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SESSION 1947-48
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS

No. 1

THURSDAY, MAY 6, 1948

WITNESS:

Hon. C. W. G. Gibson, P.C., M.P., Secretary of State.

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

1948

ORDERS OF REFERENCE

HOUSE OF COMMONS,

THURSDAY, 8th April, 1948.

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

MONDAY, April 26, 1948.

Ordered,—That the following Bill be referred to the said Committee:—
Bill No. 198, An Act to amend The Dominion Elections Act, 1938.

FRIDAY, 30th April, 1948.

Ordered,—That the name of Mr. Cournoyer be substituted for that of Mr. Cote (*Verdun*) on the said Committee.

TUESDAY, 4th May, 1948.

Ordered,—That the name of Mr. Harris (Grey-Bruce), be substituted for that of Mr. Robinson (*Simcoe East*), on the said Committee.

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

REPORT TO THE HOUSE

THURSDAY, May 6, 1948.

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

FIRST REPORT

Your Committee recommends:

1. That its quorum be reduced to eight members and that section 3 of Standing Order 65 be suspended in relation thereto;
 2. That it be authorized to sit while the House is sitting.
- All of which is respectfully submitted.

W. E. HARRIS,
Chairman.

NOTE: Concurred in this day.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 277,

THURSDAY, May 6, 1948.

The Special Committee on the Dominion Elections Act, 1938, met this day at 2.30 p.m.

Members present: Messrs. Beaudry, Bertrand (*Prescott*), Brooks, Cournoyer, Fair, Harris (*Grey-Bruce*), MacInnis, MacNicol, Marquis, McKay, McLure, Murphy, Richard (*Gloucester*), Sinclair.

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

The Clerk read the various Orders of Reference and he invited the members to appoint a Chairman.

On motion of Mr. MacNicol, seconded by Mr. Marquis, Mr. W. E. Harris (*Grey-Bruce*), was unanimously elected Chairman.

The Chairman took the Chair and thanked the members for the honour bestowed upon him.

The Committee then proceeded with its organization.

Mr. Fair moved,

That the Committee request that the quorum of the Committee be eight members and that Section 3 of Standing Order 65 be suspended in relation thereto.

In amendment thereto, Mr. MacInnis moved that the number of the quorum be 10.

And the question having been put on the amendment by Mr. MacInnis, it was resolved in the affirmative.

On motion of Mr. McLure, it was

Resolved,—That leave be sought from the House to sit while the House is sitting.

On motion of Mr. Richard (*Gloucester*) it was

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

The Chairman explained the program before the Committee.

The question of a Steering Committee was discussed, but was left in abeyance until a later date.

Mr. Jules Castonguay filed with the Committee a number of proposed amendments to the Dominion Elections Act, 1938, and also a copy of a letter from the Deputy Minister of Justice explaining the nature of the changes in Bill No. 198, An Act to amend the Dominion Elections Act, 1938, as compared with the Draft Bill presented to the House at the last session.

It was agreed that copies of the said amendments and letter would be distributed to every member at the earliest possible moment. (*Such distribution was carried out this day.*)

The question of future sittings was discussed. After debate, it was agreed that the date of the next and subsequent meetings would be left to the discretion of the Chairman.

At 12.45 o'clock p.m., the Committee adjourned to meet again at the call of the Chair.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 6, 1948.

The Special Committee on the Dominion Elections Act met this day at 2.30 p.m., for organization.

The CLERK: Gentlemen, may I have your attention. I see a quorum now. I would like first to mention changes in the personnel of the committee. The name of Mr. Cournoyer has been substituted for that of Mr. Cote, and that of Mr. Harris for that of Mr. Robinson.

The first order of business is to elect a chairman.

Mr. MACNICOL: I take much pleasure in moving that Mr. Walter Harris be chairman of the committee. He has had a lot of experience and I know he will render good service.

Mr. MARQUIS: I second the nomination.

Mr. MCKAY: I move that nominations be closed, Mr. Chairman.

Mr. Walter E. Harris, member for Grey-Bruce, Ontario, thereupon assumed the chair.

The CHAIRMAN: Gentlemen, I am very grateful for your kindness, particularly in view of the fact that I am a newcomer to the committee.

I have looked over the records of last year and I hope that the sweet reasonableness that pervaded your meetings last year will continue during the short time we will have on this bill.

The first business is to call for a motion establishing a quorum.

Mr. FAIR: I move that the committee request that the quorum of the committee be eight members and that section 3 of Standing Order 65 be suspended in relation thereto.

The CHAIRMAN: You have heard the motion, gentlemen.

Mr. MACINNIS: What is the membership of this committee?

The CHAIRMAN: Twenty-five.

Mr. MACINNIS: I do not think we could carry on business with a quorum of less than ten, so I move in amendment that the quorum be ten.

The CHAIRMAN: There were two occasions last year when the quorum of ten was not possible. All those in favour of the amendment to make the quorum ten?

Mr. MACINNIS: Ten includes the chairman.

The CHAIRMAN: All those in favour of the amendment.

The amendment is carried. The quorum is ten.

The next motion is for leave to sit while the House is sitting.

Mr. McLURE: I move that leave be sought from the House to sit while the House is sitting.

The CHAIRMAN: Gentlemen, you have heard the motion. All those in favour? Carried.

The next motion will be that of fixing the number of copies of the Minutes to be printed.

Mr. RICHARD (*Gloucester*): I move that under the authority granted under the terms of the Order of Reference 500 copies in English and 200 copies in French of the Minutes of Proceedings and Evidence of the committee be printed from day to day.

The CHAIRMAN: All those in favour?

Carried.

Now, with respect to a steering committee: I understand there was one last year. Do you want one again this year?

Mr. McKAY: I do not think it is necessary, Mr. Chairman.

The CHAIRMAN: We will try to get through in one meeting.

Mr. BROOKS: What is the objection to having a steering committee? We usually have one.

Mr. McKAY: It just means one more meeting.

The CHAIRMAN: We will let that stand for the time being.

Now, with respect to the procedure to be adopted.

Mr. MacNICOL: You would have to have a steering committee or else you would not have any program.

Mr. MacINNIS: Your program is the bill.

The CHAIRMAN: I suggest that we let the matter of a steering committee ride for one meeting anyway.

Now, gentlemen, you have the bill before you, which I am told is not in exactly the form that you passed last year. There are a number of changes, all of them with respect to the matter of draftsmanship or definition.

The Chief Electoral Officer has suggested an amendment to the bill before you. It is not included in Bill 198, so copies will be handed to you now.

Besides that, there is a copy of a letter from the Deputy Minister of Justice explaining the nature of the changes in this bill or the draft bill you passed last year; and copies of that letter will be prepared and put in your boxes tomorrow.

For the moment, I think that is all I have, although I shall take more time later.

Now, the Minister is with us and I wonder if he would like to say a few words.

Hon. Mr. GIBSON: I just want to express to the committee my appreciation of the work it did last year.

I do not think that the further amendments which the Chief Electoral officer has brought forward will take up a great deal of time, but there is one amendment I would suggest for consideration on my own behalf.

Last year the committee recommended that the salary of the Chief Electoral officer, which had formerly been \$8,000, be set at \$10,000.

Now, while we realize that the present incumbent, who has been there for many years, is entitled to that salary, I think it would be wise to put in the bill that the salary should not be in excess of \$10,000 so that if a new appointment be made it won't necessarily be at the maximum, and could be increased up to \$10,000 after some years of service. I bring that suggestion before the committee because I think it is worth consideration.

The CHAIRMAN: Thank you. We will take that up, when we come to section 2.

Now, I have looked over some of speeches made in the House upon second reading, and I find there are a good many suggestions made about this bill. I wonder if any member of the committee has in mind a change in the bill, or something which was not done last year, or something which he thinks should be done.

If so, I wonder if he would be good enough to reduce it to writing between now and the next meeting so that we may have, the next time we meet, definite

suggestions before us for consideration. That would not preclude members from amending anything as they run through the bill; but it would help us to organize our work better.

I doubt if we can have a meeting of this committee before next Wednesday, and that will give you ample time to put in writing any suggested amendments to the bill and matters on which you would like an expression of opinion of the committee to be taken by vote.

I hope we can run through the bill quickly, and then, possibly, any of these motions, where the matter of a recorded vote is required, may be taken up. I am open to suggestions as to the better way of handling the business of the committee.

Mr. MURPHY: As to the proposals as submitted, were any of them considered, or are they based on consideration by the committee last year.

The CHAIRMAN: No, they are wholly minor re-wordings and matters of that kind.

Mr. MACINNIS: Is there any reason why we should not meet on Monday? Wednesday morning is not a very good time for a committee meeting, because, on that day most of the parties hold their caucus meetings. That is the day we hold ours.

The CHAIRMAN: I did not suggest that we meet on Wednesday. We cannot meet on Monday or Tuesday. But I think the time we may lose can be gained by studying the proposed changes in the Act and by drafting any amendments you want.

Mr. MACINNIS: Two of the very good members on this committee are also members of the Industrial Relations Committee.

Mr. SINCLAIR: Almost every committee meets on Tuesday, Wednesday and Thursday, while on Mondays and Fridays nothing is done.

The CHAIRMAN: I myself find that Mondays and Fridays are the best days to meet; but there are reasons why we cannot meet on Monday or Tuesday of next week.

Mr. MACNICOL: I find that Mondays and Fridays are wasted days. I am here myself, and I think those who are here should really be the ones to say. Perhaps we could consider that later on. You are suggesting now next Wednesday?

The CHAIRMAN: Yes.

Mr. MACNICOL: Then I move that we have our next meeting on Wednesday next.

Mr. MACINNIS: Did you say you could not be present on Monday, Mr. Chairman?

The CHAIRMAN: No, I did not say that at all. What I said was that there were reasons why we could not meet on Monday and Tuesday of next week. But after that we would probably meet at odd times which would fit in with these other committees.

Mr. MACNICOL: We could always take a show of hands when a meeting is over. I will move that we meet next Wednesday.

The CHAIRMAN: Would you leave it to my discretion to fit in time? I shall decide on Tuesday, for either Wednesday or Thursday, to suit everybody.

Mr. MURPHY: Wednesday morning is our party's caucus.

The CHAIRMAN: I know. But the main thing is to advance the work of the committee and get into my hands, as soon as possible, your amendments to the bill.

Mr. MURPHY: Perhaps we could sit on Wednesday afternoon.

The CHAIRMAN: Is there anything further?

Mr. MACNICOL: I move we adjourn.

The CHAIRMAN: Very well, carried.

The committee adjourned.

SESSION 1947-48
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT 1938

MINUTES OF PROCEEDINGS

No. 2

THURSDAY, MAY 13, 1948

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

OTTAWA
EDMOND CLOUTIER, C.M.G., B.A., L.Ph.,
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY
CONTROLLER OF STATIONERY
1948

ERRATA

The hour of adjournment, mentioned in the last paragraph (appearing on page 4), of the Minutes of Proceedings of Thursday, May 6, 1948, should be corrected to read 3.45 o'clock p.m., instead of 12.45 o'clock p.m.

ORDERS OF REFERENCE

THURSDAY, 6th May, 1948.

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

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

Attest.

ARTHUR BEAUCHESNE,
Clerk of the House.

MINUTES OF PROCEEDINGS

HOUSE OF COMMONS, ROOM 277,

THURSDAY, May 13, 1948.

The Special Committee on the Dominion Elections Act, 1938, met this day at 4.00 p.m. Mr. Walter E. Harris, Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Fair, Harris (*Grey-Bruce*), Lockhart, MacInnis, MacNicol, Marier, McKay, McLure, Murphy, Mutch, Richard (*Gloucester*), Richard (*Ottawa East*).

In attendance: Mr. Jules Castonguay, Chief Electoral Officer, and Mr. Nelson Castonguay, Executive Assistant.

The Committee considered, clause by clause, Bill 198, An Act to amend the Dominion Elections Act, 1938. With the exception of clauses 2, 6 and 37 all the clauses were adopted. The preamble stood over.

New amendments to the Dominion Elections Act, 1938, suggested by the Chief Electoral Officer, were also considered and unanimously carried. (*See today's Minutes of Evidence*).

Mr. Jules Castonguay, was called and heard.

At 5.30 o'clock p.m. the Committee adjourned to meet again at 8.30 p.m.

EVENING SITTING

The Committee met again at 8.30 o'clock p.m. Mr. W. E. Harris, Chairman, presided.

Members present: Messrs. Bertrand (*Prescott*), Fair, Harris (*Grey-Bruce*), Lockhart, MacInnis, MacNicol, Marier, Marquis, McKay, McLure, Mutch, Richard (*Gloucester*), Richard (*Ottawa East*), Sinclair.

In attendance: Mr. Jules Castonguay, Chief Electoral Officer, and Mr. Nelson Castonguay, Executive Assistant.

The Chairman informed the Committee of communications addressed through him to the Committee from the following:

Harold W. Timmins, M.P. (Parkdale).

G. B. Bagwell, Toronto.

Mrs. W. R. Norton, Calgary, Alta.

Mr. Ed. Carlson, Vanscoy, Sask.

The Committee resumed consideration of Bill 198.

Mr. Castonguay was recalled. The witness commented on the suggestion contained in a letter filed earlier in the day by Mr. McKay, a member of the Committee.

