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## 7-8 GEORGE V.

### CHAP. 39.

#### The War-time Elections Act.

[Assented to 20th September, 1917.]

**H**IS Majesty, by and with the advice and consent of R.S., c. 6.  
the Senate and House of Commons of Canada, enacts  
as follows:—

**1.** During the present war, and until demobilization after the conclusion of peace, the operation of Part I of the *Dominion Elections Act* (being sections 5 to 30 inclusive) shall be suspended, and Part II of that Act (being sections 31 to 65 inclusive) shall operate and apply as if amended, and shall be deemed to be amended, in the following respects:—

Part I of Dominion Elections Act suspended, and Part II to operate as amended.

(a) By striking out the heading “Provinces of Saskatchewan and Alberta and Yukon Territory”;

(b) By striking out section 31;

(c) By striking out section 32 and inserting instead the following:—

“**32.** (1) The qualifications necessary to enable any male person to vote at a Dominion election in any province shall, except as by this Act otherwise provided, be those established by the laws of that province as necessary to entitle such male person to vote in the same part of the province at a provincial election.

Qualifications of male voters.

“ (2) Except in the province of Quebec, and notwithstanding anything in this Act contained, in preparing or adding to the voters’ lists provided for by this Act, the qualifications as to residence and domicile of electors shall, in any province where there is no relevant or applicable provision to the contrary, be residence for one year in the province and residence and domicile in the electoral district

Residence and domicile, except in Quebec.

strict for thirty days, both of said periods to be fixed by reference to the date of the writ of election: Provided that the requirements of this section as to domicile shall apply only to such provinces as, by their law applicable to provincial elections, require domicile as one of the qualifications of an elector.

Domicile of  
female voters  
in Quebec.

“(3) In the province of Quebec, notwithstanding anything in this Act contained, the qualifications as to domicile of female voters shall be domicile at the date of the said writ of election”;

(d) By adding as section 33A, between sections 33 and 34, the following:—

Qualifications  
of female  
voters.

“**33A.** (1) Every female person shall be capable of voting and qualified to vote at a Dominion election in any province or in the Yukon Territory, who, being a British subject and qualified as to age, race and residence, as required in the case of a male person in such province or in the Yukon Territory, as the case may be, is the wife, widow, mother, sister or daughter of any person, male or female, living or dead, who is serving or has served without Canada in any of the military forces, or within or without Canada in any of the naval forces, of Canada or of Great Britain in the present war: Provided that this section shall not apply to the wife, widow, mother, sister or daughter of a person no longer serving as aforesaid, unless such person has died in or has been honourably discharged from such service, or, in the case of an officer, has died in or has been permitted to resign from such service or has been dispensed by competent authority from further service, or in any case, has died after honourable discharge, resignation by permission, or dispensation from further service as aforesaid.

Part of  
naval forces  
excepted.

“(2) Such naval forces of Canada shall be deemed not to include members thereof engaged within Canada who may become members after the passing of this Act”.

(e) By adding as section 33B immediately after section 33A the following:—

Provincial  
disqualifi-  
cations not  
adopted.

“**33B.** (1) No person possessed of the qualifications generally required by the provincial law to entitle him to vote at a provincial election shall be disqualified from voting at a Dominion election merely by reason of any provision of the provincial law disqualifying from having his name on the list or from voting,—

- (i) the holder of an office; or,
- (ii) any person employed in any capacity in the public service of Canada or of the province; or,
- (iii) any person belonging to or engaged in any profession, calling, employment or occupation; or,
- (iv) any one belonging to any other class of persons who, although possessed of the qualifications generally

ally required by the provincial law, are, by such law, declared to be disqualified by reason of their belonging to such class.

“(2) No person whose son or grandson is serving or has served as in section 33A provided shall, by reason of the lack of any income or property qualification required by the provincial law, be deemed non-qualified to vote at a Dominion election, but all such persons, being otherwise qualified as required by this Act, shall be entitled to vote at any Dominion election;”

Son or grandson in services.

(f) By striking out of the second line of section 35 the word “eight” and substituting therefor the word “ten”;

Posting proclamation.

(g) By striking out from the first and second lines of subsection (1) of section 37 the words “In the provinces of Saskatchewan and Alberta and the Yukon Territory” and inserting instead—“Except in the provinces of Quebec, Ontario, Nova Scotia and New Brunswick, wherein the polling divisions shall be those established under the laws of the province for the purposes of provincial elections within the territory comprised in the electoral district for which the election is held,” and by adding at the end of said subsection the words—“He may adopt, if considered satisfactory for the purposes of a Dominion election, any or all of the polling divisions established by or under the laws of his province for the purposes of provincial elections within the territory comprised in the electoral district for which the election is held,” and by adding as subsections (3), (4) and (5) to said section 37 the following:—

Subdivision of electoral district into polling divisions.

“(3) Where a polling division in a province has more than three hundred qualified voters according to the voters’ list as compiled pursuant to section 46 and posted pursuant to section 48 of this Act, the returning officer shall provide separate and additional polling stations near to one another, according to the total number of qualified voters on such list, for the polling of the votes in such polling division, and so that not more than three hundred, and, when practicable, not less than two hundred qualified voters’ names shall be on the list for each polling station. The returning officer in such cases shall direct the enumerator to prepare and he shall prepare from the voters’ list for the polling division, a separate list for each polling station, made up in alphabetical order according to the initial letter of the surname of each voter. Each separate polling station shall be designated by the initial letters of the voters on the list who are to vote in such station, in the following manner, that is to say:—From

Separate and additional polling stations where polling division has more than 300 voters.

