

No. 3.

5th Session, 8th Parliament, 63 Victoria, 1900

BILL.

An Act further to amend the Dominion
Elections Act.

First reading, February 5, 1900.

MR. INGRAM.

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An Act further to amend the Dominion Elections Act.

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

1. Section 7 of *The Dominion Elections Act*, chapter 8 of the Revised Statutes, is hereby amended by adding thereto the following paragraph :—
R.S.C., c. 8, s. 7 amended.
 (h.) “Any person who is not a permanent resident of the municipality in which he would act as such election officer.”

 2. Section 22 of the said Act, as amended by section 2 of chapter 19 of the statutes of 1891, is hereby amended by striking out all the words after the word “paper” in the fifth line thereof, and also by repealing subsection 2 of the said section and substituting the following therefor :—
Section 27 amended.
 “2. Upon receiving a nomination paper the returning officer shall give a receipt therefor, and such receipt shall in every case be sufficient evidence of the production or filing of such nomination paper and of the consent of the candidate.”

 3. Section 27 of the said Act is amended by inserting after the word “time” in the first line thereof the words “within forty-eight hours,” and by striking out the words “And before the closing of the poll,” in line two thereof.
Section 27 amended.

 4. Section 30 of the said Act is amended by adding thereto the following paragraph :—
Section 30 amended.
 (f.) “And shall, at least two days before the day fixed for polling, furnish to a candidate or his agent, a list of all deputy returning officers appointed to act in such election, with the name or number of the booth at which they are to act.”

 5. Section 32 of the said Act is amended by adding after the word “a” in the third line thereof the words “resident of the municipality as.”
Section 32 amended.
2. The said section is further amended by adding thereto the following :—“Each deputy returning officer shall furnish to the returning officer, not later than nine o'clock in the morning of the day prior to the day fixed for polling, the name and occupation or addition of such poll clerk; and the returning officer shall, not later than twelve o'clock noon of the day prior to the day fixed for polling, post up in his office a list of the deputy returning officers and poll clerks, with the occupation or addition of each, showing the booth where each is to act, and shall permit free access to and afford full

opportunity for inspection of such list by any candidate, agent or elector, up to at least six o'clock of the evening of the same day."

Section 33 amended.

6. Subsection 2 of section 33 of the said Act is amended by adding after the word "a" in the third line thereof the following words:—"resident of the municipality as."

Section 34 amended.

7. Section 34 of the said Act, as amended by section 5 of chapter 11 of the statutes of 1888, is amended by adding thereto the following: "And a suitable black lead pencil shall be provided and kept properly sharpened throughout 10 the hours of polling for the use of the voter in marking his ballot."

New section 38A.

8. The said Act is amended by inserting after section 38 the following:—

Inspection of ballot papers, etc.

"**38A.** Agents and electors entitled to be present in the room 15 of the polling station during polling hours, shall be entitled to have the packets of ballot papers intended for use thereat carefully counted in their presence before the opening of the poll, and shall be entitled to inspect such ballot papers and all other papers, forms and documents relating to the poll, provided such agents or electors are in attendance at least fifteen 20 minutes before the hour fixed for opening the poll."

Section 46 amended.

9. Section 46 of the said Act, as enacted by section 4 of chapter 13 of the statutes of 1895, is amended by adding the following words "black lead" after the word "a" in the 25 fourth line thereof.

Section 48 amended.

10. Section 48 of the said Act is amended by adding thereto the following:—"and imprisonment for at least six months, with or without hard labour, or both."

Section 55 amended.

11. Section 55 of the said Act is amended by striking out 30 the word "may" in the third line thereof and substituting therefor the words "as he desires, shall."

Section 56 amended.

12. Subsection 1 of section 56 of said Act is repealed and the following substituted therefor:—

Counting votes by D.R. officers.

"**56.** Immediately after the close of the poll, the Deputy 35 returning officer shall, in the presence of the poll clerk and the candidates or their agents—and if any of the candidates is neither present nor represented by an agent, then in the presence of such candidates and agents, if any, as are present, and of such electors, not exceeding three, as are at or around 40 the polling station and willing to attend—proceed to examine the state of the ballot papers and count the votes in the manner following: He shall, before opening the ballot box ascertain how many persons have voted and how many ballot 45 papers should be in the ballot box, and shall carefully count the number of unused ballot papers and of spoiled ballot papers, and shall afford opportunity to the persons present to ascertain whether all the ballot papers are properly accounted for; after having so done, and not before, he shall open the ballot box and examine the ballot papers to ascertain that 50

they are the ballot papers which he supplied, examining his initials on the backs, and shall count the whole number of ballot papers in the box to see that the number corresponds with the number of persons who voted, doing all this as far
 6 as possible without opening out the face of any of the ballot papers or discovering or disclosing for whom any ballot paper is marked; and should the number of ballot papers found in the box exceed the number of persons who voted, he shall, if possible, ascertain and reject such as were not supplied by
 10 him. After having so done he shall open and examine both sides of the ballot papers and count the number of votes given for each candidate, exposing to the view of those allowed to be present the face of each ballot paper, and, when so requested, affording them opportunity for thorough inspection
 15 of any ballot paper; and in so counting he shall reject all ballot papers which have not been supplied by the deputy returning officer, all those by which votes have been given for more candidates than are to be elected, all those which are not marked with a black lead pencil in the white circular
 20 space opposite the name or names of the candidate or candidates, all those upon the face of which there is any cross elsewhere than in the said white circular space or spaces, all those upon any part of which the voter has intentionally placed any mark with anything other than a black lead pencil, and all
 25 those upon which there is any writing or mark by which the voter could be identified, other than the numbering by the deputy returning officer in the cases herein before provided for.”

