prepared for the said polling division pursuant to this Act.

(5) By repealing clauses (v), (w), (y), (z) and (aa) of section two of the said Act and substituting the following therefor:—

(v) "Polling division" means a territorial area for which a separate list of voters is prepared and within which one or more polling stations are established.

(w) "Closed-list polling division" means a polling division in a place or area with respect to which Part II of the *Dominion Voters' Lists (Cities) Act* has been brought into force.

(ww) "Open-list polling division" means any polling division other than a closed-list polling division.

(aa) "Voter" means a person entitled to vote at an election under this Act.

(6) By inserting the following sections in the said Act as sections twenty A, twenty B, twenty C, twenty D and twenty E thereof:

20A. When any election is directed to be held in an electoral district which includes any closed-list polling division, the Chief Electoral Officer shall immediately notify the Controller of Voters' Lists, and after the receipt of such notification, there shall, except as hereinafter provided, be no further changes made in or additions made to the list of voters for any such closed-list polling division.

20B. If at the time of the receipt of the said notification, the list of voters for any closed-list polling division in the electoral district for which the writ of election is directed to issue has not already been corrected or added to pursuant to any directions therefore given by a judge pursuant to the *Dominion Voters' Lists (Cities) Act* the Controller of Voters' Lists shall forthwith prepare a special list of such additions and corrections so directed by a judge.

20C. The Controller of Voters' Lists shall thereupon forthwith transmit to the Chief Electoral Officer twenty-three copies of the list of voters for each closed-list polling division included in the electoral district in which an election has been directed, such list including the last complete reprint of the list with any subsequent printed corrections thereof and additions thereto and the special list of corrections and additions prepared under the last preceding section.

(2) If for any electoral district more than one member is to be returned the number of copies of the list to be so transmitted to the Chief Electoral Officer shall be increased by twenty copies for each member to be returned in excess of one.

20D. The Controller of Voters' Lists shall also immediately prepare and transmit to the judge a list of all applications for registration as a voter or for the correction of the voters' lists in such electoral district which have been received by him and have not been rejected, but upon which the necessary action to add to or correct the lists has not been taken.

(2) The Controller of Voters' Lists shall also transmit to each of the persons by whom such applications have been made, respectively, a notice in Form or Form in Schedule One to this Act of the special sittings of the judge hereinafter provided for.

(3) The Controller of Voters' Lists shall also prepare and transmit to the Chief Electoral Officer for delivery to candidates through the returning officer a number of copies of the list as sent to the judge equal to four times the number of candidates to be returned from the electoral district.

20E. Every judge shall, upon receipt of such notification as in the last preceding section mentioned or upon his otherwise receiving notice that an election is to be held in an electoral district wholly or partly contained in his judicial district, send or cause to be sent to every person by or in respect of whom there is at the time pending before him any application under the *Dominion Voters' Lists (Cities) Act*, which would or might not under the arrangements theretofore made be disposed of before the Monday intervening between nomination and polling days, a notice by registered mail that, for the purpose of the pending election, he will, in the event of the poll being required, hold a special sitting, on the said Monday (or if it is a holiday, then on the following day) at ten o'clock in the forenoon at a place to be stated in the notice, for the purpose of dealing with the said applications, which said notice may be in one of the Forms 2, 3 or 4 in Schedule 1 to this Act, as the case may require.

(2) In case the judge is prevented from acting by reason of illness or otherwise, he may appoint some other person, being a barrister of not less than five years' standing, to act for him in disposing of such applications as may be made at the sittings aforesaid.

(3) If any person, the entry of whose name in any list of voters has been objected to, does not appear at such sittings, and the evidence given on behalf of the objector, although insufficient to establish the validity of the objection, is sufficient to render gravely doubtful the qualification of the person objected to, the judge may direct the name of such person to be struck from the list for the purpose only of the pending election and without prejudice to such further proceedings as may, pursuant to any then outstanding notice, be taken in accordance with the provisions of the *Dominion Voters' Lists (Cities) Act*.

(4) The clerk of the court shall send to any returning officer, to whom has been directed a writ for an election in any electoral district wholly or partly contained in the judicial district, a certificate of every decision given by the judge between the date of the said writ and the close of the special sittings hereinbefore directed which involves any addition to or alteration of the list of voters for any polling division in the said electoral district.

(5) At such sittings the judge shall also hear and determine any applications which may be made to him by persons mentioned in the list forwarded to him by the Controller of Voters' Lists as hereinbefore provided.

(7) By repealing Sections twenty-nine and thirty of the said Act and substituting the following therefor:

29. Subject as hereinafter provided, every person, male or female, shall be entitled to be included in the list of voters in any polling division if at the date of his application to be so included he

- (a) is of the full age of twenty-one years, and
- (b) is a British subject by birth or naturalization, and
- (c) has been ordinarily resident in Canada for at least twelve months, and

(d) is resident in the polling division in the list of voters for which he applies to be included.

unless he or she

(e) is the Chief Electoral Officer or the Assistant Chief Electoral Officer,

(f) is a judge appointed by the Governor in Council,

(g) is an Indian ordinarily resident on an Indian reservation who did not serve with the naval, military or air forces of Canada in the war 1914-1918,

(h) is a prisoner undergoing punishment for an offence,

(i) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease,

(j) has within two months received charitable support or assistance out of funds (other than private trust funds) administered under the direction of the Crown in the right of Canada or of any province thereof or out of the funds of any municipal corporation, or is legally responsible for the support of any other person who has within two months received such support or assistance, unless in either case, such support or assistance is given by reason of services performed in the naval, military or air forces of His Majesty,

(k) is disqualified by reason of his race from voting for a member of the Legislative Assembly of the province in which he resides, and did not serve in the naval, military or air forces of Canada in the war 1914-1918,

(l) is disqualified from voting under any law relating to the disqualification of voters for corrupt or illegal practices.

(8) By repealing section thirty-two of the said Act and Schedule A to the said section and substituting the following therefor:

32. In each open-list polling division a list of voters shall be prepared under the rules set forth in the schedule to this section.

(2) If, at the date of the issue of any writ of election, any provincial or municipal officer has in his possession a list of voters for any open-list polling division or part thereof, which has been prepared under the laws of the province and would be used with or without revision at a provincial or municipal election commenced at the same time as an election under this Act, and such provincial or municipal officer can, within such time after demand as to permit the use thereof under this Act, supply one or more copies of such list as may be required, the returning officer shall obtain such copy or copies, and the same shall, in the open-list polling division to which the list refers, be used for the purpose of the election under this Act as in the Schedule to this section provided.

(3) The legal custodian of any provincial or municipal voters' list shall deliver certified copies thereof, or any part thereof, as last revised and corrected, to any person applying therefor for the purpose of this Act, on payment of a fee not exceeding that, if any, allowed by the provincial law in the like case.

(4) If any such legal custodian refuses, or omits for an unreasonable time after application made, to so deliver he is guilty of an indictable offence against this Act punishable as in this Act provided.

(5) If any question arises as to whether any list, or which of two or more lists, prepared under the laws of a province, should be used as herein provided, the Chief Electoral Officer may direct the use under this section of such list as should in his opinion be used, and such list shall be used accordingly.

(9) By repealing Rule two of schedule B to section thirty-two of the said Act and substituting the following therefor:—

Rule (2). Each registrar shall take an oath as such in Form No. 6, and shall, at such time as the returning officer directs, prepare, in an index book in Form No. 17, a list of the persons who are qualified to vote at a Dominion election, and were resident in the polling division for which the registrar has been appointed on a day two months before the issue of the writs.

Rule (2A). Each registrar to whom the returning officer furnishes a copy of a provincial or municipal list of voters, and who is directed by the returning officer to use such list, shall transfer to the list prepared by him under this schedule, the names of such of the persons as appear on such provincial or municipal lists as are, in the opinion of the registrar, qualified to vote under this Act, and shall add to the list so prepared by him the addresses and descriptions of all such persons and the names, addresses and descriptions of all other persons so qualified to vote, although their names do not appear upon such provincial or municipal list.

Rule (2B). In the index book the names of the voters shall be grouped according to the initial letter of their respective surnames, and the groups shall be arranged in alphabetical order; the letter "W" in brackets, thus (W) shall be entered after the name of every female voter whose name appears in the list, the names of every married woman or widow being included in the alphabetical group determined by the first letter of the surname of her husband or deceased husband, as the case may be.

Rule (2C). Forthwith upon the completion of this list in the index book, each registrar shall forthwith prepare three plainly written copies thereof in Form No. 11.

(10) By inserting the following sections as sections thirty-two A, thirty-two B and thirty-two C thereof:

32A. Every person, who, having applied to have his name included in a list of voters prepared under the *Dominion Voters' Lists (Cities) Act*, has no reason to believe that his application has been refused or that the registration made thereon has been cancelled, and who applies under the last preceding section to have his name included in any list of voters prepared thereunder, shall be guilty of a non-indictable offence and liable to the penalties imposed in this Act upon persons guilty of such an offence.

32B. Every person, who applies under this Act to be registered as a voter in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, shall be guilty of an offence of personation and liable to the penalty imposed in this Act upon persons guilty of that offence.

32C. Any registrar appointed for any polling division pursuant to the provisions of section thirty-two or any schedule thereto who wilfully and without reasonable excuse includes in any list of voters prepared by him the name of any person whose name he has not good reason to suppose should be included therein, or who omits to include in such list the name of any person whom he has good reason to believe has the right to have his name so included, shall be guilty of an offence punishable on summary conviction as in this Act provided.

(11) By repealing subsections one to four inclusive of section thirty-three of the said Act and substituting the following:—

33. When a by-election is directed to be held in any electoral district and there are in the custody of the Chief Electoral Officer copies of the lists of voters prepared for any previous election for the same Parliament in

the open-list polling divisions in such electoral district, it shall not be necessary to prepare preliminary lists in accordance with the provisions of section thirty-two of this Act, but the Chief Electoral Officer shall forward to the returning officer with the writ of election six copies of the lists of voters so in his custody.

(2) The returning officer shall furnish to each registrar three of such copies which the registrar shall post up, correct and certify as if the list had been prepared by him under Rules one to three inclusive in the schedule of the said section thirty-two and the list so corrected shall be the list for the polling division to which it relates.

(12) By repealing section thirty-four of the said Act and substituting the following therefor:—

34. Where it appears to the returning officer that there are in any polling division more than about three hundred voters qualified to vote, and in the opinion of the returning officer the number of voters likely to vote is such that they will not all be able conveniently to vote at a single polling station, the returning officer may, with the approval of the Chief Electoral Officer, provide within the polling division two or more adjacent polling stations, which shall if possible be in the same building.

(2) If for any open-list polling division it is proposed to establish two or more polling stations, the returning officer shall direct the registrar to divide his list for such polling division into two or more parts, each containing groups of names with different initial letters, as for example from A-K and L-Z, or as the case may be, and each polling division shall be designated by reference to the initial letters of the groups of names assigned to it.

(3) A deputy returning officer shall be appointed for each polling station and there shall be required to be furnished to him only such portion of the list of voters for the polling division as contains the names of the voters the initial letters of whose surnames fall within the group of letters designating such polling division, and the voters in such polling division shall be entitled to vote accordingly.

(13) By repealing clause (d) of subsection one of section thirty-six of the said Act.

(14) By inserting the following subsection in section thirty-six of the said Act as subsection 1 (a) thereof:

36 (1a). The Chief Electoral Officer shall, at the same time as, or immediately after, the despatch of the writ to the returning officer, send to him twenty-three copies of the list of voters for each closed-list polling division in the electoral district, as such list has been received by him from the Controller of Voters' Lists; provided that if more than one member is to be returned for such electoral district, there shall be so despatched an additional twenty copies of each such list for each member to be elected in excess of one.

(15) By repealing subsections one and two of section forty of the said Act and schedule three thereto and substituting the following therefor:

40. The Governor in Council shall fix the day for the nomination of candidates and the day for polling, and the days so fixed shall be named in the writ of election; at a general election the writs for all the electoral districts shall be dated on the same day and the same days shall be fixed for the nomination and the polling in all electoral districts.

(2) Subject as hereinafter provided, the day for the nomination of candidates at any election shall be a Monday and the day for the poll, if one is required, shall be the second Monday following nomination day.

(2a) The days for the nomination and for the poll may be fixed for a Tuesday instead of Monday and the interval between nomination and the poll may be shortened or lengthened by one day accordingly.

- (1) If the Monday on which either of such days would otherwise fall is a holiday as defined by the Interpretation Act; or
- (2) if, in the case of a general election, either of such days would otherwise fall on a day which is generally observed by the residents of any province as a day for religious exercise and is declared to be a holiday by the law of such province; or
- (3) if, in the case of a by-election, either of such days would otherwise fall on a day so generally observed in, and so declared by the laws of the province within which the electoral district in question lies.

(16) By inserting the following section in the said Act as section 40A thereof:

40A. The returning officer shall, on the request of any candidate who has been duly nominated and to whom a receipt for his deposit has been given, immediately deliver to such candidate (a) twenty-five copies of this Act and of any printed instructions issued by the Chief Electoral Officer in respect of the conduct of the election and (b) five copies of the list of voters for each closed-list polling division in the electoral district.

(2) If, however, there have been nominated, or appear likely to the returning officer to be nominated before the close of nominations, a number of candidates exceeding four times the number of members to be elected, the number of copies of the lists of voters to be furnished to each candidate as aforesaid shall be reduced accordingly; such number may, on the other hand, be increased if a smaller number of candidates is in fact nominated, provided that each candidate receives an equal number of copies or that all candidates consent to the distribution being unequal.

(3) The returning officer shall, before the delivery to any candidate of the copies of the lists of voters to which he is entitled under the provisions of this section, correct one thereof in accordance with any certificates of decisions of the judge already received by him from the clerk of the court, and if any such certificates are so received after the delivery to any candidate of the copies of the lists of voters to which he is entitled, the returning officer shall give such candidate notice of the effect of such decisions.

(4) The returning officer shall keep in his office for reference on request during ordinary office hours a complete set of the lists of voters received by him for all the closed-list polling divisions in the electoral district and shall also retain in his custody an additional copy of the list of voters for each such polling division, which he shall send or deliver to the deputy returning officer for the polling division with the ballot box, the ballot papers and other supplies for the poll.

(5) If any advance poll is authorized to be established for any place in the electoral district, a third copy of the list of voters for each polling division in such place shall be retained by the returning officer in his custody and sent or delivered to the deputy returning officer for each such advance poll with the ballot box, the ballot papers and other supplies for the poll.

(6) Upon the receipt from the clerk of the court of any certificate of any decision by the judge directing any connection of or addition to the list of voters for any closed-list polling division in the electoral district, the returning officer shall correct accordingly his own and the deputy returning officer's copy of the list affected, noting against the correction the words "Judge's correction" or the letters "J. C." with the date of the certificate, and shall verify such note with his initials; the effect of any certificate of any judge's decision received after the deputy returning officer's copy of any such list has been delivered to him shall, if time permits, be forthwith notified to such deputy returning officer by the returning officer.

(17) By repealing subsections one and two of Section fifty-three of the said Act and substituting the following therefor:—

53. Upon the production to the returning officer of a writing, signed by any candidate who has been duly nominated, whereby such candidate appoints a person whose name appears upon the list of voters for any closed-list polling division to act as agent for him at a polling station established for some other polling division, the returning officer shall issue to such agent a transfer certificate in Form 30A in Schedule One to this Act.

(2) Any candidate whose name appears upon the list of voters for any closed-list polling division shall be entitled at his request to receive a like transfer certificate entitling him to vote in any specified polling division instead of that upon the list for which his name appears.

(2A) The returning officer may also issue a like transfer certificate to any person whose name appears on the list of voters for any closed-list polling division and who has been appointed to act as deputy returning officer or poll clerk at the polling station established for any other polling division in the electoral district.

(2B) The registrar of any open-list polling division may issue a transfer certificate in Form 30 in schedule One to this Act to any candidate, deputy returning officer, agent or poll clerk who is on the list for the polling division for which such registrar has been appointed and who, being a candidate, requests the registrar so to do, or being a deputy returning officer, agent or poll clerk, satisfies the registrar by the production of his appointment in writing that he has been appointed to act as such deputy returning officer, agent or other poll clerk at the polling station established for some other polling division.

(2C) The returning officer or any registrar by whom any transfer certificate is issued (a) shall sign such certificate and mention thereon the date of its issue, (b) shall consecutively number every such certificate in the order of its issue, and (c) shall not issue any such certificate in blank.

(18) By repealing subsection one of Section fifty-seven of the said Act and substituting the following therefor:—

on the list of voters for a closed-list polling division shall be entitled to vote at the polling station established for such polling division, provided

57. Subject as hereinafter provided, every person whose name appears that he is a British subject of the full age of twenty-one years, was ordinarily resident (as hereinafter defined) in Canada during the twelve months immediately preceding the issue of the writ of election, is not disqualified from voting, and has within six months resided at the address given for him in the list of voters.

(1A) Subject as hereinafter provided, every person whose name appears on the list of voters for an open-list polling division shall be entitled to vote at the polling station established for such polling division, provided that he is a British subject of the full age of twenty-two years, was ordinarily resident in Canada during the twelve months immediately preceding the issue of the writ of election, and is not disqualified from voting, and provided further that:

- (a) At a general election, he was resident (as hereinafter defined) in the electoral district on the day two months before the date of the issue of the writs of election, or
- (b) At a by-election he was resident (as hereinafter defined) in the electoral district during the two months immediately preceding the date of the issue of the writ for the said election.

(1B) The following rules shall apply to the interpretation of the words "resident" and "resided" in this section and in any other sections of the Act in which the said words or either of them are used with respect to the right of a voter to vote:

- (a) Subject as provided in the succeeding clauses of this subsection, the question where a person is or was resident or is or was resident at any material time or during any material period shall be determined by a reference to all the facts of the case, including the proprietorship or tenancy of the residential quarters, the relationship of the person to the proprietor, tenant or actual occupants thereof, and the dependency or otherwise of such person.
- (b) Any person on active service with the naval, military or air forces of Canada shall be deemed to continue to reside in the polling division in which such person was resident at the time of enrolment for such active service unless such person thereafter elects to establish some other residence in Canada.
- (c) A minister, priest or ecclesiastic of any religious faith or worship, who at the time of his being included in the list of voters for any polling division, or of his applying to be so included, is in charge of or permanently attached for duty to an established place of worship or a recognized mission of his church or religious denomination in or in the neighbourhood of such polling division, shall, if otherwise qualified, be deemed to have the residential qualification necessary to entitle him to vote at the polling station established for such polling division, irrespective of the length of time he has been resident in the electoral district.
- (d) Any teacher, who at the time of his being included in the list of voters for any polling division, or of his applying to be so included, is employed in teaching at a school in or in the neighbourhood of such polling division pursuant to a contract duly made with the educational authority controlling such school, shall, if otherwise qualified, be deemed to have the residential qualification necessary to entitle him to vote in such polling division, irrespective of the length of time he has been resident in the electoral district.
- (e) A pupil in actual attendance at any educational institution in the electoral district, who, at the time of his being included in the list of voters for any polling division, or of his applying to be so included, has, for at least seven of the twelve months immediately preceding such time been registered as a pupil and has been in regular attendance at the educational institution aforesaid, shall, if otherwise qualified, be deemed to have the residential qualifica-

tion necessary to entitle him to vote in such polling division, irrespective of the length of time he has been resident in the electoral district.

- (f) No person shall at any time be deemed to be resident in quarters or premises which, though sometimes or ordinarily occupied by him or his family in some or all of the months between May and October inclusive, ordinarily remain vacant and unoccupied from the month of November to April inclusive, or during the greater part of the period included in the said months.

(19) By repealing subsection one of Section fifty-nine of the said Act and substituting the following therefor:—

59. A voter, whose name appears on the list of voters for the polling division at the polling station established for which he applies to vote, shall, before receiving a ballot paper, if so required by the deputy returning officer, the poll clerk, one of the candidates, an agent of a candidate, or any elector present, take an oath as hereinafter provided, and if he refuses to take the same, erasing lines shall be drawn through his name in the poll book and the words "Refused to be sworn" shall be written thereafter.

(1A) The oath so required to be taken by any voter shall be as follows:—

- (a) In any closed-list polling division, an oath in Form 33 in Schedule One to this Act; or
- (b) In any open-list polling division, at a general election, an oath in Form 33A in the said Schedule; or
- (c) In any open-list polling division, at a by-election, an oath in Form 33B in the said Schedule.

(20) By repealing Section sixty-four of the said Act and substituting the following:—

64. Subject as hereinafter provided, any person who is a British subject of the full age of twenty-one years, was ordinarily resident in Canada during the twelve months immediately preceding the issue of the writ of election, is not disqualified from voting, and is resident in the polling division for which the polling station at which he applies to vote has been established, may vote at such polling station, notwithstanding that his name does not appear on the list of voters for such polling division, provided, at a general election, that he was resident in the electoral district on a day two months before the date of the issue of the writs of election, or that, at a by-election, he was resident in the electoral district during the two months immediately preceding the date of the issue of the writ for such election.

(2) Any such person may vote as aforesaid upon:

- (a) his being vouched for by some other voter whose name appears upon the list for such polling division, and who personally attends at the polling station with him, and takes an oath in Form 36 in Schedule One to this Act, and
- (b) himself taking an oath either in Form 33A or 33B as the case requires, and also an additional oath in Form 35.

Upon the said oaths being taken as herein provided, the name of the voter so applying to vote shall be added to the voters' list and shall be entered in the poll book with a note of the fact of the oaths having been taken and of the name of the person who has vouched for the voter as aforesaid.

(21) By repealing subsection two of Section seventy-one of the said Act.

(22) By repealing section eighty-five of the said Act and substituting the following:—

85. Any person who votes, or induces or procures any other person to vote, at an election, knowing that he, or such other person, is for any reason disqualified, non-qualified or incompetent to vote at such election, shall be guilty of an illegal practice and of an offence against this Act punishable on summary conviction as in this Act provided.

2. Upon the trial of any person accused of violating this section, when it is proved that the person in respect of whose vote the prosecution is had, voted at such election, the burden of proving that such person was qualified to vote, or, if such person was disqualified, non-qualified or incompetent to vote, that the accused did not know thereof, shall be upon the accused. 1920, c. 46, s. 30; 1925, c. 42, s. 34.

(23) By repealing subsection one of Section one hundred and two of the said Act and substituting the following therefor:—

102. Subject as hereinafter provided, every person, who is employed either by a railway company or on a vessel or as a commercial traveller and is obliged, in the course and by reason of his said employment, to be absent from time to time from his ordinary place of residence, may vote in advance of polling day at an advance poll established under this section if he has reason to believe that because of necessary absence from his place of residence in the pursuit of his employment, he is likely to be unable to vote on polling day in the polling division on the list for which his name appears.

(24) By repealing subsection eight of Section one hundred and two of the said Act and substituting the following therefor:—

(8) Advance polls shall be open and shall only be open between the hours of seven and ten o'clock in the afternoons of the Thursday and the Friday immediately preceding polling day and between the hours of two and ten o'clock in the afternoon of the Saturday immediately preceding polling day.

(25) By repealing subsections ten to twenty-three inclusive of Section one hundred and two of the said Act and substituting the following therefor:—

(10) The deputy returning officer at every advance poll established for the purpose of receiving the votes of persons resident within any closed-list polling divisions shall be furnished by the returning officer with a set of corrected copies of the lists of voters for such polling divisions.

(11) No person shall be entitled or permitted to vote at an advance poll unless:

- (a) he is a person whose name appears on the list of voters for a closed-list polling division in the place or one of the places for which the advance poll is established and signs, at the polling station, a declaration in Form 53A in Schedule One to this Act, or
- (b) he produces to the deputy returning officer a certificate in Form 54 from the registrar of an open-list polling division in the place or one of the places for which the advance poll is established, and signs, in the presence of the deputy returning officer, a declaration in Form 55,

and unless, in either case, he takes, if so required, the appropriate oath in Form 33, 33A or 33B.

(12) The registrar for any open-list polling division within which any place mentioned in Schedule Two is wholly or partly contained shall, on application of an elector whose name appears on the list of voters of such polling division, issue *gratis* to such elector's attendance and request made in person, but not otherwise, a certificate in Form No. 54, and shall forthwith thereafter enter in the "Remarks" column of his list of voters, opposite the name of such elector, the words "Advance Poll".

(13) Every registrar authorized to issue certificates to vote at advance polls shall attend for the purpose at such times and places as may be directed by the Chief Electoral Officer, who may specify what public notice, if any, is to be given by such registrar that he will so attend.

(14) If, at the time of issue of such certificate, the registrar has already delivered to the deputy returning officer the official list of voters, the registrar shall issue certificate in duplicate and forthwith deliver to the deputy returning officer one of such duplicates, whereupon the deputy returning officer shall make, opposite such name on the official list of voters, the like entry, which shall produce the like effect.

(15) For the purposes of the election officers at any ordinary polling station established for an open-list polling division, persons who have secured a certificate in Form No. 54 shall be deemed to have already voted: Provided, however, that if an elector who has obtained such a certificate does not vote at an advance poll, he shall be entitled to vote on polling day at the polling station on the list for which his name appears upon surrendering to the deputy returning officer who shall then and there cancel such certificate and the entry concerning the same on the official list of voters and such elector shall then be entitled to vote as if such certificate had never been issued.

(16) There shall be no list of electors nor poll book supplied to or kept at an advance poll, but the poll clerk thereat shall assist the deputy returning officer as required; he shall, on the copy of the voters' list for closed-list polling divisions and on the certificates issued by the registrars for open-list polling divisions, make such notations as, if there were a poll book, he would be required by this Act to make opposite the voters' name therein.

(17) At the close of the poll each day, the deputy returning officer shall in the presence of such of the candidates or their agents or of the electors representing candidates as may be entitled to be present and are present:—

- (a) unseal and open the ballot box,
- (b) empty the ballots (in such manner as not to disclose for whom any elector has voted) into a special envelope supplied for the purpose,
- (c) seal such envelope,
- (d) count the unused ballots and the declarations and certificates which up to that time have been made and presented,
- (e) place the unused ballots and the declarations and certificates in another envelope which shall be supplied for the purpose.
- (f) endorse thereon the number of such unused ballots and the number of such declarations and the number of such certificates, and
- (g) seal up the said envelope.

The deputy returning officer shall and such candidates and their agents or electors representing candidates as are present may affix their seals or signatures to both envelopes and the deputy returning officer shall then place both envelopes in the ballot box and lock the same and the deputy returning officer shall and every candidate or agent present who desires to do so may affix their respective seals and signatures to the ballot box in such a manner that the box cannot be opened or anything deposited therein or removed therefrom without breaking such seals.

At the re-opening of the poll each day the ballot box shall be opened by the deputy returning officer in the presence of such of the candidates or their agents or of the electors representing candidates as may be entitled to be present and are present and the envelope containing the unused ballots shall be taken out and opened, the ballot box being immediately thereafter locked and kept locked except as herein otherwise provided.

(18) The deputy returning officer shall, at six o'clock in the afternoon of polling day, attend with his poll clerk at the polling station where the advance poll was held, and there, in the presence of such of the candidates and their agents as may attend, open the ballot box and the sealed envelopes containing ballots, count the votes and take all other proceedings provided by this Act for deputy returning officers and poll clerks in connection with the conduct of an election after the close of the poll, except that such statements and other documents as other provisions of this Act may require to be made and to be written in or attached to the poll book shall be made as so required and be annexed to the declarations and certificates in this section referred to.

(19) Subject as hereinbefore provided the procedure at advance polls shall be as nearly as possible the same as that directed to be followed at the ordinary polls on polling day.

(20) Any person who corruptly

(a) for the purpose of obtaining from a registrar a certificate in Form in Schedule 3 to this Act, makes to such registrar any false statement; or

(b) being a registrar for a polling division, issues any such certificate to any person whose name is not on the list for such polling division or whom he has not good reason to believe to be a person entitled to obtain such certificate;

(c) forges or fabricates any such certificate, or any name thereon, or not being the person named therein, presents any such certificate to any deputy returning officer or poll clerk at any polling station for the purpose of voting thereon; or

(d) makes before any deputy returning officer a false declaration; or

(e) after having obtained from a registrar a certificate in the Form in Schedule 6 to this Act, votes or attempts to vote at the polling station established in the polling division on the list for which his name appears without presenting such certificate to the deputy returning officer at such polling station; or

(f) in any other manner contravenes any provision of this section; is guilty of an offence against this Act punishable on summary conviction as by this Act provided.

(2) By cancelling Form 33 in Schedule One to the said Act and substituting the following three forms:—

FORM No. 33

Oath of Qualification (Closed-list polling division).

You swear that you are a British subject of the full age of twenty-one years and that you have been ordinarily resident in Canada for the twelve months last past and that within the last six months you have actually resided or had a personal or family home at (*stating the address given for the voter in the list*), and that you are not within any of the classes of persons who are disqualified from voting by reason of their being judges,

Indians, prisoners, lunatics or paupers or by reason of race or employment for pay or reward in reference to the election, and that you have not been guilty of any disqualifying, corrupt or illegal practice, and have not already voted in this election. So help you God.

FORM No. 33A.

Oath of Qualification (Open-list polling division: General Election)

You swear that you are a British subject of the full age of twenty-one years, that you have ordinarily resided in Canada for the twelve months immediately preceding the day of , 19 (*naming the day of the issue of writs of election*), that you were ordinarily resident in this electoral district on the day of , 19 (*naming the day two months before the day of the issue of the writs of election*), that you are not within any of the classes of persons who are disqualified from voting by reason of their being judges, Indians, prisoners, lunatics or paupers or by reason of race or employment for pay or reward in reference to the election, that you have not been guilty of any disqualifying, corrupt or illegal practice, and that you have not already voted in this election. So help you God.

FORM No. 33B.

Oath of Qualification (Open-list polling division: By-elections).

You swear that you are a British subject of the full age of twenty-one years, that you have ordinarily resided in Canada for the twelve months and in this electoral district for the two months immediately preceding the day of , 19 (*naming the date of the issue of the writ of election*), that you are not within any of the classes of persons who are disqualified from voting by reason of their being judges, Indians, prisoners, lunatics or paupers or by reason of race or employment for pay or reward in reference to the election, that you have not been guilty of any disqualifying corrupt or illegal practice, and that you have not already voted in this election. So help you God.

(2) By inserting the following form as Form 53A:—

FORM 53A.

Declaration at Advance Poll.

(To be made by voter on list for closed-list polling division).

I, the undersigned, do declare that I am the person described on the list of voters for Polling Division No. in this electoral district as (*setting out the number, name, address and occupation as given in the list*); that I am (*insert either (a) a commercial traveller, or (b) employed by the Railway Company (naming it), or (c) employed on the vessel known as the (naming it)*), and that I am obliged in the course and by reason of my said employment to be absent from time to time from my ordinary place of residence, and that I have reason to believe that, because of necessary absence therefrom in the pursuit of my said employment, I am likely to be unable to vote on polling day in the above mentioned polling

division, and that I am aware that any mis-statement in this declaration, or any attempt to vote on polling day, after having voted or attempted to vote at this advance poll will render me liable to imprisonment.

Signature of declarant.

Signed in my presence
at the advance poll
in
this day of
19

Deputy Returning Officer.

(28) By cancelling Forms 54 and 55 in Schedule One of the said Act and substituting the following:—

FORM No. 54.

Certificate to a Railway Employee, Sailor, or Commercial Traveller entitled to vote at an Advance Poll (Sec. 102).

I, the undersigned registrar for Polling Division No. _____ of the electoral district of _____ hereby certify:

1. That (*insert full name, occupation and full address*), whose ordinary residence is at _____ is an elector whose name appears on the list of voters for the said polling division prepared by me for the purposes of the pending Dominion election.

2. That, said elector on this _____ day of _____, 19 _____, having personally attended before me and request of me a certificate enabling him to vote at such election in advance of polling day, I, being satisfied that he is a person who is entitled under the said section 102 of the *Dominion Elections Act* to vote at the advance poll established for (*naming the place in which the polling division is situate*), have required him to sign his name hereunder, and this by him first done, I have signed and issued this certificate.

.....
Signature of voter

.....
Signature of registrar.

FORM No. 55.

Statement of Identification and Declaration
(Sec. 102).

I, the undersigned, declare that I am the elector mentioned in the above certificate, and that I am (*insert either (a) a commercial traveller, or (b) employed on the _____ Railway Company (naming it), or (c) employed on the vessel known as the _____ (naming it)*) and that I am obliged in the course and by reason of ~~my~~ employment to be absent from time to time from my ordinary place of residence and that I have reason to believe that because of necessary absence therefrom in the pursuit of my employment I am likely to be unable to vote on polling day in the polling division above mentioned. I

am aware that any mis-statement in this declaration or any attempt on polling day after voting or attempting to vote at this advance poll will render me liable to imprisonment.

.....
Signature of voter.

Signed in my presence
at the advance poll
in
this day of
19

.....
Deputy Returning Officer.

(29) By substituting the expression "open-list polling division" for the expression "rural polling division" wherever it occurs in the said Act.

SCHEDULE ONE

Places and areas to which the Act applies: Section 3.

(Note: The name refers to the municipality, unless otherwise stated.)

Alberta.—Calgary, Edmonton.

British Columbia.—Vancouver, Victoria.