A to K, and from L to R, and from S to Z, or as the case may be. Every voter, the initial letter of whose name is included within the letters of the alphabet designating a polling station and contained in such list, shall vote in the station so designated. The returning officer shall appoint a deputy returning officer for each polling station, and the enumerator shall deliver to such deputy in due time a list, certified by him to be a correct list, of all voters on the voters' list, whose surnames commence with the letters of the alphabet included within the letters by which the polling station is designated.

Returning officer to obtain documents defining provincial polling divisions.

"(4) The returning officer shall, forthwith after the receipt of the writ for an election, obtain from the officers who are the legal custodians of any by-laws, orders, proclamations or other documents or proceedings defining provincial polling divisions or duly certified duplicates or copies thereof, such certified copies of the said by-laws, orders, proclamations or other documents or proceedings as are necessary or as he deems necessary for the performance of his duties. The legal custodian from whom any such document is so obtained shall be paid therefor the same fees, if any, as in the case of such document being obtained by a returning officer for the purposes of a provincial election.

Certified copies of provincial lists to be obtained.

"(5) The legal custodian of any municipal or provincial voters' list in force, last in force, or previously in force, shall deliver certified copies thereof or of any part thereof, as last revised and corrected, to any returning officer, enumerator or other person applying therefor, on payment therefor of a fee not exceeding the fee, if any, allowed by the provincial law in the like case, and not exceeding in any case ten cents for a printed list and one cent for every two names in writing, if the list or part of the list is in writing;"

(h) By striking out subsection (1) of section 42 and inserting instead the following:—

Appointment of enumerators to make lists.

" 42. (1) Subject to the provisions of section 65A of this Act, the Governor in Council may appoint enumerators in each province to make lists of the electors in each electoral district, and the returning officer of each electoral district shall assign one of such enumerators to each polling division therein"; by inserting between the words "such" and "appointments" in the first line of subsection (2) of said section the words "or sufficient", and by striking out of the ninth line of said subsection (2) of said section the words "one or more polling divisions" and inserting instead the words "polling division;"

Lists of voters by enumerators.

(i) By striking out from the fourth line of subsection (1) of section 46 the words "or each of the polling divisions"

divisions" and by adding as subsections (2) and (3) to said section the following:—

"(2) Subject to the provisions of section 65A of this Act, in the compilation of such list the enumerator may adopt as a basis thereof any part or parts of any provincial or municipal list of voters in force or last in force which may be applicable to the polling division for which he has been appointed, adding to or taking from such list the names of such persons as he may find to be qualified, or not qualified, as the case may be, within the polling division for which he has been appointed. He shall add after the name of every female voter whose name he places or permits to remain on the list of electors prepared by him the letter W in brackets, thus "(W)."

Provincial lists may be adopted as basis.

"(3) Whether or not resident within the polling division, the enumerator, if qualified as an elector of the electoral district, shall add his own name to the list of voters, and he shall vote within such polling division, if at all, and at no other place;"

Where enumerator shall vote.

(j) By striking out the whole of section 48 and inserting instead the following:—

"48. (1) Subject to the provisions of section 65A of this Act, and except in the Yukon Territory, each enumerator shall complete, date at his place of residence, and sign the copies of the voters' list fifteen days before the polling day; two of the said copies he shall forthwith post up in two of the most public places within such polling division, and another he shall retain for revision. He shall on the same day deliver or send by registered mail to each of the candidates a copy of such list.

List to be posted up.

"(2) One of the places where copies of the lists are to be so posted up shall be the post office nearest to the place appointed as the polling station for the polling division, or, if there is no such post office, a conspicuous place outside and adjoining the main entrance to such polling station.

At post office or other conspicuous place.

"(3) The enumerator shall attach to each of the two copies posted up by him a written notice signed by him designating a place within the polling division and a time where and when electors may conveniently find him during at least two successive hours on every day, except Sunday, of the ten days next before the polling day and at any time while the poll is open on polling day, and the enumerator shall attend at the time and place so designated for at least two consecutive hours on each of said ten days and during the whole period of time that the poll is open on polling day;"

Notice of place where enumerators may be found.

(k) By inserting as the beginning of section 49 the words—  
"Subject to the provisions of section 65A of this Act and except in the Yukon Territory"; by striking

Correction of voters' lists.

out from the second line of subsection (1) of said section the word "two" and inserting instead the word "five", and by striking out from the second and third lines of said section the words—"in the provinces of Saskatchewan and Alberta";

Attestation of lists and delivery to deputy returning officers.

(l) By inserting as the beginning of sections 50 and 51 respectively the words—"Except in the Yukon Territory,"; by striking out from the first line of each of said sections the words—"In the provinces of Saskatchewan and Alberta"; by striking out of the sixth line of section 50 the word "two" and inserting instead the word "five", and by striking out of the third line of section 51 the word "eight" and inserting instead the word "six";

(m) By adding as section 51B between sections 51A and 52 the following:—

Death, illness or neglect to act by enumerators.