Mr. Robinson, M.P. (*Bruce*), was given unanimous consent to address the Committee in connection with clause 37 of said Bill 198.

At 8.55 o'clock p.m., on motion of Mr. Mutch, the Committee adjourned to meet at the call of the Chair.

ANTOINE CHASSE,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

May 13, 1948.

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

The CHAIRMAN: Gentlemen, it has been suggested, and I am open to correction, that the best way of handling bill 198 is to begin at the beginning and leave off at any section which the members want to discuss or to amend. If a member wants to ask a question for information we could deal with the section shortly, but if it is apt to go beyond that I think we should drop it until the end.

Now, I shall call the sections, but I shall not read them.

Section 1—shall it carry?

Mr. FAIR: May I ask what the reason is for going over this whole bill again? Is it for some changes listed in the form, and then to take care of the technical details?

The CHAIRMAN: Yes, and also, as I understand, we are a new committee appointed and we must pass the sections or reject them.

Mr. MACNICOL: I would like to address a remark to Mr. Castonguay. Last year we went carefully into all the sections and passed them in the end, and the bill was tabled in the House. Is it now proposed to make some few changes which have been suggested since that time?

Mr. CASTONGUAY: I think the idea is for this committee to approve all the amendments that were recommended in the committee last year and consider the further amendments that have since been suggested.

Mr. MACINNIS: We have a new bill before us and if we are going to deal with that bill we have to go through it section by section; otherwise, we cannot report to the House.

Mr. MARIER: We covered these sections last year one by one. Are we going to start all over again?

The CHAIRMAN: I notice that in the proceedings last year on one or two occasions Mr. MacInnis objected to the chairman going too fast. Are you going to do that again if I make the same mistake?

Mr. MACINNIS: I have the idea that last year our chairman read the sections, but I will check up on you if you go too fast.

Mr. RICHARD (*Gloucester*): In that case we will open up all the discussions that we had last year on all these sections.

Mr. MACINNIS: Not necessarily.

Mr. BERTRAND: Just when the section is different.

The CHAIRMAN: Can we rely on Mr. Castonguay to tell us when there has been a change in any of the sections since last year? If there has been no change we do not want anything said about it.

Mr. CASTONGUAY: The sections are exactly the same in principle as those that were recommended last year. There may be a change here or there in the drafting; these changes were made for uniformity and clarification; the principle of the various provisions has not been changed in any case.

The CHAIRMAN: When we come to a section which you want to amend would you tell us?

Mr. CASTONGUAY: Yes.

Mr. LOCKHART: Starting at section 1, there is an explanation of the incorporation of the Yukon-Mackenzie River constituency. That is new from last year, is it not?

Mr. CASTONGUAY: It was suggested last year in anticipation of the passing of the Representation Act.

Mr. LOCKHART: Can we get an explanation from the chief electoral officer of what has been done in that connection? I think we should get going on this bill, though.

The CHAIRMAN: Yes, as I recall it, the Redistribution Committee last year created a constituency known as the Yukon-Mackenzie River, and these amendments are necessary in order to bring the Elections Act in line with the new constituency.

Shall section 1 carry?

Carried.

Mr. MACINNIS: How much of this section are we carrying?

The CHAIRMAN: I will take the subsections. Subsection (2), "Hours of the day," shall that carry?

Carried.

Shall subsection (3) carry?

Carried.

Subsection (4), "Province," shall that carry?

Carried.

Section 2 of the bill will stand.

Section 3, "Permanent staff". Shall the section carry?

Carried.

Section 4, "Appointment of returning officers." Shall it carry?

Mr. MACNICOL: I would like to ask a question there. Are all the present returning officers new ones? Are new ones to be appointed?

Mr. CASTONGUAY: No, sir.

Mr. MACNICOL: If you decide to change?

Mr. CASTONGUAY: Of course, this section as it reads in the bill is the same as it reads in the present Act with the exception that provision is made for the appointment of returning officers for new electoral districts. The situation with regard to the present returning officers is not changed; it is only in the cases where changes have been made in the Representation Act.

Carried.

The CHAIRMAN: Section 5, "Copies of Act and instructions." Shall it carry?

Carried.

Section 6 will stand.

Section 7, "Persons on defence service." The first amendment suggested by the chief electoral officer is on rule 8. Section 7 refers to certain rules in section 16 of the Act and rule 8 is not referred to in that section, but it is referred to in the amendment which you have before you which says:

Rule eight of section sixteen of the said Act is repealed and the following substituted therefor:

Persons Temporarily Engaged in Public Works

(8) No person shall, for the purpose of this Act, be deemed to be ordinarily resident at the date of the issue of the writ ordering an election in an electoral district to which such person has come for the

purpose of engaging temporarily in the execution of any federal or provincial public work, or as a resident in any camp temporarily established in connection with any such public work under federal or provincial government control located in such electoral district.

Mr. MACNICOL: Would Mr. Castonguay tell us the reason and the purpose for the change?

Mr. CASTONGUAY: The provision as originally passed in 1938 prescribes that persons who have come to an electoral district to be engaged on any public work shall not be qualified to vote in such electoral district. Reading the minutes of the committee 1936-38 it can be easily inferred that what the committee had in mind then was provincial and federal public work, but it is not so stated in the provision; I think it is advisable to clarify such provision in order that there would be no misunderstanding about it.

Mr. MURPHY: Was there not a case which arose in the last few months where your interpretation was not carried through?

Mr. CASTONGUAY: That point came up during a recent by-election, and I ruled—after reading the minutes of the committee—that any public work meant provincial or federal public work. Some objections were raised, but I think my ruling was adhered to.

Mr. MURPHY: As I understood it, the argument there was that it did not include temporary provincial employees, or at least employees on a provincial project. I believe they were allowed to vote; were they not?

Mr. CASTONGUAY: No, sir.

Mr. MURPHY: This section clarifies that definitely?

Mr. CASTONGUAY: The only electors allowed to vote were those residing in other parts of the electoral district, but those who came from other electoral districts were not allowed to vote at that by-election.

Mr. MACNICOL: What will this change?

Mr. CASTONGUAY: This makes it clear that such persons shall not be allowed to vote.

Mr. RICHARD (*Gloucester*): You just add to the section, "provincial public work," whereas before it said, "public work"?

Mr. CASTONGUAY: Any public works. Now the provision stipulates provincial and federal public work.

The CHAIRMAN: If you are satisfied shall section 7 be adopted?

Mr. MURPHY: I so move.

The CHAIRMAN: It is moved by Mr. Murphy that there be a further rule added in section 7 of this bill.

Carried.

Mr. MACINNIS: No, rule 8 will be substituted for the one that is here.

The CHAIRMAN: That is right.

Mr. MACINNIS: And the section be approved and that it be numbered.

Mr. CASTONGUAY: And incorporated into the bill.

Mr. MACINNIS: Yes.

Mr. MURPHY: Before proceeding with this I am just wondering about some riding. Under this new provision you refer specifically to federal and provincial public work. Now, in your explanation on the opposite page it says: ". . . such person has come for the purpose of engaging temporarily in the execution of any public work." My point is this: suppose that in one riding there is a municipal public work and you have employees engaged there temporarily and ordinarily resident outside of that municipality; there may be 100 or 500 engaged in this particular public work. Now, what is their status? In your interpretation

you say "any public work" and yet the new provision distinctly states it shall be federal or provincial.

Mr. CASTONGUAY: Well, their status would be the same as other temporary workers who are not engaged in federal or provincial public work.

The CHAIRMAN: I think you are reading the old section, Mr Murphy, which we are attempting to make clear. You are reading from section 8 as it is now instead of the words, "for the purpose of engaging temporarily in the execution of any federal or provincial public work."

Mr. MURPHY: Yes, but the point I was making still applies in case some are engaged in a municipal work and are not ordinarily resident in that riding. Some might come from Toronto to Hamilton, although it is not likely to happen between those two cities; but the point is there: they might be there temporarily.

The CHAIRMAN: I think we can assume there are no politics in municipal administration.

Mr. MURPHY: It is a municipal undertaking and it is a public work. If it is a federal or provincial public work this provision takes care of it, but if it is municipal it does not, and yet we might have the same number engaged.

Mr. CASTONGUAY: Those employees would fall under the new rule (7A) printed at page 5 of the bill. The side note of which is "Temporary workers."

Mr. RICHARD (*Gloucester*): I do not know that it would. It might exclude a man who is working on a dominion or provincial public work. The inference is it shall not cover municipal public work. Therefore, he is not entitled to vote.

Mr. CASTONGUAY: He would be entitled to vote.

Mr. RICHARD (*Gloucester*): Why should he because he is on a municipal work and not a federal work?

Mr. MARIER: There is a difference. The municipal public work is not so important.

Mr. RICHARD (*Gloucester*): You are not talking about a municipal election, you are talking about a federal election.

Mr. MARIER: It will not change the vote of the ordinary electors in the same division.

Mr. MACNICOL: How are you going to handle a public work on the Conastaga river, the big dam north of Fergus, in South Wellington or it might be in North Wellington, where there are likely to be contributions from the federal, provincial and municipal authorities? Would they be permitted to vote?

Mr. CASTONGUAY: The amendment under consideration refers to public work under federal or provincial jurisdiction.

Mr. MACNICOL: But that particular work might not be under federal or provincial jurisdiction, but both of them would be contributing.

Mr. RICHARD (*Gloucester*): What is the purpose of making a differential between public work of a private nature or a federal or a provincial nature? In one case he can vote and in the other case he cannot qualify as a voter.

Mr. CASTONGUAY: This is in accordance with the 1938 provision.

Mr. RICHARD (*Gloucester*): Because that is the effect of it, is it not? I might come from one electoral district to another and engage in a private industry and I am entitled to inscribe myself as a voter, but another fellow who goes there to work on a federal work, he cannot?

Mr. FAIR: According to the 1938 interpretation of it, I think that would be the effect; and the purpose was to prevent the switching of votes in a constituency.

Mr. RICHARD (*Gloucester*): I can see this reason: it might encourage public work being started in one constituency.

Mr. FAIR: That is right. They might start public work in one constituency and keep the men there for two or three weeks, and then after the election was over, those men might go away.

Mr. MARIER: In the case of municipal work, people living in the municipality and in the surrounding municipalities will come and work on the job.

In respect of public work under provincial or federal jurisdiction it might include people coming one hundred miles to work on it, so there would be a big difference in that case.

Mr. MURPHY: I think there is an important principle at stake; and if this particular section has not been considered in that light before, I wonder if it would be fair to suggest to Mr. Castonguay that we leave this section over until another meeting and have him give us his suggestion or his ideas respecting the point which I have just brought up.

The CHAIRMAN: We want to have it clear; do you mean to exclude those engaged in municipal public work or not?

Mr. MURPHY: I want to be perfectly fair; I see no reason why the municipal projects and those working on them should not be in the same category as the provincial or dominion public work.

The CHAIRMAN: I can only offer my tentative opinion; but surely, are we not trying to purify politics?

Mr. MURPHY: I beg your pardon.

The CHAIRMAN: I say: are we not trying to purify politics? We are assuming that politics require it, because the dominion or a provincial government might establish public work at a convenient time, but I do not think any one in the committee thinks that a municipal corporation would do that for the purpose of a federal election.

Mr. MURPHY: On the other hand, I have not thought of it that way at all. My consideration was given as an interpretation of this Act regardless of what might take place in politics.

The CHAIRMAN: As Mr. Castonguay has said, the men who are engaging in municipal public work undoubtedly will vote; whereas the men engaged in provincial or federal public work will not. The distinction is made for that purpose, I should say.

Mr. LOCKHART: I think that public opinion would prevent the bringing in of people from outside, because the local people would be up in arms about it. I think the thing is pretty well safeguarded. I have never seen it done in connection with municipal work of any kind in any county, but in connection with provincial or federal public work, you run into this thing occasionally. I do not believe there is any possibility of friction with respect to municipal work, because the officials of any county or local municipality—they are not political, as the chairman says, and they would just hang themselves at sunrise if they attempted to bring people in from one hundred miles or more away to do local municipal work. So I think the thing would take care of itself.

Mr. MACINNIS: I cannot see how the new wording is any more inclusive or explicit than the old wording.

The CHAIRMAN: The only thing is that someone has questioned the decision which the chief electoral officer made on the old wording, so he wants an amendment to the law so that whoever questions his ruling next time will have it clear.

Mr. MACINNIS: I think the old wording is best, because it makes no distinction as to who is carrying on the public work.

The CHAIRMAN: When the dominion government passes legislation, then it is open to anyone in the dominion to say that it applies only to persons who are subject to the dominion legislation and that a provincial work, a provincial public work is subject to the Act.

Mr. MACINNIS: If he is there only temporarily, it does not make any difference, to my mind, whether he is working on a municipal, federal, or a provincial project; if he is just temporarily in residence there, he will not be considered as a resident for the purpose of this Act. In my opinion this is another case of where you once begin to enumerate, you begin to exclude.

Mr. RICHARD (*Gloucester*): The old section could be said to exclude also the municipal workers.

Mr. MACINNIS: Surely; if he is temporarily in that district he is not resident there.

Mr. MURPHY: The point you just brought up was the way which the electoral officer now wants to clarify it. Because of this dispute which arose in the maritimes; the provincial authorities disagreed violently with our returning officer. It was clear to us, but it was not clear to those provincial authorities who were advising in that campaign.