Manitoba.—Winnipeg North, Winnipeg North Centre, Winnipeg South, Winnipeg South Centre (electoral districts), and that part of the city of Winnipeg included in the electoral district of St. Boniface.

New Brunswick.—St. John.

Nova Scotia.—Halifax, Sydney.

Ontario.—Brantford, Fort William, Hamilton, Kingston, Kitchener, London, Ottawa, Peterborough, Sault Ste. Marie, Toronto, Windsor, York South (electoral district), York West (electoral district).

Quebec.—Hull, Lachine, Montreal, Outremont, Quebec, Sherbrooke, Three Rivers, Verdun, Westmount.

Saskatchewan.—Regina, Saskatoon.

Memorandum of Possible Additions to Schedule One.

British Columbia.—New Westminster.

Manitoba.—Brandon, St. Boniface.

New Brunswick.—Moncton.

Nova Scotia.—Glace Bay.

Ontario.—Guelph, Niagara Falls, Port Arthur, St. Catharines, St. Thomas, Sarnia, Stratford, Timmins.

Saskatchewan.—Moosejaw.

SCHEDULE TWO

Provisions for Initial Registration.

1. As soon as possible after the coming into force of this Act, the Chief Electoral Officer shall send to the returning officer for the electoral district in which is situate any of the places or areas mentioned in Schedule 1, a direction to provide for a registration of voters in each such place or area; such direction shall be acted upon by each returning officer to whom it is addressed in the same way as if it was a writ of election directed to him under the *Dominion Elections Act*.

2. Every person, male or female, shall be entitled to be registered as a voter hereunder if he or she, at the date of his application:

- (a) is of the full age of 21 years, and
- (b) is a British subject by birth or naturalization, and
- (c) has been ordinarily resident in Canada for at least twelve months, and
- (d) is resident in such polling division.

unless he or she:

- (e) is the Chief Electoral Officer or the Assistant Chief Electoral Officer,
- (f) is a judge appointed by the Governor in Council,
- (g) is an Indian ordinarily resident on an Indian reservation who did not serve with the naval, military or air forces of Canada in the war 1914-1918.
- (h) is a prisoner undergoing punishment for an offence,
- (i) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease.
- (j) has within two months received charitable support or assistance out of funds (other than private trust funds) administered under the direction of the Crown in the right of Canada or of any province thereof or out of the funds of any municipal corporation, or is legally responsible for the support of any other person who has within two months received such support or assistance, unless, in either case, such support or assistance is given by reason of services performed in the naval, military or air forces of His Majesty,
- (k) is disqualified by reason of his race from voting for a member of the Legislative Assembly of the province in which he resides and did not serve with the naval, military or air forces of Canada in the war 1914-1918,
- (l) is disqualified from voting under any law relating to the disqualification of voters for corrupt or illegal practices.

3. Every returning officer to whom any such direction is addressed shall be entitled to demand and to obtain from the legal custodian thereof any by-laws, orders, proclamations or other documents of proceedings, or certified duplicates or copies of any such by-laws, orders, proclamations or other documents of proceedings, defining the boundaries of the provincial or municipal polling divisions as laid off in such place or area.

4. Each returning officer shall thereupon make such re-arrangement of the boundaries of the polling divisions as are in his opinion necessary in order that each polling division shall be likely to contain as nearly as possible three hundred voters resident therein and entitled to have their names included in the lists of voters, provided, however, that if it has been the practice locally to establish two or more polling stations in any municipal or provincial polling division and the Chief Electoral Officer approves of such practice being followed in elections under the *Dominion Elections Act*, the boundaries of any polling division may be so laid off that the number of probable voters therein will be as nearly as possible twice or three times three hundred.

5. The returning officer shall thereupon group together the polling divisions into registration districts, each containing about five or six polling divisions, and shall prepare descriptions of the boundaries of such registration districts.

6. Forthwith after defining the boundaries of the polling divisions as aforesaid, each returning officer shall transmit to the Chief Electoral Officer a description of such boundaries and of the manner in which they are grouped into registration districts as aforesaid.

7. Each returning officer shall for each of the registration districts appoint in writing in Form 5 in Schedule 1 of the *Dominion Elections Act* hereto, two persons to be registrars of voters for each such district, and shall require each

of such persons before acting as registrars to take the oath in Form 6 in the said Schedule.

8. Each returning officer shall also appoint a place in each registration district at which the registrars shall sit as hereinafter provided for the registration of voters.

9. The returning officer shall cause to be printed a notice describing the boundaries of each of the registration districts, giving the names of the registrars for each thereof, setting out the registration office at which such registrars will attend for the registration of voters, and stating the days and hours during which such offices will be open. A sufficient supply of copies of such notice shall be furnished by the returning officer to the registrars, who, at least three days before the commencement of the registration, shall cause six copies for each thousand of the population to be posted up in conspicuous places throughout the registration district, and, before nine o'clock on the morning of the day the registration commences, shall cause an additional five copies to be posted up outside of and near to the place where they sit for the registration of voters; they shall see that these latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up throughout the whole period of registration.

10. The returning officer shall also furnish to the registrars at each place of registration a sufficient supply of the necessary forms of application for registration (each of which shall bear a different consecutive number and shall have a detachable stub bearing the same number), for a list of voters registered, for a return of refused applications for registration, and for a return of spoiled applications for registration.

11. The returning officer shall carefully record the consecutive numbers of all forms of application furnished for use at each registration office.

12. Every registration office shall be open for the registration of voters from nine o'clock in the forenoon until nine o'clock in the afternoon on six week days to be fixed by the Chief Electoral Officer and notified to the returning officer, and both registrars shall remain continuously in attendance at such office while the same is open, except that each shall be entitled to be absent at different times for not more than three hours in any day and not more than one and a half hours on any one occasion. Subject to the instructions of the returning officer the registrars appointed to act any registration office may arrange for the division of the work between them during the time they are both in attendance.

13. If at any time the number of applications for registration at any registration office is such that the registrars cannot promptly dispose of them, the returning officer may, with the approval of the Chief Electoral Officer, appoint an additional registrar or additional registrars for such office or may provide clerical assistance for the registrars acting thereat.

14. Any person resident in any polling division included in the registration area may make application for registration at the registration office for the registration district in which such polling division is included, and every person who so applies as hereinafter provided and is qualified to vote shall be entered in the list of voters for the polling division in which he resides. Every person applying to be registered shall sign a form of application in which all the information required by the said form shall be completely filled in either by the applicant personally or by a registrar at the applicant's request.

15. Before entering the name of any such person in the list of voters the registrar shall, if the applicant so requests, give him any information he desires as to the effect of the statements required to be made in the application and shall satisfy himself that the applicant understands the effect of such statements.

16. If it appears to the registrar that the applicant understands the effect of such statements and it appears to him that the applicant is qualified as

hereinbefore provided, he shall notify the applicant that his registration is accepted and shall certify accordingly by signing the appropriate certificate on the stub of the application which he shall forthwith detach and deliver to the applicant.

17. If, in the opinion of the registrar, the statements made by the applicant in his application do not show the applicant to be qualified as hereinbefore provided, he shall notify the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. He shall also certify the fact of the refusal of such application by signing the appropriate certificate on the stub of the form of application and shall detach and deliver such stub forthwith to the applicant.

18. No registrar shall permit any form of application for registration to be taken from the registration office, and in case any such form is spoiled the same shall be carefully preserved by the registrar with the stub thereof and he shall record the number of such form in the return of spoiled applications.

19. The completed forms of application for registration which the registrar has accepted shall be segregated according to the polling divisions to which the same respectively belong, and such forms shall, at or before the conclusion of the registration, be arranged by the registrar in exact alphabetical order. The registrar shall thereupon prepare a complete list in alphabetical order of the voters for each polling division, and a number of copies thereof equal to the number of candidates nominated in the electoral district of the last preceding election therein.

20. Any completed applications in respect of which the registrar has issued a certificate of refusal to register shall also be segregated according to the polling division in which the applicant resides and shall be attached to a return in the prescribed form.

21. Within one week after the close of the sittings for registration the registrars at each registration office shall transmit to the returning officer:

- (a) The bundles of accepted applications for registration for each polling division, the forms of application in each bundle being arranged alphabetically as aforesaid, and each bundle being carefully marked with the number of the polling division to which the applications belong.
- (b) The lists of voters and copies thereof for each polling division.
- (c) The bundles of rejected applications for registration for each polling division with attached to each the return thereof in the prescribed form.
- (d) A bundle of the forms of applications spoiled at the registration office with attached thereto a return thereof in the prescribed form.
- (e) A bundle of unused forms of application with attached thereto a memorandum of the consecutive numbers thereof, and
- (f) All other unused forms and supplies.

22. It shall be the duty of the returning officer carefully to check the returns of application forms accepted, refused, spoiled and unused, to compare the same with his record of the consecutive numbers of the application forms supplied to each registration office and to satisfy himself that all application forms issued have been accounted for.

23. The returning officer shall thereupon transmit to the Chief Electoral Officer:

- (a) All the forms of applications accepted and refused;
- (b) One set of lists of voters for each polling division;
- (c) A report on the registration, with a certificate that all application forms issued have been accounted for; and
- (d) All unused forms and supplies.

24. The returning officer shall furnish to each candidate who was nominated in the last preceding election in the electoral district one copy of the list of voters for each polling division as prepared by the registrars; if, at the last preceding election, no poll was required in the electoral district, or if any candidate nominated thereat has died, a list of voters shall be furnished to such persons as the Chief Electoral Officer shall direct.

25. The Chief Electoral Officer shall, forthwith on their receipt by him, transmit to the Controller of Voters' Lists all forms of application received by him from the returning officers respectively and also the copy of the list of voters for each polling division so received.

26. The provisions of the *Dominion Elections Act* as to the transmission of papers, oaths, offences and penalties in connection with a registration under the said Act shall apply to the registration held hereunder.

27. The Chief Electoral Officer shall submit to the Governor in Council for approval a tariff of fees, costs, allowances, expenses to returning officers and other persons employed in or with respect to the registration of voters held hereunder, and payments according to such tariff shall be made in the same way and subject to the same conditions as if such tariff had been approved by the Governor in Council pursuant to section seventy-seven of the *Dominion Elections Act*.

FILED BY TOM MOORE

MEMORANDUM on *Electoral Reform and Election Act Amendments*
Submitted to the Special Committee of the House of Commons
on behalf of the Trades and Labour Congress of Canada,
Ottawa, Wednesday, March 20th, 1929.

1. Re-election of Cabinet Ministers

R.S. Cap. 147
Secs. 13, 14
(Bill 13)

Believing that the system which prevails of demanding that those accepting cabinet portfolios return to their constituencies to seek re-election immediately after a general election is a waste of time, money and energy, we suggest that the necessary legislative changes be enacted which would abolish this practice where such promotions are made within two years subsequent to a general election.

In making this request it is not intended that those who may be appointed to cabinet positions and have not, at the time, a seat in Parliament should hold such offices without securing election as members of Parliament.

The change herewith submitted would make possible a much freer choice of cabinet ministers according to their suitability and qualification of the office instead of such choices being governed, as we believe has often been the case, by their ability to retain the constituency for the party in power.

5.21

2. Appointment and Control of Returning Officers

From time to time cases arise which emphasize the need for some change in the method of appointment and control of returning officers and their subordinates charged with the conduct of federal elections. These circumstances, we believe, can be attributed to the present practice of making appointments of returning officers a matter of party patronage. Feeling that they owe their appointment to the political party to which they belong, the same practice is followed by them in making their appointments of poll clerks, etc.

The interjection of political partyism into what should be an impartial state function not only lends itself to the arousing of suspicion as to unfair practices but also, in the case of elections following each other in close sequence, leads to inefficiency through the replacement of returning officers before they have had a fair opportunity to become fully acquainted with their duties.

By the legislation enacted in 1920 provision was made for the appointment of a chief electoral officer and for the safeguarding of his administrative authority against undue political interference. The success which has attended the removal of this important office from the field of party politics leads us to express the opinion that the extension of similar protection to the positions of returning officers would remove much of the dissatisfaction as to the conduct of elections which now exists.

We recommend that all official election appointments should be made on a non-political basis and that the incumbents should be thereafter under the full control of the chief electoral officer, returning officers not to be subject to removal from office except for just cause and on the recommendation of the chief electoral officer.

Tenure
of office.

3. *Proportional Representation and Transferable Vote*

Under the present system of representation, the House of Commons does not always bear comparison to the actual numbers casting their ballots in favour of the respective political groups and as a step towards making it more representative of the people, we would ask for changes in the Election Act so as to provide for proportional representation in group constituencies and the use of the transferable vote in single member constituencies.

4. *Election Day Half Holiday*

During the 1925 session of Parliament an amendment to the Election Act was passed by the House of Commons providing for a half-day holiday on Election Day, but this failed to become law owing to an error in the same not being incorporated in the Bill sent to the Senate. In view of this, the Government passed an Order in Council providing for a half-day holiday for the Federal elections, held in 1925. This Order in Council was not clear, however, as to whether the holiday should be an extension of the provision for two hours' time, with pay, which exists in the present Act and a certain amount of dissatisfaction and confusion arose therefrom. We, therefore, recommend that the Election Act be amended so as to make it compulsory for employers to grant a half-day holiday, with pay, to all workers on Federal election day.

Election day.
Half holiday

5. *Contributions to Election Funds*

Clause 10 of the Franchise Act, 1920, prohibits unincorporated associations, such as trade unions, etc., from making voluntary contributions towards election campaigns and Clause 11 of the Franchise Act, 1920, prohibits any person not being an elector and who resides without Canada from assisting in any manner in election campaigns.

Sec. 9.

These sections work particular hardship to candidates dependent upon small contributions towards election expenses inasmuch as they prevent subscriptions being taken up at trade union and similar gatherings and we, therefore, ask that these two sections be repealed. It is true they have not been strictly enforced. This, however, only creates a lack of respect for the law as a whole and, we venture to assert, is an added argument for their repeal.

6. Abolition of forfeiture of Election deposits

5.40

The forfeiture of election deposits as called for in the present Act creates a hardship and is in the nature of a penalty on poverty. In a free democracy integrity and ability should supersede wealth as a qualification for election to Parliament. We, therefore, suggest the abolition of all election deposits and forfeiture of same, and the substitution thereof of a qualifying requirement that a candidate should secure a stated number of signatures of electors before his nomination can be accepted.

7. Voting by Seamen

5.102

The present advance polls are oftentimes of no value to seamen who are compelled to be away from home whilst following their employment and it is therefore requested that some provision be made in the Election Act so that seamen be privileged to exercise their franchise away from home when following their employment as seamen.

FILED BY JOSEPH A. CLARKE, EDMONTON, ALTA.

First: A printed List of Voters must be prepared in Every Case at least 6 months before election but not over two years before.

Second: The Proclamation of an Election by the Chief Election Officer shall designate only the Judicial Officer in each constituency who shall swear in the Returning Officers, the Assistant Returning Officers or more who must all be designated over two months. I would say at least three months before election, this Judicial Officer would also be Referee between the Returning Officer and his Assistant (or where there is three or more candidates for one seat assistants).

Third: Taking the constituencies of each province alphabetically the party having the largest representation in the House of Commons at dissolution shall, if they have a candidate, then this candidate shall name the Returning Officer, the next largest party candidate shall name the First Assistant to the Returning Officer and so on till all candidates nominated say three months before election are represented officially among the officers of the election.

Fourth: All pronouncements by the Returning Officers must also be *signed* by HIS ASSISTANTS appointed as above, only disputes between any of these to be referred to and decided by the Referee.

Fifth: Taking the polls by numbers, the Returning Officer as above shall appoint the first Deputy Returning Officer. His First Assistant shall appoint the Poll Clerk. His Second Assistant shall appoint Assistant Poll Clerk or Constable or whatever you call him, and in the next numbered or lettered poll the First Assistant Returning Officer shall appoint the Deputy Returning Officer and so on rotating till all are filled pro rata in the various offices.

Sixth: Wrong acts in the Polls by any of these officials must be objected to in writing at the time, copy of such Protest to be given the one complained against with reasons, and witnesses if possible.

Seventh: A longer list than usual of those not eligible to official positions in the Polls to be preferred.

FILED BY MR. KENNEDY, M.P.

"Dominion Elections Act," 1920, Chapter 46; Amended 1921, Chapter 29; 1922, Chapter 20; 1925, Chapter 42; 1927, Chapter 53.

1. POWERS, DUTIES AND RESPONSIBILITIES OF CHIEF ELECTORAL OFFICER

Present Position

The present powers, duties and responsibilities of the Chief Electoral Officer are set out in Section 19 of the Act. Subsection 1 provides he shall rank as a deputy head of a department and shall hold office on the same tenure, and subject to removal only for the same cause and in the same manner, as a Judge of the Supreme Court of Canada. His salary is fixed at \$6,000 a year under the Amendment Act 1927, Chapter 53, the previous Chief Electoral Officer, Mr. Biggar, having \$12,000 a year and having in addition to perform duties as Legal Counsel to the Government.

Under subsection (a) his duty is to direct all Returning Officers and in case of incompetency and neglect to recommend their dismissal and the appointment of another.

Under subsection (b) he exercises general direction and supervision over the *administrative* conduct of elections with a view to insuring the fairness and impartiality of all election officers and compliance with the provisions of the Act.

Under subsection (c) it is his duty through the Speaker to report to the House of Commons after an election any matters arising in the course of an election which in his judgment ought to be submitted to the House of Commons.

Amendments Suggested

(a) That the Chief Electoral Officer should be a lawyer of considerable standing in his profession with a salary equivalent to a Judge of the Supreme Court, who could also perform additional duties for the Government such as Mr. Biggar did under Section 19 (d) before its repeal in 1927.

(b) That there should be appointed a Deputy Electoral Officer for each Province who should be the appointee of the Chief Electoral Officer, and such Deputy Electoral Officer should have full power to appoint, in conjunction with and subject to the approval of the Chief Electoral Officer, the Returning Officers in his Province. The Deputy Electoral Officer could be an appointee only for the particular election as he would only have about three months' work during that election, or if his appointment was for a more permanent period he would only be paid for the three months or so when he was employed.

(c) Subsection (a) of Section 19 should be amended by giving the Chief Electoral Officer power to dismiss immediately when he considers it advisable to do so, any Deputy Electoral Officer, or, with the concurrence of the Deputy Electoral Officer for a Province, any Returning Officer in that Province.

(d) Subsection (c) of Section 19 should be amended so as to make it clear that the duty of the Chief Electoral Officer in submitting his report to the House of Commons was not to be confined to purely administrative matters but should extend to every matter which in his opinion ought to be reported to the House, especially in connection with criminal breaches of the Elections Act.

(e) Section 74 of the Act should be amended to require the Chief Electoral Officer so that his suggestions as to amendments to the Act should not be confined to those of an administrative nature but should extend to all amendments which in his opinion should be inserted.

Comment

(a) As to this amendment The Dominion Elections Act is an Act which requires a competent lawyer to administer properly. No matter how efficient the present officer may be, and one is not any way reflecting upon his ability, it requires one with a competent legal training to properly enforce and interpret that Act and suggest the necessary amendments, especially having regard to the suggestion that it be part of his duties to strictly enforce the provisions of the Act and more particularly the criminal features of it. If there were such an appointee with a salary equivalent to that of a Supreme Court Judge and with the standing in his profession of a Supreme Court Judge, he would be just as free from political interference as a Supreme Court Judge.

The fact that it is suggested he be given full control over all the appointments under him would preserve impartiality in the course of the administration of the Act. It is now well known that the Government who happen to be in power at the time and has the control of the election machinery is supposed to have a decided advantage, but where all the appointments would be made from an independent head and all the administration enforced in a similar manner, it is submitted that this advantage would go.

(b) A considerable amount of trouble in the Athabaska Election was due to the fact that when complaints were made to the Chief Electoral Officer it was impossible for him to adequately attend to them, not only having regard to the number of electoral districts in the Dominion, but also to the distance from Ottawa.

The present Chief Electoral Officer in No. 1, page 4, says that with two hundred and forty-one Returning Officers throughout the Dominion, it is a physical impossibility to be able to check them all up from Ottawa.

By the appointment of a Deputy Electoral Officer in each province this official would be in direct touch with the Returning Officers in his province and not only be in a position to deal, but be able to deal quickly with any question arising in his province during the election.

This would not in any way detract from the responsibility of the Chief Electoral Officer as he would have the appointment of the Deputy Electoral Officer for each province and would have to be responsible for him to the House. The appointment of all Returning Officers would then be in the hands of the Deputy Electoral Officer for the province, subject to the approval of the Chief Electoral Officer, so that both these officials would be responsible for the appointment of the Returning Officers.

Under such circumstances it would be impossible to have such a position as arose in the Athabaska Election when the Returning Officer was a man who could not read or write and consequently took no part in the election, which was conducted in main by two men, one of whom at least was brought in from the United States though he had formerly lived in Alberta but had been absent for several years.

In No. 4 B-16 Mr. MacDonald of Cape Breton South says that the appointment of the Returning Officer is really in the hands of the Government and that so far as he has been able to learn, that is where the whole trouble arose in Athabaska. He says that if we can solve that difficulty he thinks we would have taken away the whole ground work of this trouble.

In No. 2 A-7 the present Chief Electoral Officer suggests the appointment of Provincial Officers as Returning Officers. This would of course be much better than the present position but it is submitted that in order to hold the Chief Electoral Officer responsible he should have with the Deputy Electoral Officer the appointment, and doubtless in many cases he would select for his own protection such Provincial Officers as the present Chief Electoral Officer has in mind. The Deputy Electoral Officer in each province, having a knowledge of the whole province which the Chief Electoral Officer has not, would

see that proper men were appointed. There is no doubt that the question of the appointments of Returning Officers goes to the whole root of the question.

In No. 2 A-10 the present Chief Electoral Officer says that if more power is given to the Chief Electoral Officer it would tend to prevent such corrupt practices as occurred in Athabaska.

In No. 1, page 13, the present Chief Electoral Officer again refers to the matter and says, "To my mind the whole thing hinges upon the appointment of the Returning Officer."

The present position is that all Returning Officers throughout the province are appointed by the Government in power which is very unsatisfactory as it means that they are political appointees and in consequence are not subject to that full control by the Chief Electoral Officer which is desirable. In addition, not being the appointees of the Chief Electoral Officer, one cannot hold the Chief Electoral Officer responsible for their misdeeds.

(c) Under Section 19 (a) if a Returning Officer misconducts himself the Chief Electoral Officer has no power to dismiss him, he having only power to recommend his dismissal. Owing to him being an appointee of the Government and not of the Chief Electoral Officer the latter might quite pardonably be slow to recommend his dismissal, and even if he did and the Government refused to accept his recommendation, then you would have the untenable position of a Returning Officer carrying on an election when in the opinion of the Chief Electoral Officer he was not fit to do so, and the Chief Electoral Officer endeavouring to exercise some control over an official whom he considered incompetent.

(d) The Chief Electoral Officer says in No. 2, pages 26-27, that it is not his duty to institute proceedings. We have accordingly the position that the Chief Electoral Officer is supposed to be in charge of the election throughout the Dominion and yet frankly admits that as the Act at present stands where any breaches of the Elections Act take place, there is no duty upon him to take the necessary steps to punish the offenders.

In No. 2 B-30 he says that no steps were taken either by Col. Biggar or himself to inquire into the irregularities in the Athabaska Election.

This position was clearly exemplified in the Athabaska election as though several complaints were made and it was notorious in the province of Alberta as to what took place in the Athabaska election, the Chief Electoral Officer felt it was not his duty to interfere and the provincial government considered it was the duty of the Dominion government to interfere. The result was that nothing was done until five private prosecutions were instituted in order to expose what actually took place and that a petition was filed in the House of Commons under the Corrupt Practices Act.

As the law at present stands, and as it then stood, it was thus left to the individual to enforce the Dominion Elections Act by bringing before the Courts those who had committed criminal breaches of it, but it should clearly be the duty of the state through the Chief Electoral Officer to do so and the necessary amendments should be made, not only to permit of him doing so, but to compel him to do so.

There is no doubt that a considerable discretion must be left to the Chief Electoral Officer as there are many breaches of the Elections Act which he might not consider of such seriousness as to require criminal prosecution, or on the other hand they might be so numerous as they were in the Athabaska election that the number of prosecutions would have been great and that the same end could be obtained as it was obtained by taking five of the most glaring cases.

The Hon. R. B. Bennett in No. 2 A-13 raised the point as to why there should not be a public official such as the Director of Prosecutions in England to initiate prosecutions in such cases. It is submitted that the Chief Electoral Officer could perform these duties which Mr. Bennett has in view. The trouble as the matter stands at present is that it appears to be nobody's duty to institute these proceedings.

(e) In No. 3, page 9, the Chief Electoral Officer says that his suggestion as to amendments under this section does not extend to amendments dealing with corrupt practices and penalties but is confined solely to amendments of an administrative nature. The Chief Electoral Officer thus states that even if he has in his mind amendments which would tend to prevent corrupt practices he cannot recommend such suggestions to the House in view of the present wording of Section 74. This is certainly an extraordinary situation and it is again left to the individual and not to a public officer to suggest amendments to prevent corrupt practices.

Again in No. 2 A-8 the Chief Electoral Officer says that once this report under Section 74, confined to administrative amendments, is made, then his responsibility ceases in respect of the past election.

2. PREPARATION OF LISTS OF VOTERS

Present Position

Section 32 and Schedules "A" and "B" thereto govern the preparation of lists of voters. Under Schedule "B", Rule 1, the rural registrar is if possible, a resident in the polling district. He then under Schedule "B", Rules 2 and 3, subsection 32 (1) (b), prepares his list. Under Schedule "B", Rule 4, the list is revised by him by inserting additional names or striking out existing names on representation made on oath by a creditable person. Under Rule 5 he completes his list and satisfies under Form 11 that it is a correct list, but has not to take any oath to that effect.

Amendments Suggested

(a) Schedule "B" Rule 1 should be amended to provide that if the Registrar is not a resident of the limits of the polling division the Returning Officer should in making his final return, give written reasons why he could not select a competent person as Registrar in the polling division.

(b) Rule 4 should be amended to provide that the representations made to the Registrar for the insertion of an additional name on the list or the omission of an existing name, while made by a creditable person on oath, should be by a person resident in the polling division.

(c) Schedule "B", Rule 5 should be amended by providing that instead of the Registrar merely certifying that the final list is correct to the best of his knowledge as in Form 11, he should have to make an oath similar to that made by an urban Registrar, and Form 11 should be amended accordingly. (See Form 16).

(d) Schedule "B", Rules 2 and 4 and Form 11 should be amended to provide that the Registrar should insert in the remarks column opposite each name how that name came to be on the list by inserting opposite each name as the case may be, the following:

P. L.—meaning thereby that this voter had been on the last Provincial list.

D. L.—meaning thereby that this voter had been on the last Dominion list.

M. L.—meaning thereby that this voter had been on the last Municipal list.

Self—meaning thereby that the Registrar knew the facts entitling this voter to be on the list.

Informed by....., meaning thereby that the Registrar obtained the information in respect of which he was satisfied this voter was entitled to vote, from a party who should be an elector of that polling division.

Comment

(a) It is most important that the Registrar should be a resident of the polling Division unless very good reasons are given to the contrary as he would then have first-hand information as to who was entitled to vote.

A considerable amount of trouble arose in the Athabaska Election owing to the appointment of Registrars who were not only not living in the polling division but were living a considerable distance therefrom.

In the case of the Margue poll, the Registrar lived one hundred and fifty miles from the polling division, and there were several other instances of the considerable distance intervening between the residence of the Registrar and the limits of the polling division.

(b) At present any person who was not known to the Registrar could make such representations. It is desirable, to insure the accuracy of such information, that it be given by one who was a voter in the polling division and who would consequently have first-hand knowledge of the information he was giving.

(c) It is not seen why there should be a distinction between a Registrar in an urban district and a Registrar in a rural district in this respect. A Registrar in an urban district has after he has completed his list, to make an affidavit in Form 16, which is very full and satisfactory, whereas all a rural Registrar has to do is merely to certify that the list is correct in accordance with Form 11 without taking any oath. It is true that a rural Registrar has to complete an affidavit in Form 6 before he commences his duties that he will faithfully perform his duties, but that will not admit of criminal prosecution for perjury if he should subsequently omit to do so.

The only possible provision under which a Registrar who fraudulently put names upon the list which should not be on the list or fraudulently omitted names which should be on the list, would be to take proceedings under Section 27, which is one rendering liable election officers for the general offence of misfeasance and provides only for a fine.

There was one very noticeable case of the many cases in Athabaska where fraudulent lists were made, being the Cold Lake poll where a large number of names were put upon the list and the Registrar frankly admitted that the reason he put on so many names was due to the fact that he was paid for each name. There were of course several other polls, noticeably Parranto, Marie Lake, Cushing and Prairie Lake, where the lists were composed of all fictitious names except two or three.

(d) The comments in (c) are equally applicable to this amendment. If the amendment suggested is adopted it would not only be a safeguard against having wrong names put upon the list or proper names struck off, but it would also be a protection to an honest Registrar as it would show his authority in respect of each name so that if any question arose afterwards, his reason for putting a name on the list is on record, and if he did obtain wrongful information from any person, the name of that person is there.

This would not really entail any additional trouble to speak of as when the Registrar is putting a name on the list he knows why he is putting it on and the recording of that reason in the abbreviated form suggested is no additional trouble.

It is submitted that in urban centres this would also be a great protection as to fraudulent lists as in some of the large cities it is notorious that such fraudulent lists exist, but by adopting the procedure suggested it would, it is suggested, gradually lead to cleaning up the old lists and making more accurate the new lists as time went on.

3. CONTRIBUTIONS BY COMPANIES FOR POLITICAL PURPOSES

Present Position

Section 10 (1). An incorporated body unless incorporated solely for political purposes, and any unincorporated body, is prohibited from subscribing funds for political purposes.

Section 10 (2) renders a Director, shareholder, officer, attorney or agent of a Company or Association who aids or abets such an offence, guilty of an indictable offence under the Act.

Amendments Suggested

It is submitted that if an amendment were inserted compelling the auditor of any Company who should come across in the course of his audit a subscription for political purposes, he should have to disclose such fact in his audit and that if he omitted to do so, such auditor would be liable for the same offence as a Director is not liable under Section 10 (2).

Comment

Section 10 of the Act is at present very comprehensive but the difficulty is that it has been extremely difficult in the past to enforce it. In the opinion of the Deputy Minister (No. 2, B-23-24) it is not the duty of the Chief Electoral Officer to enforce it.

Under the limitation section of the Act, being Section 98, prosecutions have got to be instituted within one year, and in many cases when such breaches do become a matter of public knowledge, the year has elapsed.

It is noticeable that in the Customs Enquiry it was admitted that at least one Distillery Company subscribed to both political parties, and it is common knowledge that such subscriptions are given by a large number of Corporations.

It is submitted that such an amendment would be a very wholesome check upon such subscriptions as the auditors would be very careful in auditing the accounts of a Company. It would certainly be a great relief to shareholders to have the moneys which are thus wrongly diverted returned into the proper channel of dividends to them. It is suggested also that the Companies and the directors themselves would welcome such a provision as it would relieve them of their present embarrassing position.

If an auditor were compelled to disclose such information then when it came to his attention and it were disclosed, as it would have to be, by him, proceedings could be instituted immediately by the Chief Electoral Officer if he is given the powers that have been previously suggested.

4. RETURN OF ELECTION EXPENSES BY OFFICIAL AGENT

Present Position

Section 79 (1) requires the official agent to make a very full return of the election expenses to the Returning Officer and Section 79 (6) provides that the Returning Officer shall retain such list for a period of six months when he can then destroy it or return it to the official agent.

Amendments suggested

It is suggested that Section 79 (6) should be amended by providing that the Returning Officer shall within a reasonable period after such election expenses are filed with him, instead of retaining them for six months and destroying them at the end of that period, return them to the Chief Electoral Officer to be held by the latter for either a longer period or until after the next general election.

Comment

The amendment suggested would work in harmoniously with the amendment suggested as to contributions of incorporated companies for political purposes and would be of great assistance in case of any prosecution for a breach of Section 10 of the Act.

It would also insure great care by official agents in making their reports as they would know that the return would be preserved instead of as at present destroyed after a period of six months.

5. BOUNDARIES OF POLLING DIVISIONS

Present position

Section 28 provides that unless there are good and substantial reasons, of which the Returning Officer shall make a record in his return, he should adopt the polling divisions of the Province.

Amendments suggested

That the Returning Officer must adopt the polling divisions of the Province unless authorized to depart therefrom by the suggested Deputy Electoral Officer for the Province.

Comment

There was considerable trouble in the Peace River Election of 1925 by the changing of some polling divisions whereby some voters were practically disfranchised owing to the distance they had to go to vote.

The official in charge of the Elections in the Province of Alberta has put forward a very good idea that the polling divisions for the Dominion, the Province and Urban and Rural Municipalities should be the same as a voter would then always know no matter what election was on, in which polling division he was situate and thus render the boundaries of the polling division uniform and would thus avoid a lot of trouble and confusion.

6. RECOUNT

Present Position

Under Section 70 a candidate can have a recount which takes place before the District Court or County Court Judge, as the case may be.

Section 71 deals with the procedure in the case of an appeal which makes the appeal to a single Judge of the Supreme Court from whom there is no appeal. The only remedy then open to a defeated candidate is to file a petition under The Controverted Elections Act.