"51B. In the event of the death or illness of any enumerator or of his neglect or refusal to perform any duty imposed upon him by this Act, the returning officer may appoint another person, with power, after taking the oath in form B in the Schedule, to act in such enumerator's place and stead";

Returning officer may act as deputy.

(n) By striking out of the first and second lines of sections 56, 59, and 60, respectively, the words—"In the provinces of Saskatchewan and Alberta and the Yukon Territory"; by striking out of the first line of subsection (2) and out of the first and second lines of subsection (3) of said section 59 the words—"In the provinces of Saskatchewan and Alberta", and by inserting as the beginning of subsections (2) and (3), respectively, of said section 59 the words—"Except in the Yukon Territory", and by striking out from the second line of subsection (2) of section 57 the words "nine o'clock in the forenoon" and inserting instead the words "the opening of the poll";

Where officers and agent may vote.

Certificates.

(o) By striking out section 62 and inserting instead the following:—

Applications for certificate as a qualified voter by person whose name is not on list.

"62. (1) Subject to the provisions of section 65A of this Act, any person whose name is not on the voters' list of a polling division, but who claims that it should be thereon, may, at any time while the poll is open, apply to the enumerator of such polling division, at the place notified pursuant to section 48, subsection (3), for a certificate that he is a qualified voter in such polling division. The enumerator shall thereupon examine such person under oath as to his identity and qualifications as an elector, reduce his answers to writing, add thereto the words "sworn

Oath.

before me'' with the date of swearing, sign the document as enumerator, enclose it within an envelope so marked as to indicate its contents, and at the close of the poll deliver the envelope and contents to the deputy returning officer, who shall deliver it unopened, within the ballot-box, to the returning officer after the close of the poll.

“(2) Upon being satisfied as to such person’s identity and qualifications, the enumerator shall issue to him, *gratis*, a signed certificate in the form W-1 in the Schedule containing the name of the person to whom it is issued, stating that such person is a qualified elector and indicating the polling division in which he is entitled to vote. The certificate may be presented to the deputy returning officer, who shall require the person presenting it to make oath that he is the person named in it and that he has not previously voted at the election. If such oath is made, (and as well any other oath which may be put pursuant to this Act) but not otherwise, the person’s name shall be entered in the poll-book, and the deputy returning officer shall add it to the voters’ list and write the word “Certificate” and his initials thereafter, whereupon such person shall be permitted to vote in the ordinary manner.

Issue of certificate, entry in poll-book, and name added to voters list.

“(3) If the enumerator is not satisfied as to such person’s identity or qualifications, he shall deliver to him, *gratis*, a signed declaration in the form W-2 in the Schedule containing the name of the person to whom it is issued and stating that he has applied to the enumerator for a certificate of his right to vote in the enumerator’s polling division, and that it has been refused. The declaration may be presented to the deputy returning officer, who shall require the person presenting it to make oath that he is the person named in it and that he has not previously voted at the election. If such oath is made, (and as well any other oath which may be put pursuant to this Act) but not otherwise, the person’s name shall be entered in the poll-book followed by the word “Declaration,” (but the name shall not be added to the voters’ list), and the person shall be given a ballot-paper and permitted to mark it in the ordinary manner, and when the ballot is returned to him the deputy returning officer shall enclose and seal it within an envelope, and endorse thereon a number corresponding to that appearing opposite the voter’s name in the poll-book, the number and letter, if any, of the polling division, and the deputy returning officer’s initials, and the envelope shall be deposited in the ballot-box and delivered therein unopened to the returning officer after the close of the poll. The returning officer shall preserve it unopened and deal with it as with all other election documents. In the event of the institution of any recount proceedings the recounting judge shall have authority, after the count of all ballots polled

Declaration where certificate is refused.

Entry in poll-book, but not added to list.

Ballot enclosed in envelope and deposited in ballot-box.

Judge to  
decide as to  
right to vote.

in the ordinary manner has been concluded, (a) to hear evidence under oath, and upon such evidence to decide as part of the recount proceedings, as to the right of each person whose ballot was polled within an envelope to vote at the election within the polling division to which the envelope relates, and, (b) to count as if polled in the ordinary manner the ballots polled in envelopes of all persons whom he shall decide to have been entitled to vote within such polling division. In recount proceedings, it shall be *prima facie* presumed that any person to whom an enumerator has refused to issue a certificate of such person's right to vote in a polling division was not entitled to vote therein, and that any person whose name appears on the voters' list of a polling division was entitled to vote therein, and, in the absence of any or of sufficient contrary evidence, the judge shall decide and shall deal with the envelopes which contain the ballots of such persons and with such ballots in accordance with such presumptions. Only the envelopes which contain the ballots of persons decided to have been entitled to so vote shall be opened, and this shall be done by the judge, who shall deposit in a ballot-box all the ballots found in such envelopes as he may open and they shall be examined and counted only as withdrawn from such ballot-box. The unopened envelopes shall be re-delivered to the returning officer, who, preserving them unopened, shall deal with them as with all other election documents.

Envelopes  
opened by  
Judge, and  
ballots  
deposited  
in box.

Challenge on  
ground of  
non-  
qualification  
or dis-  
qualification.