Mr. MACINNIS: Did the principle apply in a municipal work?

Mr. MURPHY: No; this was a provincial work, and the provincial advisers said that this section applied only to dominion works.

Mr. CASTONGUAY: That is right.

Mr. MURPHY: That is exactly what happened.

Mr. MACINNIS: Then the thing to do is to add: "federal, provincial or municipal public work."

The CHAIRMAN: But the electoral officer has made it only "provincial and federal".

Mr. MACINNIS: Well, there is no reason why we should not override the electoral officer.

The CHAIRMAN: That is true; but I come back to the explanation which I gave to Mr. Murphy. You could hardly conceive of a municipal corporation undertaking public work for that purpose.

Mr. RICHARD (*Gloucester*): Was your ruling that under the old Act, public work meant provincial as well as federal public work?

Mr. CASTONGUAY: Any public work.

Mr. RICHARD (*Gloucester*): Suppose it was municipal there? The point I would put to you is: public work would include municipal just as well as provincial or federal.

Mr. CASTONGUAY: I never received any complaint or any request for such a ruling.

Mr. RICHARD (*Gloucester*): A city work is a public work.

Mr. MACNICOL: The word "temporarily" enters into the case I mentioned. In the case of works being put up in the northwest territories—there will be a lot of people going in to work on them and they will be there anywhere from eighteen months to two years in order to finish those jobs. A lot of people will go to work on those jobs and they will try to get houses to live in there. Will they be considered as temporary or permanent workers?

Mr. CASTONGUAY: What part of the country are you referring to, Mr. MacNicol?

Mr. MACNICOL: I beg your pardon?

Mr. CASTONGUAY: I said, what part of the country are you referring to?

Mr. MACNICOL: Let us take one at a time. The Snare river which flows in through lake Athakasca. At the moment a very large dam is being constructed there for power purposes; and there are now, or there will be, perhaps, anywhere from 1,000 to 2,000 men working there. It is a long distance away and it will probably take from one year to two years to build those works.

There are camps set up, because there are no towns about, and the men who go up there may take their wives and families, because there will be a temporary school. Would those men, for voting purposes, be considered as temporary or permanent residents?

Mr. CASTONGUAY: Yes. If the dam is built by a provincial or federal government, they would be under this qualification and they would not be allowed to vote.

Mr. MARIER: Is there not a provision whereby a man who lives for six months or more in a place becomes entitled to vote?

Mr. CASTONGUAY: If he be engaged in a private enterprise, then he can vote in the place where he is temporarily employed; but if he is engaged upon public work, that is a different proposition. In that case he must go home to vote.

Mr. MARIER: But if he has been living there for two years, with his wife and family?

Mr. CASTONGUAY: There are public works which take three or four years to complete.

The CHAIRMAN: Is there not a time during which he becomes not a temporary but a permanent resident?

Mr. CASTONGUAY: It all depends on the class of work in which he is engaged. If he is engaged in a public work, then he falls under this section.

Mr. MACNICOL: In my question it would be federal government public work, under the Department of Mines and Resources.

Mr. RICHARD (*Gloucester*): He could move his family there and become a permanent resident, yet, if the work were a public work, he would be a temporary employee.

Mr. CASTONGUAY: Yes.

Mr. RICHARD (*Gloucester*): Notwithstanding the first time that he was there?

Mr. MURPHY: Suppose he gave up his residence and moved his family and furniture to this place. As Mr. MacNicol says, the project may last three or four years; so it does not seem to me that this man is going to be privileged to exercise his franchise.

Mr. MARIER: In my opinion he will not be there for the purpose of engaging in temporary employment. He will be there for the purpose of engaging in permanent employment.

Mr. MURPHY: He has given up his permanent residence.

Mr. CASTONGUAY: Unless a time limit is put in the section, I could not interpret it in that way.

The CHAIRMAN: Do you want it to stand, Mr. Murphy?

Mr. MURPHY: I am just wondering.

Mr. MACNICOL: On the other hand, if he is allowed to vote, then any government, at any future time, can begin the construction of public works in the Northwest Territories and bring in 1,000 or 2,000 men who would be there during the election, but they might not be there after the election. So I think there is something in what the chief electoral officer says: that they ought to be considered as temporary.

The CHAIRMAN: Then section 8, with the addition of the amendment, is carried. Section 8, "List of names of enumerators. Copies of printed preliminary lists for candidates. Copies of rural preliminary lists to electoral officers. Copies of re-printed urban lists to electoral officers. Certificate in case of names omitted by revising officer. Conditions. Affidavit of printer. Affidavit of returning officer.

Carried.

Section 9 on pages 8, 9, 10, 11, 12, and part 13 is carried.

Mr. MACNICOL: Is there any suggestion as to section 10?

The CHAIRMAN: There are no amendments in respect to that, Mr. MacNicol. Now, section 10, on page 13.

Mr. CASTONGUAY: I have two amendments to schedule B, rules 10 and 11 on page 2 of the mimeographed memorandum of amendments. These are very simple amendments.

Under the present law the rural enumerator is required to furnish copies of his list to the returning officer on Tuesday, the forty-first day before polling day. The object of these two amendments is to require the rural enumerator to send the report of his enumeration to the returning officer on Monday, the forty-second day before polling day. I see no reason why a rural enumerator could not complete his duties one day earlier than at present. This would give the returning officer one additional day to get the list printed.

Mr. BERTRAND: Do you find that the present time is too short?

Mr. CASTONGUAY: The rural enumerator finishes his enumeration on Saturday, the forty-fourth day before polling day. So, from Saturday to Monday he will have an abundance of time in which to complete his report and make copies of his list and send copies of each list to the returning officer on the following Monday. As the law stands today, he is only required to do it on Tuesday.

The CHAIRMAN: Section 10 will be amended by the insertion of rules 10 and 11 before rule 13. Will somebody move the amendment?

Mr. BERTRAND: I so move.

The CHAIRMAN: It is moved by Mr. Bertrand. All those in favour? Carried.

AMENDMENTS TO THE DOMINION ELECTIONS ACT, 1938, SUGGESTED BY THE CHIEF ELECTORAL OFFICER.

Schedule B to the said section seventeen is amended by repealing Rules (10) and (11) thereof, and substituting the following therefor:

Rule (10). As soon as possible after six o'clock in the afternoon of Saturday, the forty-fourth day before polling day, each rural enumerator shall complete the preliminary list of electors for the polling division for which he has been appointed, and on or before Monday, the forty-second day before polling day, he shall prepare in alphabetical order as in Form No. 21, four plainly written or typewritten copies of such preliminary list, and shall complete the certificate printed at the foot or end of the last sheet of the said Form No. 21 used to prepare each of such copies.

Rule (11). The enumerator shall, forthwith after compliance with the next preceding *Rule*, and not later than Monday, the forty-second day before polling day, post up one certified copy of his preliminary list of electors, at the place within the polling division at which he intends to remain to revise such preliminary list, as indicated in *Rule (3)* of this Schedule. He shall attach to such preliminary list one completed copy of the notice of rural enumeration in Form No. 19. He shall also on the same day transmit or deliver to the returning officer at least two plainly written or typewritten copies of such preliminary list. To one of the said copies the enumerator shall attach one completed copy of the said notice of rural enumeration. The enumerator shall retain in his possession one copy of the said preliminary list, which shall be kept available for inspection by any interested person at all reasonable times.

The CHAIRMAN: Section 11 on page 15, "electoral district of Yukon-Mackenzie river."

Mr. McKAY: I just received a letter Mr. Charles Crate of Yellowknife a day or two ago with regard to the Yukon-Mackenzie river electoral district which offers some suggestions as to the setting up of polling divisions there. Could I refer to it now, Mr. Chairman, or would you like to have it later? I do not know where else I could bring it up; there may be another place later, but I have gone through the whole Act.

The CHAIRMAN: Go ahead, Mr. McKay, right now. We might as well get it over with.

Mr. McKAY: I read the letter as follows:

I believe the matter of electoral regulations and practices are to come up for consideration and revision in the House shortly. We should have special regulations to make a fair election possible in this riding which is over 7 times as large as all of Great Britain. I would suggest that legislation be sought to provide as follows:

- (1) There be polling booths in all "bush camps" as well as in the settlements;
- (2) That no-one lose their vote through moving from one polling district to another in the vast constituency and that even lengthy vacations "outside" during the period preceding the election not eliminate the individual from voting;
- (3) Clarification of circumstances under which Indians, Eskimos, "Breeds" and Metis have the right to vote.
- (4) That all candidates duly nominated be given joint free transportation in a Govt. plane or at Govt. expense to all inhabited points in the riding, due to the impossibility of all candidates or parties being able to afford the transportation expenses necessary.

The CHAIRMAN: Mr. Castonguay will take these things under advisement, if section 11 is carried.

Section 12, page 15, "Qualifications of candidate."

This appears to be what you decided upon last year; if section 11 is carried.

Section 13, "Ministers of the Crown."

Carried.

Section 14, "Nomination day. Occupation of candidate. Sent to Comptroller of the Treasury. Disposition of deposit."

Carried.

Section 15, "Returning officer to mail copies of notice to postmasters."

Carried.

Section 16, "Posting of list of names of deputy returning officers."

Carried.

Section 17, "Ballot box construction."

Carried.

Section 18, "Ballot papers and their form."

Carried.

Section 19, "Fraudulent putting of paper in ballot box."

Mr. MacNICOL: There is no change in any of these?

Mr. CASTONGUAY: No change at all, sir.

The CHAIRMAN: I am now on section 19 on page 18 of the bill.

Carried.

Section 20, "Instructions to be furnished D.R.O."

Carried.

Section 21 has an amendment.

Mr. CASTONGUAY: Section 21 is not in the mimeographed amendment; it is a suggestion I want to make to the committee.

This new subsection (IA) of section 36, provides that the deputy returning officer, before the opening of the poll on polling day, is to initial all the ballot papers that he has received from the returning officer.

I have discussed this matter with some of the returning officers and one of them tells me that it might cause difficulties because the deputy returning officer very seldom reaches his polling station very many minutes before the opening of the poll, and it might be very inconvenient for him if he were required to initial, let us say, three or four hundred ballot papers before actual voting took place. So I would suggest that subsection (IA) of section 36, be changed to read as follows: it is only the first line that needs to be changed; instead of "before the opening of the poll", is might be amended to read:

As soon as possible before or after the opening of the poll.

Mr. MACNICOL: That would be all right.

Mr. CASTONGUAY: And this would permit the deputy returning officer to initial the ballot papers as soon as possible on polling day.

The CHAIRMAN: Then it should read "before or as soon as possible after"; because, if you say: "as soon as possible before", he would be doing it as soon as he got his ballots.

Mr. CASTONGUAY: Yes.

Mr. BERTRAND: Do you mean to say that he could accept a few persons to vote, and then could initial the other ballots?

Mr. CASTONGUAY: Yes; it would mean that the deputy returning officer would be required to initial the ballots as soon as possible after the opening of the poll, if he did not have time to initial them before.

The CHAIRMAN: Then you will be actually robbing the section of the intent of the committee, who decided on it last year, because you will have every deputy returning officer coming to the poll at, let us say, one minute to eight o'clock or ten minutes to eight o'clock and they may see a member of the public and they will say: I guess we will have to go and give him a ballot; and thereafter, for the rest of the day, he would be just catching up, one ballot at a time, with his initialling. I think there should be a combined initialling of all the ballots, such as the committee desired last year.

Mr. CASTONGUAY: It might take 15 to 20 minutes.

The CHAIRMAN: Is there any reason why your deputy returning officer should not be there at eight o'clock?

Mr. BERTRAND: It might take longer than that, because, in many instances—we know of some of these people who are well-qualified, but not so very well-used to the pen, and it would take them quite a while to initial 300 or 400 ballots.

Mr. McLURE: There is no reason why the deputy returning officer should not be there in plenty of time to initial all those papers. They open the polls and they are paid officials and they should be there; and the object for having all these ballots initialled is that of secrecy of the poll. If you give them the leeway you are proposing now, they can go on and initial, as time permits. You would not be overcoming the object that you are after, namely, the secrecy of the vote, of how a man votes.

The CHAIRMAN: That is my impression, Mr. McLure, but I would leave it to the committee.

Mr. LOCKHART: Is it not better to safeguard the ninety-nine rather than to make a lot of exceptions for number one?

Mr. MURPHY: As to that point which Mr. McLure emphasizes, let us take an extreme case. It might be that the deputy returning officer has initialled only one ballot ahead of time. Therefore to prevent him from so initialling the next one as to know, later on, how that particular voter voted—if he has to initial 300 ballots ahead of time, then he cannot keep a record of it. But if you give him the opportunity to initial the ballot prior to the voter taking it, then he might change his handwriting, or employ some other idea that might enter into his head, and the result would be that the secrecy of the ballot is no longer in existence.

The CHAIRMAN: I think the committee was sound in wanting to tighten up the initialling last year. I suggest, sir, that this amendment would defeat the purpose of the committee, or the committee should reconsider its decision and leave it in the manner in which the electoral officer suggests, knowing that it won't give effect to what they want.

Mr. MACINNIS: I move that section 21 carry.