Amendments Suggested

It is suggested that the appeal instead of being to a single Judge of the Supreme Court should be to the Appeal Court of the Province.

Comment

As the law at present stands a defeated candidate if he is dissatisfied with the decision of the District Court Judge or County Court Judge who deals with the recount, he has to go to a Supreme Court Judge for an appointment for a further recount which Judge as a matter of practice hears the appeal.

It is very undesirable that a Judge should be placed in the position of being chosen by the defeated candidate as the party to hear the appeal. It is not only placing the defeated candidate in a wrong position in leaving him to select the Judge, but it is placing the Judge (though there is no suggestion of any partiality of a Judge under such circumstances) in a wrong position from the fact that he has been chosen by the defeated candidate to hear the petition.

Apart altogether from this procedure it is undesirable that such a petition should be heard by a single Judge as he may be wrong in law and then there is no appeal, but the candidate is put to the expense of a Controverted Election petition, whereas if the appeal was direct to the Appellate Division as in the case under the Provincial law in Alberta, he would be more likely to get a correct decision on the law and thus avoid in some cases an appeal under the Controverted Elections Act.

7. ADVANCE POLLS

Present Position

(a) Under Section 100 (1) the parties who are entitled to vote at an advance poll are "a railway employee, sailor and commercial traveller."

(b) Section 100 deals with advance polls. Subsection 7 provides that they shall be open for the three days, exclusive of Sunday, immediately preceding the poll.

Amendments Suggested

(a) It is suggested that Section 100 (1) should be extended to include any voter.

(b) It is suggested that Section 100 (7) should be amended to provide that these polls shall be open on the Thursday, Friday and Saturday preceding election.

Comment

This suggested amendment is in accordance with Section 59 (2) of the Alberta Act, dealing with Provincial elections. It is felt that those who are unable to vote on polling day are generally parties who are absent on their work during the week but return home on Saturdays.

There is no reason why if a voter would be unable to be present on voting day and upon giving satisfactory reasons for such inability, he should be prevented from voting.

The suggested amendment is in accordance with Section 59 (1) of The Alberta Provincial Act which permits any voter to vote at an advance poll if he is unable to be present or record his vote on polling day.

8. OFFICIAL STAMP

Present Position

(a) It is an offence under Section 51 (f) for any person who "not being a Returning Officer, has in his possession any such stamp." (i.e. the Returning Officer's stamp.)

(b) Section 45 (3) requires each ballot paper to be stamped by the Returning Officer with the official stamp.

Amendments Suggested

(a) It is submitted that this Section should be amended so as to make it clear that if any person is in possession of the stamp of the Returning Officer, he is guilty of an offence under this subsection unless he is under the immediate and direct supervision and control of the Returning Officer.

(b) It is suggested that Section 45 (3) be amended by providing that such stamping shall be done by the Returning Officer personally or by some person in his presence and under his control.

Comment

In the Athabaska Election the Returning Officer lived one hundred and fifty miles from Edmonton, but his stamp was in the possession of a party in Edmonton who did all the stamping of the ballots. This was of course very unsatisfactory and would leave the gate open to possible fraud. Mr. Justice Clarke expressed the opinion that in this case, though he said so with considerable doubt, the party in charge of the Returning Officer's stamp was possibly in constructive possession of it, and though with considerable doubt, held no offence had been committed by this party under this section.

The Deputy Minister of Justice in No. 4 A-3, expressed the opinion that the stamp was in the possession of this party irregularly, though in No. 4 A-4 he said he would agree with the conclusion of Mr. Justice Clarke, and later at the foot of the page he said, "In that respect I think there has been an irregularity, that is, the Returning Officer should have kept the stamp in his direct supervision and control."

The Chief Electoral Officer in No. 1, page 49, stated that in his opinion this party was not in possession of the stamp, and in No. 1, page 50, agrees that the instructions could be lengthened and made clear that the Returning Officer has to keep possession of the stamp. It is of course absurd to say that he could keep control of the stamp when it was in the possession of a party one hundred and fifty miles away, while it is recognized that if he were present in a room while the ballots were being stamped with this stamp, it would be proper or permissible for him to have another party affix the stamp to the ballots in his own presence. In the Athabaska Election the stamping was done by a person one hundred and fifty miles distant from the Returning Officer.

9. PAYMENT OF ACCOUNTS

Present Position

Section 77 provides that the Auditor General should pay all the accounts and that in case of a disagreement between the Auditor General and any claimant it should be referred to the Chief Electoral Officer, and if the Auditor General and he disagreed, then, if the question involved only the legal right of the person claiming payment to be paid at all, it should be settled by the Treasury Board, or, if the question involved only the fairness of the amounts payable, it should be settled by the Secretary of State.

There is no provision in this section to provide for the recovery of any moneys which it subsequently transpired had been wrongly paid.

Amendments Suggested

(a) It is suggested that this section should be amended to provide that if the Chief Electoral Officer objects to any payment on either of the grounds mentioned, his reasons for doing so should be submitted in writing to the Auditor General, and that if the Auditor General similarly had any reasons to object to any payment, that he should submit his objections in writing to the Chief Electoral Officer.

(b) It is suggested that if it subsequently transpired that any payment has been wrongly made, it was the duty of the Auditor General if it came to his attention to immediately notify the Chief Electoral Officer and that it was the duty of the Chief Electoral Officer upon such being drawn to his attention, either by the Auditor General or otherwise, to make the necessary investigation and to take steps should he consider it advisable to do so, to recover any moneys so wrongly paid.

Comment

Under these circumstances the reasons of either party would be of record and the fact that each party had the other's reasons in writing would probably lead to an agreement between them, and in case of disagreement the reasons of both the Auditor General and the Chief Electoral Officer would be forwarded to the Treasury Board or the Secretary of State, as the case might be, so that that official would have the reasons of both the Auditor General and the Chief Electoral Officer before him upon which he would be better able to then base his decision.

The position in the Athabaska Election was that cheques were issued to fictitious people and cashed by other parties and that cheques were issued to Registrars who made admittedly fictitious lists, and cheques were issued to Returning Officers for holding polls which were never held, there being at least four or five instances of such, and no steps were ever taken, though it was a matter of public knowledge, to recover any of those moneys.

It seemed to be nobody's duty to do so. The Chief Electoral Officer in No. 1-47 says no efforts were made by his department to do so. The Chief Electoral Officer in No. 1-40 again says his department did not take any action in the matter. The Chief Electoral Officer says in No. 1-39 that his department did not even make any recommendation to any department for the recovery of these moneys. The Auditor General says in No. 3 B-29 that his department took no steps to recover the moneys.

The Department of Justice at Ottawa apparently did not consider it their duty to take steps in the matter so that it appears that everybody disclaimed any responsibility in the matter of recovering these moneys which were obtained fraudulently from the Dominion Government for work which was either never done or done in the most corrupt manner.

The Deputy Minister of Justice in No. 4 B-14 says that the offence of obtaining money under such circumstances amounts to false pretences under the Criminal Code but apparently does not state whose duty it is to prosecute for the offence and institute civil proceedings for the recovery of the money.

10. POLLING DIVISION FURNISHINGS

Present Position

A considerable amount of expense is incurred in the furnishings of polling divisions at each election.

Amendments Suggested

It is suggested that the proper officials under The Dominion Elections Act endeavour to make arrangements with the Provincial or Municipal authorities for the use of the same furnishings for all elections, Dominion, Provincial and Municipal.

Comment

This would undoubtedly save considerable expense and would work in harmoniously with the suggestion of adhering strictly to uniform boundaries for polling divisions. No doubt in all these cases arrangements could be made with the local municipal authority to preserve the polling division furnishings in between various elections.

11. EXPENSES OF A GENERAL ELECTION

Present Position

The Chief Electoral Officer has not full control and his powers are very limited under the Act.

Amendments Suggested

The foregoing amendments suggested if adopted will undoubtedly give him more control.

Comment

The undoubted effect would be that the expense of an election would be considerably reduced. This is very noticeable in Alberta. In the 1921 Provincial election the Clerk of the Executive Council, Mr. J. D. Hunt, who acted in a position similar to the Chief Electoral Officer in a Dominion election, was somewhat restricted in his powers, but in the 1926 Provincial election he was given full control. The effect of doing so is very noticeable in the returns, which are public property. The total costs of the 1921 Provincial election amounted to \$217,255.09, whereas the costs of the 1926 Provincial election were only \$131,188.59, being a reduction of over 40 per cent. Such a reduction is a great tribute to the efficiency of Mr. J. D. Hunt when he was given full power in the matter.

12. MARKING BALLOT WITH CROSS

Present Position

Section 62 (3) requires the voter to make a cross with a black lead pencil.

Amendment Suggested

It is suggested that a small rubber stamp with a cross on it and a pad should be supplied at each polling booth and that the voter should make his cross with that stamp.

Comment

As the Act at present stands the cross has to be made with a black lead pencil. A large number of votes are disallowed because they are made either with an indelible pencil or with a fountain pen. The system of the rubber stamp is in existence in the United States and is said to work out there very satisfactorily.

It has a further advantage that it would avoid all distinctive crosses thus making the cross uniform.

In many cases a voter does not complete the cross either making only one line or though making a second line, does not complete the intersection, in consequence of which his vote does not count. It would also render less likely the identification of any voter's ballot by a voter making a special form of cross.

Sometimes of course other marks are made by a pencil like one, two, or three, to represent proportional voting. This difficulty would also be got over by establishing the rubber stamp method.

13. CUSTODY OF BALLOTS

Present Position

(a) Section 50 (4) provides for the printer making an affidavit when delivering the ballots as to the ballots printed and the unused ballot paper, but does not provide a form though under instruction No. 45 there is a form No. 56 used.

(b) Section 45 (a) provides for delivery by the Returning Officer to the Deputy Returning Officer two days before polling day of the ballot box with the poll books, forms of oaths and envelopes therein.

Section 46 provides that the Deputy Returning Officer keep locked in the ballot box the poll book, form of oaths, envelopes and ballot papers.

(c) The printer delivers to the Returning Officer the ballots and unused ballot paper under Section 50 (4).

(d) Section 51 (b) constitutes it an offence if any person without authority supplies a ballot paper to any other person.

Amendments Suggested

(a) Schedule 50 (4) should provide for the form of affidavit by incorporating it in the Schedule.

(b) Section 45 should be amended to provide that the returning officer should send the ballots with the other documents mentioned therein to the Deputy Returning Officer.

(c) The printer should hand the ballots and the unused ballot papers into the hands of the Returning Officer only, or to such person designated by him who shall present a written authority to the printer who should retain that authority in his possession and the Returning Officer should keep a duplicate of it.

(d) It should be made an offence for any person who not only without authority supplies a ballot paper to any person or who, except where authorized by the Act or with the written authority of the Returning Officer, a duplicate of which authority the Returning Officer should keep in his possession, is found with a ballot in his possession.

Comment

(a) Such an important affidavit as the affidavit of the printer on delivering the ballots should have the form prescribed in the Schedule to the Statute.

(b) This is clearly an oversight in Section 45 as Section 46 contemplates the Deputy Returning Officer having received the ballots, and Section 45 (o) refers to these documents with the exception of the ballots as being sent by the Returning Officer to the Deputy Returning Officer.

(c) It is very desirable that the ballots can be traced once they leave the Returning Officer's hands. By allowing him only to deliver them either to the Returning Officer personally or to one who will submit a written authority from the Returning Officer, one will be able to trace the ballots from the time they left the hands of the Printer, especially when the Returning Officer has to keep with him a duplicate of any such authority. The person to whom such ballots are delivered on the written authority of the Returning Officer, should be bound to deliver them either direct to the Returning Officer or mail them by registered mail to him and not allow them to get into the hands of any other party.

(d) This is further to prevent ballots getting into unlawful hands as the evidence in the Athabaska Election showed that some of the representatives of one of the candidates was going round the country with ballots.

SUGGESTIONS FILED BY JOHN D. HUNT

As it would appear that the chief difficulties to be overcome consist of, first, the method of the appointment of election officials and, second, the method of compiling the lists, it is respectfully suggested:

- (1) That in those provinces where there is a sufficient number of qualified, permanent employees such as sheriffs, etc., such officials might well be employed as returning officers, provision being made for individual appointments where these officials are not available.
- (2) It would be an advantage to have the returning officers appointed a considerable time before the issue of the writs in order to give them opportunity to prepare for the organization of the electoral division.
- (3) The appointment of deputy returning officers and registrars or enumerators should be made from resident electors of the polling subdivisions.
- (4) It is also submitted that it might be advisable to confine the appointment of scrutineers to resident electors of the poll in which they act.
- (5) The question as to the preparation of lists is a difficult one. Probably the best solution would be to have registrars or enumerators go from house to house and compile a list using a form of interrogatories somewhat similar to that at present used by the registrars. Enumerators or registrars might be supplied with copies of the most recent provincial list with the caution that same are to be used for reference only and not to be copied bodily into the new list.
- (6) The affidavit or declaration of the registrar or enumerator at the close of the list should be clear and definite and it might be advisable to provide a penalty for each name omitted or added wilfully or through negligence.
- (7) In case of doubt the enumerator should be instructed to give a certificate of refusal and notify the party to attend at the court of revision.
- (8) These lists as compiled by the enumerators will be subject to revision by a revising officer appointed under the provisions of the present Dominion Elections Act.

- (9) With this method of preparing lists the enumerators could begin their work eight weeks before polling day, the revising officers' sittings could be held about six weeks before polling day and the printed lists could be ready for distribution about four weeks before polling day.
- (10) A suggestion which might be of value is to have a small rubber "X" stamp supplied to each voting compartment for the use of the voter instead of the lead pencil as at present. This system has been adopted in the State of California with admitted success.

FILED BY JOHN A. HUNT

Printed Forms issued under the Alberta Elections Act

1. List of Forms and Material to be sent to the Returning Officer after the issue of a writ of election.
2. List of Forms and Material to be placed in each ballot box.
3. Certificate to Vote at Advance Polls.
4. Election Expense Voucher.
5. Instructions to Enumerators.
6. Election Expenses.
7. Pointers for Workers and Voters.
8. Suggestions for Scrutineers (Agents).
9. Statement of Costs of General Election 1921 Plebiscite 1923 and General Election 1926.
10. Map of Alberta showing electoral Divisions.

SESSION 1929

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT
PRACTICES INQUIRIES ACT

No. 6

Wednesday, April 24, 1929

Friday, April 26, 1929

Tuesday, May 7, 1929

Wednesday, May 8, 1929

Friday, May 10, 1929

Including a translation of Memorandum submitted in French by Albert
McCaughan, Special Officer in Charge of Provincial Lists for the
City of Montreal.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1929

MINUTES OF PROCEDURE

HOUSE OF COMMONS,

WEDNESDAY, April 24, 1929.

The committee came to order at 10 o'clock a.m. Mr. Power presiding.

Members present: Messrs. Anderson, Bancroft, Bird, Boys, Hanson, Kennedy, Laflamme, MacDonald, McPherson, Power, Sinclair, Totzke.

The committee took under consideration the recommendations proposed by several witnesses and members of the committee, as same appear in the printed proceedings of the committee. After full discussion of the said several recommendations it was decided to postpone final action with respect thereto until the next and subsequent meetings.

The committee then adjourned till Friday, April 26, 1929.

A. A. FRASER,

Clerk of Committee.

FRIDAY, April 26, 1929.

The committee came to order at 10 o'clock a.m., Mr. Power presiding.

Members present: Messrs. Anderson, Bancroft, Bird, Black, Bothwell, Boys, Cahan, Cannon, Cantley, Dussault, Girouard, Hanson, Kellner, Kennedy, Ladner, Laflamme, Lapierre, MacDonald, Power, Ryckman, St-Père, Totzke.

Pursuant to notice duly given, the committee took under consideration the several amendments to the Act proposed by Mr. Kennedy, M.P., and O. M. Biggar, K.C., and the proposal for compulsory voting and registration.

The amendments to the Act proposed by Mr. Kennedy, M.P., as printed in the Appendix to the Proceedings and Evidence, at page viii, were first taken under consideration, clause by clause, and the sense of the committee taken thereon.

The following recommendations were tentatively adopted or negatived, viz:

Adopted:

1. That the salary of the Chief Electoral Officer shall be as fixed by the Governor in Council.
2. That he shall cease to hold office upon reaching the age of seventy-five years.
3. That his tenure of office shall be as in section 18 (5) set forth.
4. That his rank and powers generally shall be as in section 18 (6) set out.

5. That he shall and may,

(a) throughout every election properly direct the Assistant Chief Electoral Officer and all returning officers and in case of incompetency or neglect of duty or breach of law on the part of any of them, remove or dismiss such officer and appoint another in his stead;

(b) that he should have certain powers and duties with respect to prosecutions for offences by officers under the Act.

Negatived: The recommendations as contained in and by the substituted section 18 of the Act, subsection (6) par. (c), and subsections (7), (8), (9), (10), (11) and (12).

COMPULSORY VOTING AND REGISTRATION

The recommendation, page x of the Appendix, with respect to Compulsory Voting and Registration, was negatived.

Consideration was given to the draft Bill No. , An Act to amend the Dominion Elections Act, filed by O. M. Biggar, K.C., printed at page xiii of the Appendix.

The following recommendations were respectively, tentatively adopted or negatived, viz:

1. That the Chief Electoral Officer shall have full and exclusive power of selection and appointment of returning officers. Adopted.

2. The proposed new section, 21A, as in the said Bill contained, subsections 1 to 6 thereof, inclusive, were negatived. Subsection 7 was adopted.

Sections 2, 3 and 4 were adopted, subject to amendment by way of clarification of "24B".

The committee then took under consideration a draft Bill No. , An Act to Provide for the Preparation of Dominion Voters' Lists in Cities, as filed by O. M. Biggar, K.C., at page xvii of the Appendix.

Mr. Biggar thereupon submitted a memorandum of an alternative method of preparing lists by means of house to house enumeration to be followed by revision. Objections to the proposals as in the said memorandum contained were voiced by several members and at the hour of adjournment it was decided to refer the proposal back to Mr. Biggar for further consideration.

Mr. Biggar was instructed to draft the proper amendments expressing the sense of the Committee on the several matters at the meeting disposed of.

The Committee adjourned at the call of the chair.

A. A. FRASER,
Clerk of the Committee.

HOUSE OF COMMONS,

TUESDAY, May 7, 1929.

The Committee came to order at 10 o'clock, a.m., with Mr. Power in the chair.

Members present: Messrs. Anderson, Bancroft, Bird, Black, Boys, Cahan, Cantley, Kellner, Kennedy, Ladner, Laflamme, Power, Ralston, Ryckman, Totzke.

Further consideration was given the amendments submitted by Mr. Biggar and progress reported.

The Committee decided that at the next and subsequent meeting it would proceed to a consideration of the Act, section by section.

The Committee adjourned till Wednesday, May 8, at 10.30 a.m.

A. A. FRASER,
Clerk of the Committee.

WEDNESDAY, 8th May, 1929.

The Committee met at 10.30 a.m., with Mr. Power, the Chairman, presiding.

Members present: Messrs. Anderson (Toronto-High Park), Bancroft, Bird, Black (Yukon), Bothwell, Boys, Cahan, Dussault, Kellner, Kennedy, Ladner, Laflamme, Lapierre, McPherson, Power, St. Pere, Sanderson, Totzke.

In attendance: Col. Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

DOMINION ELECTIONS ACT

The Committee proceeded to make a tentative examination of the Dominion Elections Act, R.S.C., 1927, Chapter 53.

Sections 1 to 31 were considered, and sections 9 and 11 were tentatively deleted.

The Committee adjourned at 1 p.m., until 4 p.m. to-day.

The Committee resumed at 4 p.m.

Members present: Messrs. Anderson (Toronto-High Park), Bancroft Black (Yukon), Boys, Dussault, Girouard, Kellner, Kennedy, Lapierre, MacDonald (Cape Breton South), McPherson, Power, Sanderson, Totzke.

In attendance: Col. Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

The Committee continued their consideration of the Dominion Elections Act.

The Chairman announced the receipt of a letter, written in French, from Mr. Albert McCaughan, special officer in charge of provincial lists for the City of Montreal, containing suggested amendments.

Sections 32 to 48 were reviewed, and subsection (3) of section 35 was tentatively deleted.

The Committee adjourned at 6 p.m., until Friday, 10th May, at 10.30 a.m.

JOHN T. DUN,
Clerk of the Committee.

FRIDAY, 10th May, 1929.

The Committee met at 10.30 a.m., with Mr. Power, the Chairman, presiding.

Members present: Messrs. Bird, Black (Yukon), Bothwell, Boys, Cantley, Dussault, Hanson, Kellner, Kennedy, Laflamme, McPherson, Power, St. Pere, Totzke.

In attendance: Col. Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

DOMINION ELECTIONS ACT

The Committee resumed consideration of the Dominion Elections Act.

Sections 49 to 63 were reviewed.

The Committee adjourned until Tuesday, 14th May, at 10.30 a.m.

JOHN T. DUN,
Clerk of the Committee.

MEMORANDUM SUBMITTED BY ALBERT McCAUGHAN, SPECIAL OFFICER IN CHARGE OF PROVINCIAL LISTS FOR THE CITY OF MONTREAL

The following, extracted from a newspaper, is a translation from French of a voluminous report submitted by Albert McCaughan:—

Theoretically, says Mr. McCaughan, the existing law is perfect; in practice, its registration provisions are wide open to abuses because only officials with experience can apply the statute properly, and they are rare. Lack of experienced men, he finds, makes federal vote registration "very dangerous" in his district, where a list of more than 400,000 names has to be made in two weeks before a general election, including the inscription of over 200,000 women. Legislators made the present law well; but they overlooked the practical side, is the summing up.

Proposals that federal lists be made through registration at post offices, already submitted to the committee, would bring but mediocre results in Montreal, Mr. McCaughan thinks; he foresees election day trouble with such a system. Voluntary registration outside of election periods does not appeal too well, he has found; he cites his experience in making special campaigns for provincial registrations and notes that, despite publicity, special facilities, etc., the present Quebec vote list for Montreal is 40,000 names short.

Obligatory registration and voting would be "useless" in a population like that of Montreal's, says Mr. McCaughan. He prefers a good and complete list, making it possible for everyone to vote if he or she wishes. He is for an identification card, provided the system be country-wide.

The memorandum is divided under nine heads.

"What is to be thought of the system at present in force?" is the first question.

"The present law does not respond to the exactions of a city of the importance of Montreal. When a general election arrives, the provincial lists, which serve as a basis for preparation of the federal lists, are far from being up-to-date, but nevertheless, must be used in virtue of the existing law. Considerable work of erasure by revisers follows; caused by the 50,000 odd movings we have in Montreal on May 1 of every year."

The case of St. Lawrence-St. George division for the general election of 1926 is cited. For that ballot, the provincial voting list used as the basis for the federal list had been in force since April 5, 1925. Two May movings had intervened, with 100,000 people in all moving from one place to another in Montreal. "It is not surprising therefore," says Mr. McCaughan, "that the erasure of 2,500 names or more was necessitated in St. Lawrence-St. George division." The same happened in all other divisions of the city.

SYSTEM CALLED GOOD

"Must it be concluded," the memorandum continues, "that for this reason, the existing system is defective? Not at all. The system is very good. Recriminations arise from the fact that the lack of technicians, or of persons competent to apply it with success, causes application of the system to be left in the hands of people without experience, and who know practically nothing of the law; whence abuses, etc.

"Could this system be modified with advantage? So far as Montreal is concerned, I believe so. I think that centralization of preparation of federal and provincial lists, with annual lists based on the dispositions of the provincial law sanctioned December 29, 1922, would be a big step forward."

"What is to be thought of voluntary registration in the midst of an electoral campaign?"

"In addition to the many changes likely in making up the federal lists with the current provincial vote list as basis, there must also be considered the registration of women." Mr. McCaughan quotes estimates of the population as divided between the federal divisions of the Island of Montreal. "According to local statistics (1928), there is reason to believe that the population of the Island is around 1,100,000, with males and females in about equal proportion of 50 per cent., and a total percentage of about 45 per cent. of those over 21 years of age. If the exactness of these figures is admitted, a total of 495,000 names is supposed to be on the federal election lists."

Mr. McCaughan goes over the procedure needed when general election writs are issued. The provincial vote list, basis of the federal list, has to be brought up to date. Between 50,000 and 100,000 names have to be erased and the same number reinscribed because of changes in residence. Both leave the way open to all kinds of abuses, in view of the fact that so many inexperienced people are handling the making of the federal lists. "Neglect or forgetfulness on the part of a great number of those who change residence, and do not have the necessary changes made on the lists, may also lead to grave abuses," says Mr. McCaughan, "in the sense that no system has yet been devised which can stop the substitution of a person or 'telegrapher' either in the registration or confection of a list in a centre like Montreal."

WOMEN'S REGISTRATION

"Women not having the right to vote at Quebec provincial elections, they are not registered on the lists. That means that, at the approach of a federal general election, inscription en masse of around 200,000 women on the Island of Montreal must be done and that must be accomplished in one week of registration and one week of revision."

"What is the result? I think voluntary registration in the midst of an electoral campaign in Montreal may be defined as confusion, disorder, better still, perhaps, a real jumble. The last definition may be somewhat colloquial, but I believe it quite just. We have had the experience in 1921, 1924, 1925, and 1926. It has been demonstrated in pre-emptory fashion that application in Montreal of the Dominion Elections Act, so far as preparation of lists is concerned, was very dangerous. Why?"

"From the theoretical view point, that law is the best I have ever studied. It has been well pondered, well prepared, and made to give the best results, provided you find sufficient competent people to apply it. However, I am forced to admit, and I believe this view is shared by all with experience, that the legislator forgot an important point, the essential point—the practical side."

"Is it possible in Montreal to obtain results foreseen by the legislator. No. Why? Because the number of people with experience in the preparation and making of lists is very limited and it is wholly impossible, with a number so restricted that they can be counted on the

ten fingers, to prepare a complete and perfect list of more than 400,000 electors in two weeks. For this reason, the Dominion Elections Act, re lists, is unsatisfactory here." Moreover, the system is "very dangerous," as has been shown by experience, all because of the lack of people with proper knowledge to make up the lists.

"I conclude that the preparation and making of a vote list in Montreal demands complete experience with the law, as with the electoral card, and that this can be acquired only by long practice and observation. Just as soon as sufficient experienced officers are found to apply the law as it should be applied, I know of no better law."

"What is to be thought of voluntary registration in normal times?"

Mr. McCaughan here went over the experience of the provincial Government in its periodical campaigns for registration for the provincial vote lists, with newspaper publicity galore, newspaper advertisements, opening of special offices all over the city to make registration facile, etc. He concluded, by looking over statistics prior to 1920, the year in which registration campaigns were introduced, that the people here are becoming more and more educated to registration though very slowly.

"According to federal statistics for 1921" he says, "the present provincial lists for Montreal, based on valuation and tax rolls in force with voluntary registration added, contain five-sixths of the names supposed to be inscribed. To what is due this loss of one-sixth? Physical obstacles, legal or administrative obstacles, negligence, forgetfulness and popular apathy. The last is the principal reason. . . . Despite the campaign of advertising and every facility given to electors to register themselves, this system of voluntary registration does not yet give complete satisfaction. We know that more than 40,000 names are missing from the provincial election lists, and that list contains nothing but the names of men.

VOLUNTARY REGISTRATION

"What results, then, would the Federal Government obtain from the application of a system of general voluntary registration (men and women), either through post offices or elsewhere, excluding or without using valuation and tax rolls in force; this for the purpose of making a vote list in normal times?"

"I am led to believe, from experience of the past, that the results would be mediocre, if not nil.

"What would happen on an election day, when only those whose names are registered on the lists under such a system, would be entitled to vote? The polls would be under assault; there would be recriminations of all kinds turmoil and perhaps near-riot. Anything might happen."

"What is to be thought of obligatory registration and voting?"

"Personally, I would hardly recommend such a radical step toward solving the problem of getting people to the polls, which, in principle, is opposed to personal liberty and, besides, would be useless in the heart of a population such as ours." Mr. McCaughan prefers a complete list ready for voting.

"What is to be thought of a national identification card?"

"A law obliging all people of the two sexes to inscribe from the age of 21 would give very appreciable results. Nevertheless, I am of opinion that unless such a system were generalized for the whole Dominion, mediocre results only would be obtained from confining the system to a single city or province." Mr. McCaughan suggests a card with full

name, occupation, religion, description, residence, place of birth or origin, signature, etc., made in duplicate, the individual retaining one care, the other being filed in an electoral bureau. Space would be provided for changes of address, and people would have to notify the bureau of such changes. The advantages, Mr. McCaughan says, would be:

"At election time, we would have a list supposedly complete and exact which would only have to be certified by the officer in charge to become legally in force; and the card, being an official document, would serve for identification of voters on polling day and, to a certain degree, would stop impersonation or telegraphing—the nightmare of candidates."

"What is to be thought of general registration between fixed dates?"

Although good for a country like the United States, with fixed-date elections, such a system would be of doubtful value in Canada, where a Government may be reversed and a general election may come at any time. Such a system could be operated, Mr. McCaughan thinks, but he is apprehensive of the results were an election to occur all of a sudden.

VALUE OF ANNUAL CENSUS

"What is to be thought of an annual census as the basis for making lists?"

"Experience has shown that the annual census, apart from being the source of various kinds of information required by departments, municipal, provincial and federal, would permit the officer in charge of the electoral bureau to extract from such official documents everything he would need for making a complete list of male and female voters for each voting division in the city.

"This annual census should be made in complete manner, and following the provisions of the provincial law sanctioned December 29, 1922. It would be made by a special bureau, after the fashion adopted by the municipal board of assessors in preparing valuation and tax rolls. It would be the duty of the officer in charge of the electoral bureau to extract from the documents all he would need for making up his vote list. This work should be done from May 1 to September 1 of each year. After the latter date, anyone interested could obtain from the electoral bureau all information concerning the list, etc., and only the board of revision named in each of the electoral divisions of the city would have jurisdiction to make the customary corrections in the eight days following issuance of an election writ.

"Adoption of this system is the key to the permanent solution of the vote list problem in Montreal, and the benefit which would result is that electors, both male and female, would no longer have to bother themselves about going to offices to register if they wish to vote. Whether they wished to vote or not, all at least would have the certainty that their names figure on the lists."

"What is to be thought of closing lists on a fixed date and of the time required for those interested to examine them?" Mr. McCaughan thinks partisans of such a system would regard favourably his census proposal.

"What is to be thought of centralization, under single control, of the preparation of provincial or federal lists?"

"This question, talked of for a long time in Montreal, could be solved by the authorities concerned. Undoubtedly, there would be advantage for all interested, to whatever political party they belong to be able to obtain from the electoral office all they need when an election is to be held, whether that election be federal or provincial. This electoral bureau would be under the control of an officer with the title of com-

missioner or controller, or there might even be a special commission composed of two or three members. Would such a system be advantageous to the city of Montreal? I believe so, and I am even persuaded that the day is not far distant when the authorities concerned may take action along those lines. In view of the great growth of Montreal, whose population is increasing by $4\frac{1}{2}$ per cent, as against $3\frac{1}{2}$ per cent in New York, of the development of new sections, etc., centralization and single control of making electoral lists should be undertaken sooner or later, and would be for the greatest good of citizens."

Mr. McCaughan ends with these personal conclusions:—

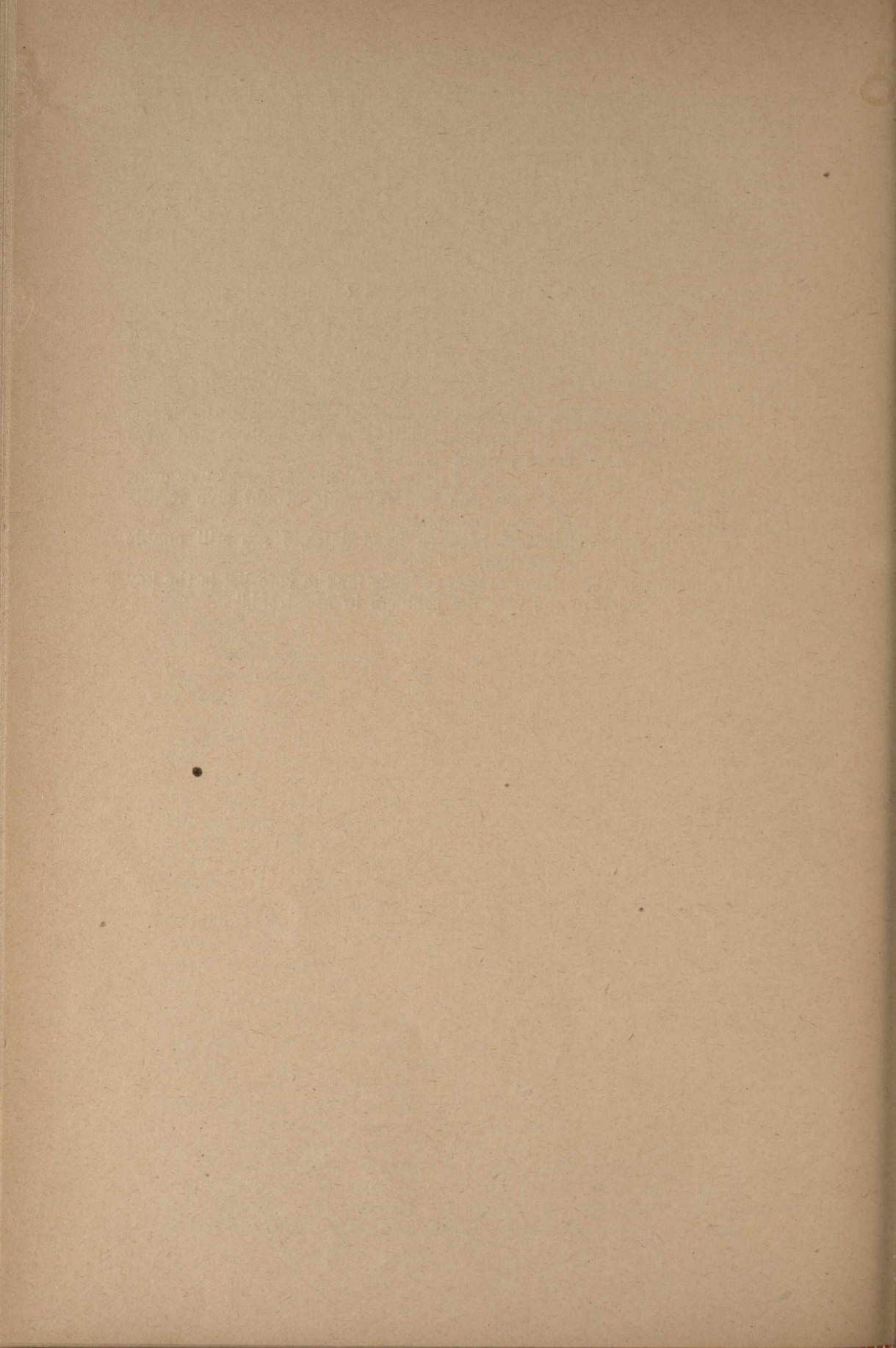
"The Dominion Elections Act as it exists now is a law as perfect as is possible, and deserves to be put into force. The greatest success can be achieved with it. The trouble rests with its application, caused by the too few technicians or experienced individuals who know how to use it.