Rejecting
ballots.

13. Section 4 of chapter 19 of the statutes of 1891 is repealed and the following is substituted therefor:—
 30 “4. Subsection 2 of section 56 of the said Act is hereby amended by striking out all the words after the word ‘parcels’ in the ninth line, and substituting therefor the following words: ‘shall be indorsed so as to indicate their contents, and shall be sealed with sealing wax by the deputy returning officer, and
 35 shall be marked with the signatures of any agents present in the booth who are willing so to do by writing their signatures across the flap thereof (such agents also affixing their seals if they desire,) and shall then be put back into the ballot box.’”

1891, c. 19,
new section

R.S.C., c. 8,
s. 58 amended.

14. The subsection substituted for subsection 2 of section 58
 40 of *Dominion Elections Act*, by section 5 of chapter 19 of the statutes of 1891, is amended by adding thereto the following words:—“If the said ballot box has been used within twelve miles of the office of the returning officer, or of the election clerk, it shall be returned within five hours after the close of
 45 the poll.”

R.S.C., c. 8,
s. 58 amended.

15. Section 59 of the said Act is amended by striking out the words “on being requested so to do” in the first and second lines thereof.

Section 59
amended.

16. Subsection 4 of section 63 of the said Act, as enacted
 50 by section 8 of chapter 19 of the statutes of 1891, is amended by adding after the word “and” in the third line thereof “shall be liable to a penalty of two hundred dollars or to imprisonment for a term not exceeding two years, with or without hard labour or to both.”

Section 63
amended.

Section 64
amended.

17. Subsection 1 of section 64 of the said Act as amended by section 9 of chapter 19 of the statutes of 1891, is amended by striking out after the word "votes" in the seventeenth line thereof the following words "and if the applicant deposits within the said time, with the clerk of the county or district court or with the prothonotary of the said superior court in the said judicial district as the case may be the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada as security for the costs, in respect of the recount or final addition of the candidate appearing by the addition to be elected."

Section 64
amended.

18. Subsection 3 of section 64 is hereby repealed and the following is substituted therefor:—

"3. At such recount of votes or final addition by the judge the returning officer and his election clerk shall be present, and each candidate shall be entitled to be represented by not more than three agents appointed to attend, and may himself be present if he desires; but in case any candidate is not represented, then any three electors may declare their desire to attend in his behalf and shall be entitled to attend; and, except with the sanction of the judge, no other person shall be present at such recount or final addition."

Section 64
amended.

19. Subsection 9 of section 64 is hereby repealed.

Section 65
amended.

20. Section 65 of the said Act is amended by adding thereto the following subsection:—

"5. In the event of the returning officer making his return and report to the Clerk of the Crown in Chancery in violation of this section and the next preceding section, the Clerk of the Crown in Chancery shall return the said report and return to the returning officer on presentation of an order signed by any judge who has jurisdiction to carry out the provisions of this section and of the next preceding section."

Section 67
amended.

21. Section 67 of the said Act is amended by adding in the second line thereof after the word "possession" the words "subject to subsections 4 and 5 of section 65."

Section 72
amended.

22. Section 72 of the said Act is amended by inserting the words "a recount" after the word "instituting" in the seventh line thereof.

Section 84
amended.

23. Section 84 of the said Act is amended by adding after the word "costs" in the third line of the last paragraph thereof the following words "and shall be liable to imprisonment for any term not exceeding six months."

Section 85
amended.

24. Section 85 of the said Act is amended by adding at the end thereof the following "and shall be liable to imprisonment for any term not exceeding six months."

Section 89
amended.

25. Section 89 of the said Act is amended by striking out the words "six months" in the last line thereof and substituting therefor the words "two years."

26. The last paragraph of section 100 of the said Act is amended by striking out the words "two years" in the fourth and fifth lines thereof and substituting therefor the words "five years", also by striking out the words "six months" in the eighth line thereof and substituting therefor the words "two years."

Section 100
amended.

27. The second paragraph of form M in the first schedule to the said Act is amended by striking out the word "a" in the second line thereof and substituting therefor the words "the black lead."

Form M
amended.

2. The fourth paragraph of the said form is repealed and the following is substituted therefor: "If a voter inadvertently spoils a ballot paper so that he cannot conveniently use it as he desires he may return it to the proper officer, who shall give him another."

3. The fifth paragraph of the said form is amended by inserting after the word "identified" in the third line the following: "or places a cross or crosses on any other part of the ballot paper than in the white circular space or spaces opposite the name or names of the candidate or candidates for whom he votes."

4. The sixth paragraph of the said form is amended by striking out the words "six months" in the sixth line thereof and substituting therefor the words "one year."

28. The second schedule to the said Act is hereby amended by striking out paragraph 8 and substituting the following therefor: "8. For the personal services of the returning officer, dollars."

Tariff of fees
amended.