"(4) Any candidate or his agent, present at a polling station, may, in the following manner and with the following set forth consequences, challenge on the ground of non-qualification or disqualification the right of any person to vote at the election whose name has been placed on the list of voters of the polling division by or upon the certificate of an enumerator. In the provinces of Quebec, Ontario and New Brunswick, such right of challenge shall apply only as against such persons as, pursuant to section 65A, the enumerator shall have added to the basis list mentioned in paragraphs one and two of said section, and to all persons on the lists of voters in the municipally unorganized districts of the province of Ontario, to vote at the election. The challenge shall be made before the person has received a ballot paper, and when made the deputy returning officer shall put to the candidate or agent making it an oath substantially in the form W-4 in the Schedule, which oath shall, according to the nature of the challenge made, state the particular ground or grounds of the non-qualification or disqualification relied on. The deputy returning officer shall thereupon mark opposite the intending voter's name in the poll book the word "challenged," deliver to such intended voter a ballot paper and permit him to mark it in the ordinary manner, but when it is

returned to him he shall enclose and seal it within an envelope, and thereafter mark and otherwise deal with such envelope and its contents (as shall the judge in the event of the institution of any recount proceedings) as if the ballot had been marked pursuant to the immediately preceding subsection;”

(p) By adding at the end of the second paragraph of form P the words:—

Form P amended.

“A female person when qualified as to age, race and residence as required of male persons, is capable of voting if she is the wife, widow, mother, sister, or daughter of any person, male or female, living or dead, who is serving or has served without Canada in the military forces, or within or without Canada in the naval forces of Canada or of Great Britain in the present war”; and by further amending said form P by inserting between the words “being” and “an” in the second line of the second paragraph thereof the words “a person affected by the provisions of section 67 of the *Dominion Elections Act*, nor”, and by striking out the word “two” from the third line of the third paragraph of said form P and inserting instead the word “five;”

Female voters.

(q) By striking out form Z No. 1 and inserting instead the following:—

Form Z, No. 1 amended.

“Form Z No. 1. You swear that you are legally qualified to vote at this election, that you are of the (‘male’ or ‘female’) sex, a British subject, a resident of Canada, and of the full age of 21 years. (*In the case of a female voter add the following*):—You do further swear that you are the (‘wife’, ‘widow’, ‘mother’, ‘sister’ or ‘daughter’, *as the case may be*) of a person who is serving or has served without Canada in the military forces (*or within or without Canada in the naval forces*) of Canada (*or of Great Britain, as the case may be*) in the present war. So help you God”;

Oath of qualification.

(r) By adding as section 65A immediately after section 65, the following:—

“65A. Notwithstanding anything in this part of this Act contained, its provisions shall be limited in their application to the provinces of Quebec, Ontario, and New Brunswick as follows:—

Provisions of this Part limited.

“1. In the provinces of Quebec and New Brunswick the enumerators shall adopt as the basis of the lists of voters which they respectively shall compile the lists prepared for the several polling divisions established, and which on the sixtieth day next preceding the

Basis of lists of voters in Quebec and New Brunswick.

day fixed for the nomination of candidates for the election were in force, or were last in force, under the laws of the province, for the purposes of provincial elections, and they shall not add to such basis list any other names than those of female voters qualified to vote by this Part of this Act, nor strike off nor erase therefrom any other names than those of persons disqualified from voting by this Act, and section 62 of this Act shall apply only to qualified female voters whose names do not appear on any list compiled by any enumerator, and to persons whose names he has erased or struck from such basis list.

Basis of list  
of voters in  
Ontario.

"2. In the province of Ontario the enumerators shall adopt as the basis of the lists which they respectively shall compile for polling divisions other than such as are wholly within cities, or within county or district towns having a population of nine thousand or over according to the last Dominion census, the lists of voters last prepared under *The Ontario Voters Lists Act*, chapter 6 of the Revised Statutes of Ontario, 1914, previous to the amendment of said Act by chapter 4 of the Acts of the Legislature of the province of Ontario of the year 1917, for the several polling divisions to which they relate, established under the laws of that province for the purposes of provincial elections. The enumerators shall not add to or strike off or erase from such lists so adopted any names other than those of females and disqualified persons as mentioned in paragraph 1 of this section, and section 62 of this Act shall apply to such lists only as in said paragraph 1 specified.

Ontario  
voters' lists.

"3. In the province of Ontario every enumerator in a polling division which is wholly included within a city or within a county or district town, having a population of nine thousand or over according to the last Dominion census, shall complete, date at his place of residence, and sign the copies of the voters' lists fifteen days before the polling day; two of the said copies he shall forthwith post up as required by section 48 of this Act, and a third he shall personally deliver or mail by registered letter to the Chairman of the Voters' Registration Board constituted by *The Ontario Franchise Act, 1917*, for the city or town, and he shall deliver or mail by registered letter a copy of such list to each of the candidates. Such lists shall not be subject to revision by the enumerator nor shall he have any further duty to perform as enumerator under this Act, except the issuance in any necessary case of a certificate in form W-3 under paragraph (g) of section 67. The said Voters' Registration Boards in said cities and towns are hereby constituted Boards of Appeal under this paragraph, with the chairman of each Board, who shall be nominated such for the purposes of this par-

To be  
posted up  
and  
delivered.