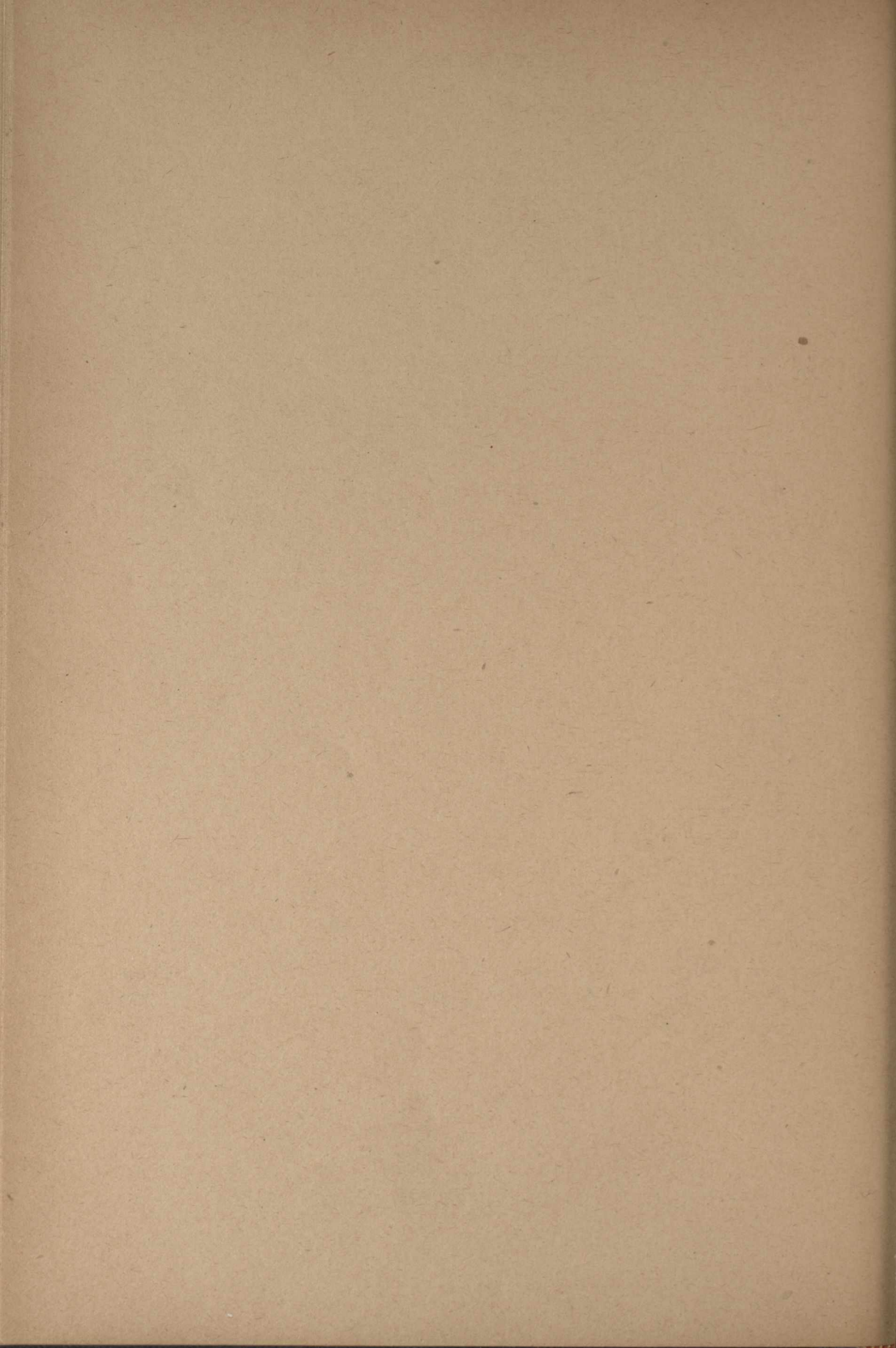
"Voluntary registration in normal times of all people aged 21 or over, and without making use of current valuation or tax rolls would give unsatisfactory, even mediocre results.

"Voluntary registration in normal times of all people aged 21 or over, and making use of current valuation and tax rolls, would give results more satisfactory, but still very incomplete.

"As for general registration between fixed dates, I am still unable to form a solution to the problem.

("Application of the annual census as basis for the vote list is the key to permanent solution of the vote list problem in Montreal.")





SESSION 1929

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT
PRACTICES INQUIRIES ACT

No. 7

Tuesday, May 14, 1929

Tuesday, May 21, 1929

Wednesday, May 22, 1929

Containing a Draft of a Proposed Amending Act to the
Dominion Elections Act.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1929

MINUTES OF PROCEEDINGS

ROOM 375, HOUSE OF COMMONS,

TUESDAY, 14th May, 1929.

The Committee met at 10.30 a.m., with Mr. Power, the Chairman, presiding.

Members present: Messrs. Anderson (Toronto-High Park), Bancroft, Bird, Boys, Cantley, Dussault, Hanson, Kellner, Kennedy, Ladner, Laflamme, Lapierre, MacDonald (Cape Breton South), McPherson, Power, Sinclair (Queens), Totzke.

In attendance: Col. Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

DOMINION ELECTIONS ACT

The Committee resumed consideration of the Dominion Elections Act.

Sections 64 to 79 were reviewed.

Section 74 was amended, tentatively, in the second last line by deleting "five" and substituting "fifteen."

Section 79 (4) (a) was amended, tentatively, by deleting "five hundred" in the second line thereof and substituting "one thousand".

Col. Biggar was instructed to draft amendments to sections 65, 68, 71, 72, 77 and 79.

The Committee adjourned at 1 p.m. until 4 p.m. to-day.

The Committee resumed at 4 p.m., with Mr. Power, the Chairman, presiding.

Members present: Messrs. Anderson (Toronto-High Park), Bancroft, Bird, Cantley, Dussault, Hanson, Kellner, Kennedy, Ladner, McPherson, Power, Ralston, Totzke.

In attendance: Col. Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

The Committee continued their consideration of the Dominion Elections Act, sections 80 to 104 being reviewed.

Col. Biggar was instructed to draft amendments to sections 85 and 102.

The Committee adjourned at 5.40 p.m. until Tuesday, 21st May, at 10.30 a.m.

JOHN T. DUN,
Clerk of the Committee.

ROOM 375, HOUSE OF COMMONS,

TUESDAY, 21st May, 1929.

The Committee met at 10.30 a.m., with Mr. Power, the Chairman, presiding.

Members Present: Messrs. Anderson (Toronto High Park), Bancroft, Bird, Black (Yukon), Bothwell, Cahan, Cantley, Girouard, Kellner, Laflamme, MacDonald (Cape Breton South), McPherson, Power, Totzke.

In attendance: Col. Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

DOMINION ELECTION ACT

Mr. Stockton, of the office of the Auditor General, filed a statement respecting constables employed in connection with the General Election of 1925 and the General Election of 1926.

Col. Biggar submitted a draft copy of an Act to amend the Dominion Elections Act, based on the amendments tentatively agreed to by the Committee at previous meetings. Copies were distributed to the members present. Absent members were supplied with copies through the post office. The Committee decided to consider Col. Biggar's draft Act at the next meeting.

CORRUPT PRACTICES INQUIRIES ACT

Mr. Kellner filed proposed amendments to sections 8, 12, 27, 33, 34, and 37, as follows:—

Section 8.—Deposit. At the present time the deposit required under this section is \$1,000. It is recommended that \$500 should be sufficient deposit.

Section 12.—At present section 12 reads:—"The Commissioners shall, upon their appointment or within a reasonable time afterwards, from time to time, hold meetings for the purposes of the inquiry at some convenient place within the district or within ten miles thereof." The term "within a reasonable time afterwards," is too indefinite and a specific period should be mentioned. It is, therefore, recommended that the section would read, "The Commissioners shall, upon their appointment or within 60 days afterwards, from time to time," etc.

Section 27.—Reads as follows:—"If any information, indictment or penal action is at any time after an inquiry pending in any court against such witness in respect of any corrupt or illegal practices committed by him previously to the time of his giving his evidence, at any election concerning which he has been so examined, the court shall, on production and proof of such certificate, stay such proceedings and may, in its discretion, award to him any costs to which he has been put."

To this section the stay or court proceedings on any corrupt or illegal practices are of necessity stayed, if a witness be summoned before the Commission and gives evidence. The discretion for staying the charges against an accused should rest with the Commission.

Section 33.—Should read the sum \$500 instead of the sum \$1,000.

Section 34.—Same change as section 33.

Section 37.—This section should be struck out.

The Committee adjourned until Wednesday, 22nd May, at 10.30 a.m.

JOHN T. DUN,

Clerk of the Committee.

ROOM 375, HOUSE OF COMMONS,

WEDNESDAY, 22nd May, 1929.

The Committee met at 10.30 a.m., with Mr. Power, the Chairman, presiding.

Members Present: Messrs. Anderson (Toronto High Park), Bancroft, Bird, Boys, Cahan, Cannon, Cantley, Girouard, Kellner, Laflamme, MacDonald (Cape Breton South), McPherson, Power, Ralston, Sinclair (Queens), Totzke.

In attendance: Col. Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

DOMINION ELECTION ACT

The Committee gave consideration to a draft amending Act, prepared by Colonel Biggar, based on the conclusions previously arrived at by the Committee.

Sections 1 to 36 were considered.

The Committee adjourned at 1 p.m., until 4 p.m., to-day.

The Committee reconvened at 4 p.m.

Members present: Messrs. Anderson (Toronto High Park), Bancroft, Boys, Cannon, Girouard, Laflamme, MacDonald (Cape Breton South), McPherson, Power, Totzke.

In attendance: Col. Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

DOMINION ELECTION ACT

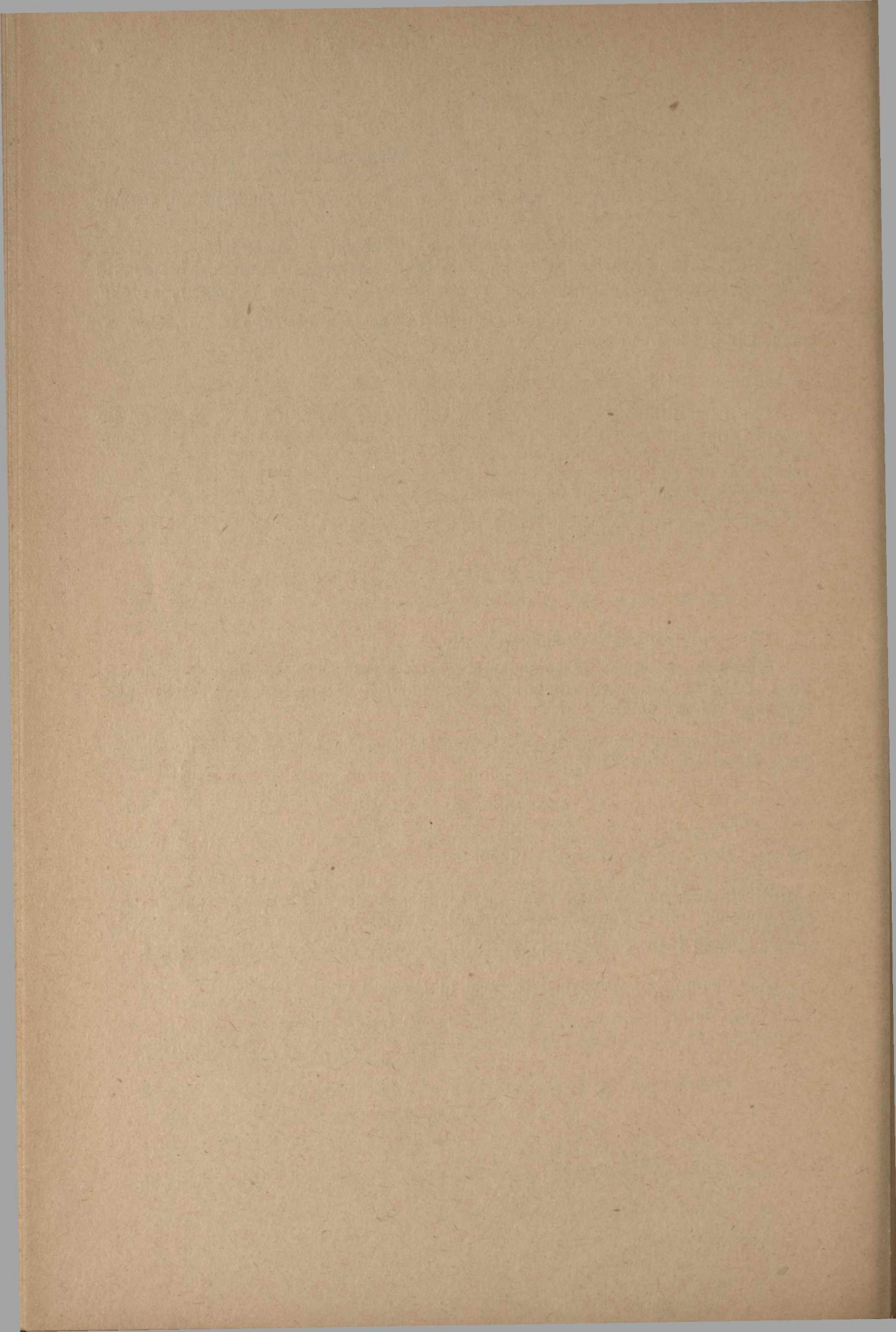
The Committee resumed consideration of Colonel Biggar's draft amending Act, commencing at section 37.

After concluding their review of the draft amending Act, the Committee decided to incorporate, for final consideration at a later date, the sections, schedules, etc., of the said draft amending Act, as amended by the Committee, which appear with the printed record of to-day's Minutes of Proceedings.

The Committee adjourned to meet at the call of the Chair.

JOHN T. DUN,

Clerk of the Committee.



APPENDIX

BILL No.

An Act to Amend the Dominion Elections Act

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

1. *The Dominion Elections Act* is amended by repealing clause (l) of section two thereof and substituting the following:—

(l) “judicial district” means a territory, county or judicial district in respect of which a judge has been appointed to exercise judicial functions.

(11) “the judge” when used to define the judicial officer upon whom is conferred specific powers means

(i) in relation to any place within the judicial districts of Quebec or Montreal in the Province of Quebec, the judge from time to time performing the duties of Chief Justice of the Superior Court, or the Acting Chief Justice, as the case may be, or such other judge appointed by the Governor in Council as may be assigned by the said Chief Justice or Acting Chief Justice to perform the duties in this Act required to be performed by the judge.

(ii) in relation to any other place in the Province of Quebec, the judge indicated by the Chief Justice or Acting Chief Justice as being the judge exercising from time to time the jurisdiction of the Superior Court Judge of the judicial district within which such places lies, and if there is more than one judge exercising such jurisdiction, the senior of them.

(iii) in relation to any place in the Yukon Territory, the judge exercising from time to time the jurisdiction of the judge of the Territorial Court of the said Territory, and

(iv) in relation to any other place in Canada, the judge exercising from time to time the jurisdiction of the judge of the county court of the county, or the judge of the district court of the district, as the case may be, within which such place lies, and if there is more than one such judge, the senior of them.

2. The said Act is amended by repealing clause (o) of section two thereof and substituting the following:—

(o) “Nomination day” or “the day for nominations” means the day upon which nominations close as in this Act provided.

3. The said Act is amended by repealing clauses (y) and (z) of section two thereof and substituting the following:—

(y) “urban polling division” means a polling division which is wholly contained within a place having a population of more than *ten* thousand persons and being, under the provincial law, a city, town or incorporated village, or within any other area directed by the Chief Electoral Officer to be treated as urban;

(z) “rural polling division” means a polling division whereof no part is contained either within a place having a population of more than *ten* thousand persons and being under the provincial law a city, town or incorporated village; or *whereof no part is contained within any other area directed by the Chief Electoral Officer to be treated as urban.*

4. The said Act is amended by repealing subsection one of section fourteen thereof and substituting the following:—

14. The afternoon of polling day shall be a general public holiday in Canada.

5. The said Act is amended by repealing Clause (a) of subsection two of section eighteen thereof and substituting the following:—

(a) issue to election officers from time to time such instructions as he deems necessary in order to ensure the effective carrying out of the provisions of this Act.

6. The said Act is amended by inserting the following subsections in section eighteen thereof as subsections two A, two B and two C:—

(2A) When it is made to appear to the Chief Electoral Officer that any election officer has been guilty of any offence against this Act, it shall be his duty to make such inquiry as appears to be called for in the circumstances, and if it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest, to assist in carrying on such proceedings or to cause them to be taken and carried on and to incur such expense as it may be necessary to incur for such purposes.

(2B) The Chief Electoral Officer shall have the like powers in the case of any offence which it is made to appear to him to have been committed by any person under section five, section forty-three, section fifty-one, subsections two and six of section sixty-six, subsection ten of section sixty-seven or subsection seven of section sixty-nine of the said Act.

(2C) For the purpose of any inquiry under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, shall have the powers of a commissioner under Part II of the *Public Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Auditor General on the certificate of the Chief Electoral Officer out of moneys appropriated by Parliament and available for such purpose.

7. The said Act is amended by repealing section twenty-one thereof and substituting the following:

21. It shall be the duty of the Chief Electoral Officer to appoint a returning officer for every electoral district and thereafter to appoint from time to time a new returning officer for any electoral district:—

(a) in any case in which a vacancy occurs in the office of returning officer for such electoral district; or

(b) in any case in which the returning officer for such electoral district notifies the Chief Electoral Officer that he desires to resign his office, and, in the opinion of the Chief Electoral Officer, it is not contrary to the public interest to permit such returning officer to resign; or

(c) in any case in which, without having received any such notification, the Chief Electoral Officer is of opinion that the returning officer for such electoral district has failed competently to discharge the duties of his office or is incapable of discharging the same satisfactorily by reason of illness or otherwise.

- (2) Any appointment made by the Chief Electoral Officer may be made by reference to the title of office of the appointee, and any person appointed to be returning officer for any electoral district by his title of office, and the successor from time to time of any such person in such office, shall be returning officer in the electoral district for which the appointment is made.
- (3) A list of the returning officers for every electoral district in Canada shall be published in the Canada Gazette between the first and twentieth days of January in each year.

8. The said Act is amended by repealing section twenty-three thereof and substituting the following:

23. Subject as aforesaid, every election clerk shall hold office during the pleasure of the returning officer by whom he has been selected and, after the death of such returning officer or the expiry of his term of office, *until his successor has appointed a new election clerk.*

9. The said Act is amended by inserting the following section as section twenty-three A:

- 23A. It shall be the duty of the returning officer and of the election clerk forthwith to notify the Chief Electoral Officer if the returning officer at any time becomes unable to act by reason of illness, absence from the electoral district or otherwise, and it shall be the duty of the election clerk forthwith to notify the Chief Electoral Officer of the death of the returning officer.

10. The said Act is amended by inserting the following section as section twenty-four A:—

- 24A. If the returning officer dies or becomes unable to act, the election clerk shall, until the appointment of a new returning officer or until the returning officer again becomes able to act, be responsible for the administration of the election as if he himself had been appointed to be returning officer for the electoral district, and subject as aforesaid, a writ of election may, in any case in which the returning officer has died or become unable to act before the issue of such writ and before his successor has been appointed, be addressed either to the returning officer or to the election clerk.

- (2) Every election clerk, who is required to act as returning officer at an election in the place of the returning officer by whom he was appointed, shall himself in his turn appoint an election clerk.
- (3) Every election clerk shall, as such, have authority to issue, on behalf and in the name of the returning officer, any transfer certificate or advance poll certificate which the latter has power to issue under the provisions of this Act.

11. The said Act is amended by inserting the following section therein as section 24B:—

- 24B. Each returning officer shall forthwith upon the receipt of notice that a writ has been issued for an election in his electoral district, open, and shall throughout the election maintain an office in some convenient place in the electoral district where the electors can have recourse to him, and shall give public notice of the location of such office in such manner as the Chief Electoral Officer may direct.

12. The said Act is amended by repealing section twenty-seven thereof and substituting the following:—

27. Every election officer who omits to comply with the provision of this Act shall be liable on summary conviction to a penalty of not less than fifty dollars or more than two hundred dollars, and every election officer who refuses to comply with any of the provisions thereof, shall on summary conviction, be liable to a penalty of not less than two hundred dollars or more than five hundred dollars, unless, in either case, such election officer establishes that, in so omitting or refusing compliance, he was acting in good faith, that his omission or refusal was reasonable, and that he had no intention to affect the result of the election or to permit any person to vote whom he did not *bona fide* believe was qualified to vote, or to prevent any person from voting whom he did not *bona fide* believe was not qualified to vote.
- (2) It shall be deemed to be a non-compliance with the provisions of this Act to do or omit to do any act which results in the reception of a vote which should not have been cast, or in the non-reception of a vote which should have been so.
- (3) The person instituting any proceeding leading to the conviction of any election officer under this section shall be entitled to receive one-half of the penalty recovered, and it shall be paid to him accordingly, unless such proceeding was instituted at the direction of the Chief Electoral Officer or unless the Chief Electoral Officer, at the request of the person by whom the proceeding was instituted has intervened in such proceeding and has met the whole or any part of the expense thereby incurred.

13. The said Act is amended by repealing section twenty-eight thereof and substituting the following:—

28. It shall be the duty of every returning officer forthwith after his appointment to divide his electoral district into polling divisions, each designed to contain as nearly as possible three hundred electors, regard being had, however, to geographical and all other relevant consideration to the end that facilities may be provided for all the electors in each polling division to cast their votes at one or more polling stations established at a convenient place within the boundaries of the polling division.
- (2) Where, by reason of a practice locally established, or other special circumstance, it is more convenient to constitute a polling division including substantially more than three hundred electors and to divide the list of voters for such polling division alphabetically between adjacent polling stations, the returning officer may, with the approval of the Chief Electoral Officer and notwithstanding anything in the last preceding section, constitute a polling division including as nearly as possible some multiple of three hundred electors.
- (3) In any case in which a large polling division has been constituted as aforesaid, such division may, for the purpose of enumeration and registration under this Act, be counted as if it contained a number of polling divisions equal to the multiple of three hundred electors intended to be included therein.

14. The said Act is amended by repealing section twenty-nine and subsection one of thirty thereof, and substituting the following:—

29. Subject as hereinafter provided, every person, male or female, shall be qualified to vote and entitled to be included in the list of voters for the polling division in which he or she resides at the time of the preparation of the list of voters therefor, if he or she
- (a) is of the full age of twenty-one years, and
 - (b) is a British subject by birth or naturalization, and
 - (c) has been ordinarily resident in Canada for at least twelve months, and
 - (d) was ordinarily resident in the electoral district at the date of the issue of the writ of election and, at a by-election, has continued to be ordinarily resident therein until polling day, and unless he or she
 - (e) is the Chief Electoral Officer or the Assistant Chief Electoral Officer,
 - (f) is a judge appointed by the Governor in Council,
 - (g) is an Indian ordinarily resident on an Indian reservation who did not serve with the naval, military or air forces of Canada in the war 1914-1918,
 - (h) is a prisoner undergoing punishment for an offence,
 - (i) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease,
 - (j) is disqualified by reason of his race from voting for a member of the Legislative Assembly of the Province in which he resides, and did not serve in the naval, military or air forces of Canada in the war 1914-1918,
 - (k) is disqualified from voting by reason of his employment for pay or reward in connection with the election or under any law relating to the disqualification of voters for corrupt or illegal practices.

29A. The following rules shall apply to the interpretation of the words "resident" and "resided" in any section of the Act in which the said words or either of them are used with respect to the right of a voter to vote:

- (1) Subject as provided in the succeeding clauses of this section, the question where a person is or was resident at any material time or during any material period shall be determined by a reference to all the facts of the case.
- (2) Any person on active service with the naval, military or air forces of Canada shall be deemed to continue to reside in the polling division in which he was resident at the time of enrolment for such active service, unless he has thereafter elected to establish some other residence in Canada.
- (3) For the purpose of a general election, every person shall be deemed to continue until polling day to reside in the electoral district in which he was resident at the date of the issue of the writs of election, and no actual change of residence during this intervening period shall deprive him of his right to vote in such electoral district or entitle him to vote in any other electoral district, unless he is one of the persons described in the next following subsection and exercises his rights thereunder, in which event he shall not be entitled to vote in the electoral district in which he was resident at the date of the issue of the writs of election.

- (4) Any of the following persons who, in the interval between the issue of the writ of election and polling day, changes his place of residence from one electoral district to another, shall nevertheless be entitled, if he so elects, to be included in the list of voters for the polling division in which he is resident at the time of his application to be so included, provided that,
- (a) being a minister, priest or ecclesiastic of any religious faith or denomination, he is in charge of or permanently attached to an established place of worship or recognized mission of his church situate in the electoral district to which he has removed;
 - (b) being a teacher, he is employed, under a contract with the appropriate educational authority, in teaching at a school situate in the electoral district to which he has removed;
 - (c) being a pupil he is, and has for at least seven of the preceding twelve months, been registered as a pupil and has been in actual and regular attendance at an educational institution situate in the electoral district to which he has removed.
- (5) Except persons who, at the date of the issue of the writ of election, have no other quarters to which they might at will remove, no person shall be deemed to be resident at the said date in quarters or premises which, notwithstanding that they may be sometimes or ordinarily occupied during some or all the months of May to October inclusive ordinarily remain unoccupied during some or all the months of November to April inclusive.

15. The said Act is amended by repealing section thirty-two of the said Act and the schedules to the said section, and substituting the following:—

32. In each urban polling division a list of voters shall be prepared in accordance with the rules set forth in Schedule A to this section, and in each rural polling division a list of voters shall be prepared in accordance with the rules set forth in Schedule B thereto.
- (2) The Chief Electoral Officer shall have power to decide upon the best available evidence, for all the purposes of this Act, whether any place is a city, town or incorporated village and whether it has a population of over ten thousand persons.
 - (3) Each returning officer shall keep a record of the names and addresses of the enumerators and registrars whom he appoints and of the polling division for which each is to act, and shall permit any person to inspect such record during business hours.
 - (4) Every person who applies under this Act to be included in any list of voters in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who, having been once to his knowledge included in any list of voters under this Act as a voter entitled to vote at a pending election, applies to be included a second time in any other list of voters in the same electoral district as a voter entitled to vote at the same election, shall be guilty of the offence of personation, and liable to the penalties imposed in this Act upon persons guilty of that offence.
 - (5) In addition to any other penalty for which he may be liable under this Act, any enumerator or registrar who wilfully and without reasonable excuse includes in any list of voters prepared by him the name of any person whose name he has not good reason to suppose should be included, or who omits to include in such list the name of any person whom he has good reason to believe has the right to have his

name included, shall be guilty of an offence punishable on summary conviction as in this Act provided, and shall be liable to a penalty of not less than one dollar or more than five dollars in respect of each name improperly included or omitted as aforesaid.

SCHEDULE A

Preparation of Lists of Voters in Urban Polling Divisions

ENUMERATION

Rule (1) Forthwith after receipt by him of notice from the Chief Electoral Officer that a writ of election has been issued for his electoral district, the returning officer shall appoint in writing a person to enumerate the voters in each polling division or part thereof, and shall require each of such persons to take an oath that he will act faithfully in the capacity of enumerator without partiality, fear, favour or affection and in every respect according to law.

Rule (2) Every enumerator shall forthwith after taking his oath as such, proceed to ascertain the names, addresses and occupations of every person qualified to vote in the polling division or part thereof for which he has been appointed, obtaining the information he requires by a house to house visitation, and from such other sources as may be available to him, and leaving at the residence of every voter who appears to be qualified a memorandum indicating that such voter will be included in the list to be prepared by him.

Rule (3) On a day to be fixed by the Chief Electoral Officer and notified by the returning officer to the enumerators, each of the latter shall from the information then secured by him, prepare and certify, in such form as the Chief Electoral Officer may direct, a complete list in exact alphabetical order of all the persons who are resident in the polling division or part thereof for which he has been appointed and are qualified to vote at the election, and shall also prepare and certify in like form at least three copies of such list.

Rule (4) In such list the enumerator shall, after the name of every female voter whose name appears therein, write the letter W in brackets thus (W), and the name of a married woman or widow shall be entered in such list in the alphabetical order determined by the first letter of the name of her husband or deceased husband, as the case may be.

Rule (5) Such list and the copies thereof, together with the original field or other notes upon which the same has been based, shall forthwith be delivered or transmitted by the enumerator to the returning officer, who shall thereupon deliver one copy of such list to the representative of each candidate or prospective candidate as hereinafter defined. The returning officer shall retain the original list in his office, where it shall be available for public inspection, and shall furnish one copy thereof to the registrars within whose registration district, as hereafter provided, the polling division lies.

REGISTRATION

Rule (6) The returning officer shall, as soon as convenient after receiving notice of the issue of a writ for an election in the electoral district, group together the polling divisions into registration districts each containing ten to twelve polling divisions or such other number as circumstances require or as the Chief Electoral Officer may direct, and shall prepare descriptions of the boundaries of such registration districts.

Rule (7) The returning officer shall, for each of the registration districts, appoint in writing in Form 5 in Schedule One of this Act, two persons to be registrars of voters for such district, and shall require each of such persons, before acting as registrars, to take the oath in Form 6 in the said schedule.

Rule (8) The returning officer shall also appoint in each registration district a convenient place properly furnished, lighted and heated, in which the registrars shall sit for the registration of voters.

Rule (9) The returning officer shall cause to be printed a notice describing the boundaries of each of the registration districts, giving the names of the registrars for each thereof, setting out the registration office at which such registrars will attend for the registration of voters, and stating the days and hours during which such offices will be open. A sufficient supply of copies of such notice shall be furnished by the returning officer to the registrars, who, at least three days before the commencement of the registration, shall cause six copies for each thousand of the population to be posted up in conspicuous places throughout the registration district, and, before nine o'clock on the morning of the day the registration commences, shall cause an additional five copies to be posted up outside of and near to the place where they sit for the registration of voters; they shall see that these latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up throughout the whole period of registration.

Rule (10) Every registration office shall be open for the registration of voters from nine o'clock in the forenoon until nine o'clock in the afternoon on three week days to be fixed by the Chief Electoral Officer and notified to the returning officer, and both registrars shall remain continuously in attendance at such office while the same is open, except that each shall be entitled to be absent at different times for not more than three hours in any day and not more than one and a half hours on any one occasion. Subject to the instructions of the returning officer the registrars appointed to act at any registration office may arrange for the division of the work between them during the time they are both in attendance.

Rule (11) If at any time the number of applications for registration at any registration office is such that the registrars cannot promptly dispose of them, the returning officer may, with the approval of the Chief Electoral Officer, appoint an additional registrar or additional registrars for such office or may provide clerical assistance for the registrars acting thereat.

Rule (12) The registrars shall permit to be present in the place of registration two representatives of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of a registrar, have any right to take part or intervene in the proceedings.

Rule (13) Any person resident in any polling division included in the registration district, whose name has not been included or has been incorrectly included by the enumerator in the list of voters for such polling division, may apply at the registry office for the registration district to have his name included in the list, or to cause the entry in the list relating to him to be corrected.

Rule (14) Every person so applying shall sign a form of application in which all the information required by the said form shall be sufficiently filled in either by the applicant personally or by a registrar at the applicant's request, and before entering the name of any such person in the list of voters or before correcting such list, as the case may require, the registrar shall satisfy himself that the applicant understands the effect of the statements in the application, and that he is entitled to have his name included in the list or to have the list corrected pursuant to his request.