The CHAIRMAN: As it stands?

Mr. MACINNIS: As it stands.

Mr. RICHARD (*Ottawa East*): Do you mean to say that when he does not initial them, the people cannot vote?

The CHAIRMAN: No. The chief electoral officer should instruct his deputy returning officer that the section of the Act must be obeyed. On page 3 of the mimeographed copy there is an amendment, amending subsection (2) of section 34, reading as follows:

(2) Each of the agents of such candidate, and, in the absence of agents, each of the electors representing such candidate, on being admitted to the polling station, shall take an oath in Form No. 35 to keep secret the name of the candidate for whom the ballot paper of any elector is marked in his presence.

Is there any explanation necessary?

Mr. CASTONGUAY: The present provision prescribes that a candidate's agent is to keep secret the name of the candidate for whom any of the voters has marked his ballot paper in his presence.

No voter marks his ballot in the presence of a candidate's agent. When the voter is incapacitated and he cannot vote without assistance, then his ballot paper is marked by the deputy returning officer in the presence of the sworn candidate's agent at the poll, and this is the object of this amendment.

The CHAIRMAN: Then will somebody move?

Mr. MACKAY: I will move that form number 35, found on page 8 be carried.
Carried.

FORM No. 35

OATH OF AGENT OF A CANDIDATE OR ELECTOR REPRESENTING CANDIDATE (Sec. 34)

I, the undersigned (*insert name of candidate's agent*), agent of (*or elector representing*) (*insert name of candidate*), one of the candidates at the pending Dominion election in the electoral district of..... do swear (*or solemnly affirm*) that I will keep secret the name of the candidate for whom the ballot paper of any elector is marked in my presence at the said election. So help me God.

.....
(*Signature of agent or elector*)

Sworn (*or affirmed*) before me at....., this..... day of....., 19....

.....
Deputy returning officer.
(*or as the case may be*)

Carried.

The CHAIRMAN: We have carried section 21. Now, section 22 at the bottom of page 18, "Who may vote and where."

Does anyone desire to check in this connection.

Mr. MACINNIS: That would also replace 2 of 34.

The CHAIRMAN: Yes, the present 2 of 34. We have carried section 21. Now, section 22 at the bottom of page 18: "Who may vote and where." Does anyone desire to check in this connection? Is there any change in this section?

Mr. CASTONGUAY: No.

The CHAIRMAN: Carried.

Section 23, "Transfer certificates for deputy returning officer, poll clerk, and election clerk."

Carried.

Section 24, "Communicating manner of voting."

Carried.

Section 25, "Entry in poll book."

Carried.

Section 26, "Penalty for illegal vouching."

Carried.

Section 27, "Consecutive hours for voting."

Does someone want to engage our attention in this connection again?

Mr. MACNICOL: We discussed it carefully last year.

The CHAIRMAN: I know; but does anyone want to debate it again; all those in favour?

Carried.

There is a further amendment on page 4 of the mimeographed material:

Returning officer and deputy to be conservators of peace

Section forty-eight of the said Act is amended by repealing the first five lines of subsection one thereof and substituting the following therefor:

48. (1) Every returning officer, during an election, and every deputy returning officer, during the hours that the polls are opened, shall be a conservator of the peace with all the powers appertaining to a justice of the peace, and he may

You will see the old section over to the right and I assume it is just a change in the wording. Will somebody move.

Mr. BERTRAND: I so move.

The CHAIRMAN: Mr. Bertrand moves. All in favour?

Carried.

Section 28, "Rejected ballots."

Carried.

Section 29, "Safekeeping of ballot boxes."

Carried.

Section 30, "Custody of empty ballot boxes."

Carried.

Section 31, "Failure of Judge to act."

Carried.

Section 32, "Notice of return in *Canada Gazette*."

Carried.

Section 33, "Mode of payment of fees and expenses."

Carried.

Section 34, "Taxation of accounts."

Do you want to say anything about that?

Carried.

Section 35, "Return of election expenses by official agent."

Carried.

Section 36, "Power as Commissioner under Inquiries Act."

Carried.

Section 37, "Who may vote at advanced polls."

Is there any discussion on that?

Mr. MACNICOL: Did the member for Bruce speak to you to-day?

The CHAIRMAN: Yes, he spoke to me. Mr. Robinson of Bruce called me up and said he wanted me to address the committee on voters in his constituency who go out on the lakes, and I agreed that I would not let anything we do here stand in the way of giving him that opportunity, so I think we had better let this section stand.

Mr. MACNICOL: He said there are 40 captains who live in his town.

The CHAIRMAN: Section 37 stands.

Section 38, "Examining and sealing ballot box."

Carried.

Section 39, "When polls lie in two time zones."

Is there any discussion, after all you had last year?

Carried.

Section 40, "Oaths, by whom administered."

Carried.

Section 41, "Premature publication of results forbidden."

Are there any remarks?

Mr. MACINNIS: We had quite a discussion on this last year and I do not know if there is any change. I want to read it again.

The CHAIRMAN: Section 41, Carried.

There is a long list of amendments here which are amendments to section 108 of the Act, repealing it and substituting the following therefor:

42. Section one hundred and eight of the said Act is repealed and the following substituted therefor:

PREPARATION OF LISTS OF ELECTORS TO BE USED AT EVERY BY-ELECTION

108 (1) The procedure to be followed in the preparation, revision and distribution of the lists of electors to be used at every by-election, shall be the same as that provided in this Act, except with regard to the following particulars:—

- (a) the enumeration of electors in urban and rural polling divisions shall commence on Monday, the thirty-fifth day before polling day, and be completed on Thursday, the thirty-second day before polling day;
- (b) the days for the sittings for the revision of the lists of electors for urban polling divisions shall be Thursday, Friday, and Saturday, the eleventh, tenth, and ninth days before polling day;
- (c) the lists of electors for urban polling divisions shall not be reprinted after such lists have been revised by the revising officer; and

(d) the official list of electors for an urban polling division shall consist of the printed preliminary list of electors, prepared pursuant to this Act, taken together with a copy of the statement of changes and additions certified by either the revising officer or the returning officer.

(2) In the consolidation of this Act for use at every by-election, the Chief Electoral Officer shall, consistently with the provisions of subsection one of this section, make such modifications as are deemed necessary.

Mr. CASTONGUAY: If section 42 of the Bill passes as submitted, it would mean that two different procedures would be provided for by-elections. The first of these would be for by-elections ordered within six months after a general election; and section 108 (A) would provide for the procedure to be followed for by-elections ordered after six months.

Section 108 of the Act now makes it unnecessary to have an enumeration when a by-election is ordered within six months; and the new section 108 (A) provides that an enumeration shall be held. By avoiding enumeration an economy is effected, but this economy is offset to a great extent by the cost of printing of instructions and forms. Within six months after the last general election there was only one by-election ordered. That was in the electoral district of Glengarry. Within six months after the general election of 1940 there were four by-elections ordered. Three deaths occurred within six months and one of the members was summoned to the Senate.

In large cities when a by-election is ordered, close to six months after a general election—the list of electors has become obsolete and if there is no enumeration by the enumerators appointed by the dominion government it must be done by the political workers in order to have a complete list. It seems to me advisable that the same procedure should apply for all by-elections and this is the purpose of the amendment.

This section provides that for a by-election the period between the issue of the writ and polling day be reduced to thirty-five days. It can be done. I would not recommend the procedure for a general election, but for a by-election it can be done.

Mr. MACINNIS: The only cost I know is the question of any additional cost that might be saved—I do not know what the cost will be.

Mr. CASTONGUAY: I might tell the Committee that with reference to the general election in 1945 the cost of printing books of instructions and everything else that had to be printed for use at by-elections ordered within six months thereafter amounted to \$3,200, and the saving effected was \$700, thus making a deficit of \$2,500. With reference to the 1940 election I think the economy effected was in the neighbourhood of \$7,000 on the four by-elections ordered to be held within six months thereafter.

The CHAIRMAN: Will someone move that section 42 of this bill will read as shown on page 5 of the mimeographed copy?

Mr. MACINNIS: May I ask if the section as the section was amended last year, 108(1) (a) is here? This is really numbered 108.

Mr. CASTONGUAY: We repealed 108 and replaced it by this new one.

The CHAIRMAN: We struck out 108(a) of this bill. Will someone move that this section carry?

Mr. MACINNIS: I will so move.

Carried.

The CHAIRMAN: Section 43 on page 28, has to do with the voting by defence service electors and veteran electors at a general election; shall section 43 carry?

Carried.

Section 44—"Writ for late by-election superseded and withdrawn."

Carried.

Section 45 has to do with forms, particularly form 7. Shall it carry?

Mr. McLURE: Mr. Chairman, are these forms the same for dual constituencies as for ordinary constituencies? There are only two dual constituencies in Canada and sometimes the forms are not suitable.

Mr. CASTONGUAY: Well, the only forms that are not suitable are the proclamation and the form of the writ, but the necessary corrections will be made on the specimen form sent to the returning officer. There is also a special form provided for the return to the writ, and the returning officer is instructed how to proceed. Last year the committee adopted a special form 34—which is a notice that is posted up in the polling stations and voting compartments—which is called 34A and used exclusively in electoral districts returning two members. It is in this bill; it is printed at page 42 of the bill.

The CHAIRMAN: Page 31, form 12, "Notice of revision."

Carried.

Form 13, "Affidavit of objection."

Carried.

Form 14, "Notice to person objected to."

Carried.

There does not seem to be a form 15. Form 16, on page 35, "Application to be made by an elector for registration as such."

Carried.

Form 18, on page 37, "Certificate to be issued by the returning officer to an elector, duly enumerated, whose name was inadvertently left off the official urban list of electors."

Carried.

Form 24, "Nomination paper."

Carried.

Form 32, "Form of ballot paper."

Carried.

Now, let us return to the mimeographed sheets and there are some new forms on pages 6, 7 and 8. There are new forms 29, 30 and 35:

Forms 29 and 30 of Schedule One of the Act are repealed and the following substituted therefor, respectively:

FORM No. 29

OATH OF OFFICE OF DEPUTY RETURNING OFFICER. (Sec. 26)

I, the undersigned, appointed deputy returning officer for polling station No. of the electoral district of, do swear (or solemnly affirm) that I will act faithfully in my said capacity of deputy returning officer, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom the ballot paper of any elector is marked in my presence at the pending election. So help me God.

.....
Deputy returning officer.

CERTIFICATE OF DEPUTY RETURNING OFFICER HAVING TAKEN THE OATH OF OFFICE

I, the undersigned, hereby certify that on the..... day of..... 19...., the deputy returning officer above named took and subscribed before me the above set forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....
Returning officer,
or
Postmaster,
(or as the case may be).

FORM No. 30

APPOINTMENT AND OATH OF OFFICE OF POLL CLERK.
(Sec. 26)

APPOINTMENT

To....., whose occupation is.....
and whose address is.....

Know you, that, in my capacity of deputy returning officer for polling station No., of the electoral district of..... I hereby appoint you to be poll clerk for the said polling station

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

.....
Deputy returning officer.

OATH OF OFFICE OF POLL CLERK (Sec. 26)

I, the undersigned, appointed poll clerk for the above mentioned polling station, do swear (or solemnly affirm) that I will act faithfully in my capacity of poll clerk, and also in that of deputy returning officer, if required to act as such, without partiality, fear, favour or affection, and that I will keep secret the name of the candidate for whom the ballot paper of any elector is marked in my presence at the pending election. So help me God.

.....
Poll Clerk

CERTIFICATE OF POLL CLERK HAVING TAKEN THE OATH OF OFFICE

I, the undersigned, hereby certify that on the..... day of....., 19....., the poll clerk above named took and subscribed before me the above set forth oath (or affirmation) of office.

In testimony whereof I have issued this certificate under my hand.

.....
Deputy returning officer.
(or as the case may be)

The CHAIRMAN: Form 29 is "Oath of office of deputy returning officer." What is the reason for this?

Mr. CASTONGUAY: It is exactly the same as for the amendment of subsection (2) of section 34. It is set out in the explanatory note. It is printed on the last page of the memorandum.

Carried.

The CHAIRMAN: Form 30, "Appointment and oath of office of poll clerk."

Carried.

Will someone move that these mimeographed forms be carried?

Mr. MACNICOL: I will so move.

Carried.

The CHAIRMAN: Now we are back on page 40 of the bill. We have carried 34 and we come to form 34A, "Directions to electors."

Carried.

Form 37, "Oath of qualification."

Carried.

Form 38, "Affidavit of qualification."

Carried.

Form 41, "Affidavit of a candidate's agent to be subscribed before voting on a transfer certificate."

Carried.

Form 45, "Oath of person whose name is not on the official list."

Carried.

Form 46, "Oath of person vouching."

Carried.

Form 9A, "Printer's affidavit."

Carried.

Form 9B, "Returning officer's affidavit."

Carried.

Form 18A, "Certificate to be issued by the returning officer to an elector."

Carried.

And now we come to section 46 on page 52, "The Canadian defence service voting regulations." Is there any discussion or are these all as you had them last year, Mr. Castonguay?

Mr. CASTONGUAY: The paragraph numbers have been changed.

The CHAIRMAN: This is one of those changes effected by the drafting personnel. I have here a long list of the numbers as they were in your final report and as they now are in the bill. There has been no change in the substance, but there has been a complete rearrangement of the sequence of the sections and paragraphs.