Voters'  
Registration  
Boards to be  
Boards of  
Appeal.

graph by the Governor in Council Chairman of the Board of Appeal, and the Clerk of each Board Clerk of the Board of Appeal. If the enumerator refuses or omits to enter upon the list the name of any person, the applicant may, in person, or in the case of a qualified person who may be absent from the polling division at the time of the enumeration, an elector in the polling division acting on such absent person's behalf may, within four days after the posting up by the enumerator of such list, appeal to such Board of Appeal by notice in writing stating the facts and filed with the enumerator and with the Clerk of the Board of Appeal. An appeal shall also lie in like manner, and on the like and a further notice by registered letter to the person entered on the list, from the entry by the enumerator of the name of such person on such list. The registered letter shall be mailed to the address of the person as appearing on the list. The Board of Appeal shall commence its sittings at such place as it may fix and notify by public advertisement ten days before polling day, and it shall continue in session until all appeals have been disposed of, but in any event for not longer than six days, or, if any one of the five days following its first days' sitting is a Sunday, it shall arrange to conclude its business in five days. The Board of Appeal shall have for the purposes of this paragraph and except as limited hereby all the powers exercisable by it on any similar appeal asserted before it under Part II of *The Ontario Franchise Act*, and shall on every hearing proceed as nearly as possible as in and by said Part II of said Act provided. In case of necessity the Board of Appeal may divide itself into two or more sections, and in such case each section shall for the purposes of this paragraph have the full authority of the whole Board of Appeal. The Chairman of the Board, or the Clerk, acting under his directions, shall make and initial the alterations in such lists rendered necessary as a result of the decisions of the Board of Appeal, and the Chairman of the Board shall append and sign thereto the following words—"I certify that the foregoing is a correct list of the voters in polling division No. . . . (or as the case may be) of the electoral district of . . . . . as revised on appeal by the Board of Appeal of the (city or town) of . . . . . in the province of Ontario, this . . . . day of . . . . ., 1917.

Appeals.

Sittings of Boards of Appeal.

Powers of Board.

*Chairman of the Board of  
Appeal of . . . . ."*

Four days before polling day the Clerk of the Board of Appeal shall deliver to the proper returning officer the lists revised on Appeal and as well all other lists

Delivery of lists to returning officers.

received by the Chairman of the Board from the various enumerators, but respecting which no appeals have been asserted or if any asserted no changes shall have been made in such lists. The returning officer shall deliver such lists to the proper deputy returning officers forthwith or before six o'clock of the morning of polling day. All such lists shall be deemed closed and section 62 of this Act shall not at all apply thereto or to the persons whose names appear thereon. The members of the Board of Appeal, the Clerk thereof, enumerators and all other persons engaged under authority of this Act in the making or revision by way of appeal or otherwise of lists of voters in any province or in the Yukon Territory, shall be paid such reasonable remuneration or disbursements as the Governor in Council may provide or allow.

Unorganized  
districts of  
Ontario.

"4. In the province of Ontario the lists of voters in municipally unorganized districts shall be prepared, revised, signed, and delivered to the deputy returning officers by enumerators according to the applicable provisions of sections 42 to 51 inclusive provided, and this section shall not apply thereto.

Nova Scotia.

"5. In the province of Nova Scotia,—

Judges of  
County  
Courts to be  
Revising  
Officers.

"(1) The various judges of the County Court shall be revisers of lists of voters and shall be known as Revising Officers. Each thereof shall have jurisdiction on appeal from enumerators over the electoral district within his judicial district wherein he resides, and shall have power, and is directed to appoint one or more Revising Officers (who shall have similar jurisdiction) for each electoral district within such county court judge's judicial district. Such additional Revising Officers shall be barristers of not less than five years standing. Every Revising Officer, before acting as such, shall be sworn before the appointing judge to the faithful performance of his duties. A Revising Officer shall have power to entertain and, in manner not inconsistent with the provisions of this Act, to dispose of, all appeals which may be asserted before him. Subject to the provisions of this paragraph he shall prescribe or confirm such procedure as to notice, evidence or otherwise as in his judgment may be fair and reasonable, considering the circumstances.

Qualification  
and duties of  
additional  
Revising  
Officers.

Basis of list  
of voters in  
Nova Scotia.

"(2) The enumerators in the said province shall adopt, as the basis of the lists of voters which they respectively shall compile, the lists prepared for the several polling divisions established, and which on the sixtieth day next preceding the day fixed for the nomination of candidates for the election were in force or were last in force under the laws of the province for the purposes of provincial elections, and they shall not add to such basis lists any other names than those of (a) female persons qualified by this part of this Act to vote at the election of a member, and, (b)