Rule (15) Wherever the language of the applicant is not understood by the registrar an interpreter may be sworn and may act; in the event of inability to secure an interpreter the application shall, for the time being, be refused.

Rule (16) If it appears to the registrar that the applicant understands the effect of the statements in the form of application and that the applicant's name should be included in the list, or that the amendment thereof which he requests should be made, he shall certify accordingly by signing the appropriate certificate on the stub of the application, which he shall forthwith detach and deliver to the applicant.

Rule (17) If, in the opinion of the registrar, the statements made by the applicant in his application do not show that the applicant is entitled to have his name included in the list, or to have the list amended as requested, he shall notify the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. He shall also certify the fact of the refusal of such application by signing the appropriate certificate on the stub of the form of application, and shall detach and deliver such stub forthwith to the applicant.

Rule (18) If any person who claims to be entitled to have his name included in the list of voters or to have the entry relating to him therein corrected, is unable personally to attend the registration sittings by reason of sickness, disability, or necessary, temporary, unavoidable and *bona fide* absence from the municipality in which the registration area is included, then a relative of such person by blood or marriage or his employer may, if he has a sufficient knowledge of the facts, appear before the registrar and complete the form of application to have such person's name included in the list of voters, or to have the list corrected, as the case may be.

Rule (19) If the relative by blood or marriage or the employer so appearing substantiates (a) the cause for the non-appearance of the person immediately concerned to be as hereinbefore set forth, (b) the existence of a relationship by blood or marriage or the relationship of employer and employee and (c) the facts relevant to the qualification, name, address or identity of the person immediately concerned so far as such facts are requisite to cause the name of such person to be included in the list, or to cause the list to be corrected, as the case may be, the registrar may act upon such application as if the person immediately concerned had appeared in person before him.

Rule (20) Any voter qualified to vote in any polling division in the district allotted to any registrar, and duly entered in the list of voters for such polling division, may make oath before such registrar alleging the death, disqualification, or real residence and appearance in another list, of any person on the list for any of such polling divisions, and the registrar, upon such oath being made before him, shall transmit by registered mail addressed to the person objected to, at the address, mentioned in the list of voters, if any, and also at such other address, if any, as may be mentioned in the oath aforesaid, a notice requiring the person objected to to appear in person or by representative before the revising officer on a day to be named in such notice, to establish his qualification as a voter, and the registrar shall transmit with each copy of such notice a copy of the oath of the voter making the objection. Such oath may be in the Form No. 18 and such notice in Form No. 19.

Rule (21) During his sittings each registrar shall copy, into an index book in Form 17 in Schedule one, the list of voters prepared by the enumerator for each polling division and shall from time to time add or correct in such index book the names, addresses and occupations of such qualified voters as are added by him to the list, or in respect of which any correction is made, and shall certify each amendment of the list so made by appending thereto his initials and a note of the date of the amendment.

Rule (22) The registrars, immediately after the conclusion of the sittings for registration, shall number consecutively all the names in such index book, which shall thereupon be certified on oath by the registrars concerned in its preparation.

Rule (23) Within forty-eight hours after the close of the sittings for registration, the registrars for each registration district shall prepare statements of the additions and corrections made by them in the enumerators' lists, and shall transmit to the returning officer the index book, the said statements, together with at least two copies of each of the latter which copies, forthwith upon their receipt by him, the returning officer shall distribute to the representatives of the candidates as hereinafter defined.

Rule (24) The returning officer shall keep in his office available for public inspection the original statements of additions and corrections furnished him by the registrars.

Rule (25) Every registrar shall, while sitting as such, be a conservator of the peace and have and possess the same powers as a justice of the peace in his province. He may appoint, if necessary, constables for the maintenance of order and for the arrest of and detention of persons who are guilty of the personation of others, or of attempting to personate others, or who impede or improperly interrupt his proceedings or create a disturbance.

Rule (26) The returning officer may at any time relieve any enumerator or registrar of his duties and appoint another to perform the same, and any enumerator or registrar so relieved shall forthwith upon receiving written notice from the returning officer of the appointment of a substitute for him, deliver up to the returning officer or to such other person as the returning officer may appoint, all lists, notices and other papers in his possession as such enumerator or registrar; on default he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Rule (27) For every urban polling division the judge as in section two of this Act defined shall be *ex officio* revising officer, and in the event of there being or arising a vacancy in the office of revising officer, another judge for the same district, if any, shall thereupon become or be named *ex officio* revising officer, and if there is none or none is named, the Governor in Council may nominate a person to be *ex officio* revising officer pending the appointment or nomination of a new judge.

REVISION

Rule (28) The returning officer shall, as soon as he conveniently may after the receipt by him of notice of the issue of a writ for an election in his electoral district, communicate with the *ex officio* revising officer and ascertain from him whether he will himself revise the lists of voters for any, and if any, what polling divisions, and such revising officer shall thereupon notify the returning officer of the polling divisions for which he will himself revise the lists, and of the names of such other persons, if any, as are or will be appointed by him to revise the lists for any other polling divisions, indicating the polling divisions for which such other persons, if any, will act.

Rule (29) Forthwith on receipt of such notification, the returning officer shall with the concurrence of the *ex officio* revising officer and for other revising officers appointed by the *ex officio* revising officer, and not later than the fortieth day before polling day, cause to be printed and posted in adequate numbers throughout the areas affected, a notice of the sittings for revision in such form as may be prescribed by the Chief Electoral Officer.

Rule (30) The returning officer shall furnish to the revising officer for each polling division the index book prepared by the registrar or registrars thereof.

Rule (31) Every revising officer shall, unless he be a judge, be sworn to the faithful and impartial performance of his duties.

Rule (32) Every revising officer shall, for the purpose of the performance of his duties, have the same powers as would be exercisable by the *ex officio* revising officer when sitting in Court, and, subject as in this Act provided and to such instructions as may be given by the Chief Electoral Officer, shall regulate the procedure in all matters coming before him in such manner as he shall see fit.

Rule (33) The sittings of the revising officers for the revision of the lists shall commence at ten o'clock in the morning of the thirty-fifth day before polling day, and shall continue during such hours as may be necessary on that and the two following days, provided that if any of the said days is a holiday, the day for the commencement or continuation of the sittings shall be postponed one day accordingly.

Rule (34) At the sittings for revision, the revising officer shall have jurisdiction to dispose and shall dispose—

- (a) of applications made by persons who might have applied to registrars to have their names included in the lists, or to have the lists corrected, and
- (b) of applications by relatives or employers which might have been made to the registrars by them or the persons immediately concerned, and
- (c) of objections on oath made before a registrar under Rule (19), of which the registrar has given notice as in the said rule provided, and
- (d) of objections to the inclusion of any names in the list of voters of which at least two days' notice has been given in writing sent by mail, registered and prepaid, addressed to the person whose name is objected to at the address given for such person in the list of voters.

Rule (35) In the case of any objection made on oath before a registrar under Rule (19), of which notice has been properly given by the registrar under the said rule, the onus of establishing his right to have his name included in the list of voters shall be upon the person objected to, and if such person does not, during the sittings on the day for which notice of the hearing of such objection has been given, appear before the revising officer personally or by representative, or, being present or represented, fails to satisfy the revising officer of his right to have his name retained on the list, the revising officer shall strike his name therefrom, whether or not the voter by whom the objection was made has appeared before him.

Rule (36) In the case of any objection to the inclusion of a name in the list of voters of which notice has been given by the objecting person otherwise than through a registrar, the onus of establishing the validity of such objection shall rest upon the objecting person, and shall be discharged either by proper evidence that the name of the person objected to should not be included in the list of voters or by the production of a post office certificate of the registration of the package containing the notice of objection, and of the package itself having upon it a record by the post office indicating that the same could not be delivered.

Rule (37) During the sittings for the revision of the lists each revising officer shall correct, and forthwith after their conclusion shall certify, the index book containing the list for such polling division as finally revised by him, and shall prepare or cause to be prepared a statement of the changes and additions

made by him in each list in the course of the revision. He shall thereupon, not later than the twenty-ninth day before polling day, transmit to the returning officer the index book as finally corrected by him and the statement of changes and additions which shall be duly certified by him.

Rule (38) The returning officer shall forthwith cause to be made a sufficient number of copies of the statements of changes and additions and shall forthwith distribute one copy of each of such statements to the representatives of the candidates as hereinafter defined.

PRINTING AND DISTRIBUTION OF LISTS

Rule (39) The returning officer shall also forthwith cause the lists as finally revised to be printed, and shall have the printing thereof completed not later than the eighteenth day before polling day. Each printed copy of each list shall have appended thereto a printed certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the persons referred to in the list as finally revised by the revising officer for the polling division to which the printed list relates. The returning officer shall furnish twenty printed copies of the list for each polling division to the representatives of each of the candidates as hereinafter defined.

Rule (40) The printed list as so certified by the returning officer shall be the official list for the polling division to which it relates, but if any material difference between its contents and the contents of the list as finally revised by the revising officer is discovered after the completion of the printing, the returning officer shall furnish a certificate of such error to the deputy returning officer and to the representative of each of the candidates, and the printed list shall for all purposes be taken to have been amended in accordance with such certificate.

Rule (41) Any copies of lists, or of statements of changes or additions in any list, required by these rules to be distributed to candidates, shall be distributable as follows:—

- (a) To the representative of candidates who have been formally nominated as such at the pending election, if any, or
- (b) To the representative of the member of the House of Commons who last represented the electoral district therein, and
- (c) To the representatives of defeated candidates at the next preceding election in the electoral district.

Rule (42) Unless there are more than three candidates formally in nomination, and except in electoral districts from which more than one member is to be elected, the returning officer shall not in any case be required to provide for representatives of candidates more than three copies in all of any lists of voters or statements of changes and additions not required by this Act to be printed, and representatives of candidates formally in nomination shall be entitled to copies in preference to all other persons. If in any case there are competing claimants for the copies aforesaid, or if there is no person representing any recognized political interest possessing the qualifications entitling him to name a representative to receive a copy, the returning officer, subject to the instructions of the Chief Electoral Officer, may exercise his discretion as to the person or persons to whom the distribution should properly be made.

Rule (43) The returning officer shall forthwith after the lists have been printed transmit to the Chief Electoral Officer by registered mail fifteen copies of every list of voters printed by him.

SCHEDULE B

Preparation of Lists of Voters in Rural Polling Divisions

Rule (1) As soon as possible after he has been notified of the issue of the writ of election in his electoral district, the returning officer shall, by writing in Form No. 5, appoint a person to be registrar of voters for each rural polling division in the electoral district.

Rule (2) Every registrar shall be resident in the polling division for which he is appointed unless it is impossible promptly to secure the services of a resident person who is qualified to act.

Rule (3) Every registrar shall forthwith on his appointment take an oath as such in Form No. 6 and shall immediately thereafter post up in public places in the polling division at least six copies of a notice that he is about to prepare a list of qualified voters resident in the division, which said list will be revised by him and corrected by him at a stated place where he will be found between the hours of two and six o'clock in the afternoon of the Monday, Tuesday and Wednesday in the fourth week before the week of the poll, or if any of the said days is a public holiday in the province and the returning officer so directs, then on such of the said days as are not public holidays and on Thursday of the said week.

Rule (4) Each registrar shall forthwith after posting the said notice proceed to prepare a list of all the persons resident in his polling division who are qualified as voters. Such list shall be prepared in an index book in Form No. 17, in which the names of the voters shall be grouped according to the initial letter of their respective surnames, the occupation and residence of each being fully stated.

Rule (5) After the name of every female voter whose name is included in the lists, the registrar shall write the letter W in brackets thus (W), and the name of a married woman or widow shall be entered in the index book in the alphabetical group determined by the first letter of the name of her husband or deceased husband, as the case may be.

Rule (6) The said lists shall be prepared by the registrar by personal inquiry in the polling division or from such other sources of information as may be available and as may be conveniently made use of.

Rule (7) As soon as possible after nine o'clock in the afternoon of the Saturday in the seventh week preceding the week of the poll, each registrar shall complete his list and on or before the Tuesday in the sixth week before the week of polling day shall prepare at least four plainly written copies of the list of voters as contained in the index book and shall append to each of such copies a certificate in Form No. 11.

Rule (8) Each registrar shall on the said Tuesday post up one such copy at the place within the polling division at which he will be found to correct the list between two and six o'clock in the afternoon of three days in the fourth week before the week of polling day as hereinbefore provided. He shall attach to such copy a copy of the notice published under Rule (4).

Rule (9) Each registrar shall also on or before Tuesday in the sixth week before polling day transmit or deliver to the returning officer at least two copies of the lists as contained in the index book for distribution to the representatives of candidates, and in addition one copy of the said list to be retained by the returning officer. To each of the said copies there shall be attached a copy of the notice given by the registrar under Rule (4).

Rule (10) At any time after the posting up of a copy of the voters' lists, and not later than six o'clock on the last of the days specified for the correction thereof in the notices posted by him, on being fully satisfied from representations made to him by any credible person under oath or otherwise that the list as prepared by him in the index book requires amendment as hereinafter mentioned, the registrar may

- (a) add to such list the name of any person who is qualified to vote at the election then pending and is resident within the polling division, but whose name has been omitted from the preliminary list, or
- (b) strike out such list by drawing erasing lines therethrough the name of any person who is not qualified as a voter or who is not resident in the polling division, or
- (c) correct any inaccurate statement as to the name, address or occupation of any person whose name properly appears in the said list.

Rule (11) Every correction made by the registrar as aforesaid in the list in the index book, by the addition, erasure or correction of any entry therein, shall be verified by there being appended to such correction the initials of the registrar and the date upon which the same was made.

Rule (12) In order that he may be readily found by any person who desires to make representations with regard to any entry in the list, the registrar shall attend at the place of which he has given notice as aforesaid between the hours of two and six o'clock in the afternoon of the three days in the fourth week before the week of the poll hereinbefore specified.

Rule (13) Immediately after six o'clock on the afternoon of the last of the said days, each registrar shall prepare at least three copies of a statement of the changes and additions made by him in the index book subsequent to the posting by him of the copies of the preliminary list, and shall, not later than the Saturday in the fourth week before the week of the poll, transmit or deliver to the returning officer the index book, one complete copy of the corrected list of voters as therein contained, and at least two copies of the statement of changes and additions for distribution by the returning officer to candidates.

Rule (14) Each registrar shall retain in his possession the copy of the preliminary list posted up by him and one copy of the statement of changes and additions therein, which said copies he shall permit to be inspected at any reasonable time by any voter who asks to be permitted to inspect the same.

Rule (15) The returning officer may at any time replace any registrar appointed by him by appointing another registrar to act in the place and stead of the person already appointed, and any registrar so replaced shall upon request by the subsequent appointee or to any other person authorized by the returning officer to receive the same, any index book or other papers and information which he has obtained for the purpose of the performance of his duties; on default he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Rule (16) The returning officer shall, forthwith upon the receipt by him from any registrar of copies of any preliminary lists of voters or of any statements of changes and additions made in any such preliminary list, furnish to the representative of each candidate, as hereinafter defined, one copy of such preliminary list or statement of changes and additions.

Rule (17) The distribution to the representatives of candidates of copies of lists and statements of changes and additions shall be governed by the provisions of Rules (40) and (41) of Schedule A to section thirty-two of this Act.

16. The said Act is amended by repealing subsections one to five inclusive of section forty thereof and substituting the following:

40. The Governor in Council shall fix the day upon which the poll shall be held at any election, and such day shall be named in the writ of election; at a general election the writs for all the electoral districts shall be dated on the same day.

(2) The day fixed for the poll shall at any election be a Monday, unless the Monday of the week in which it is desired to hold the poll

(a) is a holiday as defined by the *Interpretation Act*; or

(b) at a general election, is a day which is generally observed by the residents of any province as a day for religious exercises and is declared to be a holiday by the law of such province; or

(c) at a by-election, is a day so generally observed in and so declared by the law of the province within which the electoral district lies;

and in any such case the day fixed for the poll shall be Tuesday of the same week.

(3) The day for the close of nominations (in this Act referred to as nomination day) shall in the electoral districts specified in Schedule Three of this Act be the Monday of the second week next preceding the week of the poll, and in all other electoral districts shall be the Monday of the week preceding the week of the poll.

(4) If the Monday on which nomination day would otherwise fall is such a day that, if the poll had been directed to be held in that week, it would have been held on Tuesday, the day for the close of nominations shall be the Tuesday following the Monday upon which the nominations would otherwise have closed.

(5) Any ten or more electors of an electoral district for which an election is to be held may nominate a candidate, or as many candidates as are required to be elected for such electoral district, by signing a nomination paper in Form 22 stating therein *such particulars* of the name, residence and addition or description of each person proposed as sufficiently to identify such candidate, and by causing such nomination paper to be produced to the returning officer at any time between the date of the proclamation and the *close of nominations as hereinafter specified and by complying in all other respects with the provisions of this section.*

17. The said Act is amended by repealing subsections ten and eleven of section forty thereof and substituting the following:

(10) The returning officer shall not accept any deposit until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor which shall be conclusive evidence that the candidate has been duly and regularly nominated.

(11) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Auditor General.

(11A) At noon on nomination day the returning officer and the election clerk shall both attend at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district (of which place notice has been given by the returning officer in his proclamation as hereinbefore provided) and shall there remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate and as have not already been nominated. After two o'clock on nomination day no further nominations shall be receivable or be received.

18. The said Act is amended by repealing subsections one to five inclusive of section fifty-three thereof and substituting the following:

53. Upon the production to the returning officer at any time after the close of nominations of a writing, signed by any candidate who has been duly nominated, whereby such candidate appoints a person whose name appears upon the list of voters for any polling division in the electoral district to act as his agent at a polling station established for some other polling division, the returning officer shall issue to such agent a transfer certificate in Form 30 in Schedule One to this Act.

(2) Any candidate whose name appears upon the list of voters for any polling division shall be entitled at his request to receive a like transfer certificate entitling him to vote in any specified polling division instead of that upon the list for which his name appears.

(3) The returning officer may also issue a like transfer certificate to any person whose name appears on the list of voters for any polling division and who has been appointed to act as deputy returning officer or poll clerk at any other polling station in the electoral district than that at which such person is entitled to vote.

(4) The registrar of any rural polling division may also at any time after the close of nominations issue a transfer certificate in Form 30 in Schedule One to this Act to any candidate, deputy returning officer, agent or poll clerk who is on the list for the polling division for which such registrar has been appointed and who, being a candidate, requests the registrar so to do, or being a deputy returning officer, agent or poll clerk, satisfies the registrar by the production of his appointment in writing that he has been appointed to act as such deputy returning officer, agent or poll clerk at the polling station established for some other polling division at which he desires to vote.

(5) The returning officer or any registrar by whom any transfer certificate is issued (a) shall sign such certificate and mention thereon the date of its issue, (b) shall consecutively number every such certificate in the order of its issue, and (c) shall not issue any such certificate in blank.

(5A) No certificate issued to any election officer or agent for a candidate under this section shall entitle such election officer or agent to vote pursuant thereto unless, on polling day, he is actually engaged in the performance of the duty specified in the certificate at the polling station therein mentioned.

(5B) No returning officer or registrar shall issue certificates under this section purporting to entitle more than two agents for any one candidate to vote at any given polling station and no deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under this section.

19. The said Act is amended by repealing subsection one of section fifty-seven thereof and substituting the following:

57. Subject to his taking any oath authorized by this Act to be required of him, every person whose name appears on the list of voters for a polling division shall be entitled to vote at the appropriate polling station established for such polling division.

20. The said Act is amended by repealing subsections one and two of section sixty-four thereof and substituting the following:

64. Subject as herein provided, any person who is qualified to vote in the electoral district and is, on polling day, resident in a rural polling division may, notwithstanding that his name does not appear on the

list of voters for such polling division, vote at the appropriate polling station established therefor if, so far as he is aware, his name does not appear on the list of voters prepared for any other polling division in the electoral district.

(2) Any such person as is in the last preceding subsection described shall be entitled to vote only

(a) upon his being vouched for by some other voter whose name appears on the list for such rural polling division and who is resident therein, personally attends with him at the polling station and takes an oath in Form No. 36 in Schedule One to this Act, and

(b) upon himself taking an oath in Form 35.

21. The said Act is amended by repealing subsections one and two of section one hundred and two and substituting the following therefor:

102. 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 receiving the votes of such persons as are hereinafter described and whose names appear in the list of voters for one of the polling divisions included in such place or any other place mentioned in Schedule Two and situate in the same electoral district.

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

(2A) When it is made to appear to the Chief Electoral Officer that, in an area adjoining a place mentioned in the said schedule and included in the same electoral district as such place, there reside a substantial number of electors who may be entitled to the privilege of voting at an advance poll, the Chief Electoral Officer may direct that such area shall, for the purpose of this section, be deemed and be treated as part of the place which is mentioned in the said schedule and which it adjoins.

(2B) The privilege of voting at an advance poll shall extend only to such persons as are employed by a railway company or on a vessel, or as commercial travellers and to any such person only if, by reason of the nature of his said employment and in the course thereof, he is obliged to be absent from time to time from his ordinary place of residence, and if he has reason to believe that he is likely to be unable to vote on polling day in the polling division on the list for which his name appears by reason of necessary absence on that day from his ordinary place of residence in pursuit of his employment.

22. The said Act is amended by repealing subsection eight of section one hundred and two thereof and substituting the following therefor:

(8) Advance polls shall be open and shall only be open between the hours of seven and ten o'clock in the afternoons of the Thursday and the Friday immediately preceding polling day and between the hours of two and ten o'clock in the afternoon of the Saturday immediately preceding polling day.

23. The said Act is amended by repealing subsections ten to fifteen inclusive of section one hundred and two and substituting the following:

(10) No person otherwise entitled to vote at an advance poll shall be permitted to do so unless

- (a) being resident in an urban polling division, he produces to the deputy returning officer at the advance poll an advance poll certificate from the returning officer in Form No. 54 that he is a person to whom the privilege of voting at an advance poll extends, or being resident in a rural polling division, produces such a certificate from the registrar of such polling division, and
- (b) signs in the presence of the deputy returning officer a statement of identification and declaration in Form No. 55.

(11) Such advance poll certificates shall be issued by the returning officer or the rural registrar, as the case may be, only on the personal application to him of the voter concerned and after satisfying himself that the applicant is a person to whom the privilege of voting at an advance poll extends.

(12) Every such advance poll certificate shall be numbered consecutively by the returning officer or by the registrar by whom the same is issued, as the case may be, and it shall be the duty of the returning officer or registrar, before the hour of the opening of the ordinary polls on polling day, to cause notice to be given of the issue of any advance poll certificate issued by him to the deputy returning officer at the ordinary polling station at which the person to whom such certificate has issued would in the ordinary course be entitled to vote. Such notice shall be effectively given by the delivery to the deputy returning officer of a copy of the list of voters ordinarily entitled to vote at the polling station in question upon which, against the names of the persons to whom advance poll certificates have been issued, a note "Advance Poll Certificate" or "A.P.C." has been made, followed by the consecutive number of the certificate issued to such person and the initials of the returning officer or registrar.

(13) No person who has obtained an advance poll certificate shall be entitled to vote on polling day except upon his producing such certificate and delivering the same up to the deputy returning officer at the polling station established for the polling division on the list for which his name appears.

(14) Each registrar for a rural polling division who is authorized to issue advance poll certificates shall attend for the purpose of receiving applications for such certificates at such times and places as may be directed by the Chief Electoral Officer who may specify what public notice, if any, is to be given by such registrar as to the places where and the times at which he will attend as aforesaid.

24. The said Act is amended by repealing Form No. 35 in Schedule one and substituting the following therefor:—

FORM No. 35

OATH OF PERSON NOT ON LIST FOR A RURAL POLLING DIVISION

(At a general election)

2. You swear that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada during the last twelve months, that you were ordinarily resident in this electoral district on the day of _____, 19____ (naming the date of the issue of the writs of election), that you now reside in this polling division and that, so far as you are aware, you are not on the list of voters for any other polling division in this electoral district.

And you further swear that you are not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment for pay or reward in reference to the election, race, crime,

mental incapacity or disfranchisement for corrupt or illegal practices and that you have not already voted at this election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

(At a by-election)

You swear that you are a British subject of the full age of twenty-one years, that you have ordinarily resided in Canada during the last twelve months, that you were ordinarily resident in this electoral district on the day of _____ '19 (*naming the date of the issue of the writs of election*), that you have since continued to be resident in this electoral district since the said date, that you now reside in this polling division, and that, so far as you are aware, you are not on the list of voters for any other polling division in this electoral district.

And you further swear that you are not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment for pay or reward in reference to the election, race, crime, mental incapacity or disfranchisement for corrupt or illegal practices, and that you have not already voted at this election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

25. The said Act is amended by repealing Form No. 36 in Schedule One and substituting the following therefor:

FORM No. 36

OATH OF PERSON VOUCHING

You swear that you are (*name as on list of voters*), whose occupation is (*occupation as on list of voters*), and whose address is (*address as on list of voters*), and that you now reside in this polling division;

That you knew (*naming the applicant and stating his address and occupation*) who has applied to have his name added to the voters' list for the said polling division.

That the said applicant now resides in this polling division.

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months, that he was ordinarily resident in this electoral district on the day of _____, 19____ (*naming the date of the issue of the writ of election, and at a by-election add: and that he has continued to be so resident in this electoral district since the said date*).

That you verily believe that the applicant is qualified to vote at this election and is not disqualified from voting thereat. So help you God.

26. The said Act is amended by cancelling Forms Nos. 54 and 55 and substituting the following therefor:

FORM No. 54

ADVANCE POLL CERTIFICATE (Sec. 102)

I hereby certify that (*insert full name, address and occupation of applicant voter*), whose signature appears above mine, has personally appeared before me and satisfied me.

(1) that he is now employed by the.....Railway Company (*or on the vessel known as the.....*), in the capacity of.....(*or by.....*) as a commercial traveller) and

(2) that by reason of the nature of his said employment and in the course thereof he is obliged to be absent from time to time from his ordinary place of residence, and

(3) that he has reason to believe that he is likely to be unable to vote at the pending election on polling day in the under-mentioned polling division by reason of necessary absence on that day from his ordinary place of residence in the pursuit of his employment, and

(4) that he is the person intended to be described by the entry of the name, occupation and address above set out on the list as finally revised or corrected of the persons entitled to vote at this election in Polling Division No. in the Electoral District of.....

I further certify that he is a person entitled to vote at any advance poll established for the said electoral district.

Dated at this day of 19 .

.....
Signature of Applicant

Returning Officer
(or) Registrar for
Polling Division No.

FORM No. 55

DECLARATION (SEC. 102)

I hereby declare that I am the person described in the above certificate, that all the facts therein stated with respect to my employment and anticipated absence from home on polling day are and remain correct and that I verily believe myself to be the person intended to be referred to by the entry on the list of voters in the above certificate mentioned.

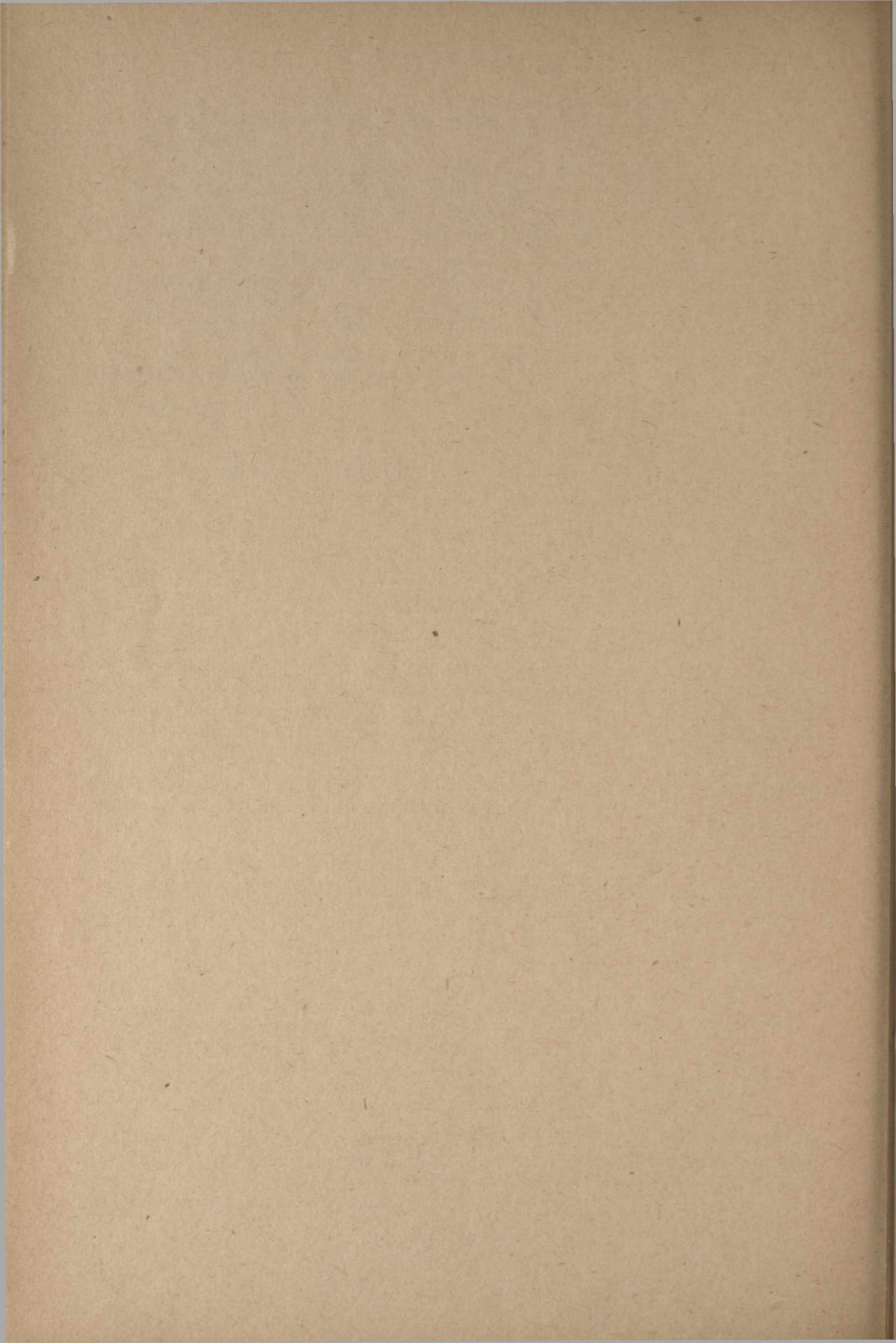
I am aware that having presented this certificate at an advance polling station, I am not entitled to vote on polling day.

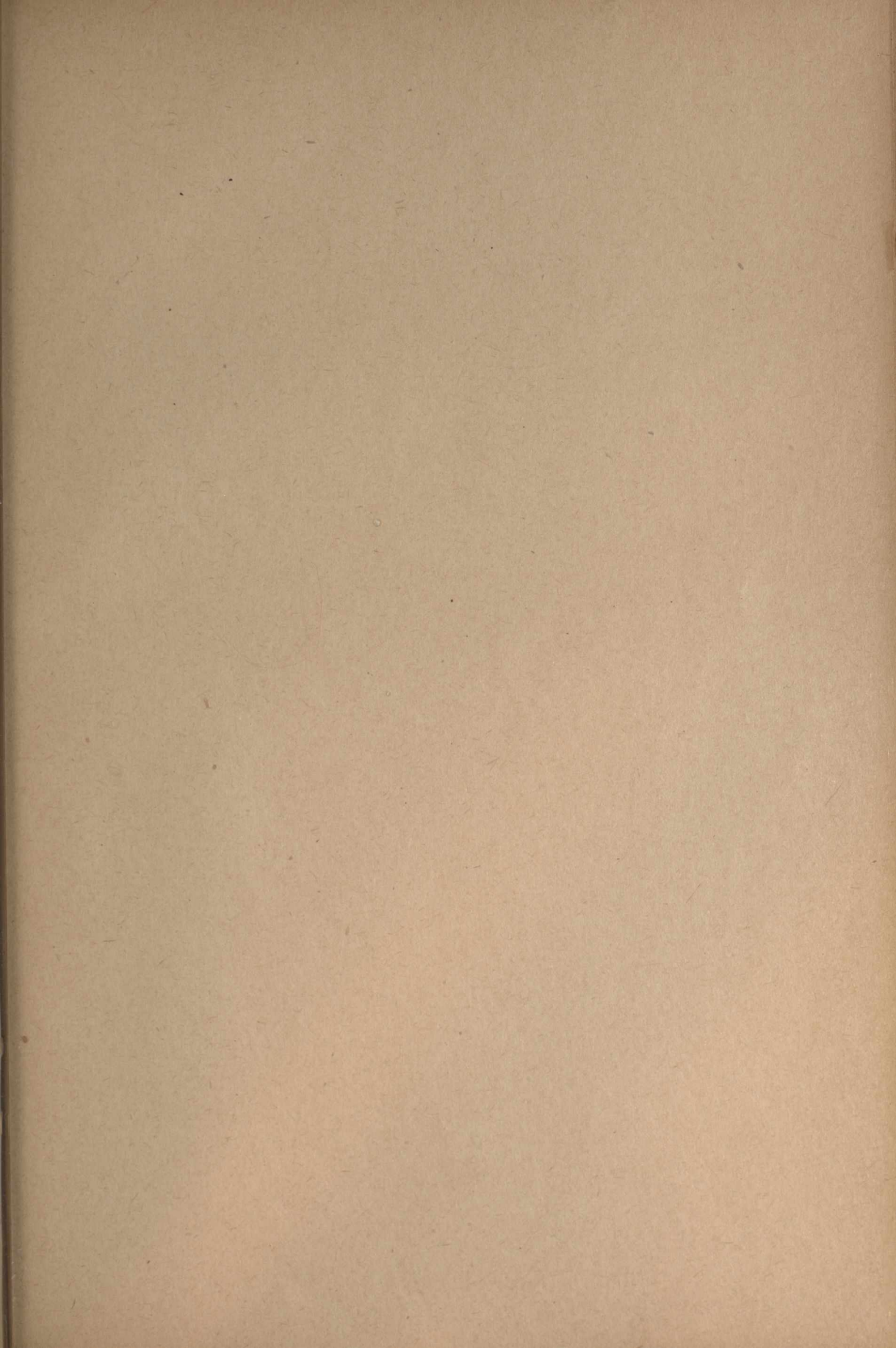
.....
Signature of voter.