Mr. CASTONGUAY: The change in the sequence was made necessary because the provisions respecting veteran electors were introduced at the end of the committee's meetings, and we did not have time to consider their effect in the sequence of the paragraphs. When the bill was studied afterwards it was found necessary to realign these paragraphs.

Mr. MURPHY: It does not affect the interpretation?

Mr. CASTONGUAY: It does not affect the interpretation in the principle laid down and the paragraphs have not been changed in any way.

Mr. MACNICOL: What is the purpose of this?

Mr. CASTONGUAY: It is to make the regulations easier to understand, and to classify the paragraphs in a proper sequence. Before we had the veteran electors the regulations were all right, but once the veteran electors' provisions were introduced it meant some changes in the order of the paragraphs.

The CHAIRMAN: Now, then, we will put this into the record:

MEMORANDUM RESPECTING CHANGES MADE IN THE
NUMERICAL ORDER OF VARIOUS PARAGRAPHS OF THE
CANADIAN DEFENCE SERVICE VOTING REGULATIONS

<i>Final Report of Committee</i>		<i>Bill 198</i>
Para. 5	—	Para. 21
“ 6	—	“ 22
“ 7	—	“ 23
“ 8	—	“ 24
“ 9	—	“ 5
“ 10	—	“ 6
“ 11	—	“ 7
“ 12	—	“ 8
“ 13	—	“ 9
“ 14	—	“ 10
“ 15	—	“ 12
“ 16	—	“ 13
“ 17	—	“ 14
“ 18	—	“ 25
“ 19	—	“ 26
“ 20	—	“ 27
“ 21	—	“ 11
“ 22	—	“ 28
“ 23	—	“ 15
“ 24	—	“ 16
“ 25	—	“ 17
“ 26	—	“ 18
“ 27	—	“ 19
“ 28	—	“ 20
“ 37 (Sub-para. (2) and (3))		“ 10

Now, schedule 3, having to do with the defence service voting regulations, comprising pages 52 to 94 inclusive and part of page 95, in which are the regulations and the forms. Shall these carry?

Mr. MACNICOL: There is no change in any of these, is there?

Mr. CASTONGUAY: There is no change in principle. It is just rearranging.

The CHAIRMAN: Shall we carry schedule 3?

Carried.

Section 47 on page 95. Shall that carry?

Mr. McLURE: What about the dual constituencies? How would the voters vote in a dual constituency?

Mr. CASTONGUAY: There were special regulations with reference to voting in dual constituencies and the space on the ballot paper has been made wide enough to write two names when the elector wishes to vote for two candidates in such riding.

Mr. McLURE: In the last election where a ballot form was used with two names written on it, it was objected to and thrown out.

Mr. CASTONGUAY: The only place where it could have been thrown out would be in the special returning officer's office.

Mr. McLURE: If there had been a special ballot and a place for two names it would have been all right.

Mr. CASTONGUAY: Section 19 of the regulations on page 58 states:

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

Now, on page 90 of bill 198, paragraph 5, it is stated:

Each defence service elector shall vote for only one candidate (unless he is qualified to vote in the electoral district of Halifax, N.S., or Queens, P.E.I., in which case he may vote for two candidates).

Mr. McLURE: A ballot like that will be used and the two names are run; but will there be a special ballot?

Mr. CASTONGUAY: No special ballot paper is provided.

Mr. McLURE: It would be perfectly right to have two names on the ballot?

Mr. CASTONGUAY: Certainly. What I am reading from is the card of instructions which is posted up in every voting place.

Mr. MACINNIS: There is a special ballot provided for two member constituencies in the regular vote?

Mr. CASTONGUAY: In the ordinary vote.

Mr. MACINNIS: In the ordinary vote. That is on page 43. Why not, in order to put the matter beyond the possibility of trouble, have ballots made with a space for two names similar to the ballot on page 94 excepting that there will be two names and say in both cases: "I vote for" and "I vote for". There is no reason why that should not be done, is there?

Mr. CASTONGUAY: The distribution of special ballots might prove to be difficult. The voting official might find it very inconvenient to have to handle two different ballot papers.

Mr. MACINNIS: You have two different ballot papers for the ordinary vote.

Mr. CASTONGUAY: It is the same ballot paper; but there is a different specimen.

Mr. MACINNIS: You have to provide more spaces on the ballot.

Mr. CASTONGUAY: The ballot paper is the same as in single member constituencies, but the difference is that for ordinary voting a voter votes by making a cross and in the other case he has to write the name of the candidate.

Mr. MACNICOL: Why would not the ballot have spaces for those two ridings?

Mr. MACINNIS: I do not see any difficulty.

Mr. MACNICOL: Do you not think it should be done? There are only two ridings like that in Canada.

Mr. CASTONGUAY: It might be confusing to the voting official.

Mr. MACINNIS: According to Mr. McLure there is confusion now.

Mr. CASTONGUAY: I have not received any complaints. This is the first complaint I have heard.

The CHAIRMAN: Do you get a larger percentage of rejected ballots from the two member constituencies than in the others?

Mr. McLURE: It would be better on this ballot if there was one extra line.

Mr. MACNICOL: Is the voter handed two ballots in those two ridings?

Mr. CASTONGUAY: The same ballot, but there is a wide space provided at the bottom and the name of the two candidates may be written in that space without difficulty.

Mr. MACNICOL: The voter writes two names on the ballot?

Mr. CASTONGUAY: Yes.

Mr. MACNICOL: Should not there be a space saying, "I vote for" and "I vote for"?

Mr. CASTONGUAY: It would mean that different specimens of ballot papers would have to be provided, and it would mean that the voting official would have to be provided with two different kinds of ballot papers.

Mr. MACNICOL: Only in those two ridings.

Mr. CASTONGUAY: Oh, yes, but the electors are not only in the one voting place; the electors are scattered all over Canada, and every hospital, and every military camp. A proper distribution of special ballot papers might be difficult.

The CHAIRMAN: I think Mr. Castonguay has won that point, certainly. Shall it carry?

Carried.

Now, there is a further section—section 48, which will have to go in, and it states:

48. This Act shall come into force on the date upon which it is assented to, subject to section 110 of The Dominion Elections Act, 1938. Provided that, notwithstanding the said section 110, sections two, three and four of this Act shall come into force on the date upon which it is assented to.

That is moved by Mr. MacInnis.

Mr. CASTONGUAY: Section 110 of the Act provides that no amendment shall come into force for three months after it is passed unless I publish a notice in the *Canada Gazette* that all the preparatory work has been completed. If no special coming-into-force date is provided it will mean that section 8 of the Act will not be operative until after such notice has been printed and I do not expect that the said notice will be printed before three months' time.

It is very necessary now that returning officers be appointed in new electoral districts. Several new electoral districts were created by the Representation Act of 1947. Under the present provision the appointment of these returning officers cannot be made because the Act provides only for the appointment of returning officers where a vacancy exists. So I suggest this amendment in order to make it possible for the appointment of those returning officers as soon as the Act is passed. Also, bill 198 prescribes that the taxation of election accounts is to be made in my office instead of in the office of the Auditor-General. Well, if this coming-into-force provision is not adopted it will mean that no steps can be taken to get a staff to tax those accounts until the three months are passed, which may be a serious handicap to the work of my office.

Mr. MACNICOL: Did we not pass that last year?

Mr. CASTONGUAY: There was nothing said about it last year.

Mr. MACNICOL: I thought we passed that matter about the accounts.

Mr. CASTONGUAY: It was all fixed up, sir, but it does not go into force until three months after the passing of this Act.

The CHAIRMAN: Shall the title carry?

Mr. MACINNIS: Just a minute; is the proposed amendment which you have just read to take the place of section 110?

The CHAIRMAN: No, it is section 48.

Mr. CASTONGUAY: It is on account of section 110.

Mr. MACINNIS: Is section 110 repealed?

Mr. CASTONGUAY: No, it stays as it is.

Mr. MACINNIS: Then you add—would you read it again?

The CHAIRMAN: It reads:

This Act shall come into force on the date on which it is assented to subject to section 110 of the Dominion Elections Act, 1938, provided that notwithstanding the said section 110, sections 2, 3 and 4 of this Act shall come into force upon the date on which it is assented to.

Now then, sections 2, 3 and 4 relate to the qualifications, the appointment of the Chief Electoral Officer and his staff; so, as I understand it, the purpose of section 48, is that upon the Act being assented to, certain work can be undertaken within three months. This has appeared in section 110, and sections 2, 3 and 4 of the Act.

Mr. FAIR: Section 110 comes into force in the regular way.

Mr. MACNICOL: What would be the Act? The Act would be the completed Election Act including the amendments we have made.

The CHAIRMAN: All right. The various sections which would come into effect are section 2, having to do with the appointment of the electoral officer; section 3, relating to his staff; and section 4 relating to the returning officers; so he can go to work on those parts immediately. Otherwise section 110 postpones everything. Would someone move? Would you move, Mr. Fair?

Mr. MACNICOL: I cannot find 110.

Mr. CASTONGUAY: It is section 110 of the present Act, of the 1938 Act.

Mr. FAIR: And you will find it at page 289 of the old Act.

The CHAIRMAN: Shall section 48 carry?

Carried.

Will the title carry?

We will leave the title until we get the other sections.

Mr. MACINNIS: We cannot deal with that until we deal with the others.

The CHAIRMAN: We will just allow section 2 to stand. It has to do with the appointment of the chief electoral officer; section 6, has to do with certain qualifications; and section 37, has to do with the business of advanced poll voting.

Now we have sent for Mr. Robinson, but so far we have not been able to find him.

Mr. MCKAY: I would move that we adjourn at this time and have Mr. Robinson here for 8.30. It is now 5.30.

The CHAIRMAN: I think that is a good idea. Are there any subjects to be brought up not covered by the bill?

Is there any discussion required on the Act not covered by the bill, not directly related to Bill 198, but having to do with the Dominion Election Act?

Mr. MCKAY: I understand that the Chief Electoral Officer will give consideration to the letter which I presented today.

Mr. LOCKHART: Sections 2, 6 and 37 are allowed to stand.

The CHAIRMAN: Sections 2, 6 and 37.

Mr. LOCKHART: You are doing a marvellous job, Mr. Chairman.

The CHAIRMAN: Well, we now stand adjourned until 8.30 tonight at which time we will hear from Mr. Robinson, and as soon as we have heard from him and have heard from the Chief Electoral Officer on Mr. McKay's point, we will adjourn. We won't enter into a discussion of the sections we have allowed to stand.

The committee to meet again at 8.30 p.m.

EVENING SESSION

The committee resumed at 8.30 p.m.

The CHAIRMAN: Gentlemen, Mr. Robinson was to have been here and I presume he will be here in a moment.

We have a number of communications which I shall place before you. One is from a legal firm in Toronto and it is addressed to me, suggesting that revising officers should not necessarily live in the ridings for which they are appointed. Is that one of the requisites of the Act?

Mr. CASTONGUAY: Yes, it is one of the requisites of the Act.

The CHAIRMAN: They say there is great difficulty in large cities in getting qualified people to act, and they also think they should have their fees increased by 50 per cent.

There is another communication from Mrs. Martin, addressed to Mr. Smith, M.P., speaking about the taking of votes of those who are, unfortunately, confined to their homes; and there is still another communication, from Mr. Timmins with respect to bed ridden patients in hospitals.

There is a further communication from the Société Nationale St-Jean Baptiste, of the City of Quebec having to do with several matters in the bill.

We will table these communications and discuss them at a later meeting. We will now give Mr. Robinson a few minutes.

Mr. MACNICOL: Is he here?

The CHAIRMAN: Yes, but unfortunately he is not yet in the room. We were able to reach him and he said he would be here.

Gentlemen, as a matter of courtesy, we undertook to have Mr. Robinson here and we did notify him of the 8.30 appointment and he said he would be here. We have no other business except to hear him, if he comes.

Mr. MCKAY: Is that all we are going to deal with tonight.

The CHAIRMAN: Yes; but in the meantime Mr. Castonguay can answer what was brought up this afternoon by Mr. McKay. Will you go ahead, Mr. Castonguay.

Mr. MACNICOL: In the meantime, perhaps Mr. Castonguay could familiarize us with just what the situation is with respect to sealers votes. Mr. Robinson told me there are about 40 ship captains who live in his town, but who are often away for months at a time. What is the present situation with reference to sealers?

Mr. CASTONGUAY: The only privilege that mariners have, under the Dominion Act, is that of voting at advance polls.

Mr. MACNICOL: That is all they have now?

Mr. CASTONGUAY: That is all they have now; and in order to vote at an advance poll a person must be in his home town during the three days preceding the ordinary polling day that the advance polls are open. In other words, if a person, let us say, from Kingston, is in Toronto, during these three days, he is not able to vote in Toronto, and he must be in Kingston for those three days to be able to vote at his advanced poll. The privileges are the same as are granted to commercial travellers.

Mr. McKay, among the suggestions you have made, there are two which concern my office and the first one of these is the establishing of polling divisions or polling booths in the electoral district of Yukon-Mackenzie river.

The size of the electoral district of Yukon-Mackenzie river is fully appreciated, and if it had been possible, prior to this date to appoint a returning officer, instructions would already have been sent to him to proceed with the work of establishing polling divisions and polling booths throughout this electoral district.