male persons who according to the laws of the province were qualified to be added to such lists when the same were completed or who under the laws of the province or under this Part of this Act are qualified to so vote, nor shall such enumerator strike off nor erase from such basis lists any other names than those of (a) persons who, when such lists were completed were not qualified to have their names entered thereon, or, (b) persons disqualified by this Act from voting at the election of a member. Every enumerator in said province who shall strike off or erase from such basis lists the name of any person, shall forthwith mail to such person by registered letter, to the address given in such basis list, or to his last known address, notice of the fact and of the reason. Every enumerator in said province shall complete, date at his place of residence, and sign the copies of the voters' lists prepared by him fifteen days before the polling day; two of such copies he shall forthwith post up as required by section 48 of this Act, and a third he shall personally deliver or mail by registered letter to the Revising Officer for the electoral district wherein his polling division is contained. He shall also deliver or mail by registered letter a copy of such list to each of the candidates. Such list so prepared shall not be subject to revision by the enumerator, nor shall he have any further duty to perform. If the enumerator refuses or omits to enter upon the list of voters the name of any person whom he is by this paragraph authorized to enter thereon, or strikes off or erases from the basis list the name of any person other than one which he is by this paragraph authorized to strike or erase therefrom, such person (or, in the case of a qualified person who may be absent from the polling division at the time of the enumeration, an elector in the polling division acting on such absent person's behalf) may within four days after the posting up by the enumerator of such list, appeal to such Revising Officer by notice in writing stating the facts and mailed to the enumerator and to said Revising Officer respectively. An appeal shall also lie in like manner, and on the like and a further notice by registered letter to the person entered on the list, from the entry by the enumerator under authority of this paragraph of the name of such person on such list. The registered letter shall be mailed to the address of the person as appearing on the list, or to his last known address. The Revising Officer shall first sit at such place as he may fix and notify by public advertisement ten days before polling day. He shall continue in session as Revising Officer until all appeals have been disposed of, but in any event for not longer than six days, or, if any one of the five days following his first day's session is a Sunday, he shall arrange to conclude his business as such Revising Officer in five days. He shall make and initial the alterations

Additions  
and  
erasures.

Lists to be  
posted up and  
delivered.

Appeal to  
Revising  
Officer.

Notice of  
sitting and  
disposal of  
appeals.

in the list of voters, rendered necessary as a result of his decisions, and shall append and sign to each of such lists the following words:—

“I certify that the foregoing is a correct list of the voters in polling division No..... (or as the case may be) of the electoral district of..... as revised on appeal by me this..... day of .....191.....

Revising Officer of the Electoral district of..... in the Province of Nova Scotia.”

Statement of alterations and delivery of revised lists by Revising Officer.

“(3) Four days before polling day the Revising Officer shall deliver or mail by registered letter to each of the candidates in the electoral district a statement of such alterations as he has made in the lists of voters on appeal, and on the same day he shall deliver to the proper returning officer the lists revised on appeal and as well all other lists received by him from the various enumerators, but respecting which no appeals have been asserted, or, if any asserted, no changes have been made. The returning officer shall deliver such lists to the proper deputy returning officers forthwith or before six o'clock in the morning of polling day. All such lists shall be deemed closed and section 62 of this Act shall not at all apply thereto or to the persons whose names appear thereon.

Duties of enumerator.

“(4) The enumerator shall forthwith after he receives notice of his appointment begin the performance of his duties, and shall fix a time and place where he shall attend to consider applications in the performance of his said duties, and shall give notice of such hearing, with the time and place of such hearing, by publication in a newspaper published in the electoral district or by posting such notice in at least four public places in his district; any person who wishes to have the name of any person added to or struck from said list shall deliver to the enumerator at least two days before the hearing a list of such names which list shall be open to the inspection of any voter or candidate during such two days. Any voter whose name is proposed to be struck from the said list shall be given two days' notice by registered letter addressed to the address of that voter as given on the list or the last known address of that voter. The hearing shall begin within ten days after the notice of his appointment shall have been received by the enumerator. The enumerator shall receive such evidence at the hearing, which shall be in public, as may be offered by a candidate or any voter respecting the adding of names to said list or the striking of names from such list and shall give his decision on all applications at the hearing. The enumerator shall proceed from day to day until the applications are disposed of. The enumerator is authorized to accept as prima facie evidence of his or her right to be

Notice of hearing.

put

Application to strike off names, on notice.

Evidence at hearing in public.

put on the list the statutory declaration of any person who desires to be placed on the list that he or she is qualified to vote at the election. The name and address of the enumerator for each electoral district shall be published in the *Canada Gazette* and in a newspaper published in the electoral district immediately after his appointment;"

Publication of name and address of enumerator.

(s) By striking out Form X1, by inserting within the form EE. between the lines respectively reading,—  
"rejected" and  
"not used and returned"  
the words "polled in envelopes;" and by inserting within the form FF. between the words "were" and "rejected" in the third line from the end the words "polled in envelopes and.....were;"

Form X1 repealed.

Forms EE. and FF. amended.

(t) By inserting between the words "make" and "three" in the fifth line of section 46 the words "at least;"

Lists of voters.

(u) By adding at the end of section 50 the words "he shall also on the same day deliver or mail by registered letter to each of the candidates a statement of the additions made to and of the changes made in the list posted pursuant to section 48 during the course of the revision."

Statement for candidates of changes made.

2. During the present war and until demobilization after the conclusion of peace, Part III of the *Dominion Elections Act* shall operate and apply as if amended and shall be deemed to be amended in the following respects:—

Part III to operate as amended.

(a) By striking out the whole of section 143 and inserting instead the following:—

"143. Except as otherwise provided in this Act, each elector shall be entitled to vote at the polling station of the polling division, or of one of the polling divisions, upon the list of voters for which his name is entered as a voter, and at no other";

Where electors shall vote.