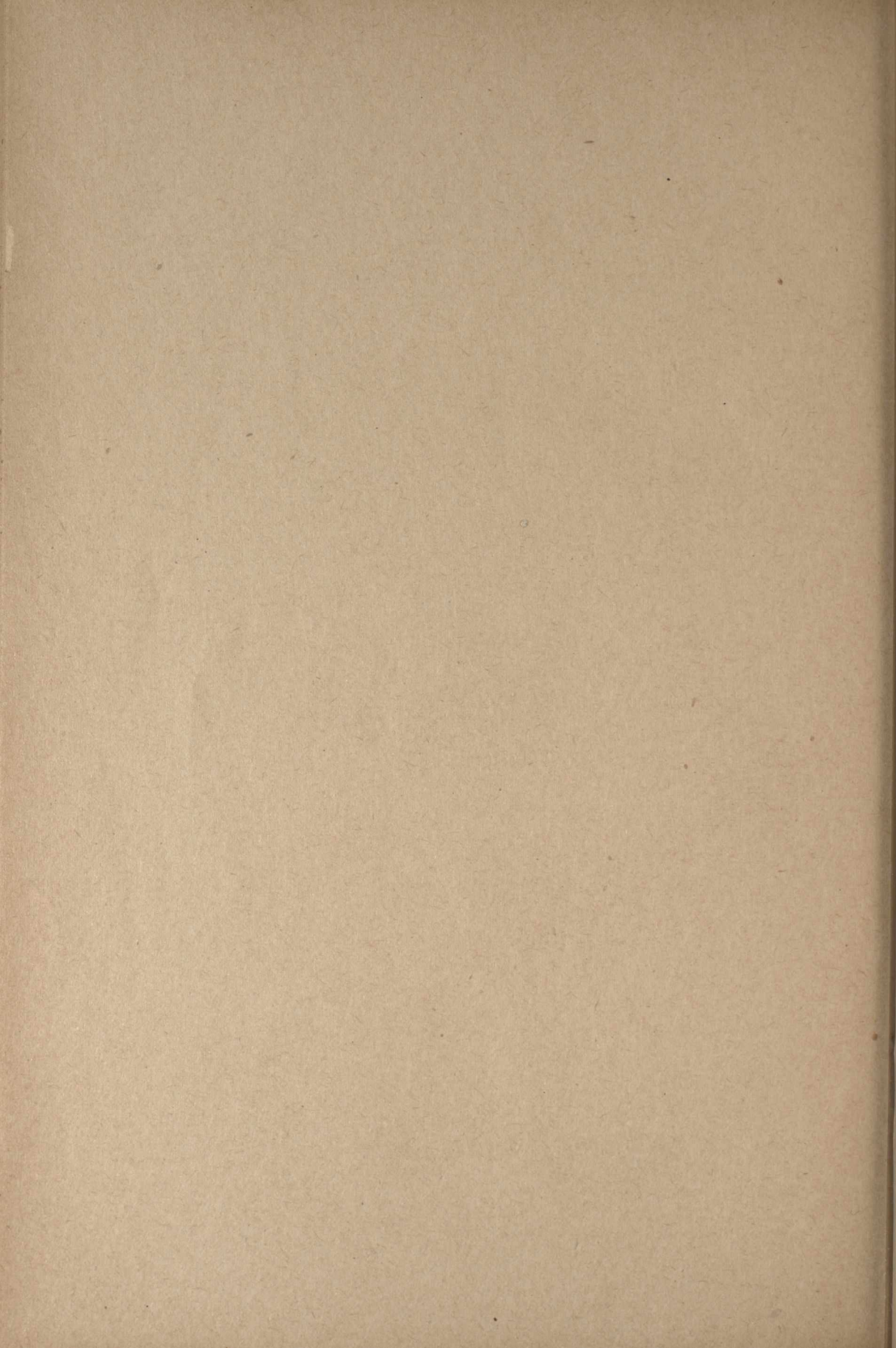
27. The said Act is amended by adding to Schedule Three thereof the following electoral districts:

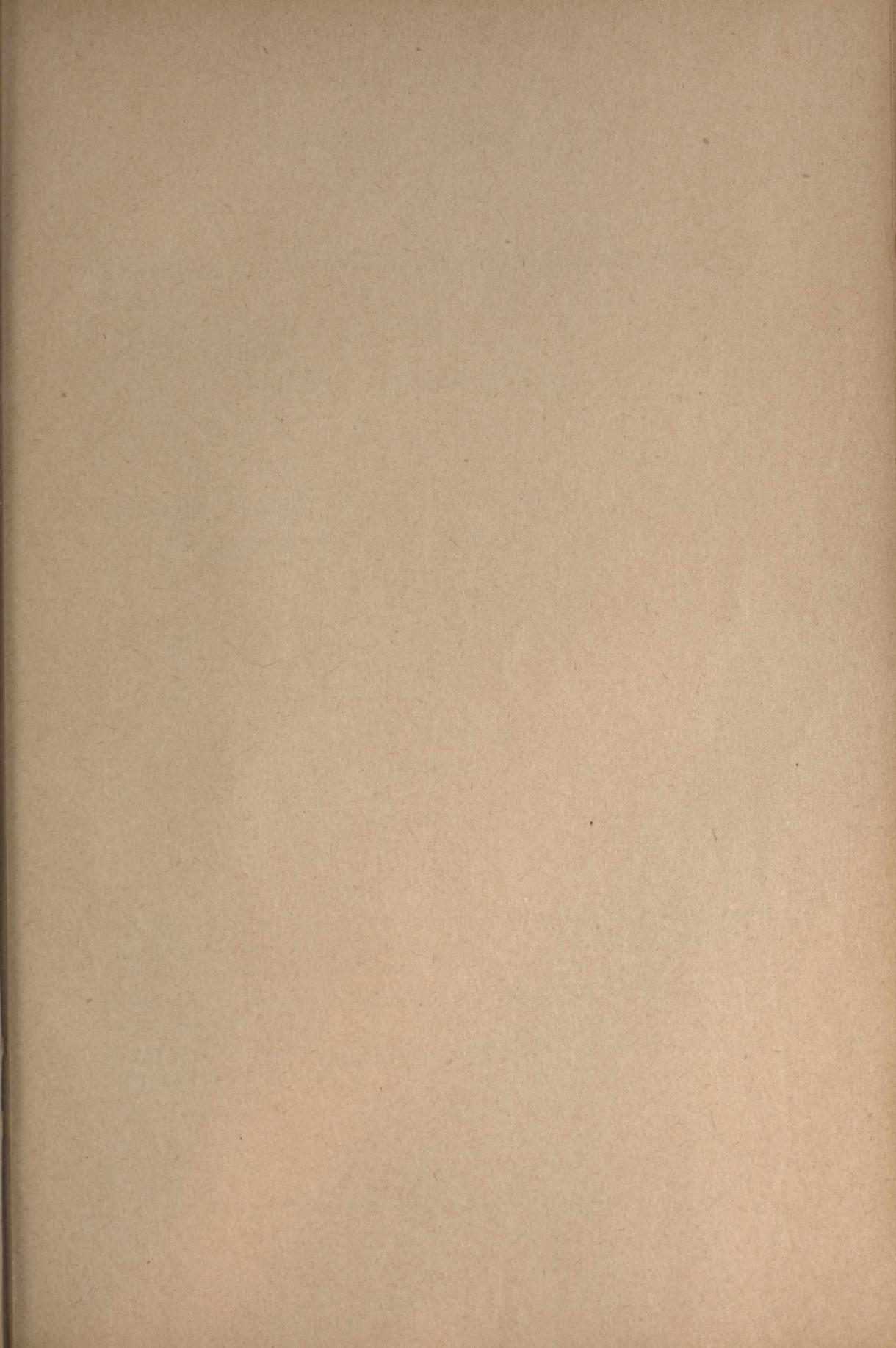
- Province of Ontario.
- Province of Quebec.
- Province of Nova Scotia.
- Province of New Brunswick.
- Province of Manitoba.
- Province of British Columbia.
- Province of Prince Edward Island.
- Province of Saskatchewan.
- Province of Alberta.

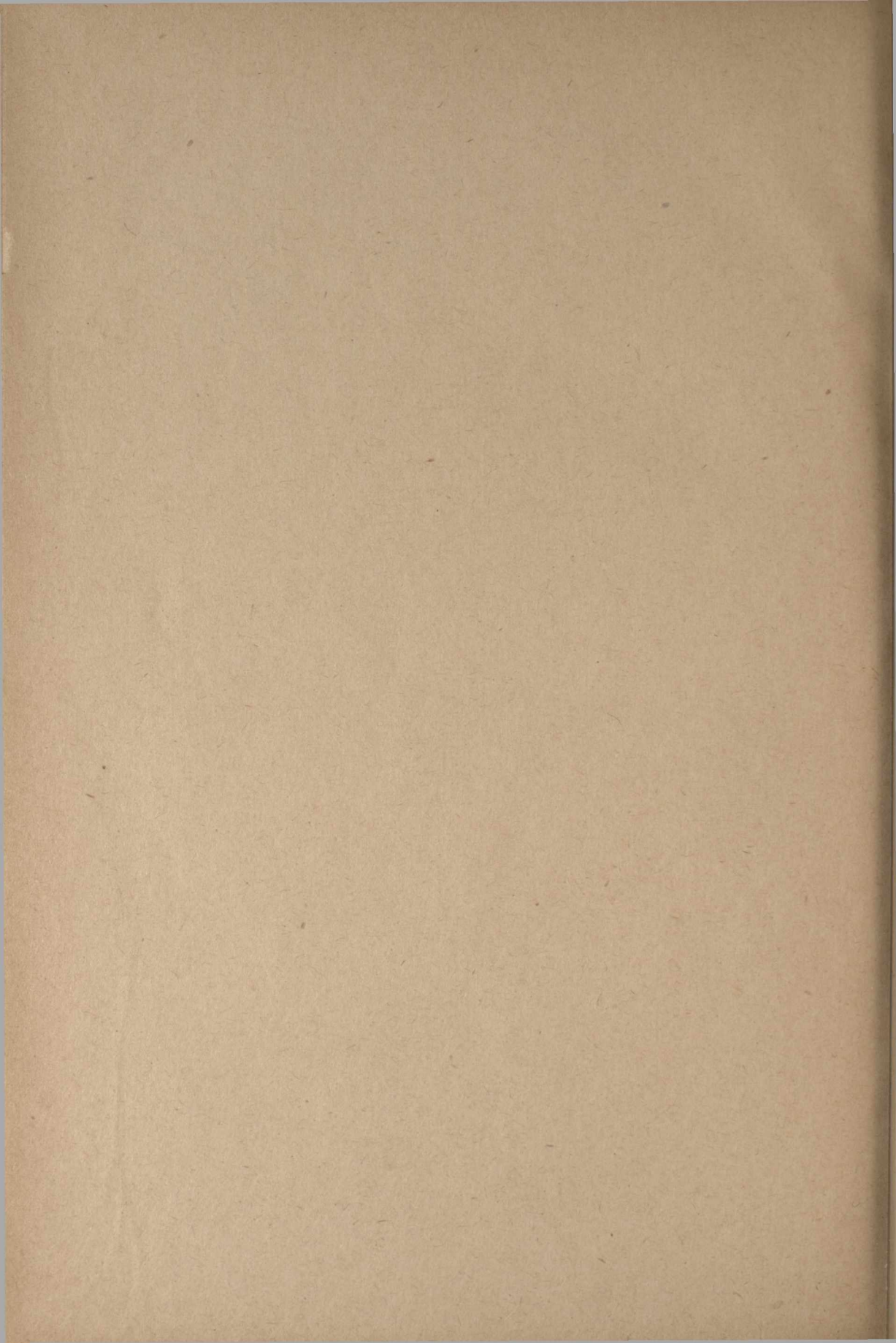
28. The Chief Electoral Officer is authorized to make, in such other of the forms in Schedule One of the said Act as are not hereinbefore mentioned, such amendments as may be necessary in order that the said forms shall comply with the provisions in this Act contained.











SESSION 1929

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT
PRACTICES INQUIRIES ACT

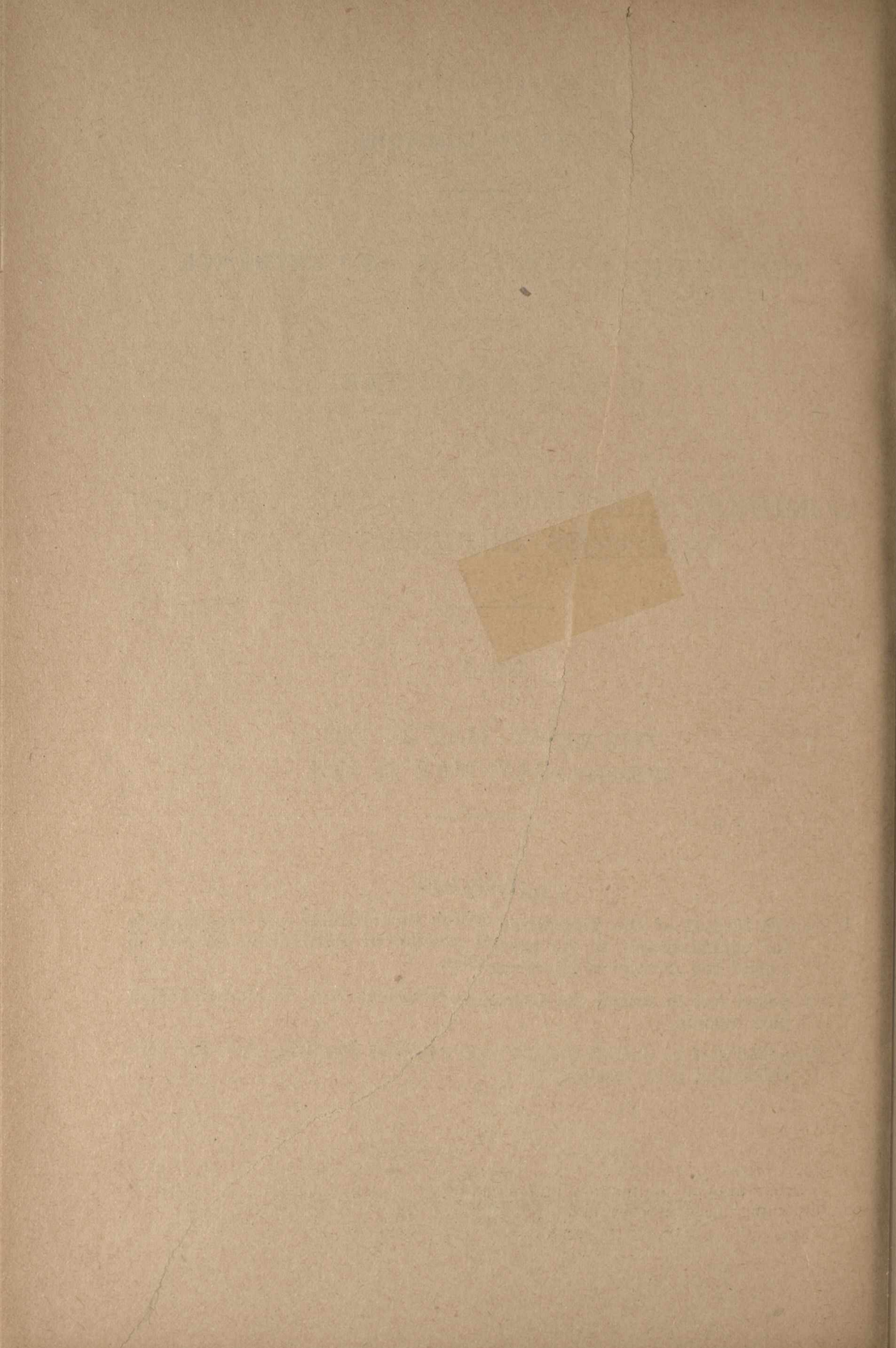
No. 8

THURSDAY, MAY 23, 1929
WEDNESDAY, MAY 29, 1929

CONTAINING

1. Fourth Report of the Committee, which incorporates and recommends for consideration at the present session of Parliament, an Act to amend the Dominion Elections Act.
2. Proposed Act to amend the Dominion Elections Act, for consideration next session.
3. Proposed Act to amend the Corrupt Practices Inquiries Act, for consideration next session.

OTTAWA
F. A. ACLAND
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
1929



REPORTS OF THE COMMITTEE

FOURTH REPORT

May 23, 1929.

The Special Committee appointed to inquire into the Dominion Elections Act and the Corrupt Practices Inquiries Act begs leave to present the following as a Fourth Report.

The amendments contained in the attached draft bill are unanimously recommended for immediate adoption. They are amendments which cannot come into force without preparations which will necessarily cover a very considerable period (not less than six months), and, in order to allow these preparations to be adequately made during the present Parliament, it is essential that the amendments be made at the present session.

Other amendments of a less urgent character are still under the consideration of the Committee which, however, has already held protracted sittings and has fully studied the situation. The amendments remaining for consideration are rather on points of detail and will be dealt with in the Committee's final report.

The attached draft bill contains only amendments designed (1) to transfer the appointment and the responsibility for the conduct of returning officers from the government of the day to the Chief Electoral Officer and (2) to substitute for the present system of preparing lists a system which will avoid the grave objections which the present system presents. In order to attain these objects a number of ancillary amendments have been necessary, but the amendments proposed have been confined to those sections of the Act which it seemed advisable to amend in order that the two objects specified should be successfully attained.

The gravest and the fundamental objection to the present system of preparing lists is that practically invariably in urban areas and not infrequently in rural areas, the procedure laid down results in the preparation of lists containing not only many inaccuracies in the particulars given to voters whose names appear thereon, but including the names of an unduly large and often enormous number of persons who are not qualified to vote in the polling division to which the list relates, or indeed, in the electoral district of which the polling division forms a part. These inaccuracies are due chiefly to the provision by which in urban areas names appearing on the existing provincial voters' lists are transferred automatically to the Dominion lists. The value and accuracy of provincial lists varies from province to province, and within any province from time to time, but speaking generally there is such a considerable interval between the date of their preparation and the date of the Dominion election, that by the time they are used for such an election deaths and removals have very seriously reduced the value they had when prepared, even if at that time they constituted an accurate representation of the situation as it then existed. Unless lists have a very high degree of accuracy, they have little value, and any adequate attempt to make corrections under the present procedure involves candidates in an unnecessary and often very large expense. The Committee proposes to abandon resort to provincial lists and to substitute in urban areas a preliminary enumeration, the remaining steps in the procedure remaining much as they now are.

The proposed amendment with regard to the appointment of returning officers is calculated to remove, and will in the Committee's opinion have the effect of removing almost all the administrative difficulties which now arise in the course of an election. It appears that these difficulties are almost exclusively due to the fact that many returning officers who quite correctly regard themselves as owing a duty to the public and not to the political party which appointed them, are suspected by supporters of opposite parties to be guided rather by party than public interests. In the Committee's opinion to impose the duty of selecting returning officers on the Chief Electoral Officer will prevent any misconception on the part of returning officers as to the nature of their duties, will eliminate any reason or excuse for anyone suspecting an impartial returning officer of acting from improper motives, and will make the returning officers entirely independent.

The Committee therefore recommends that there be passed at the present session of Parliament an Act to amend the Dominion Elections Act, as follows:—

BILL No.

An Act to Amend the Dominion Elections Act

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

1. *The Dominion Elections Act* is amended by repealing clause (l) of section two thereof and substituting the following:—

(l) "judicial district" means a territory, county or judicial district in respect of which a judge has been appointed to exercise judicial functions.

(11) "the judge" when used to define the judicial officer upon whom is conferred specific powers means

(i) in relation to any place within the judicial districts of Quebec or Montreal in the Province of Quebec, the judge from time to time performing the duties of Chief Justice of the Superior Court, or the Acting Chief Justice, as the case may be, or such other judge appointed by the Governor in Council as may be assigned by the said Chief Justice or Acting Chief Justice to perform the duties in this Act required to be performed by the judge.

(ii) in relation to any other place in the Province of Quebec, the judge indicated by the Chief Justice or Acting Chief Justice as being the judge exercising from time to time the jurisdiction of the Superior Court Judge of the judicial district within which such places lies, and if there is more than one judge exercising such jurisdiction, the senior of them.

(iii) in relation to any place in the Yukon Territory, the judge exercising from time to time the jurisdiction of the judge of the Territorial Court of the said Territory, and

(iv) in relation to any other place in Canada, the judge exercising from time to time the jurisdiction of the judge of the county court of the county, or the judge of the district court of the district, as the case may be, within which such place lies, and if there is more than one such judge, the senior of them.

2. The said Act is amended by repealing clause (o) of section two thereof and substituting the following:—

(o) "Nomination day" or "the day for nominations" means the day upon which nominations close as in this Act provided.

3. The said Act is amended by repealing clauses (y) and (z) of section two thereof and substituting the following:—

- (y) "urban polling division" means a polling division which is wholly contained within a place having a population of more than *ten* thousand persons and being, under the provincial law, a city, town or incorporated village, or within any other area directed by the Chief Electoral Officer to be treated as urban;
- (z) "rural polling division" means a polling division whereof no part is contained either within a place having a population of more than *ten* thousand persons and being under the provincial law a city, town or incorporated village; or *whereof no part is contained within any other area directed by the Chief Electoral Officer to be treated as urban.*

4. The said Act is amended by repealing subsection one of section fourteen thereof and substituting the following:—

14. The afternoon of polling day shall be a general public holiday in Canada.

5. The said Act is amended by repealing Clause (a) of subsection two of section eighteen thereof and substituting the following:—

- (a) issue to election officers from time to time such instructions as he deems necessary in order to ensure the effective carrying out of the provisions of this Act.

6. The said Act is amended by inserting the following subsections in section eighteen thereof as subsections two A, two B and two C:—

(2A) When it is made to appear to the Chief Electoral Officer that any election officer has been guilty of any offence against this Act, it shall be his duty to make such inquiry as appears to be called for in the circumstances, and if it appears to him that proceedings for the punishment of the offence have been properly taken or should be taken and that his intervention would be in the public interest, to assist in carrying on such proceedings or to cause them to be taken and carried on and to incur such expenses as it may be necessary to incur for such purposes.

(2B) The Chief Electoral Officer shall have the like powers in the case of any offence which it is made to appear to him to have been committed by any person under section five, section forty-three, section fifty-one, subsections two and six of section sixty-six, subsection ten of section sixty-seven or subsection seven of section sixty-nine of the said Act.

(2C) For the purpose of any inquiry under the provisions of this section, the Chief Electoral Officer or any person nominated by him for the purpose of conducting any such inquiry, shall have the powers of a commissioner under Part II of the *Public Inquiries Act*, and any expense required to be incurred for the purpose of any inquiry under this section and of any proceedings assisted or caused to be taken by the Chief Electoral Officer by virtue thereof shall be payable by the Auditor General on the certificate of the Chief Electoral Officer out of moneys appropriated by Parliament and available for such purpose.

7. The said Act is amended by repealing section twenty-one thereof and substituting the following:

21. It shall be the duty of the Chief Electoral Officer to appoint a returning officer for every electoral district and thereafter to appoint from time to time a new returning officer for any electoral district:—
- (a) in any case in which a vacancy occurs in the office of returning officer for such electoral district; or

- (b) in any case in which the returning officer for such electoral district notifies the Chief Electoral Officer that he desires to resign his office, and, in the opinion of the Chief Electoral Officer, it is not contrary to the public interest to permit such returning officer to resign; or
 - (c) in any case in which, without having received any such notification, the Chief Electoral Officer is of opinion that the returning officer for such electoral district has failed competently to discharge the duties of his office or is incapable of discharging the same satisfactorily by reason of illness or otherwise.
- (2) Any appointment made by the Chief Electoral Officer may be made by reference to the title of office of the appointee, and any person appointed to be returning officer for any electoral district by his title of office, and the successor from time to time of any such person in such office, shall be returning officer in the electoral district for which the appointment is made.
- (3) A list of the returning officers for every electoral district in Canada shall be published in the Canada Gazette between the first and twentieth days of January in each year.
8. The said Act is amended by repealing section twenty-three thereof and substituting the following:
23. Subject as aforesaid, every election clerk shall hold office during the pleasure of the returning officer by whom he has been selected, and, after the death of such returning officer or the expiry of his term of office, *until his successor has appointed a new election clerk.*
9. The said Act is amended by inserting the following section as section twenty-three A:
- 23A. It shall be the duty of the returning officer and of the election clerk forthwith to notify the Chief Electoral Officer if the returning officer at any time becomes unable to act by reason of illness, absence from the electoral district or otherwise, and it shall be the duty of the election clerk forthwith to notify the Chief Electoral Officer of the death of the returning officer.
10. The said Act is amended by inserting the following section as section twenty-four A:
- 24A. If the returning officer dies or becomes unable to act, the election clerk shall, until the appointment of a new returning officer or until the returning officer again becomes able to act, be responsible for the administration of the election as if he himself had been appointed to be returning officer for the electoral district, and subject as aforesaid, a writ of election may, in any case in which the returning officer has died or become unable to act before the issue of such writ and before his successor has been appointed, be addressed either to the returning officer or to the election clerk.
- (2) Every election clerk, who is required to act as returning officer at an election in the place of the returning officer by whom he was appointed, shall himself in his turn appoint an election clerk.
- (3) Every election clerk shall, as such, have authority to issue, on behalf and in the name of the returning officer, any transfer certificate or advance poll certificate which the latter has power to issue under the provisions of this Act.

11. The said Act is amended by inserting the following section therein as section 24 B:—

24B. Each returning officer shall forthwith upon the receipt of notice that a writ has been issued for an election in his electoral district, open, and shall throughout the election maintain an office in some convenient place in the electoral district where the electors can have recourse to him, and shall give public notice of the location of such office in such manner as the Chief Electoral Officer may direct.

12. The said Act is amended by repealing section twenty-seven thereof and substituting the following:—

27. Every election officer who omits to comply with the provision of this Act shall be liable on summary conviction to a penalty of not less than fifty dollars or more than two hundred dollars, and every election officer who refuses to comply with any of the provisions thereof, shall on summary conviction, be liable to a penalty of not less than two hundred dollars or more than five hundred dollars, unless, in either case, such election officer establishes that, in so omitting or refusing compliance, he was acting in good faith, that his omission or refusal was reasonable, and that he had no intention to affect the result of the election or to permit any person to vote whom he did not *bona fide* believe was qualified to vote, or to prevent any person from voting whom he did not *bona fide* believe was not qualified to vote.

(2) It shall be deemed to be a non-compliance with the provisions of this Act to do or omit to do any act which results in the reception of a vote which should not have been cast, or in the non-reception of a vote which should have been so.

(3) The person instituting any proceeding leading to the conviction of any election officer under this section shall be entitled to receive one-half of the penalty recovered, and it shall be paid to him accordingly, unless such proceeding was instituted at the direction of the Chief Electoral Officer or unless the Chief Electoral Officer, at the request of the person by whom the proceeding was instituted has intervened in such proceeding and has met the whole or any part of the expense thereby incurred.

13. The said Act is amended by repealing section twenty-eight thereof and substituting the following:—

28. It shall be the duty of every returning officer forthwith after his appointment to divide his electoral district into polling divisions, each designed to contain as nearly as possible three hundred electors, regard being had, however, to geographical and all other relevant consideration to the end that facilities may be provided for all the electors in each polling division to cast their votes at one or more polling stations established at a convenient place within the boundaries of the polling division.

(2) Where, by reason of a practice locally established, or other special circumstance, it is more convenient to constitute a polling division including substantially more than three hundred electors and to divide the list of voters for such polling division alphabetically between adjacent polling stations, the returning officer may, with the approval of the Chief Electoral Officer and notwithstanding anything in the last preceding section, constitute a polling division including as nearly as possible some multiple of three hundred electors.

- (3) In any case in which a large polling division has been constituted as aforesaid, such division may, for the purpose of enumeration and registration under this Act, be counted as if it contained a number of polling divisions equal to the multiple of three hundred electors intended to be included therein.

14. The said Act is amended by repealing section twenty-nine and subsection one of thirty thereof, and substituting the following:—

29. Subject as hereinafter provided, every person, male or female, shall be qualified to vote and entitled to be included in the list of voters for the polling division in which he or she resides at the time of the preparation of the list of voters therefor, if he or she
- (a) is of the full age of twenty-one years, and
 - (b) is a British subject by birth or naturalization, and
 - (c) has been ordinarily resident in Canada for at least twelve months, and
 - (d) was ordinarily resident in the electoral district at the date of the issue of the writ of election and, at a by-election, has continued to be ordinarily resident therein until polling day, and unless he or she
 - (e) is the Chief Electoral Officer or the Assistant Chief Electoral Officer,
 - (f) is a judge appointed by the Governor in Council,
 - (g) is an Indian ordinarily resident on an Indian reservation who did not serve with the naval, military or air forces of Canada in the war 1914-1918,
 - (h) is a prisoner undergoing punishment for an offence,
 - (i) is restrained of his liberty of movement or deprived of the management of his property by reason of mental disease,
 - (j) is disqualified by reason of his race from voting for a member of the Legislative Assembly of the Province in which he resides, and did not serve in the naval, military or air forces of Canada in the war 1914-1918,
 - (k) is disqualified from voting by reason of his employment for pay or reward in connection with the election or under any law relating to the disqualification of voters for corrupt or illegal practices.

29A. The following rules shall apply to the interpretation of the words "resident" and "resided" in any section of the Act in which the said words or either of them are used with respect to the right of a voter to vote.

- (1) Subject as provided in the succeeding clauses of this section, the question where a person is or was resident at any material time or during any material period shall be determined by a reference to all the facts of the case.
- (2) Any person on active service with the naval, military or air forces of Canada shall be deemed to continue to reside in the polling division in which he was resident at the time of enrolment for such active service, unless he has thereafter elected to establish some other residence in Canada.
- (3) For the purpose of a general election, every person shall be deemed to continue until polling day to reside in the electoral district in which he was resident at the date of the issue of the writs of election, and no actual change of residence during this intervening period

shall deprive him of his right to vote in such electoral district or entitle him to vote in any other electoral district, unless he is one of the persons described in the next following subsection and exercises his rights thereunder, in which event he shall not be entitled to vote in the electoral district in which he was resident at the date of the issue of the writs of election.

- (4) Any of the following persons who, in the interval between the issue of the writ of election and polling day, changes his place of residence from one electoral district to another, shall nevertheless be entitled, if he so elects, to be included in the list of voters for the polling division in which he is resident at the time of his application to be so included, provided that,
- (a) being a minister, priest or ecclesiastic of any religious faith or denomination, he is in charge of or permanently attached to an established place of worship or recognized mission of his church situate in the electoral district to which he has removed;
 - (b) being a teacher, he is employed, under a contract with the appropriate educational authority, in teaching at a school situate in the electoral district to which he has removed;
 - (c) being a pupil he is, and has for at least seven of the preceding twelve months, been registered as a pupil and has been in actual and regular attendance at an educational institution situate in the electoral district to which he has removed.
- (5) Except persons who, at the date of the issue of the writ of election, have no other quarters to which they might at will remove, no person shall be deemed to be resident at the said date in quarters or premises which, notwithstanding that they may be sometimes or ordinarily occupied during some or all the months of May to October inclusive ordinarily remain unoccupied during some or all the months of November to April inclusive.

15. The said Act is amended by repealing section thirty-two of the said Act and the schedules to the said section, and substituting the following:—

32. In each urban polling division a list of voters shall be prepared in accordance with the rules set forth in Schedule A to this section, and in each rural polling division a list of voters shall be prepared in accordance with the rules set forth in Schedule B thereto.
- (2) The Chief Electoral Officer shall have power to decide upon the best available evidence, for all the purposes of this Act, whether any place is a city, town or incorporated village and whether it has a population of over ten thousand persons.
 - (3) Each returning officer shall keep a record of the names and addresses of the enumerators and registrars whom he appoints and of the polling division for which each is to act, and shall permit any person to inspect such record during business hours.
 - (4) Every person who applies under this Act to be included in any list of voters in the name of some other person, whether such name be that of a person living or dead, or of a fictitious person, or who, having been once to his knowledge included in any list of voters under this Act as a voter entitled to vote at a pending election, applies to be included a second time in any other list of voters in the same electoral district as a voter entitled to vote at the same election, shall be guilty of the offence of personation, and liable to the penalties imposed in this Act upon persons guilty of that offence.