But in view of the provisions of the Act, his appointment was not possible. Section 8 of the Act has to be amended before any such appointment can be made. But as soon as this bill is passed, an appointment will be made and the returning officer will be especially instructed by my office to proceed with the revision of the polling division arrangements of this electoral district so as to provide voting facilities throughout the district.

Mr. McKAY: As generously as possible?

Mr. CASTONGUAY: Well, the instructions are quite generous. For instance, it is stated in the instructions that no one elector should have to travel more than ten miles on a return trip to a polling station. And the electoral district of Yukon-Mackenzie river is all rural and there is no minimum fixed for the number of voters in a polling division.

He may establish one for as few as 10 or 15 electors, if he deems it advisable. In a thickly settled electoral district, I insist upon there being from 250 to 350 electors in a polling division, but this is not the rule that is followed in sparsely settled districts, such as those comprised in Yukon-Mackenzie river.

As I said before I propose to instruct the returning officer to make a thorough revision of the polling division arrangement of the electoral district of Yukon-Mackenzie River. I know the difficulties that exist in such district and I will see that the necessary steps are taken to overcome them.

The establishment of polls in logging camps, also presents some difficulties. The revision of polling division arrangement is not made just shortly before an election is ordered because we never know when this is going to happen. It must necessarily be made several months before. So, at the time of the revision it is not known where the logging camp will be established when the election is ordered.

But the returning officer will be especially instructed to provide voting facilities for persons engaged in the logging camps and to establish new polling divisions if necessary when the election is ordered.

This procedure is followed in other electoral districts where polls in logging camps are expected to be established. It cannot be done a year ahead; it has to be done only after the writs are issued.

Mr. McKAY: In most of these logging camps which the evidence refers to the area is fairly permanent, that is, they would be in a certain area; so a polling booth could be set up somewhere in that district to make it possible for these people to get to the polling area without travelling more than ten miles.

Mr. CASTONGUAY: And with reference to the other point raised in the memorandum: any elector in the electoral district of Yukon-Mackenzie river who lived at one end of the district on the date of the issue of the writ, and who, on polling day finds himself engaged or living 800 or 1,000 miles from there, can still vote, if he is in the electoral district, notwithstanding that his name is not on the list, just so long as he can swear that he ordinarily resided in the electoral district on the date of the issue of the writ.

All the polling divisions in that particular electoral district of Yukon-Mackenzie River are rural and it is possible for any elector to vote on polling day even if he is 800 miles from the place he was on the date of the issue of the writ.

Mr. McKAY: We discussed the other point which was brought up last year in regard to transportation of candidates. I know that is not within your sphere here, but could not a recommendation come from this committee, or from some other source, in regard to that matter? I think it is pretty important and I know does not affect any other part of Canada, at least to the same extent.

The CHAIRMAN: We can consider it.

Mr. MUTCH: It is to provide free transportation for candidates?

The CHAIRMAN: Mr. Robinson is here now and, in order to regularize it, I understand we have all to consent to hearing him. I take it that consent is granted, so we will call section 37 of the present Act and if you have something to address to the committee, Mr. Robinson, would you please come up and say so.

Mr. MACINNIS: Is that section 37 of the Bill or the Act?

The CHAIRMAN: Of the Bill.

Mr. ROBINSON: Thank you very much, Mr. Chairman. I would like to present a couple of bouquets, first, to our Chief Electoral Officer because he has done a good job over a number of years; and next, to our chairman of the committee. When I say to "our chairman of the committee" I mean that he comes from a riding which is very close to my home, which is Grey-Bruce; and part of his riding takes in the riding that I represent. I know that after handing out these two bouquets, anything that is fair will be distributed around to all of us.

I have no great grievance at all, but I think it is something which applies to all you honourable members who are on this committee.

In 1945, I had occasion to be intrigued into running an election; and during that election campaign I found out that there were several chaps in the riding in which I was running who were being disfranchised for the reason that they were serving on boats on the great lakes and probably on the St. Lawrence, and so forth. Maybe that applies more to our riding than to some of the other ridings which you people represent, because I am suggesting that in our Bruce riding we do have probably more than 200 miles shore line.

So during that election, I had occasion to write to our returning officer and I have here, in my hands—and I know our Chief Electoral Officer will not mind my reading an excerpt from a letter which he wrote back to our returning officer, and this is it:

I do not see how it will be possible for these sailors from Warton and Kincardine to exercise their franchise at the pending general election, unless they are present in their home polling division on polling day.

Well, I was elected—and I would not say whether it is good or bad, still I was elected anyway. So, in 1946, I did have occasion to write to our Chief Electoral Officer in this way:

Referring to the last federal election, several of our sailors in Bruce riding were not able to exercise their franchise on account of being out on their ships.

I would like to request of you to attempt to have the Act revised so that such will be rectified at the next federal election.

Just let me give you an excerpt from the letter of the Chief Electoral Officer in reply to me:

The granting of special voting privileges to sailors and other classes of persons who are unable to be in their home polling divisions on polling day is a matter which can, of course, be dealt with only by parliament.

It is expected that a special committee on election matters will be set up at the next session of parliament to consider the several amendments to the Dominion Elections Act, 1938, which I suggested in the report, dated September 15, 1945, that I made to the Speaker of the House of Commons pursuant to section 58 of the said Act.

You may rely that, when the committee is set up, I will bring your suggestion with regard to sailors to their attention.

Now, gentlemen, this is the suggestion that I wanted to deal with. I would like to say this: that at times we seem to bend over backwards to give the franchise to people who, may be, were not born in this country; therefore, I

think it probably within our power to try to find some solution for these boys who leave their homes some time in March and who do not get back probably until November or December—to arrange that they will be able to exercise their franchise.

I know that it is not for me to make any suggestions as to how this could be brought about; but I think, with the able men who are on this committee, you will probably find some solution to our problem in Bruce.

Mr. MACNICOL: What would you suggest?

Mr. LOCKHART: Your difficulty is just the same as we have in Lincoln county where men ship on boats, and the boats will be going through the Welland Ship Canal. They may meet their boats or go over to Toronto to meet them and they are out on the lakes at the time of election day. We have much the same situation that you have.

Mr. ROBINSON: The majority of our boys up there who are on ships do not get home from the time they leave home until the season is over, because they work twenty-four hour days, and seven day weeks, and they work all through the season until it is over, unless they tie the ship up.

Mr. LOCKHART: I fully understand your situation because I have it too.

The CHAIRMAN: Well, thank you, Mr. Robinson. The committee will consider this question somewhat later, along with the subject of fishermen. I think, in view of the representations you have made, we can review our discussions and see if something cannot be done for those who are on the lake ships.

Mr. MUTCH: Where did we end up on that discussion last year?

The CHAIRMAN: I think, in order to refresh our memories, we ought to tackle it entirely anew at another meeting so that we can start with an understanding of what we did and follow it through.

Mr. MUTCH: I am under the impression that we did meet that situation.

The CHAIRMAN: Oh, yes, but not quite in the manner which Mr. Robinson has in mind.

Mr. MUTCH: Did we not make an attempt to meet it?

The CHAIRMAN: Oh, yes; there was considerable discussion on it, but there was no real decision made. You gentlemen explored it rather fully; but we will take into consideration the representations made at our next meeting. We can start over again with a statement by the Chief Electoral Officer and consider it further from there.

Mr. RICHARD (*Gloucester*): Do I understand, Mr. Chairman that these men go somewhere else to engage on those boats?

The CHAIRMAN: The boats sail up and down the great lakes and, on election day, they may be in port somewhere else other than in their own constituency.

Mr. RICHARD (*Gloucester*): But they ship from that constituency at the first of the season?

Mr. MUTCH: They would probably sign their articles at a port outside their own riding.

Mr. RICHARD (*Gloucester*): You can see the great difficulty there. If you are going to bring them in as a class, would that not apply as well to men who follow bush work and who have to move out at certain times in the year into the woods or somewhere else?

The CHAIRMAN: Well, we can go into that at another time and spend a few days on the problem before us.

Mr. RICHARD (*Gloucester*): They belong, therefore, to a certain electoral district where they should be; but on election day they may be in another electoral district. That is the point.

Mr. ROBINSON: In the correspondence I had, it mentioned advance polls. Well, advanced polls, as far as those men are concerned, are of no use to them definitely.

Mr. RICHARD (*Gloucester*): Advance polls would not suit their purpose at all.

Mr. ROBINSON: It would have to be an advance poll of from four to five months previous to the election.

I appreciate being given notice of your meeting tonight. I had hoped to bring this matter up this afternoon, but I found it was not possible. I was going to throw out this suggestion for your consideration: The fact that I have served a considerable time in the army and that I did make more than one vote in the army, and there were arrangements made for those votes.

Could it be now—I am not saying it should be—but could it be that the captains of boats could be appointed as deputy returning officers, or could it be—I am just throwing out this as a suggestion—that there could be certain points along the great lakes and along the St. Lawrence appointed as polling booths over an extended period of time? I am just making these suggestions. I know that you people can probably think of some other idea, but I would like very much for these boys not to be disfranchised, because it is a very essential job they are doing.

Mr. RICHARD (*Gloucester*): How many would be affected, roughly speaking, just approximately?

Mr. ROBINSON: In the Bruce riding I would say—subject to the Chairman's revision because he knows about this as well—I would just say, roughly, 50 to 60 chaps, in the Bruce riding.

Mr. MACINNIS: But it would affect sailors similarly situated in any part of Canada.

Mr. ROBINSON: Oh, all over, yes.

Mr. LOCKHART: I have about 75 in my case.

The CHAIRMAN: Yes, it would affect all lake ports. And now, gentlemen—

Mr. MACINNIS: This situation cannot be remedied, as far as the men who are on the water are concerned and who cannot make port, but for those who can make port, there is a possible arrangement which has been in existence in British Columbia for years, namely, the absentee poll. I have been trying to educate the committee about that for a long time, but they just won't be educated.

The CHAIRMAN: Now, gentlemen, I think we ought to allow section 37 to stand a while yet. That concludes the business for this evening. We still have 2, 6 and 37, of the bill.

Mr. MACINNIS: Why not deal with them tonight?

The CHAIRMAN: Because I made an engagement for people to be free of this thing at nine o'clock.

Mr. MUTCH: I move that we adjourn.

The CHAIRMAN: All those in favour?

Carried.

The committee adjourned.

SESSION 1947-48
HOUSE OF COMMONS

SPECIAL COMMITTEE

ON

DOMINION ELECTIONS ACT
1938

MINUTES OF PROCEEDINGS

No. 3

TUESDAY, JUNE 8, 1948

WITNESS:

Mr. Jules Castonguay, Chief Electoral Officer.

REPORTS TO THE HOUSE

FRIDAY, June 11, 1948.

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

SECOND REPORT

Your Committee has considered Bill 198, An Act to amend The Dominion Elections Act, 1938, and has agreed to report same with amendments.

All of which is respectfully submitted.

W. E. HARRIS,
Chairman.

FRIDAY, June 11, 1948.

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

THIRD REPORT

Pursuant to the Order of Reference of the House dated 8th April, 1948, your Committee has considered the several amendments to The Dominion Elections Act, 1938, and amendments thereto, suggested by the Chief Electoral Officer, and has studied the said Act.

The conclusions of your Committee in the matter are contained in Bill 198, An Act to amend The Dominion Elections Act, 1938, as amended, the adoption of which is recommended to the House in a separate report.

Copy of the printed evidence in connection therewith is being tabled.

All of which is respectfully submitted.

W. E. HARRIS,
Chairman.

MINUTES OF PROCEEDINGS

ROOM 430, HOUSE OF COMMONS,

TUESDAY, JUNE 8, 1948.

The Special Committee on The Dominion Elections Act, 1938, met this day at 8.30 o'clock p.m. Mr. Walter E. Harris, Chairman, presided.

Members present: Messrs. Beaudry, Bertrand (*Prescott*), Cournoyer, Fair, Gladstone, Harris (*Grey-Bruce*), Kirk, MacInnis, MacNicol, Marquis, Mutch, Richard (*Gloucester*), Richard (*Ottawa East*), Zaplitny.

In attendance: Mr. Jules Castonguay, Chief Electoral Officer, and Mr. Nelson Castonguay, Executive Assistant.

The Committee resumed the adjourned study of Bill No. 198, An Act to amend The Dominion Elections Act, 1938.

On Section 6.

Subsection (1) was adopted without change.

Subsection (2) on motion of Mr. Mutch, was amended by adding to paragraph (i) thereof the following:

"Provided that this paragraph shall cease to have effect on the 31st day of March, 1949, and be deemed to have been repealed as from that date."

Subsection (2) as amended, was adopted.

On motion of Mr. Zaplitny, the Committee resolved to reconsider subsection (1). Whereupon, Mr. Zaplitny moved that paragraph (a) thereof be changed to read 18 years instead of 21 years.

After some debate thereon, and the question having been put on the amendment by Mr. Zaplitny, it was resolved in the negative on the following division: Yeas, 2; Nays, 9.

Subsections (3) and (4) were in turn adopted.

Section 6, as amended, was adopted.

On Section 37.

Mr. Jules Castonguay was called. Witness read a statement which appears in the Minutes of Evidence.