(b) By inserting as the beginning of section 136 the words:—

"136. Except in the cities of Calgary, Edmonton, Halifax, Hamilton, London, Montreal, Ottawa, Quebec, Regina, St. John, Toronto, Vancouver, Victoria, Winnipeg, Stratford, St. Thomas, Saskatoon, Moose Jaw, Kingston, Brockville, Moncton, Hull, Charlottetown, Belleville, Sherbrooke, Windsor (Ont.), Chatham (Ont.), Lethbridge and Medicine Hat (Alta.), Sydney, Glace Bay and Sydney Mines (N.S.), wherein the poll shall be opened at the hour of six of the clock in the forenoon," and by inserting between the words "clerk" and "the" in the second line of section 137 the words—"the enumerator";

Hours of polling.

Provisions as to election officers or agents entitled to vote.

(c) By striking out from the first and second lines of section 144 the words—" Except in the provinces of Saskatchewan and Alberta and the Yukon Territory " and inserting between the words " officer " and " on " in the second line of said section the words—" of any electoral district in the province of Ontario which contains in whole or in part any city or town to which Part II of *The Ontario Franchise Act, 1917* applies ", and by striking out the whole of sections 149, 150A, 151, 152, 152A, 153, 154, 155, 156, 176 and 247, and inserting as sections 153 and 154 the following:—

Oath by elector.

" **153.** Except in the Yukon Territory an elector, if required by the deputy returning officer, the poll clerk, one of the candidates, or an agent of a candidate, or by any elector present, shall, before receiving his ballot paper, take an oath in form Z No. 1, Z No. 2 or Y, as in Schedule One, or all of them.

Voter refusing oath cannot vote.

" **154.** No voter who has refused to take any oath or affirmation or to answer any questions, or produce any evidence, as by this Act required, shall receive a ballot paper or be admitted to vote;"

Disqualification of voters.

(d) By adding as paragraphs (e), (f), (g), (h) and (i) to subsection (1) of section 67 the following:—

Conscientious objectors to combatant military service.

" (e) Any person who shall have applied pursuant to section 11, subsection (1), clause (f) of the *Act respecting Military Service* for a certificate of exemption from combatant military service on conscientious grounds, whether or not a certificate of exemption from such service shall have been granted, and unless and until it has been refused."

Mennonites and Doukabors.

" (f) All persons who on the sixth day of July, 1917, were members of the religious denomination or sect called " Mennonites " (the members of which denomination or sect were exempted from military service by Order in Council of August 13, 1873), and all persons who on said sixth day of July, 1917, were members of the religious denomination or sect called " Doukabors " (the members of which denomination or sect were exempted from military service by Order in Council of December 6, 1898): Provided that this paragraph shall not apply to such Mennonites or Doukabors as shall have volunteered for and been placed on active service in the military or naval forces of Canada or of His Majesty in the present war."

Naturalized enemy aliens.

" (g) Except as in this paragraph provided, every naturalized British subject who was born in an enemy country and naturalized subsequent to the 31st day of March, 1902. A person shall be deemed

to have been born in an enemy country, within the meaning of this paragraph, if he was born in a country which forms part of the territory of any country with which His Majesty is at war: Provided that a person claiming to vote who was a natural born citizen or subject of France, Italy, or Denmark, and who arrived in Canada before the date upon which the territory in which he was born became part of Germany or Austria (as the case may be) shall not be deemed to have been born in an enemy country if he produces to the deputy returning officer an unrevoked certificate in the form W-3 in the Schedule. Such certificate may be issued by the enumerator of the polling division whereof the person, were it not for his nationality would be an elector, not later than three days before polling day upon satisfactory proof furnished by deposition under oath to the enumerator as to the facts. If at any time before such person has voted the returning officer of the electoral district has reason to believe that the facts did not justify the issue of any such certificate he may revoke the same."

"(h) Every naturalized British subject who was born in any European country (whether or not the sovereign or government thereof is in alliance with His Majesty in the present war) whose natural language, otherwise described as "mother tongue," is a language of an enemy country, and who was naturalized subsequent to the 31st day of March, 1902.

Naturalized aliens whose language is that of an enemy.

Provided that nothing contained in this section shall be construed as preventing any naturalized British subject (if otherwise qualified) from having his or her name on a list of voters or from voting who—(i) is serving or has served without Canada as one of the military or within or without Canada as one of the naval forces of Canada or of His Majesty or of any of his allies in the present war, or, (ii) produces a certificate signed by the Commanding Officer of a Military District, or an officer thereto authorized by him, that that person is or has been a member of any of such forces and has been engaged in active service within or without Canada during the present war, or is a person who has applied for enlistment as a member of such forces to so serve and has been rejected only because medically unfit, or is a grandparent, parent, son or brother of a person who is or has been a member of any of such forces and has been engaged in active service, or of a person who has so applied and been so rejected; or, (iii) is or has been at any time during

Exceptions.  
Naturalized subjects serving in army or navy.

Producing certificate of service or application to enlist.

Relatives included.

Member of  
Parliament.  
Syrian or  
Armenian.  
Female  
voter.  
Military  
convict.

the present war a member of the Parliament of Canada or of a province; or, (iv) is a Christian and either a Syrian or an Armenian; or, (v) is a female voter entitled to vote under section 33A of this Act."

"(i) every person who has been convicted of any offence against the *Act respecting Military Service*, passed in the year 1917.;"

(e) By adding as section 67A, between sections 67 and 68, the following:—

All  
disqualified  
aliens  
exempted  
from  
military  
service.