- (5) In addition to any other penalty for which he may be liable under this Act, any enumerator or registrar who wilfully and without reasonable excuse includes in any list of voters prepared by him the name of any person whose name he has not good reason to suppose should be included, or who omits to include in such list the name of any person whom he has good reason to believe has the right to have his name included, shall be guilty of an offence punishable on summary conviction as in this Act provided, and shall be liable to a penalty of not less than one dollar or more than five dollars in respect of each name improperly included or omitted as aforesaid.

SCHEDULE A

Preparation of Lists of Voters in Urban Polling Divisions

ENUMERATION

Rule (1) Forthwith after receipt by him of notice from the Chief Electoral Officer that a writ of election has been issued for his electoral district, the returning officer shall appoint in writing a person to enumerate the voters in each polling division or part thereof, and shall require each of such persons to take an oath that he will act faithfully in the capacity of enumerator without partiality, fear, favour or affection and in every respect according to law.

Rule (2) Every enumerator shall forthwith after taking his oath as such, proceed to ascertain the names, addresses and occupations of every person qualified to vote in the polling division or part thereof for which he has been appointed, obtaining the information he required by a house to house visitation, and from such other sources as may be available to him, and leaving at the residence of every voter who appears to be qualified a memorandum indicating that such voter will be included in the list to be prepared by him.

Rule (3) On a day to be fixed by the Chief Electoral Officer and notified by the returning officer to the enumerators, each of the latter shall from the information then secured by him, prepare and certify, in such form as the Chief Electoral Officer may direct, a complete list in exact alphabetical order of all the persons who are resident in the polling division or part thereof for which he has been appointed and are qualified to vote at the election, and shall also prepare and certify in like form at least three copies of such list.

Rule (4) In such list the enumerator shall, after the name of every female voter whose name appears therein, write the letter W in brackets thus (W), and the name of a married woman or widow shall be entered in such list in the alphabetical order determined by the first letter of the name of her husband or deceased husband, as the case may be.

Rule (5) Such list and the copies thereof, together with the original field or other notes upon which the same has been based, shall forthwith be delivered or transmitted by the enumerator to the returning officer, who shall thereupon deliver one copy of such list to the representative of each candidate or prospective candidate as hereinafter defined. The returning officer shall retain the original list in his office, where it shall be available for public inspection, and shall furnish one copy thereof to the registrars within whose registration district, as hereafter provided, the polling division lies.

REGISTRATION

Rule (6) The returning officer shall, as soon as convenient after receiving notice of the issue of a writ for an election in the electoral district, group together the polling divisions into registration districts each containing ten to twelve polling divisions or such other number as circumstances require or as the Chief Electoral Officer may direct, and shall prepare descriptions of the boundaries of such registration districts.

Rule (7) The returning officer shall, for each of the registration districts, appoint in writing in Form 5 in Schedule One of this Act, two persons to be registrars of voters for such district, and shall require each of such persons, before acting as registrars, to take the oath in Form 6 of the said schedule.

Rule (8) The returning officer shall also appoint in each registration district a convenient place properly furnished, lighted and heated, in which the registrars shall sit for the registration of voters.

Rule (9) The returning officer shall cause to be printed a notice describing the boundaries of each of the registration districts, giving the names of the registrars for each thereof, setting out the registration office at which such registrars will attend for the registration of voters, and stating the days and hours during which such offices will be open. A sufficient supply of copies of such notice shall be furnished by the returning officer to the registrars, who, at least three days before the commencement of the registration, shall cause six copies for each thousand of the population to be posted up in conspicuous places throughout the registration district, and, before nine o'clock on the morning of the day the registration commences, shall cause an additional five copies to be posted up outside of and near to the place where they sit for the registration of voters; they shall see that these latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up throughout the whole period of registration.

Rule (10) Every registration office shall be open for the registration of voters from nine o'clock in the forenoon until nine o'clock in the afternoon on three week days to be fixed by the Chief Electoral Officer and notified to the returning officer, and both registrars shall remain continuously in attendance at such office while the same is open, except that each shall be entitled to be absent at different times for not more than three hours in any day and not more than one and a half hours on any one occasion. Subject to the instructions of the returning officer the registrars appointed to act at any registration office may arrange for the division of the work between them during the time they are both in attendance.

Rule (11) If at any time the number of applications for registration at any registration office is such that the registrars cannot promptly dispose of them, the returning officer may, with the approval of the Chief Electoral Officer, appoint an additional registrar or additional registrars for such office or may provide clerical assistance for the registrars acting thereat.

Rule (12) The registrars shall permit to be present in the place of registration two representatives of each recognized and opposed political interest in the electoral district, but no such representative shall, except with the permission of a registrar, have any right to take part or intervene in the proceedings.

Rule (13) Any person resident in any polling division included in the registration district, whose name has not been included or has been incorrectly included by the enumerator in the list of voters for such polling division, may apply at the registry office for the registration district to have his name included in the list, or to cause the entry in the list relating to him to be corrected.

Rule (14) Every person so applying shall sign a form of application in which all the information required by the said form shall be sufficiently filled in either by the applicant personally or by a registrar at the applicant's request, and before entering the name of any such person in the list of voters or before correcting such list, as the case may require, the registrar shall satisfy himself that the applicant understands the effect of the statements in the application, and that he is entitled to have his name included in the list or to have the list corrected pursuant to his request.

Rule (15) Wherever the language of the applicant is not understood by the registrar an interpreter may be sworn and may act; in the event of inability to secure an interpreter the application shall, for the time being, be refused.

Rule (16) If it appears to the registrar that the applicant understands the effect of the statements in the form of application and that the applicant's name should be included in the list, or that the amendment thereof which he requests should be made, he shall certify accordingly by signing the appropriate certificate on the stub of the application, which he shall forthwith detach and deliver to the applicant.

Rule (17) If, in the opinion of the registrar, the statements made by the applicant in his application do not show that the applicant is entitled to have his name included in the list, or to have the list amended as requested, he shall notify the applicant that his application is refused, stating the reasons for such refusal, which reasons he shall endorse on the application form. He shall also certify the fact of the refusal of such application by signing the appropriate certificate on the stub of the form of application, and shall detach and deliver such stub forthwith to the applicant.

Rule (18) If any person who claims to be entitled to have his name included in the list of voters or to have the entry relating to him therein corrected, is unable personally to attend the registration sittings by reason of sickness, disability, or necessary, temporary, unavoidable and *bona fide* absence from the municipality in which the registration area is included, then a relative of such person by blood or marriage or his employer may, if he has a sufficient knowledge of the facts, appear before the registrar and complete the form of application to have such person's name included in the list of voters, or to have the list corrected, as the case may be.

Rule (19) If the relative by blood or marriage or the employer so appearing substantiates (a) the cause for the non-appearance of the person immediately concerned to be as hereinbefore set forth, (b) the existence of a relationship by blood or marriage or the relationship of employer and employee and (c) the facts relevant to the qualification, name, address or identity of the person immediately concerned so far as such facts are requisite to cause the name of such person to be included in the list, or to cause the list to be corrected, as the case may be, the registrar may act upon such application as if the person immediately concerned had appeared in person before him.

Rule (20) Any voter qualified to vote in any polling division in the district allotted to any registrar, and duly entered in the list of voters for such polling division, may make oath before such registrar alleging the death, disqualification, or real residence and appearance in another list, of any person on the

list for any of such polling divisions, and the registrar, upon such oath being made before him, shall transmit by registered mail addressed to the person objected to, at the address, mentioned in the list of voters, if any, and also at such other address, if any, as may be mentioned in the oath aforesaid, a notice requiring the person objected to to appear in person or by representative before the revising officer on a day to be named in such notice, to establish his qualification as a voter, and the registrar shall transmit with each copy of such notice a copy of the oath of the voter making the objection. Such oath may be in the Form No. 18 and such notice in Form No. 19.

Rule (21) During his sittings each registrar shall copy, into an index book in Form 17 in Schedule one, the list of voters prepared by the enumerator for each polling division and shall from time to time add or correct in such index book the names, addresses and occupations of such qualified voters as are added by him to the list, or in respect of which any correction is made, and shall certify each amendment of the list so made by appending thereto his initials and a note of the date of the amendment.

Rule (22) The registrars, immediately after the conclusion of the sittings for registration, shall number consecutively all the names in such index book, which shall thereupon be certified on oath by the registrars concerned in its preparation.

Rule (23) Within forty-eight hours after the close of the sittings for registration, the registrars for each registration district shall prepare statements of the additions and corrections made by them in the enumerators' lists, and shall transmit to the returning officer the index book, the said statements, together with at least two copies of each of the latter which copies, forthwith upon their receipt by him, the returning officer shall distribute to the representatives of the candidates as hereinafter defined.

Rule (24) The returning officer shall keep in his office available for public inspection the original statements of additions and corrections furnished him by the registrars.

Rule (25) Every registrar shall, while sitting as such, be a conservator of the peace and have and possess the same powers as a justice of the peace in his province. He may appoint, if necessary, constables for the maintenance of order and for the arrest of and detention of persons who are guilty of the personation of others, or of attempting to personate others, or who impede or improperly interrupt his proceedings or create a disturbance.

Rule (26) The returning officer may at any time relieve any enumerator or registrar of his duties and appoint another to perform the same, and any enumerator or registrar so relieved shall forthwith upon receiving written notice from the returning officer of the appointment of a substitute for him, deliver up to the returning officer or to such other person as the returning officer may appoint, all lists, notices and other papers in his possession as such enumerator or registrar; on default he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Rule (27) For every urban polling division the judge as in section two of this Act defined shall be *ex officio* revising officer, and in the event of there being or arising a vacancy in the office of revising officer, another judge for the same district, if any, shall thereupon become or be named *ex officio* revising officer, and if there is none or none is named, the Governor in Council may nominate a person to be *ex officio* revising officer pending the appointment or nomination of a new judge.

REVISION

Rule (28) The returning officer shall, as soon as he conveniently may after the receipt by him of notice of the issue of a writ for an election in his electoral district, communicate with the *ex officio* revising officer and ascertain from him whether he will himself revise the lists of voters for any, and if any, what polling divisions, and such revising officer shall thereupon notify the returning officer of the polling divisions for which he will himself revise the lists, and of the names of such other persons, if any, as are or will be appointed by him to revise the lists for any other polling divisions, indicating the polling divisions for which such other persons, if any, will act.

Rule (29) Forthwith on receipt of such notification, the returning officer shall with the concurrence of the *ex officio* revising officer and for other revising officers appointed by the *ex officio* revising officer, and not later than the fortieth day before polling day, cause to be printed and posted in adequate numbers throughout the areas affected, a notice of the sittings for revision in such form as may be prescribed by the Chief Electoral Officer.

Rule (30) The returning officer shall furnish to the revising officer for each polling division the index book prepared by the registrar or registrars thereof.

Rule (31) Every revising officer shall, unless he be a judge, be sworn to the faithful and impartial performance of his duties.

Rule (32) Every revising officer shall, for the purpose of the performance of his duties, have the same powers as would be exercisable by the *ex officio* revising officer when sitting in Court, and, subject as in this Act provided and to such instructions as may be given by the Chief Electoral Officer, shall regulate the procedure in all matters coming before him in such manner as he shall see fit.

Rule (33) The sittings of the revising officers for the revision of the lists shall commence at ten o'clock in the morning of the thirty-fifth day before polling day, and shall continue during such hours as may be necessary on that and the two following days, provided that if any of the said days is a holiday, the day for the commencement or continuation of the sittings shall be postponed one day accordingly.

Rule (34) At the sittings for revision, the revising officer shall have jurisdiction to dispose and shall dispose—

- (a) of applications made by persons who might have applied to registrars to have their names included in the lists, or to have the lists corrected, and
- (b) of applications by relatives or employers which might have been made to the registrars by them or the persons immediately concerned, and
- (c) of objections on oath made before a registrar under Rule (19), of which the registrar has given notice as in the said rule provided, and
- (d) of objections to the inclusion of any names in the list of voters of which at least two days' notice has been given in writing sent by mail, registered and prepaid, addressed to the person whose name is objected to at the address given for such person in the list of voters.

Rule (35) In the case of any objection made on oath before a registrar under Rule (19), of which notice has been properly given by the registrar under the said rule, the onus of establishing his right to have his name included in the list of voters shall be upon the person objected to, and if such person does not, during the sittings on the day for which notice of the hearing of such objection has been given, appear before the revising officer personally or by representative,

or, being present or represented, fails to satisfy the revising officer of his right to have his name retained on the list, the revising officer shall strike his name therefrom, whether or not the vote by whom the objection was made has appeared before him.

Rule (36) In the case of any objection to the inclusion of a name in the list of voters of which notice has been given by the objecting person otherwise than through a registrar, the onus of establishing the validity of such objection shall rest upon the objecting person, and shall be discharged either by proper evidence that the name of the person objected to should not be included in the list of voters or by the production of a post office certificate of the registration of the package containing the notice of objection, and of the package itself having upon it a record by the post office indicating that the same could not be delivered.

Rule (37) During the sittings for the revision of the lists each revising officer shall correct, and forthwith after their conclusion shall certify, the index book containing the list for such polling division as finally revised by him, and shall prepare or cause to be prepared a statement of the changes and additions made by him in each list in the course of the revision. He shall thereupon, not later than the twenty-ninth day before polling day, transmit to the returning officer the index book as finally corrected by him and the statement of changes and additions which shall be duly certified by him.

Rule (38) The returning officer shall forthwith cause to be made a sufficient number of copies of the statements of changes and additions and shall forthwith distribute one copy of each of such statements to the representatives of the candidates as hereinafter defined.

PRINTING AND DISTRIBUTION OF LISTS

Rule (39) The returning officer shall also forthwith cause the lists as finally revised to be printed, and shall have the printing thereof completed not later than the eighteenth day before polling day. Each printed copy of each list shall have appended thereto a printed certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the persons referred to in the list as finally revised by the revising officer for the polling division to which the printed list relates. The returning officer shall furnish twenty printed copies of the list for each polling division to the representatives of each of the candidates as hereinafter defined.

Rule (40) The printed list as so certified by the returning officer shall be the official list for the polling division to which it relates, but if any material difference between its contents and the contents of the list as finally revised by the revising officer is discovered after the completion of the printing, the returning officer shall furnish a certificate of such error to the deputy returning officer and to the representatives of each of the candidates, and the printed list shall for all purposes be taken to have been amended in accordance with such certificate.

Rule (41) Any copies of lists, or of statements of changes or additions in any list, required by these rules to be distributed to candidates, shall be distributable as follows:—

- (a) To the representatives of candidates who have been formally nominated as such at the pending election, if any, or
- (b) To the representative of the member of the House of Commons who last represented the electoral district therein, and
- (c) To the representatives of defeated candidates at the next preceding election in the electoral district.

Rule (42) Unless there are more than three candidates formally in nomination, and except in electoral districts from which more than one member is to be elected, the returning officer shall not in any case be required to provide for representatives of candidates more than three copies in all of any lists of voters or statements of changes and additions not required by this Act to be printed, and representatives of candidates formally in nomination shall be entitled to copies in preference to all other persons. If in any case there are competing claimants for the copies aforesaid, or if there is no person representing any recognized political interest possessing the qualifications entitling him to name a representative to receive a copy, the returning officer, subject to the instructions of the Chief Electoral Officer, may exercise his discretion as to the person or persons to whom the distribution should properly be made.

Rule (43) The returning officer shall forthwith after the lists have been printed transmit to the Chief Electoral Officer by registered mail fifteen copies of every list of voters printed by him.

SCHEDULE B

Preparation of Lists of Voters in Rural Polling Divisions

Rule (1) As soon as possible after he has been notified of the issue of the writ of election in his electoral district, the returning officer shall, by writing in Form No. 5, appoint a person to be registrar of voters for each rural polling division in his electoral district.

Rule (2) Every registrar shall be resident in the polling division for which he is appointed unless it is impossible promptly to secure the services of a resident person who is qualified to act.

Rule (3) Every registrar shall forthwith on his appointment take an oath as such in Form No. 6 and shall immediately thereafter post up in public places in the polling division at least six copies of a notice that he is about to prepare a list of qualified voters resident in the division, which said list will be revised by him and corrected by him at a stated place where he will be found between the hours of two and six o'clock in the afternoon of the Monday, Tuesday and Wednesday in the fourth week before the week of the poll, or if any of the said days is a public holiday in the province and the returning officer so directs, then on such of the said days as are not public holidays and on Thursday of the said week.

Rule (4) Each registrar shall forthwith after posting the said notice proceed to prepare a list of all the persons resident in his polling division who are qualified as voters. Such list shall be prepared in an index book in Form No. 17, in which the names of the voters shall be grouped according to the initial letter of their respective surnames, the occupation and residence of each being fully stated.

Rule (5) After the name of every female voter whose name is included in the lists, the registrar shall write the letter W in brackets thus (W), and the name of a married woman or widow shall be entered in the index book in the alphabetical group determined by the first letter of the name of her husband or deceased husband, as the case may be.

Rule (6) The said lists shall be prepared by the registrar by personal inquiry in the polling division or from such other sources of information as may be available and as may be conveniently made use of.

Rule (7) As soon as possible after nine o'clock in the afternoon of the Saturday in the seventh week preceding the week of the poll, each registrar shall complete his list and on or before the Tuesday in the sixth week before the week of polling day shall prepare at least four plainly written copies of the list of voters as contained in the index book and shall append to each of such copies a certificate in Form No. 11.

Rule (8) Each registrar shall on the said Tuesday post up one such copy at the place within the polling division at which he will be found to correct the list between two and six o'clock in the afternoon of three days in the fourth week before the week of polling day as hereinbefore provided. He shall attach to such copy a copy of the notice published under Rule (4).

Rule (9) Each registrar shall also on or before Tuesday in the sixth week before polling day transmit or deliver to the returning officer at least two copies of the lists as contained in the index book for distribution to the representatives of candidates, and in addition one copy of the said list to be retained by the returning officer. To each of the said copies there shall be attached a copy of the notice given by the registrar under Rule (4).

Rule (10) At any time after the posting up of a copy of the voters' lists, and not later than six o'clock on the last of the days specified for the correction thereof in the notices posted by him, on being satisfied from representations made to him by any credible person under oath or otherwise that the list as prepared by him in the index book requires amendment as hereinafter mentioned, the registrar may

- (a) add to such list the names of any person who is qualified to vote at the election then pending and is resident within the polling division, but whose name has been omitted from the preliminary list, or
- (b) strike out such list by drawing erasing lines therethrough the name of any person who is not qualified as a voter or who is not resident in the polling division, or
- (c) correct any inaccurate statement as to the name, address or occupation of any person whose name properly appears in the said list.

Rule (11) Every correction made by the registrar as aforesaid in the list in the index book, by the addition, erasure or correction of any entry therein, shall be verified by there being appended to such correction the initials of the registrar and the date upon which the same was made.

Rule (12) In order that he may be readily found by any person who desires to make representations with regard to any entry in the list, the registrar shall attend at the place of which he has given notice as aforesaid between the hours of two and six o'clock in the afternoon of the three days in the fourth week before the week of the poll hereinbefore specified.

Rule (13) Immediately after six o'clock on the afternoon of the last of the said days, each registrar shall prepare at least three copies of a statement of the changes and additions made by him in the index book subsequent to the posting by him of the copies of the preliminary list, and shall, not later than the Saturday in the fourth week before the week of the poll, transmit or deliver to the returning officer the index book, one complete copy of the corrected list of voters as therein contained, and at least two copies of the statement of changes and additions for distribution by the returning officer to candidates.

Rule (14) Each registrar shall retain in his possession the copy of the preliminary list posted up by him and one copy of the statement of changes and additions therein, which said copies he shall permit to be inspected at any reasonable time by any voter who asks to be permitted to inspect the same.

Rule (15) The returning officer may at any time replace any registrar appointed by him by appointing another registrar to act in the place and stead of the person already appointed, and any registrar so replaced shall upon request by the subsequent appointee or to any other person authorized by the returning officer to receive the same, any index book or other papers and information which he has obtained for the purpose of the performance of his duties; on default he shall be guilty of an offence punishable on summary conviction as in this Act provided.

Rule (16) The returning officer shall, forthwith upon the receipt by him from any registrar of copies of any preliminary lists of voters or of any statements of changes and additions made in any such preliminary list, furnish to the representative of each candidate, as hereinafter defined, one copy of such preliminary list or statement of changes and additions.

Rule (17) The distribution to the representatives of candidates of copies of lists and statements of changes and additions shall be governed by the provisions of Rules (40) and (41) of Schedule A to section thirty-two of this Act.

16. The said Act is amended by repealing subsections one to five inclusive of section forty thereof and substituting the following:

40. The Governor in Council shall fix the day upon which the poll shall be held at any election, and such day shall be named in the writ of election; at a general election the writs for all the electoral districts shall be dated on the same day.

(2) The day fixed for the poll shall at any election be a Monday, unless the Monday of the week in which it is desired to hold the poll

(a) is a holiday as defined by the *Interpretation Act*; or

(b) at a general election, is a day which is generally observed by the residents of any province as a day for religious exercises and is declared to be a holiday by the law of such province; or

(c) at a by-election, is a day so generally observed in and so declared by the law of the province within which the electoral district lies;

and in any such case the day fixed for the poll shall be Tuesday of the same week.

(3) The day for the close of nominations (in this Act referred to as nomination day) shall in the electoral districts specified in Schedule Three of this Act be the Monday of the second week next preceding the week of the poll, and in all other electoral districts shall be the Monday of the week preceding the week of the poll.

(4) If the Monday on which nomination day would otherwise fall is such a day that, if the poll had been directed to be held in that week, it would have been held on Tuesday, the day for the close of nominations shall be the Tuesday following the Monday upon which the nominations would otherwise have closed.

(5) Any ten or more electors of an electoral district for which an election is to be held may nominate a candidate, or as many candidates as are required to be elected for such electoral district, by signing a nomination paper in Form 22 stating therein *such particulars* of the name, residence and addition or description of each person proposed as sufficiently to identify such candidate, and by causing such nomination paper to be produced to the returning officer at any time between the date of the proclamation and the *close of nominations as hereinafter specified and by complying in all other respects with the provisions of this section.*

17. The said Act is amended by repealing subsections ten and eleven of section forty thereof and substituting the following:

(10) The returning officer shall not accept any deposit until after all the other steps necessary to complete the nomination of the candidate have been taken, and upon his accepting any deposit he shall give to the person by whom it is paid to him a receipt therefor which shall be conclusive evidence that the candidate has been duly and regularly nominated.

(11) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Auditor General.

(11A) At noon on nomination day the returning officer and the election clerk shall both attend at a court house, a city or town hall, or some other public or private building in the most central or most convenient place for the majority of the electors in the electoral district (of which place notice has been given by the returning officer in his proclamation as hereinbefore provided) and shall there remain until two o'clock in the afternoon of the same day for the purpose of receiving the nominations of such candidates as the electors desire to nominate and as have not already been nominated. After two o'clock on nomination day no further nominations shall be receivable or be received.

18. The said Act is amended by repealing subsections one to five inclusive of section fifty-three thereof and substituting the following:

53. Upon the production to the returning officer at any time after the close of nominations of a writing, signed by any candidate who has been duly nominated, whereby such candidate appoints a person whose name appears upon the list of voters for any polling division in the electoral district to act as his agent at a polling station established for some other polling division, the returning officer shall issue to such agent a transfer certificate in Form 30 in Schedule One to this Act.

(2) Any candidate whose name appears upon the list of voters for any polling division shall be entitled at his request to receive a like transfer certificate entitling him to vote in any specified polling division instead of that upon the list for which his name appears.

(3) The returning officer may also issue a like transfer certificate to any person whose name appears on the list of voters for any polling division and who has been appointed to act as deputy returning officer or poll clerk at any other polling station in the electoral district than that at which such person is entitled to vote.

(4) The registrar of any rural polling division may also at any time after the close of nominations issue a transfer certificate in Form 30 in Schedule One to this Act to any candidate, deputy returning officer, agent or poll clerk who is on the list for the polling division for which such registrar has been appointed and who, being a candidate, requests the registrar so to do, or being a deputy returning officer, agent or poll clerk, satisfies the registrar by the production of his appointment in writing that he has been appointed to act as such deputy returning officer, agent or poll clerk at the polling station established for some other polling division at which he desires to vote.

(5) The returning officer or any registrar by whom any transfer certificate is issued (a) shall sign such certificate and mention thereon the date of its issue, (b) shall consecutively number every such certificate in the order of its issue, and (c) shall not issue any such certificate in blank.

(5A) No certificate issued to any election officer or agent for a candidate under this section shall entitle such election officer or agent to vote pursuant thereto unless, on polling day, he is actually engaged in the performance of the duty specified in the certificate at the polling station therein mentioned.

(5B) No returning officer or registrar shall issue certificates under this section purporting to entitle more than two agents for any one candidate to vote at any given polling station and no deputy returning officer shall permit more than two agents for any one candidate to vote at his polling station on certificates under this section.

19. The said Act is amended by repealing subsection one of section fifty-seven thereof and substituting the following:

57. Subject to his taking any oath authorized by this Act to be required of him, every person whose name appears on the list of voters for a polling division shall be entitled to vote at the appropriate polling station established for such polling division.

20. The said Act is amended by repealing subsections one and two of section sixty-four thereof and substituting the following:

64. Subject as herein provided, any person who is qualified to vote in the electoral district and is, on polling day, resident in a rural polling division may, notwithstanding that his name does not appear on the list of voters for such polling division, vote at the appropriate polling station established therefor if, so far as he is aware, his name does not appear on the list of voters prepared for any other polling division in the electoral district.

(2) Any such person as is in the last preceding subsection described shall be entitled to vote only

(a) upon his being vouched for by some other voter whose name appears on the list for such rural polling division and who is resident therein, personally attends with him at the polling station and takes an oath in Form No. 36 in Schedule One to this Act, and

(b) upon himself taking an oath in Form 35.

21. The said Act is amended by repealing subsections one and two of section one hundred and two and substituting the following therefor:

102. 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 receiving the votes of such persons as are hereinafter described and whose names appear in the list of voters for one of the polling divisions included in such place or any other place mentioned in Schedule Two and situate in the same electoral district.

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

(2A) When it is made to appear to the Chief Electoral Officer that, in an area adjoining a place mentioned in the said schedule and included in the same electoral district as such place, there reside a substantial number of electors who may be entitled to the privilege of voting at an advance poll, the Chief Electoral Officer may direct that such area shall, for the purpose of this section, be deemed and be treated as part of the place which is mentioned in the said schedule and which it adjoins.

(2B) The privilege of voting at an advance poll shall extend only to such persons as are employed by a railway company or on a vessel, or as commercial travellers and to any such person only if, by reason of the nature of his said employment and in the course thereof, he is obliged to be absent from time to time from his ordinary place of residence, and if he has reason to believe that

he is likely to be unable to vote on polling day in the polling division on the list for which his name appears by reason of necessary absence on that day from his ordinary place of residence in pursuit of his employment.

22. The said Act is amended by repealing subsection eight of section one hundred and two thereof and substituting the following therefor:

(8) Advance polls shall be open and shall only be open between the hours of seven and ten o'clock in the afternoons of the Thursday and the Friday immediately preceding polling day and between the hours of two and ten o'clock in the afternoon of the Saturday immediately preceding polling day.

23. The said Act is amended by repealing subsections ten to fifteen inclusive of section one hundred and two and substituting the following:

(10) No person otherwise entitled to vote at an advance poll shall be permitted to do so unless.

(a) being resident in an urban polling division, he produces to the deputy returning officer at the advance poll an advance poll certificate from the returning officer in Form No. 54 that he is a person to whom the privilege of voting at an advance poll extends, or being resident in a rural polling division, produces such a certificate from the registrar of such polling division, and

(b) signs in the presence of the deputy returning officer a statement of identification and declaration in Form No. 55.

(11) Such advance poll certificates shall be issued by the returning officer or the rural registrar, as the case may be, only on the personal application to him of the voter concerned and after satisfying himself that the applicant is a person to whom the privilege of voting at an advance poll extends.

(12) Every such advance poll certificate shall be numbered consecutively by the returning officer or by the registrar by whom the same is issued, as the case may be, and it shall be the duty of the returning officer or registrar, before the hour of the opening of the ordinary polls on polling day, to cause notice to be given of the issue of any advance poll certificate issued by him to the deputy returning officer at the ordinary polling station at which the person to whom such certificate has issued would in the ordinary course be entitled to vote. Such notice shall be effectively given by the delivery to the deputy returning officer of a copy of the list of voters ordinarily entitled to vote at the polling station in question upon which, against the names of the persons to whom advance poll certificates have been issued, a note "Advance Poll Certificate" or "A.P.C." has been made, followed by the consecutive number of the certificate issued to such person and the initials of the returning officer or registrar.

(13) No person who has obtained an advance poll certificate shall be entitled to vote on polling day except upon his producing such certificate and delivering the same up to the deputy returning officer at the polling station established for the polling division on the list for which his name appears.

(14) Each registrar for a rural polling division who is authorized to issue advance poll certificates shall attend for the purpose of receiving applications for such certificates at such times and places as may be directed by the Chief Electoral Officer who may specify what public notice, if any, is to be given by such registrar as to the places where and the times at which he will attend as aforesaid.

24. The said Act is amended by repealing Form No. 35 in Schedule one and substituting the following therefor:—

FORM No. 35

OATH OF PERSON NOT ON LIST FOR A RURAL POLLING DIVISION

(At a general election)

2. You swear that you are a British subject of the full age of twenty-one years, that you have been ordinarily resident in Canada during the last twelve months, that you were ordinarily resident in this electoral district on the day of _____, 19____ (naming the date of the issue of the writs of election), that you now reside in this polling division and that, so far as you are aware, you are not on the list of voters for any other polling division in this electoral district.

And you further swear that you are not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment for pay or reward in reference to the election, race, crime, mental incapacity or disfranchisement for corrupt or illegal practices and that you have not already voted at this election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

(At a by-election)

You swear that you are a British subject of the full age of twenty-one years, that you have ordinarily resided in Canada during the last twelve months, that you were ordinarily resident in this electoral district on the day of _____, 19____ (naming the date of the issue of the writs of election), that you have since continued to be resident in this electoral district since the said date, that you now reside in this polling division, and that, so far as you are aware, you are not on the list of voters for any other polling division in this electoral district.

And you further swear that you are not within any of the classes of persons who lack qualification or are disqualified by reason of appointment to judicial office, employment for pay or reward in reference to the election, race, crime, mental incapacity or disfranchisement for corrupt or illegal practices, and that you have not already voted at this election or been guilty of any corrupt or illegal practice in relation thereto. So help you God.

25. The said Act is amended by repealing Form No. 36 in Schedule One and substituting the following therefor:

FORM No. 36

OATH OF PERSON VOUCHING

You swear that you are (name as on list of voters), whose occupation is (occupation as on list of voters), and whose address is (address as on list of voters), and that you now reside in this polling division;

That you knew (naming the applicant and stating his address and occupation) who has applied to have his name added to the voters' list for the said polling division.

That the said applicant now resides in this polling division.

That you verily believe that the said applicant is a British subject of the full age of twenty-one years, that he has been ordinarily resident in Canada for the last twelve months, that he was ordinarily resident in this electoral district

on the _____ day of _____, 19____ (naming the date of the issue of the writ of election, and at a by-election add: and that he has continued to be so resident in this electoral district since the said date).

That you verily believe that the applicant is qualified to vote at this election and is not disqualified from voting thereat. So help you God.

26. The said Act is amended by cancelling Forms Nos. 54 and 55 and substituting the following therefor:

FORM No. 54

ADVANCE POLL CERTIFICATE (Sec. 102)

I hereby certify that (insert full name, address and occupation of applicant voters), whose signature appears above mine, has personally appeared before me and satisfied me.

(1) that he is now employed by the.....Railway Company (or on the vessel known as the.....), in the capacity of.....(or by..... as a commercial traveller) and

(2) that by reason of the nature of his said employment and in the course thereof he is obliged to be absent from time to time from his ordinary place of residence, and

(3) that he has reason to believe that he is likely to be unable to vote at the pending election on polling day in the under-mentioned polling division by reason of necessary absence on that day from his ordinary place of residence in the pursuit of his employment, and

(4) that he is the person intended to be described by the entry of the name, occupation and address above set out on the list as finally revised or corrected of the persons entitled to vote at this election in Polling Division No..... in the Electoral District of.....

I further certify that he is a person entitled to vote at any advance poll established for the said electoral district.

Dated at _____ this _____ day of _____ 19 .

.....
Signature of Applicant

Returning Officer
(or) Registrar for
Polling Division No.....

FORM No. 55

DECLARATION (SEC. 102)

I hereby declare that I am the person described in the above certificate, that all the facts therein stated with respect to my employment and anticipated absence from home on polling day are and remain correct and that I verily believe myself to be the person intended to be referred to by the entry on the list of voters in the above certificate mentioned.

I am aware that having presented this certificate at an advance polling station, I am not entitled to vote on polling day.

.....
Signature of voter.