Section 37 was adopted.

On motion of Mr. Mutch, it was,

Resolved,—That Section 2 of the Bill be repealed and the following substituted therefor:

2. (1) Subsection one of section four of the said Act is repealed and the following substituted therefor:

Rank, powers, salary and tenure of office of Chief Electoral Officer.

4. (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of not less than eight nor more than ten thousand dollars

per annum to be fixed by Order of the Governor in Council. He shall be eligible as a contributor under and entitled to all the benefits of the Civil Service Superannuation Act but, until he has attained the age of sixty-five years when he shall be compulsorily retired, he shall be removable only for cause in the same manner as a Judge of the Supreme Court of Canada.

Coming into force.

(2) Subsection one of this section, and subsection one of section four of the said Act as enacted by subsection one of this section, shall become operative only upon the retirement of the person who is Chief Electoral Officer at the date of the coming into force of this Act.

Salary.

(3) The person who is Chief Electoral Officer at the date of the coming into force of this Act, shall be paid a salary of ten thousand dollars per annum as from the first day of July, 1947.

Section 2, as amended, was unanimously adopted.

The preamble and title of the Bill was adopted, and the Bill, as amended, ordered to be reported to the House.

At 9.30 o'clock p.m., the Committee adjourned *sine die*.

ANTOINE CHASSÉ,
Clerk of the Committee.

MINUTES OF EVIDENCE

HOUSE OF COMMONS,

June 8, 1948.

The Special Committee on the Dominion Elections Act met this day at 8:30 p.m. The Chairman, Mr. W. E. Harris, presided.

The CHAIRMAN: Gentlemen, I think there were three sections of the bill that we had not touched on. I am going to call section 6. I understand Mr. Mutch has a motion to make with respect to section 6.

Mr. MUTCH: Mr. Chairman, I move that the following be inserted as paragraph 8 in section 14 of the Dominion Elections Act as set out in section 6 of bill 198.

Paragraph (i) of subsection 2 of the said section 14 is repealed as of the 31st day of March, 1949.

Mr. BERTRAND: What section did you say?

The CHAIRMAN: If you will allow me, it is on page 3 of the bill.

Mr. MUTCH: Section 6, subsection (i).

The CHAIRMAN: Subsection (i) reads:

Every person who is disqualified by reason of race from voting at the election of a member of the legislative assembly of the province in which he or she resides and who did not serve in the naval, military or air forces of Canada in the war 1914-18, or in the war that began on the 10th day of September, 1939.

Mr. MUTCH: The effect of my motion would be to remove the disqualification which presently exists in the Act at the same time that the order in council imposing restrictions on the Japanese Canadians would be removed from the legislation.

Mr. BERTRAND: From what?

Mr. MUTCH: From the present legislation; that order in council will expire.

Mr. BERTRAND: As from the 31st of March, 1949?

Mr. MUTCH: Yes.

The CHAIRMAN: If we take section 6 of the bill and run through it by sections we have the picture before us. Section 6 is a restatement of section 14 of the Act, and sets out the qualifications of a voter. Subsection (1) gives the qualification of a British subject over 21 years of age, ordinarily resident 12 months, and at a by-election resident until polling day. Shall subsection (1) of section 14 carry?

Carried.

Subsection (2) sets out the disqualification of an Indian person who did not serve in the war, and (i) is the subsection which presently disqualifies persons of Japanese race.

Mr. MACINNIS: Mr. Chairman, it is true that because of amendments made to the British Columbia Elections Act at the last session this year that at the moment only persons of Japanese origin are disqualified, but as the paragraph now stands it disqualifies any voter that any province may disqualify by reason of race.

I was going to move the deletion of this clause if Mr. Mutch had not moved his motion, but at the moment I think I shall support his amendment, although I do not see any reason in the world why it should remain in the Act even until March, 1949. It is a contradiction of the principle of Canadian citizenship. As a matter of fact, it sets up first- and second-class citizenship. I oppose that, and the mere fact that this government has seen fit to continue the disabilities under which persons of the Japanese race now live in Canada is no reason why we should leave this in the Act.

I should like to quote an editorial that appeared on the editorial page of the *Winnipeg Free Press* of April 19, 1948, on this matter. It is entitled: "No votes for B.C. Japanese." It reads:

The British Columbia government has finally decided not to give the vote to Canadian Japanese. Unlike the Chinese, and the immigrants from India, who were at last enfranchised in British Columbia last year, the Japanese are to remain second-class citizens for some time yet.

The government's excuse for this purely racial discrimination is remarkably frail. It says in effect that since the federal government is still forbidding Japanese to enter the Pacific coast area, the legislature has no right to allow such people to enjoy the rights of citizenship. Thus the extension of the federal government's regulation against the Japanese on the coast has produced an immediate evil, apart from the general evil of any discrimination against any minority.

This overlooks the fact that there are at the present time Canadian citizens of Japanese origin residing in the city of Vancouver, and because of this section of the Act they are singled out as people who cannot vote in the election that is being held there today. I think it is an outrage that Canadian citizens should not accept. I cannot see how it can be accepted by anyone who has any pretensions at all to democratic procedure, let alone any pretensions to liberalism. Then it overlooks the fact, too, that the restrictive order which prevents persons of Japanese race going to the Pacific coast in British Columbia only covers a part of British Columbia which is 100 miles from the coast inland, and there are persons of Japanese origin who have resided in the interior of British Columbia for years, who settled there, who were born there, who have reached manhood and womanhood there. In the Okanagan valley in the Yale riding where an election was held the other day there are Canadian citizens of Japanese origin who were born and brought up there and yet because of this section were not allowed to vote.

I appreciate the amendment proposed by Mr. Mutch. It at least gives an indication that we are not going to stand any longer for this after the orders in council affecting the Japanese have expired on March 31, 1949, but I reserve the right to move for the deletion of this when the bill comes before the House.

The CHAIRMAN: I think we appreciate all the arguments Mr. MacInnis has made. It may be we are in a rather awkward position of having a decision on, shall we say, emergency powers with respect to these persons, but the House has already determined to carry on those powers until the 31st of March, 1949. For that reason I thought it might be desirable that this committee would consider the releasing of this disqualification at that time, having in mind the fact that we would be in a somewhat awkward position if we gave the vote to these people now and there happened to be a general election between now and the 31st of March. You would have the very anomalous position of a person being entitled to vote and yet somewhat restricted in his activity, and perhaps kept in an area where he normally would not want to vote.

I appreciate all the arguments Mr. MacInnis has made, and I am quite sure if the House were to reverse the decision about extending the controls

over certain Canadian people of Japanese origin that this committee would be glad to go the extra step of striking out this disqualification entirely, but having in mind that decision of the House I think this probably would be the most acceptable decision the committee could make under the circumstances. I do not want to argue the case myself. Are there any other comments?

Mr. MUTCH: A year ago I think I made my own views on this matter very clear, and if I did not they are expressed more capably than I could do it in the excerpt from the *Winnipeg Free Press* which Mr. MacInnis read a short time ago. I am one of those who thinks he realizes some virtue in being practical. I feel myself there is an inconsistency. I am not very happy about the extension of the powers which the House agreed to until March, 1949. I think my views with respect to that are fairly well known. On the other hand, I do not want to be in a position of tolerating or affirming the situation on one side and changing it on the other, particularly when the change deals with the right of individuals to vote and, when we are dealing with a situation where an election is not an improbability in the foreseeable future. Therefore, believing there is some virtue in consistency, I have moved this amendment. After all, it is a clear and definite declaration that as of a fixed time, this discrimination with which I am in complete disagreement shall cease to exist. To me, that represents a victory.

I think, perhaps, in the light of the attitude adopted by the House previously it is as much as we can get. Therefore, since it is a step forward, my own attitude towards it is very much the attitude mentioned a moment ago by Mr. MacInnis. I am going to advocate what I can get because it does introduce finality to the matter, even though that finality is not of as today.

Mr. ZAPLITNY: I was not here when the amendment was moved.

Mr. MUTCH: The motion is to strike out this restrictive clause concerning Japanese Canadians, as of 31st March, 1949. In other words, this restriction on Japanese Canadian voters will lapse, if my amendment carries, at the date when the order in council restricting the movement of Japanese lapses, the 31st of March, 1949.

Mr. MACINNIS: Paragraph (i) on page 3 of the bill.

The CHAIRMAN: Have you the bill before you, Mr. Zaplitny?

Mr. ZAPLITNY: Yes. You are speaking of the amendment or of the clause as it is in the bill?

The CHAIRMAN: The amendment is to add a clause (8) to section 14 on page 3 and that clause (8) will read this way: Paragraph (i), subsection (2), which you see before you is repealed as of 31st day of March, 1949.

Mr. ZAPLITNY: I am just asking this for the purpose of obtaining information; would that be in order? You have set a sort of delayed action clause into the bill. I am a little doubtful whether or not that kind of clause could be put in a bill?

The CHAIRMAN: Yes, in every bill we have clauses like this, that this shall come into effect on a certain date except section so and so which will come into force on a different date.

Mr. ZAPLITNY: You may reserve sections?

Mr. MUTCH: Yes.

Mr. MACINNIS: May I say a word further? I see no contradiction in deleting this clause without waiting for the expiration of the present disabilities. The Chairman mentioned that we might find ourselves in the position that, in a general election, these people would be allowed to vote and yet would not be—I am summarizing and perhaps not correctly—and yet would not be allowed to travel or reside on the Pacific coast of British Columbia without a permit.

Really, there is no contradiction at all there because if there is a general election, since there is no other province with this restriction or this disqualification, what will happen is that persons of the Japanese race in every other part of Canada will vote except in the province of British Columbia. Therefore, if we delete this clause, regardless of what happens to the order in council, those people, wherever they reside, if they are otherwise qualified will be allowed to vote. I just want to point that out.

I should like Mr. Mutch to feel that I greatly appreciate the step he has taken in this matter. I am not finding fault with him at all. As a matter of fact, it is a real effort to bring an end to this injustice.

The CHAIRMAN: It has been suggested by the draftsmen we can possibly improve the manner of carrying out this amendment. Perhaps Mr. Mutch would approve if we added this as a proviso to paragraph (i) rather than as a separate section of section 14. It would simply be stated that provided, however, this subsection shall be repealed as of—

Mr. MUTCH: Will be repealed effective this date?

The CHAIRMAN: Yes.

Mr. MUTCH: It seems to me that is probably a little less cumbersome.

The CHAIRMAN: May we leave it this way; when I ask for the vote everyone in the committee knows what we intend to effect, whether we write it as a separate section to 14 or whether we add it to the present subsection (i). So long as we have it in acceptable form to the law clerk, I suppose it will be all right.

Mr. MUTCH: It is a matter of simplifying the thing. The effect of that suggestion will be to render this clause inoperative. It is a matter of phraseology. The law officers of the Crown can do justice to it. The principle is not changed.

The CHAIRMAN: Will subsection (2) as amended carry, either with the additional section (8) or simply with the addition to those words in subsection (2)?

Carried.

Subsection (3) repealed certain sections in section 14.

Mr. MACINNIS: Mr. Chairman, I think Mr. Zaplitny had an amendment to paragraph (a) of subsection (6).

The CHAIRMAN: Which do you mean?

Mr. MACINNIS: In section 6.

Mr. ZAPLITNY: The amendment I have is identical to the one moved by Mr. McKay, I believe, last year in connection with the age at which persons may vote. I was going to wait until we had finished with the subject matter with which we are dealing.

If it is in order, I should like to move that section 14, subsection (1), (a) of the Dominion Elections Act, as amended by section 6, subsection (1) of bill 198, be amended by deleting from line 10 the words "twenty-one" and substituting therefor the word "eighteen."

Now, I am not going to repeat the argument put forward last year except to say that since the committee sat last year we have found no reason for changing our mind on the subject. We still feel persons of the age of eighteen, in these days, are qualified to vote.

The CHAIRMAN: I take it the committee will give Mr. Zaplitny leave to revert to the item we have passed for the purpose of making his motion?

Mr. MUTCH: We might as well do it here as in the House.

Mr. FAIR: Mr. Chairman, I do not think this is good business. At eighteen years of age many of our young people are still at school. In school, we have definite information that there are ideas put into the heads of young people which are not good for them or good for the country. At the age of eighteen a person is not legally responsible, if my knowledge of law is correct. I think a person has to be twenty-one years of age.

If a person is allowed to vote at eighteen, then that person should also be eligible for election to the House of Commons or the provincial legislature. If a person is eligible for election to the House of Commons then that person is also eligible for appointment to the Cabinet. And I think when you take this all into consideration that we should watch our step before making this change. It was suggested in the argument last year and I think on other occasions that people of eighteen are eligible for service in the armed forces and if they are good enough to go to war they should be good enough to have the franchise. That is not quite correct. In the army they are not on their own. They are entirely under orders, they merely have to do what they are told; and I think it would be a step toward getting on to dictatorship, in my opinion, to have people of this age given the vote.