" 67A. Notwithstanding anything appearing in the *Act respecting Military Service*, passed in the year 1917, or in any other Act or Order in Council,—

(1) All persons who are by the terms of paragraphs (g) and (h) of section 67 of this Act disqualified from voting, with such of their sons as on polling day are not of legal age, shall be, and shall be held, exempt from combatant military and naval service; and,

Persons  
who vote at  
Dominion  
elections  
cannot  
claim  
exemption  
from  
military  
service.

(2) All persons who shall have voted at a Dominion election held subsequent to the 7th day of October, 1917, during the present war shall be held ineligible and incompetent,—(a) to apply for, or to be granted on the application of another, exemption from combatant military or naval service on conscientious grounds, or, (b) to be excepted as a Mennonite or as a Doukabor from the provisions of said *Act respecting Military Service* or exempted as such from combatant military or naval service on conscientious grounds;"

(f) By adding as section 67B immediately following section 67A., the following:—

Questions to  
naturalized  
aliens.

" 67B. (1) Any deputy returning officer, either of his own motion or at the request of any agent or scrutineer, after carefully explaining the meaning of paragraphs (g) and (h) of section 67 of this Act, may put to any person claiming to vote at an election the following questions:—

"Are you a naturalized British subject who was born in an enemy country within the meaning of paragraph (g) of section 67 of the *Dominion Elections Act*; or who was born in Europe and whose natural language or mother tongue is a language of an enemy country, and, if you are either, when and where were you naturalized?"

Refusal to  
answer, or  
unsatisfactory  
response.

"(2) If such person refuses to answer fully such questions, or by his answer shows that he was born in an enemy country within the meaning of said paragraph of said section, or that his natural language or mother tongue is a language of an enemy country, his claim to vote shall be rejected unless he satisfies the deputy returning officer that he was naturalized as a British subject prior to the 1st day of April, 1902, or is one of the persons excepted in and by said section 67 from the disqualifying

operation thereof, or that he is a person who is, while within Canada, entitled by statute to the privileges of a natural born British subject.

“(3) Any person who, being disqualified from voting by paragraphs (e), (f), (g) (h) or (i) of section 67 votes at an election, shall be guilty of an offence and liable upon indictment or summary conviction to a fine not exceeding five hundred dollars and costs, or to imprisonment for a term not exceeding two years; or to both such fine and such imprisonment.

Penalty for voting by disqualified voters.

“(4) In the preparation of lists for any polling divisions the enumerator shall not include the names of any persons who are for any reason disqualified from voting, and he shall require of every person other than a British subject by birth, as a condition precedent to the placing of his name on any list of voters, production of a duly authenticated certificate of his naturalization as a British subject or of his having taken the oath or oaths required of a person who is entitled by statute, while within Canada, to the privileges of a natural born British subject. The provisions of section 62 of this Act shall apply to such persons as an enumerator shall omit from or refuse to register on the list of voters because of disqualification or non-production of a certificate of naturalization, or of having taken such oath or oaths, and, on recount proceedings, upon satisfactory proof by any such persons of absence of disqualification, and in the case of a naturalized British subject upon further proof that he has lost or is unable to find such certificate of naturalization, or having taken such oath or oaths, the recounting judge shall count the ballot of such person pursuant to said section 62 and as therein provided;”

Names of disqualified persons not to be put on lists.

Certificate of naturalization to be produced.

Oath.

(g) By striking out of the second line of section 131 the word “seventh” and inserting instead the word “twenty-eighth”.

Polling day.

3. This Act shall be read as one with the *Dominion Elections Act* with Part I thereof suspended, and Parts II and III thereof for the period of the war deemed amended as in this Act specified.

Interpretation.

SCHEDULE.

FORM W-1.

This is to certify that..... is a qualified elector of the electoral district of..... and that he is entitled to vote in the polling division of..... in said electoral district, at the pending Dominion election on this..... day of..... 1917.

..... Enumerator of said Polling Division.

## FORM W-2.

I acknowledge and declare that on this.....day of.....1917, said date being polling day, .....applied to me for a certificate of his right to vote in the polling division of.....in the electoral district of.....at the pending Dominion election, and that I refused to issue to him such certificate.

.....  
*Enumerator of said Polling Division.*

## FORM W-3.

As the result of an examination personally made by me I certify that..... was born in a country which forms part of the territory of a country with which His Majesty is at war, to wit....., but that the person named is a natural born citizen of..... who arrived in Canada before the date upon which the territory in which he was born became part of such enemy country.

Dated at.....this.....day of.....  
 191

.....  
*Enumerator of Polling Division.....  
 of the Electoral District of.....*

## FORM W-4.

I....., present at this polling place as a candidate (or *as an agent of a candidate*) at this election, do solemnly swear that I have good ground for believing and do believe that (*name of intending voter*) whose name is on the list of voters of this polling division and who now applies for a ballot paper in order to vote at this election, is not a qualified elector (or *is a person disqualified from being an elector*), because he (e.g. "*is under 21 years of age*" or "*is not a British Subject*", or "*was born in an enemy country and naturalized as a British Subject subsequent to the 31st day of March, 1902*", or *as the case may be*). So help me God.