27. The said Act is amended by adding to Schedule Three thereof the following electoral districts:

Province of Ontario.
Province of Quebec.
Province of Nova Scotia.
Province of New Brunswick.
Province of Manitoba.
Province of British Columbia.
Province of Prince Edward Island.
Province of Saskatchewan.
Province of Alberta.

28. The Chief Electoral Officer is authorized to make, in such other of the forms in Schedule One of the said Act as are not hereinbefore mentioned, such amendments as may be necessary in order that the said forms shall comply with the provisions in this Act contained.

29. This Act shall not apply to the election of any member to the present Parliament.

All of which is respectfully submitted.

C. G. POWER,
Chairman.

Presented, 23rd May, 1929.

Concurred in, 27th May, 1929.

MINUTES OF PROCEEDINGS

ROOM 375, HOUSE OF COMMONS,
THURSDAY, 23rd May, 1929.

The Committee met at 4 p.m., with Mr. Power, the Chairman, presiding.

Members present: Messrs. Anderson (Toronto-High Park), Bancroft, Boys, Cannon, Hanson, Kellner, Laflamme, Lapierre, McPherson, Power, Totzke.

In attendance: Colonel Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

DOMINION ELECTIONS ACT

The Committee resumed consideration of Colonel Biggar's draft amending Act. A new section—number 29—was added as follows:—

“29. This Act shall not apply to the election of any member to the present Parliament.”

A report, incorporating an amending Act, was unanimously adopted for submission to the House. This forms the Fourth Report of the Committee, and is contained in No. 8 of the printed Minutes of Proceedings.

The Committee adjourned, to meet at the call of the Chair.

JOHN T. DUN,
Clerk of the Committee.

ROOM 375, HOUSE OF COMMONS,
WEDNESDAY, 29th May, 1929.

The Committee met at 4 p.m., with Mr. Power, the Chairman, presiding.

Members present: Messrs. Anderson (Toronto-High Park), Bancroft, Boys, Cannon, Kellner, Kennedy, Laflamme, McPherson, Power, Totzke.

In attendance: Colonel Biggar, Counsel to the Committee, and Mr. Castonguay, Chief Electoral Officer.

DOMINION ELECTIONS ACT

With a view to submitting recommendations at this session of Parliament for consideration by the House during the next session of Parliament, the Committee gave further consideration to the draft amending Act submitted by Colonel Biggar. An amending Act, for submission with the Final Report of the Committee, was agreed upon, and appears in No. 8 of the printed Minutes of Proceedings.

CORRUPT PRACTICES INQUIRIES ACT

The proposed amendments to the Act, based on the recommendations of Mr. Kellner and drafted by Colonel Biggar, were considered and approved. An amending Act for submission with the Final Report of the Committee, was agreed upon, and appears in No. 8 of the printed Minutes of Proceedings.

The Committee adjourned.

JOHN T. DUN,
Clerk of the Committee.

BILL No.

An Act to Amend the Dominion Elections Act

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

1. The said Act is amended by inserting, after section three thereof, the following section as section three A:—

3A. Any notices, voters' lists, or other documents required by this Act to be posted up may, notwithstanding the provisions of any Dominion or provincial law or any municipal by-law, be affixed by means of tacks or pins to any wooden fence situate on or immediately adjoining any highway or by means of gum or paste on any post or pole so situate, but nothing in this section shall be deemed to justify the affixing of any notice otherwise than hereinbefore specified.

2. The said Act is amended by repealing section four thereof and substituting the following:—

4. Every printed pamphlet, advertisement, handbill, placard, poster or dodger having reference to any election shall bear upon its face the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears upon its face such name and address is guilty of an offence against this Act punishable on summary conviction as in this Act provided.

3. The said Act is amended by repealing section eight thereof and substituting the following:—

8. Every executory contract, agreement, promise or undertaking, in any way referring to, arising out of or depending upon any election under this Act, even for the payment of lawful expenses or the doing of some lawful act, shall be void in law, *but nothing in this section shall extend to or affect any executory contract, agreement, promise or undertaking by a candidate or the official agent of a candidate of which there is a memorandum or note in writing signed by such candidate or his official agent.*

4. The said Act is amended by repealing section nine thereof.

5. The said Act is amended by repealing section sixteen thereof and substituting the following:—

6. No election shall be declared invalid by reason of non-compliance with any of the provisions of this Act if nominations have been received and a poll has been held substantially in accordance with the said provisions, or, if, in any case in which no poll was required to be held, nominations have been so received, unless, in either case, it appears to the tribunal having cognizance of the matter that such non-compliance is likely to have affected the return to the writ of election.

7. The said Act is amended by repealing subsections three and four of section thirty-three and substituting the following:—

(3) Such certified copies shall be dealt with in all respects in the same way as if the same were preliminary lists prepared as hereinbefore provided by the rural registrars or by enumerators and urban registrars as herein before specified and shall be distributed, corrected and revised accordingly.

8. The said Act is amended by repealing section thirty-four thereof and substituting the following:—

34. Where it appears to the returning officer that there are in any polling division more than about three hundred voters qualified to vote, and in the opinion of the returning officer the number of voters likely to vote is such that they will not be able conveniently to vote at a single polling station, the returning officer may, with the approval of the Chief Electoral Officer, provide within the polling division two or more adjacent polling stations which shall if possible be in the same building.

(2) If for any polling division it is proposed to establish two or more polling stations, the returning officer shall direct the enumerator or registrar to divide his list for such polling division into two or more parts, each containing groups of names with different initial letters, as for example from A to K and from L to Z, or as the case may be, and each polling station shall be designated by reference to the initial letters of the groups of names assigned to it.

(3) A deputy returning officer shall be appointed for each polling station and there shall be required to be furnished to him only such portion of the list of voters for the polling division as contains the names of the voters the initial letters of whose surnames fall within the group of letters designating such polling division, and the voters in such polling division shall be entitled to vote accordingly.

9. The said Act is amended by repealing subsections two and three of section thirty-five and substituting the following:—

(2) No person shall be appointed election clerk, *enumerator*, registrar, deputy returning officer or poll clerk unless he is a resident of the electoral district within which he is to act.

10. The said Act is amended by repealing subsection three of section thirty-nine thereof.

11. The said Act is amended by repealing subsections one and two of section forty-three thereof and substituting the following:—

43. Any candidate nominated may withdraw at any time after his nomination and before the close of nominations at two o'clock on nomination day by filing with the returning officer a declaration in writing to that effect signed by himself. The deposit of any candidate so withdrawing shall be forfeited.

12. The said Act is amended by adding to section forty-five the following clause as clause (f) thereof:—

(f) A copy of the list of voters entitled to vote at the polling station at which the deputy returning officer is to act.

13. The said Act is amended by repealing subsection one of section fifty thereof and substituting the following:

(50) The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names, *addresses and occupations* of the candidates, alphabetically arranged in the order of their surnames, shall, subject as hereinafter provided, be printed exactly as they are set out in the nomination paper; the ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 28.

14. Section fifty of the said Act is amended by inserting the following as subsection two A thereof:

(2A) Any candidate may, within one hour after the close of nominations, in writing furnish to the returning officer any particulars of his address or occupation which he considers to have been insufficiently or inaccurately given in his nomination paper, or may in writing direct the returning officer to omit any of his given names from the ballot paper or to indicate the same by initial only, and the returning officer shall comply with any such direction and include in the ballot paper any such additional or corrected particulars.

15. Section fifty-one of the said Act is amended by inserting the following clause as clause (bb) thereof:

(bb) Not being a person entitled under this Act to be in possession of official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession.

16. Section fifty-one of the said Act is amended by repealing clause (f) thereof and substituting the following:

(f) Forges or counterfeits any official, legal or authorized stamp for the stamping of ballot papers, or uses any such stamp for any purpose other than the stamping of ballot paper;

(ff) Has in his possession any counterfeit or imitation of any such stamp or has any such stamp in his possession without the authority of the returning officer;

17. Section fifty-one of the said Act is amended by repealing clause (i) thereof and substituting the following:

(i) Being authorized by the returning officer to print any ballot papers for an election, without authority prints more ballot papers than the returning officer authorizes to be printed.

18. The said Act is amended by repealing subsections four, five and six of section sixty-three thereof.

19. The said Act is amended by repealing clause (b) of section sixty-five of the said Act and substituting the following:—

(b) Appoint in writing and swear in a special constable if he deems it necessary to do so in order to insure the regular and orderly conduct of the poll, and in the event of any disturbance to appoint, for the purpose of quelling the same, such additional special constables as the circumstances require, provided that not more than one special constable at any poll shall be entitled to remuneration for his services.

20. The said Act is amended by repealing subsection seven of section sixty-five and substituting the following:—

(7) Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act.

21. The said Act is amended by inserting the following subsection in section sixty-seven as subsection two A thereof:—

(2A) If in the course of counting the votes, any ballot paper is found to which counterfoil still remains attached, the deputy returning officer shall then remove and destroy the same without himself examining it, being careful that the number thereon is not seen by any person present. No ballot paper shall be rejected on account of the failure of the deputy returning officer to remove the counterfoil at the time the vote was cast, but nothing herein contained shall relieve the deputy returning officer from any penalty to which he may have become liable by reason of such failure.

22. Section sixty-nine of the said Act is amended by inserting therein the following subsection as subsection five A thereof:—

(5A) If any ballot box does not appear to contain a statement of the poll either loose or in its separate envelope as hereinbefore provided, the returning officer may, for the purpose of finding a statement of the poll, open any large envelope found in the ballot box and appearing to contain miscellaneous papers. If the power hereby conferred is exercised, all the papers, other than the statement of the poll if found, shall be placed by the returning officer in a special large envelope which shall be sealed and duly endorsed by him. Nothing in this subsection shall authorize the opening of any envelope appearing to contain only ballot papers, but in the absence of other information the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.

23. The said Act is amended by repealing subsection two of section seventy-one and substituting the following therefor:

(2) The judge to whom applications under this section may be made shall be the judge as defined by section two of this Act within whose judicial district is situate the place at which the declaration of the election was made, and any judge entitled to act under this section may act either within or without the judicial district in question.

24. The said Act is amended by inserting the following subsection in section seventy-one as subsection eight A thereof:

(8A). If in the course of the recount any ballot paper is found with the counterfoil still attached, the judge shall remove the same, and no ballot shall be rejected by reason of the deputy returning officer's failure to remove the counterfoil thereof.

25. The said Act is amended by striking out subsection one of section seventy-two and substituting the following:

72. In case of any omission, neglect or refusal of the judge to comply with the foregoing provisions in respect to the recount or final addition, or to proceed therewith, any party aggrieved may, within eight days thereafter, make application *to the tribunal before which would be heard an appeal from the judgment of such judge in a civil action within his jurisdiction, provided that if such tribunal is not sitting, the application may be made within the said eight days to any judge who might, if the tribunal were then sitting, be a member thereof, and shall be referred by him to the tribunal at the earliest possible sitting thereof, before which the application can be heard.*

26. The said Act is amended by adding the following subsection to section seventy-two as subsection eight thereof:

(8). In the event of a return to the writ of election having, at the time of issue of an order under this section, been made by the returning officer to the Chief Electoral Officer under the provisions of the next following section, the Chief Electoral Officer shall, upon being furnished with a certified copy of such order, send back to the returning officer all election papers required for use on the recount. Upon receiving the judge's certificate of the result of the recount, the returning officer shall as hereinbefore provided make and give due notice of a fresh declaration, of the election which shall replace any previous declaration, and if the result of the recount is that some person other than the person named in the original return is certified to be returned, a second return to the writ shall be made by the returning officer and shall be dealt with in all

respects in the same way as, and shall have the effect of cancelling the original return; if, however, the result of the recount is to confirm the original return, the returning officer shall forthwith send back the papers to the Chief Electoral Officer, but shall not make any second or substitute return to the writ of election.

27. The said Act is amended by repealing clause (d) of subsection one of section seventy-three and substituting the following:

(d) All copies of lists of voters and statements of changes and additions retained by him in his possession during the election as in this act provided.

(e) All such other papers and supplies as may be directed by the Chief Electoral Officer.

28. The said Act is amended by repealing subsection four of section seventy-three and substituting the following therefor:

(4). No premature return shall be deemed to have reached the Chief Electoral Officer until the same should have reached him in due course, and he shall, if circumstances so require, send back such return and any or all election documents connected therewith to the returning officer for completion or correction. The Chief Electoral Officer may, moreover, send back to the returning officer any return which does not comply in any respect with the provisions of this Act.

29. The said Act is amended by repealing section seventy-four thereof and substituting the following therefor:

74. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it is determined by any competent court that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, shall be liable to the person aggrieved in the sum of *fifteen hundred* dollars and costs in addition to all damages sustained in a civil action instituted in any court of competent jurisdiction.

30. The said Act is amended by repealing section seventy-five thereof and substituting the following:—

75. The Chief Electoral Officer shall before or within ten days after the commencement of any session of Parliament make a report to the Speaker of the House of Commons as to any matter or event which has arisen or occurred in connection with the administration of his office in the interval since the date of his next preceding report and which he considers should be brought to the attention of the House, and he shall in such report suggest what, if any, amendments are, in his opinion, desirable for the more convenient administration of the law.

(2) Every candidate at any election and every official agent of any candidate shall have the right to send to the Chief Electoral Officer in writing any complaint he may have to make with respect to the conduct of the election or of any election officer, and to suggest any such changes or improvements in the law as he may consider desirable; every such complaint or statement shall be included by the Chief Electoral Officer in his next following report to the Speaker of the House of Commons, with such recommendation, if any, as he may see fit to make thereon.

(3) Any report received from the Chief Electoral Officer by the Speaker shall be forthwith submitted by him to the House of Commons.

31. The said Act is amended by repealing subsection three of section seventy-seven thereof and substituting the following:—

(3) Such fees, allowances and disbursements shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada and shall be distributed in accordance with this Act.

32. The said Act is amended by repealing clause (a) of subsection four of section seventy-nine and substituting the following:—

(a) by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding *one thousand* dollars; or

33. The said Act is amended by inserting the following subsection in section seventy-nine as subsection four A thereof:—

(4A) Nothing in the last preceding subsection shall prevent a candidate himself paying such reasonable sums as may require to be paid for the rental of premises or furniture required for the purpose of a meeting of electors, or for the lighting or heating of any premises during the time they are so required, but if any payments are made by a candidate under the provisions of this subsection, a separate return thereof shall be made by him under oath similar to and subject to the same provisions and conditions in all respects as would apply to the return of like expenses by his official agent as hereinafter provided.

34. The said Act is amended by repealing section eighty-five thereof.

35. The said Act is amended by cancelling the printed matter in the form of ballot in Forms Nos. 26 and 28 in Schedule One and substituting therefor the following:—

FORMS 26 AND 28

(Reading matter relating to candidates on form of ballot):—

BROWN

(William Robert Brown, 636 Power Street, Ottawa, Barrister.)

HAMON

(Frank Hamon, R.R. No. 3, Westboro, Farmer.)

O'NEIL

(Joseph O'Neil, Eastview, Gentleman.)

SMITH

(John R. Smith, 239 Wellington Street, Ottawa, Merchant.)

BILL No.

An Act to Amend the Corrupt Practices Enquiries Act

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

1. *The Corrupt Practices Enquiries Act* is amended by repealing section eight thereof and substituting the following:—

8. The person or persons presenting a petition to the House of Commons under this Act, shall deposit with the accountant of the House the sum of *five hundred dollars*.

2. There shall be attached to the said petition, on its presentation, a certificate given under the hand of the said accountant, certifying that the said deposit of *five hundred dollars* has been duly made.

2. The said Act is amended by repealing section twelve thereof and substituting the following:—

12. The commissioners shall, *as soon as possible after their appointment and within not more than sixty days thereafter*, commence to hold meetings for the purposes of the enquiry at some convenient place within the district or within ten miles thereof, and may adjourn such meetings from time to time, and from place to place, within the district or within ten miles thereof, as to them seem expedient, *and shall continue to hold such meetings as circumstances require*.

3. The said Act is amended by repealing section thirty-seven thereof and substituting the following:—

37. Any expenses authorized by this Act to be incurred shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

SESSION 1929

HOUSE OF COMMONS

MINUTES OF PROCEEDINGS AND EVIDENCE

OF THE

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT AND CORRUPT
PRACTICES INQUIRIES ACT

No. 9

Containing the Fifth and Final Report of the Committee with which are incorporated for the consideration of Parliament at its next session,—

1. An Act to amend the Corrupt Practices Inquiries Act.
2. An Act to amend the Dominion Elections Act.

REPORTS OF THE COMMITTEE

FIFTH AND FINAL REPORT

The Special Committee appointed to inquire into the Dominion Elections Act and the Corrupt Practices Inquiries Act begs leave to present the following as a fifth and final report.

Your Committee met on February 27, 1929, for organization, and during the course of its sittings have examined ten witnesses, as follows:—

Louis L. Pelletier and Byron Baker, representing the Railway Transportation Brotherhoods;

Dr. T. E. Kaiser, M.P.;

H. J. Barber, M.P.;

A. W. Neill, M.P.;

John D. Hunt, Chief Electoral Officer, Province of Alberta;

Tom Moore, President Trades and Labour Congress of Canada;

O. M. Biggar, K.C.;

E. E. Stockton, of the office of the Auditor General of Canada;

Jules Castonguay, Chief Electoral Officer for Canada.

Messrs. Jules Castonguay and E. E. Stockton were in attendance at all sittings of the Committee and your Committee desires to thank these gentlemen for information, advice and assistance which they were at all times willing to render, and also wishes to express its appreciation of the services rendered by the Committee's secretaries, Messrs. A. A. Fraser and J. T. Dun.

Mr. O. M. Biggar, K.C., in his capacity of legal adviser and counsel to the Committee was constantly in attendance and rendered invaluable service.

Proposed amendments to the Dominion Elections Act were filed by Mr. E. E. Pelletier on behalf of the Legislative Committee of Railway Brotherhoods; by Mr. Neill, M.P.; Mr. H. B. Adshead, M.P., on behalf of the Labour Members of the House of Commons; Mr. Jules Castonguay, Chief Electoral Officer; Mr. D. M. Kennedy, M.P.; Dr. T. E. Kaiser, M.P., and by Mr. O. M. Biggar, K.C.

Suggestions were also received and filed by Mr. D. M. Kennedy, M.P., Mr. Tom Moore, Mr. John D. Hunt, Mr. Albert McCaughan and Mr. Francis King on behalf of the Dominion Marine Association, and to the Corrupt Practices Act by Mr. D. F. Kellner, M.P. All these proposed amendments and suggestions were considered. In respect to some, such as compulsory voting and registration and vote by proxy, it was deemed inadvisable to take action at present. In others, suggestions were given effect wholly or in part, as the recommendations contained herein and in the Fourth Report will show.

Your Committee also studied the Dominion Elections Act and the Corrupt Practices Act section by section.

In its Fourth Report the Committee recommended that Parliament take action at this session on certain recommendations which could not come into force without preparations which would necessarily cover a considerable period. In this, its Fifth and Final Report, your Committee submits amendments of an important character, the passage of which may without any very great inconvenience, be delayed until the next session of Parliament.

The Committee therefore recommends for the consideration of Parliament at its next session an Act to amend the Dominion Elections Act, 1920, and an Act to amend the Corrupt Practices Inquiries Act, appended hereto.

BILL No.

An Act to Amend the Corrupt Practices Inquiries Act

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

1. *The Corrupt Practices Inquiries Act* is amended by repealing section eight thereof and substituting the following:—

8. The person or persons presenting a petition to the House of Commons under this Act, shall deposit with the accountant of the House the sum of *five hundred dollars*.

2. There shall be attached to the said petition, on its presentation, a certificate given under the hand of the said accountant, certifying that the said deposit of *five hundred dollars* has been duly made.

2. The said Act is amended by repealing section twelve thereof and substituting the following:—

12. The commissioners shall, *as soon as possible after their appointment and within not more than sixty days thereafter*, commence to hold meetings for the purposes of the inquiry at some convenient place within the district or within ten miles thereof, and may adjourn such meetings from time to time, and from place to place, within the district or within ten miles thereof, as to them seem expedient, *and shall continue to hold such meetings as circumstances require*.

3. The said Act is amended by repealing section thirty-seven thereof and substituting the following:—

37. Any expenses authorized by this Act to be incurred shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada.

BILL No.

An Act to Amend the Dominion Elections Act

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

1. The said Act is amended by inserting, after section three thereof, the following section as section three A:—

3A. Any notices, voters' lists, or other documents required by this Act to be posted up may, notwithstanding the provisions of any Dominion or provincial law or any municipal by-law, be affixed by means of tacks or pins to any wooden fence situate on or immediately adjoining any highway or by means of gum and paste on any post or pole so situate, but nothing in this section shall be deemed to justify the affixing of any notice otherwise than hereinbefore specified.

2. The said Act is amended by repealing section four thereof and substituting the following:—

4. Every printed pamphlet, advertisement, handbill, placard, poster or dodger having reference to any election shall bear upon its face the name and address of its printer and publisher, and any person printing, publishing, distributing or posting up, or causing to be printed, published, distributed or posted up, any such document unless it bears upon its face such name and address is guilty of an offence against this Act punishable on summary conviction as in this Act provided.

3. The said Act is amended by repealing section eight thereof and substituting the following:—

8. Every executory contract, agreement, promise or undertaking, in any way referring to, arising out of or depending upon any election under this Act, even for the payment of lawful expenses or the doing of some lawful act, shall be void in law, *but nothing in this section shall extend to or affect any executory contract, agreement, promise or undertaking by a candidate or the official agent of a candidate of which there is a memorandum or note in writing signed by such candidate or his official agent.*

4. The said Act is amended by repealing section nine thereof.

5. The said Act is amended by repealing section sixteen thereof and substituting the following:—

16. No election shall be declared invalid by reason of non-compliance with any of the provisions of this Act if nominations have been received and a poll has been held substantially in accordance with the said provisions, or, if, in any case in which no poll was required to be held, nominations have been so received, unless, in either case, it appears to the tribunal having cognizance of the matter that such non-compliance is likely to have affected the return to the writ of election.

6. The said Act is amended by repealing subsections three and four of section thirty-three and substituting the following:—

(3) Such certified copies shall be dealt with in all respects in the same way as if the same were preliminary lists prepared as hereinbefore provided by the rural registrars or by enumerators and urban registrars as hereinbefore specified and shall be distributed, corrected and revised accordingly.

7. The said Act is amended by repealing section thirty-four thereof and substituting the following:—

34. Where it appears to the returning officer that there are in any polling division more than about three hundred voters qualified to vote, and in the opinion of the returning officer the number of voters likely to vote is such that they will not be able conveniently to vote at a single polling station, the returning officer may, with the approval of the Chief Electoral Officer, provide within the polling division two or more adjacent polling stations which shall if possible be in the same building.

(2) If for any polling division it is proposed to establish two or more polling stations, the returning officer shall direct the enumerator or registrar to divide his list for such polling division into two or more parts, each containing groups of names with different initial letters, as for example from A to K and from L to Z, or as the case may be, and each polling station shall be designated by reference to the initial letters of the groups of names assigned to it.

(3) A deputy returning officer shall be appointed for each polling station and there shall be required to be furnished to him only such portion of the list of voters for the polling division as contains the names of the voters, the initial letters of whose surnames fall within the group of letters designating such polling division, and the voters in such polling division shall be entitled to vote accordingly.

8. The said Act is amended by repealing subsections two and three of section thirty-five and substituting the following:—

(2) No person shall be appointed election clerk, *enumerator*, registrar, deputy returning officer or poll clerk unless he is a resident of the electoral district within which he is to act.

9. The said Act is amended by repealing subsection three of section thirty-nine thereof.

10. The said Act is amended by repealing subsections one and two of section forty-three thereof and substituting the following:—

43. Any candidate nominated may withdraw at any time after his nomination and before the close of nominations at two o'clock on nomination day by filing with the returning officer a declaration in writing to that effect signed by himself. The deposit of any candidate so withdrawing shall be forfeited.

11. The said Act is amended by adding to section forty-five the following clause as clause (f) thereof:—

(f) A copy of the list of voters entitled to vote at the polling station at which the deputy returning officer is to act.

12. The said Act is amended by repealing subsection one of section fifty thereof and substituting the following:—

(50) The ballot of each voter shall be a printed paper, in this Act called a ballot paper, on which the names, *addresses and occupations* of the candidates, alphabetically arranged in the order of their surnames, shall, subject as hereinafter provided, be printed exactly as they are set out in the nomination paper; the ballot paper shall have a counterfoil and a stub, and there shall be a line of perforations between the ballot and the counterfoil and between the counterfoil and the stub, the whole as in Form No. 28.

13. Section fifty of the said Act is amended by inserting the following as subsection two A thereof:—

(2A) Any candidate may, within one hour after the close of nominations, in writing furnish to the returning officer any particulars of his address or occupation which he considers to have been insufficiently or inaccurately given in his nomination paper, or may in writing direct the returning officer to omit any of his given names from the ballot paper or to indicate the same by initial only, and the returning officer shall comply with any such direction and include in the ballot paper any such additional or corrected particulars.

14. Section fifty-one of the said Act is amended by inserting the following clause as clause (bb) thereof:—

(bb) Not being a person entitled under this Act to be in possession of official ballot paper or of any ballot paper, has any such official ballot paper or any ballot paper in his possession.

15. Section fifty-one of the said Act is amended by repeating clause (f) thereof and substituting the following:—

(f) Forges or counterfeits any official, legal or authorized stamp for the stamping of ballot papers, or uses any such stamp for any purpose other than the stamping of ballot paper;

(ff) Has in his possession any counterfeit or imitation of any such stamp or has any such stamp in his possession without the authority of the returning officer;

16. Section fifty-one of the said Act is amended by repealing clause (i) thereof and substituting the following:—

(i) Being authorized by the returning officer to print any ballot papers for an election, without authority prints more ballot papers than the returning officer authorizes to be printed.

17. The said Act is amended by repealing subsections four, five and six of section sixty-three thereof.

18. The said Act is amended by repealing clause (b) of section sixty-five of the said Act and substituting the following:—

(b) Appoint in writing and swear in a special constable if he deems it necessary to do so in order to insure the regular and orderly conduct of the poll, and in the event of any disturbance to appoint, for the purpose of quelling the same, such additional special constables as the circumstances require, provided that not more than one special constable at any poll shall be entitled to remuneration for his services.

19. The said Act is amended by repealing subsection seven of section sixty-five and substituting the following:—

(7) Every poll clerk shall have the authority of a constable for the purpose of carrying out the provisions of this Act.

20. The said Act is amended by inserting the following subsection in section sixty-seven as subsection two A thereof:—

(2A) If in the course of counting the votes, any ballot paper is found to which counterfoil still remains attached, the deputy returning officer shall then remove and destroy the same without himself examining it, being careful that the number thereon is not seen by any person present. No ballot paper shall be rejected on account of the failure of the deputy returning officer to remove the counterfoil at the time the vote was cast, but nothing herein contained shall relieve the deputy returning officer from any penalty to which he may become liable by reason of such failure.

21. Section sixty-nine of the said Act is amended by inserting therein the following subsection as subsection five A thereof:—

(5A) If any ballot box does not appear to contain a statement of the poll either loose or in its separate envelope as hereinbefore provided, the returning officer may, for the purpose of finding a statement of the poll, open any large envelope found in the ballot box and appearing to contain miscellaneous papers. If the power hereby conferred is exercised, all the papers, other than the statement of the poll is found, shall be placed by the returning officer in a special large envelope which shall be sealed and duly endorsed by him. Nothing in this subsection shall authorize the opening of any envelope appearing to contain only ballot papers, but in the absence of other information the endorsements on such envelopes may be adopted as indicating the result of the poll at the polling station in question.

22. The said Act is amended by repealing subsection two of section seventy-one and substituting the following therefor:—

(2) The judge to whom applications under this section may be made shall be the judge as defined by section two of this Act within whose judicial district is situate the place at which the declaration of the election was made, and any judge entitled to act under this section may act either within or without the judicial district in question.

23. The said Act is amended by inserting the following subsection in section seventy-one as subsection eight A thereof:—

(8A) If in the course of the recount any ballot paper is found with the counterfoil still attached, the judge shall remove the same, and no ballot shall be rejected by reason of the deputy returning officer's failure to remove the counterfoil thereof.

24. The said Act is amended by striking out subsection one of section seventy-two and substituting the following:—

72. In case of any omission, neglect or refusal of the judge to comply with the foregoing provisions in respect to the recount or final addition, or to proceed therewith, any party aggrieved may, within eight days thereafter, make application to the tribunal before which would be heard an appeal from the judgment of such judge in a civil action within his jurisdiction, provided that if such tribunal is not sitting, the application may be made within the said eight days to any judge who might, if the tribunal were then sitting, be a member thereof, and shall be referred by him to the tribunal at the earliest possible sitting thereof, before which the application can be heard.

25. The said Act is amended by adding the following subsection to section seventy-two as subsection eight thereof:—

(8) In the event of a return to the writ of election having, at the time of issue of an order under this section, been made by the returning officer to the Chief Electoral Officer under the provisions of the next following section, the Chief Electoral Officer shall, upon being furnished with a certified copy of such order, send back to the returning officer all election papers required for use on the recount. Upon receiving the judge's certificate of the result of the recount, the returning officer shall as hereinbefore provided make and give due notice of a fresh declaration of the election which shall replace any previous declaration, and if the result of the recount is that some person other than the person named in the original return is certified to be returned, a second return to the writ shall be made by the returning officer and shall be dealt with in all respects in the same way as, and shall have the effect of cancelling the

original return; if, however, the result of the recount is to confirm the original return, the returning officer shall forthwith send back the papers to the Chief Electoral Officer, but shall not make any second or substitute return to the writ of election.

26. The said Act is amended by repealing clause (d) of subsection one of section seventy-three and substituting the following:—

(d) All copies of lists of voters and statements of changes and additions retained by him in his possession during the election as in this Act provided.

(e) All such other papers and supplies as may be directed by the Chief Electoral Officer.

27. The said Act is amended by repealing subsection four of section seventy-three and substituting the following therefor:—

(4) No premature return shall be deemed to have reached the Chief Electoral Officer until the same should have reached him in due course, and he shall, if circumstances so require, send back such return and any or all election documents connected therewith to the returning officer for completion or correction. The Chief Electoral Officer may, moreover, send back to the returning officer any return which does not comply in any respect with the provisions of this Act.

28. The said Act is amended by repealing section seventy-four thereof and substituting the following therefor:—

74. If any returning officer wilfully delays, neglects or refuses duly to return any person who ought to be returned to serve in the House of Commons for any electoral district, and if it is determined by any competent court that such person was entitled to have been returned, the returning officer who has so wilfully delayed, neglected or refused duly to make such return of his election, shall be liable to the person aggrieved in the sum of *fifteen hundred* dollars and costs in addition to all damages sustained in a civil action instituted in any court of competent jurisdiction.

29. The said Act is amended by repealing section seventy-five thereof and substituting the following:—

75. The Chief Electoral Officer shall before or within ten days after the commencement of any session of Parliament make a report to the Speaker of the House of Commons as to any matter or event which has arisen or occurred in connection with the administration of his office in the interval since the date of his next preceding report and which he considers should be brought to the attention of the House, and he shall in such report suggest what, if any, amendments are, in his opinion, desirable for the more convenient administration of the law.

(2) Every candidate at any election and every official agent of any candidate shall have the right to send to the Chief Electoral Officer in writing any complaint he may have to make with respect to the conduct of the election or of any election officer, and to suggest any such changes or improvements in the law as he may consider desirable; every such complaint or statement shall be included by the Chief Electoral Officer in his next following report to the Speaker of the House of Commons, with such recommendation, if any, as he may see fit to make thereon.

(3) Any report received from the Chief Electoral Officer by the Speaker shall be forthwith submitted by him to the House of Commons.

30. The said Act is amended by repealing subsection three of section seventy-seven thereof and substituting the following:—

(3) Such fees, allowances and disbursements shall be paid out of any unappropriated moneys forming part of the Consolidated Revenue Fund of Canada and shall be distributed in accordance with this Act.

31. The said Act is amended by repealing clause (a) of subsection four of section seventy-nine and substituting the following:—

(a) by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding *one thousand* dollars; or

32. The said Act is amended by inserting the following subsection in section seventy-nine as subsection four A thereof:—

(4A) Nothing in the last preceding subsection shall prevent a candidate himself paying such reasonable sums as may require to be paid for the rental of premises or furniture required for the purposes of a meeting of electors, or for the lighting or heating of any premises during the time they are so required, but if any payments are made by a candidate under the provisions of this subsection, a separate return thereof shall be made by him under oath similar to and subject to the same provisions and conditions in all respects as would apply to the return of like expenses by his official agent as hereinafter provided.

33. The said Act is amended by repealing section eighty-five thereof.

34. The said Act is amended by cancelling the printed matter in the form of ballot in Forms Nos. 26 and 28 in Schedule One and substituting therefor the following:—

FORMS 26 AND 28

(Reading matter relating to candidates on form of ballot):—

BROWN

(William Robert Brown, 636 Power Street, Ottawa, Barrister.)

HAMON

(Frank Hamon, R.R. No. 3, Westboro, Farmer.)

O'NEIL

(Joseph O'Neil, Eastview, Gentleman.)

SMITH

(John R. Smith, 239 Wellington Street, Ottawa, Merchant.)

All of which is respectfully submitted.

C. G. POWER,
Chairman.