Mr. MARQUIS: Mr. Chairman, I had a few words to say last year when I objected to a motion of this kind. I think we have to recognize that there is a distinction between wartime and peacetime. When a young man of eighteen has enlisted, naturally he has the right to vote. His government gave him that right to vote. It is a fact that he is in the army under discipline; but now, when we are talking about giving the right to vote to a young man of eighteen we have to consider if this young man has full-capacity. He does not obtain full civil rights in practically all the provinces until he reaches the age of twenty-one. If we give the right to vote to a young man of eighteen we will have the following situation; this young man would not have the right to operate a business for himself, yet he will have the right to decide which government will administer the affairs of the country. Without taking up further time, Mr. Chairman, I think that I will leave it this way, I will not repeat what I said last year, but for the reasons I indicated then I cannot support the amendment.

Mr. RICHARD (Gloucester): Mr. Chairman, I feel the same. It is not in my opinion because we haven't thousands of young men who couldn't exercise that right to vote. I have known a great many young men who are well versed in public affairs, but there are too many disabilities existing today, they are too numerous for me to enumerate, from the political point of view; and, as Mr. Marquis says, a person does not reach his majority until he is twenty-one, he can neither sue nor be sued except through a guardian, someone who represents him. For instance, if he transfers any property it is not valid; I mean, it can be voided; the young man may change his mind after he becomes of age and he may repudiate the deal. There are certain limits to his responsibility while he is still a minor. If we are going to give them the right to vote, then we should have to remove from them all these disabilities and call him a major as soon as he has been given that right to vote. Personally, I do not think we should consider giving him the right to vote. I do not think anyone would be very much hurt by it. I think probably our young men will take a more serious part in activities as they approach their majority, but we must not forget the fact that they are still under civil disabilities.

Mr. MACINNIS: Mr. Chairman, I had not intended to say anything at this time because I think pretty near all of it was said last year; but when Mr. Fair suggests that giving people the vote at eighteen might tend to dictatorship, I think that is going a little too far.

Mr. MARQUIS: And I object too, I think that is not a fair statement.

Mr. MACINNIS: It is not a fair argument. Surely, if you are not going in the direction of dictatorship when you extend the franchise. If you had a clause here, or an amendment, to suggest that only persons at the age of forty-one would be eligible to vote there would be some quite logical support for the argument which said that that was a trend towards dictatorship. Then, the question of their civil rights in my opinion does not enter into it at all. Everyone will recall that for a great many years we did not extend the right to vote to women, and that when first the vote was given to women in the United Kingdom it was limited to age thirty.

Mr. RICHARD (Gloucester): And we removed the legal disability first.

Mr. MACINNIS: That should be remembered, and there were lots of disabilities so far as women were concerned. There were a lot of those disabilities some of which were removed a long time before we gave them the right to vote. Every extension of the vote has been done grudgingly. All people in authority are disinclined to extend the privilege of citizenship in its full measure to others. Now, the question is, is a person at the age of eighteen capable of deciding as well as a person at the age of twenty-one, or any age over that—say a person of ninety-six or one hundred and two—are they able to decide who is the best person to represent them in our parliament and our legislatures.

Mr. GLADSTONE: Why not make it sixteen?

Mr. MACINNIS: Well, why not make it thirty. The age was arbitrarily set anyway when determining legal status.

Mr. MUTCH: It is related to legal responsibility.

Mr. MACINNIS: The responsible age of twenty-one was arbitrarily set. No one can say that a person at the age of twenty years and six months is not equally responsible in fact.

Mr. MARQUIS: But it was done by the proper jurisdiction.

Mr. MACINNIS: Quite, and this would be the proper jurisdiction if we did it. Remember, judges are not allowed to vote but they are allowed to make contracts. This question of allowing the right to vote has nothing to do with all these other questions and it is purely a hesitation on the part of legislators to extend the right to elect members of parliament to a large number. Where, as I have said, persons of eighteen years of age are considered to be wise enough and capable of defending their country; if that is the case, then they have the right to say as to why the country goes to war before they are asked to risk their lives on the field of battle.

The CHAIRMAN: I think you discussed this thoroughly last year.

Mr. FAIR: In my province, Alberta, we have fixed the age of nineteen as carrying the right to vote on provincial matters. In the dominion house we are dealing with affairs which are not provincial. But, as for the argument put up by Mr. MacInnis, I cannot accept it. I feel I am quite justified, and I feel I am on the right track, when I say we should not allow the vote to go to those who are still minors. If you are going to bring it down to eighteen, why not bring it down to fifteen; and if we bring it down to fifteen why not bring it down to twelve. You have an elastic mind, and these elastic minds are possibly the cause of a lot of our difficulties today.

The CHAIRMAN: Now, gentlemen, you discussed this last year. Shall we have the question put?

Some HON. MEMBERS: Question.

The CHAIRMAN: The question is on the amendment to subsection 1 (a); and it has been moved by Mr. Zaplitny that the words "twenty-one" shall be

deleted and that the word "eighteen", shall be substituted therefor. Will those in favour please indicate? Those opposed?

I declare the amendment lost.

Then we have to consider paragraph 3, which says that paragraphs K and L of subsection 2, of 14 are repealed. K has to do with persons who are confined in an institution by reason of poor laws and the like; L has to do with persons disqualified from voting by reason of employment for pay or reward and last year the committee went over this matter and decided to repeal this section. Shall subsection 3 carry?

Carried.

Subsection 4 has to do with the qualifications of a veteran under the age of 21. Shall subsection carry?

Carried.

Now we move from section 6 to section 37 of this bill, dealing with voting in advance polls. We held this matter over as a result of the desire of Mr. Robinson and others to make representations with respect to mariners. We have Mr. Castonguay here and if there are no questions with respect to the section, we will ask Mr. Castonguay to give an answer to the representations made by Mr. Robinson.

Mr. MUTCH: On what page does the section appear?

The CHAIRMAN: Page 24.

Mr. MUTCH: Thank you.

Mr. CASTONGUAY: At one of the last meetings of the committee I was asked to prepare a statement with regard to the suggestion made by Mr. Robinson. I have given this matter a good deal of thought and I have prepared a statement on the subject which reads as follows:

Under the present election procedure, it is rather difficult for me to offer a constructive suggestion to provide special voting facilities to the sailors on the Great Lakes who are absent during long periods from their home polling divisions.

These sailors are entitled to the privilege of voting at advance polls, but it is obvious that these advance polls do not offer sufficient convenience to these sailors since, in order to vote at advance polls, they must be in their home town during one of the three days that such polls are open. Moreover, it often happens that no advance poll is authorized to be established in the place of ordinary residence of a considerable number of these sailors.

Proxy voting is prescribed in the laws of Ontario for mariners, but the Chief Election Officer for that province informed me that while he did not know exactly the number of sailors who voted by proxy at the 1945 general election, he was under the impression that only a very small number of sailors availed themselves of that privilege.

It has been suggested that the sailors on the Great Lakes might be allowed to vote under a postal voting system such as they have in Australia. A system of this kind would require extensive amendments to the Dominion Elections Act.

Moreover, such a system requires a continuous list of electors, such as they have in Australia, and a perusal of the relevant regulations shows that postal voting in Australia is a complicated procedure.

Furthermore, if postal voting was provided for sailors on the Great Lakes it seems to me that it would necessarily have to be provided for every other class of electors who are absent from their home polling divisions on polling day.

It has also been suggested that sailors on the Great Lakes might be allowed to vote as absentee electors, as is done in the province of British Columbia.

A procedure of this kind would also require extensive amendments to the Dominion Elections Act. If sailors on the Great Lakes are allowed to vote as absentee electors, the same privilege would have to be provided for every other class of persons who are absent from their home polling divisions on polling day. Moreover, each of the 35,000 ordinary polling stations established in Canada would have to be provided with twice as many different forms and envelopes as they are now furnished, and a great deal of confusion would inevitably result. This is what happened at the 1935 general election.

At present, a deputy returning officer is furnished with no less than 30 different forms varying in number, and I do not consider it advisable that any deputy should be required to handle a larger number.

For the general election of 1935 the Dominion Elections Act provided a method of absentee voting. There were 5,334 absentee voters' ballots cast on that occasion, of which 1,533 were rejected. As stated in my report to the Speaker of the House of Commons after the 1935 general election, I am not in favour of the adoption of absentee voting at Dominion elections such as prescribed by Chapter 50 of the Statutes of Canada, 1934.

Unless the committee is prepared to recommend some very extensive amendments to the Dominion Elections Act, I do not see how it will be possible to provide special voting facilities to the sailors on the Great Lakes who are absent during long periods of time from their home polling divisions.

The CHAIRMAN: Now, gentlemen, with the statement in mind, and having section 37 in front of you shall the section carry?

Carried.

Now we go back to section 2 of the bill, having to do with the appointment of the office of chief electoral officer. There has been a suggested amendment which I shall read and ask someone to move. This is an amendment to the present bill

2. (1) Subsection one of section four of the said Act is repealed and the following substituted therefor:

4. (1) The Chief Electoral Officer shall rank as and have all the powers of a deputy head of a department, communicate with the Governor in Council through the Secretary of State of Canada, devote himself exclusively to the performance of the duties of his office and be paid a salary of not less than eight nor more than ten thousand dollars per annum to be fixed by Order of the Governor in Council. He shall be eligible as a contributor under and entitled to all the benefits of the Civil Service Superannuation Act but, until he has attained the age of sixty-five years and when he shall be compulsorily retired, he shall be removable only for cause in the same manner as a Judge of the Supreme Court of Canada.

(2) Subsection one of this section and subsection one of section four of the said Act, as enacted by subsection one of this section, shall become operative only upon the retirement of the person who is Chief Electoral Officer at the date of the coming into force of this Act.

(3) The person who is Chief Electoral Officer at the date of the coming into force of this Act, shall be paid a salary of ten thousand dollars per annum as from the first day of July, 1947.

Mr. MUTCH: I would so move.

Mr. MACINNIS: Mr. Chairman, would you repeat the last part of the section again?

The CHAIRMAN: "The person who is chief electoral officer at the date of the coming into force of this act, shall be paid a salary of ten thousand dollars per annum as from the first day of July, 1947."

Mr. MACINNIS: As you all know, I have had no legal training, but it seems to me that this is rather strange drafting for this section. This Act may not come into force for some little time. Before it does come into effect the man holding office at the moment, for whom it is provided, might pass out of the picture—I hope he will not—and if someone else takes his position he will be holding office either as the acting chief electoral officer or else as the actual chief electoral officer. It seems to me that the section should be redrafted, first of all so as not to put the chief electoral officer on the same basis as the deputy minister. I think he should be put on the same basis as a judge because he is in a much different position from a deputy minister.

Mr. MUTCH: For the purposes of tenure of office he is on the same basis as a judge in the amendment.

Mr. MACINNIS: Yes, he is on the same basis as a judge, but as a matter of fact he not only, in my opinion, in a certain sense has an administrative position, but he has a sort of judicial position as between the various political parties, and he must have the same independence as a judge, and he should, I think, be put more on that basis. The salary that we accepted last year, perhaps, should be changed so that a new man coming in would not come in at the higher salary immediately, but I have no idea at the moment in my mind of the drafting. Still, I think it is very awkward drafting.

The CHAIRMAN: Now, the problem we had to solve in the drafting was just with regard to the objections you have talked about, namely, that we are providing for the appointment of a future chief electoral officer, presumably, and yet we want to retain the privileges and rights of the incumbent. I agree that it would be an awkward business if anybody tried to appoint a new chief electoral officer before this Act came into force; but this Act will come into force, presumably, in the course of the next four weeks, and I think we can count on Mr. Castonguay not resigning in that time.

Mr. MACINNIS: You are not counting on Mr. Castonguay; you are counting on the Almighty.

Mr. MUTCH: If Mr. Castonguay should be so inconsiderate as to die in the interval, this other situation can be avoided by refraining from making the appointment until the Act comes into effect.

The CHAIRMAN: I was going to add that and go one step further and say that in the event of these rather unexpected things—

Mr. MACINNIS: Undesirable.

The CHAIRMAN: —undesirable things happening; should Mr. Castonguay cease to hold office and should the government inside of four weeks appoint a successor, I should think that when the Act came into force in any event the new man would revert to the provisions made for him at the preceding session and at the most he might have the advantage of \$2,000 for a short period between now and the coming into force of the Act.

Mr. MUTCH: And if there is an election within the first four months of the appointment he will certainly earn it.

The CHAIRMAN: I agree the section sounds awkward, but it has been drafted by the people who are employed for that purpose and I think it carries out the intention of the persons who wished to have it in this form. As to the other argument about the position conforming to a judgeship, of course that is an argument as to his position. This does not take away from him any of the attributes of his office nor of his authority.

Mr. MUTCH: It protects his tenure in office as though he were a judge.

The CHAIRMAN: It has been moved by Mr. Mutch that section 2 of the bill shall read as I have read it.

Carried.

Now, before I call the title this is your opportunity to bring up any subject connected with the original bill which you want to introduce. There were a number of suggestions made in the debate on second reading of the bill in the House and I presume that if members of this committee do not wish to bring the questions up it is no affair of mine; but I will call the preamble and the title in about two minutes, so now is your chance.

Mr. MUTCH: Mr. Chairman, there is one matter which I personally propose to raise, but I do not propose to raise it in the committee. As far as I am concerned I will reserve my remarks for the bill in the House.

The CHAIRMAN: Shall the preamble carry?

Carried.

Shall the title carry?

Carried.

Shall I report the bill as amended?

Carried.

The committee is adjourned.

—The committee adjourned.

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