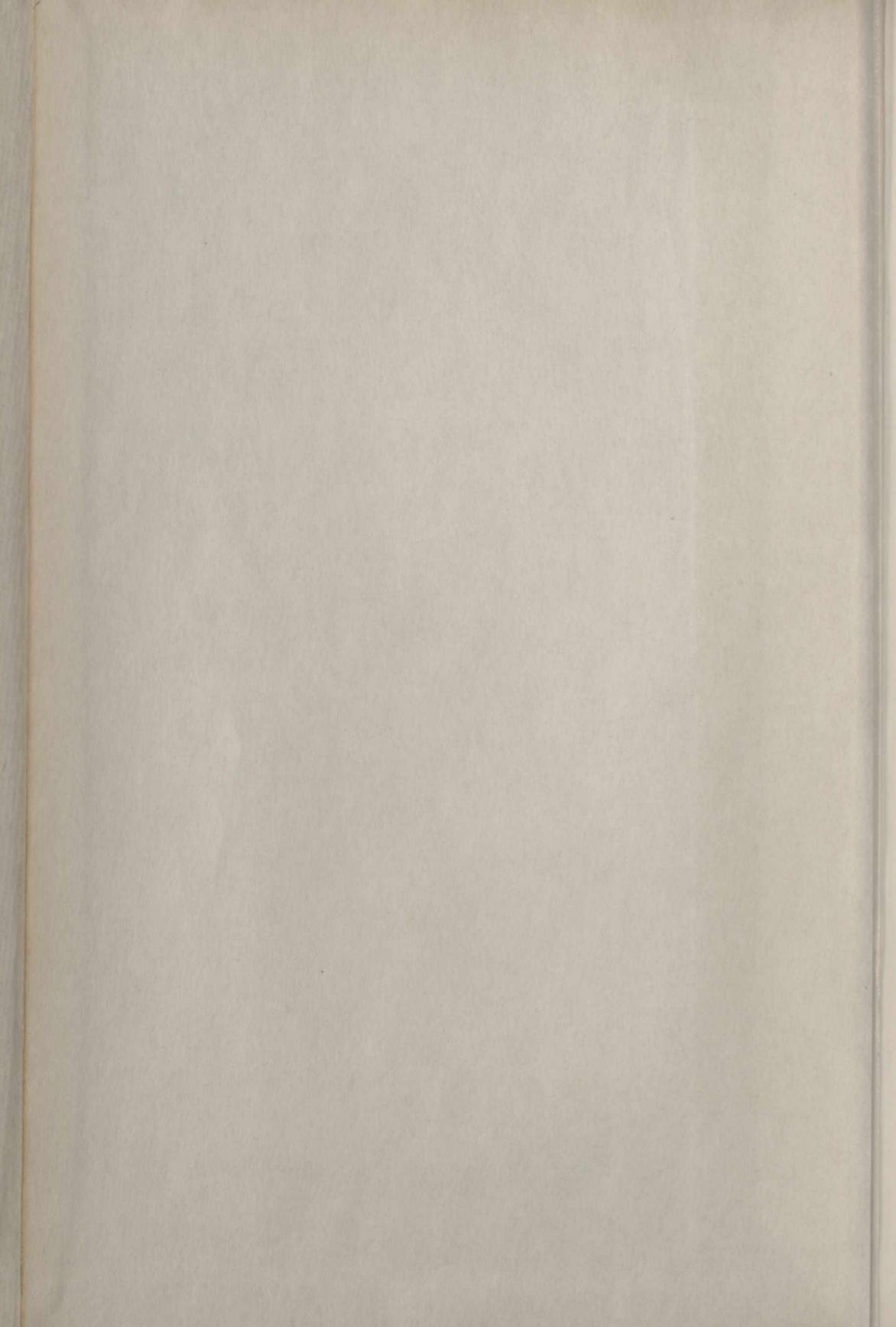


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PLANNED ECONOMY

WITNESSES AND ELECTIONS

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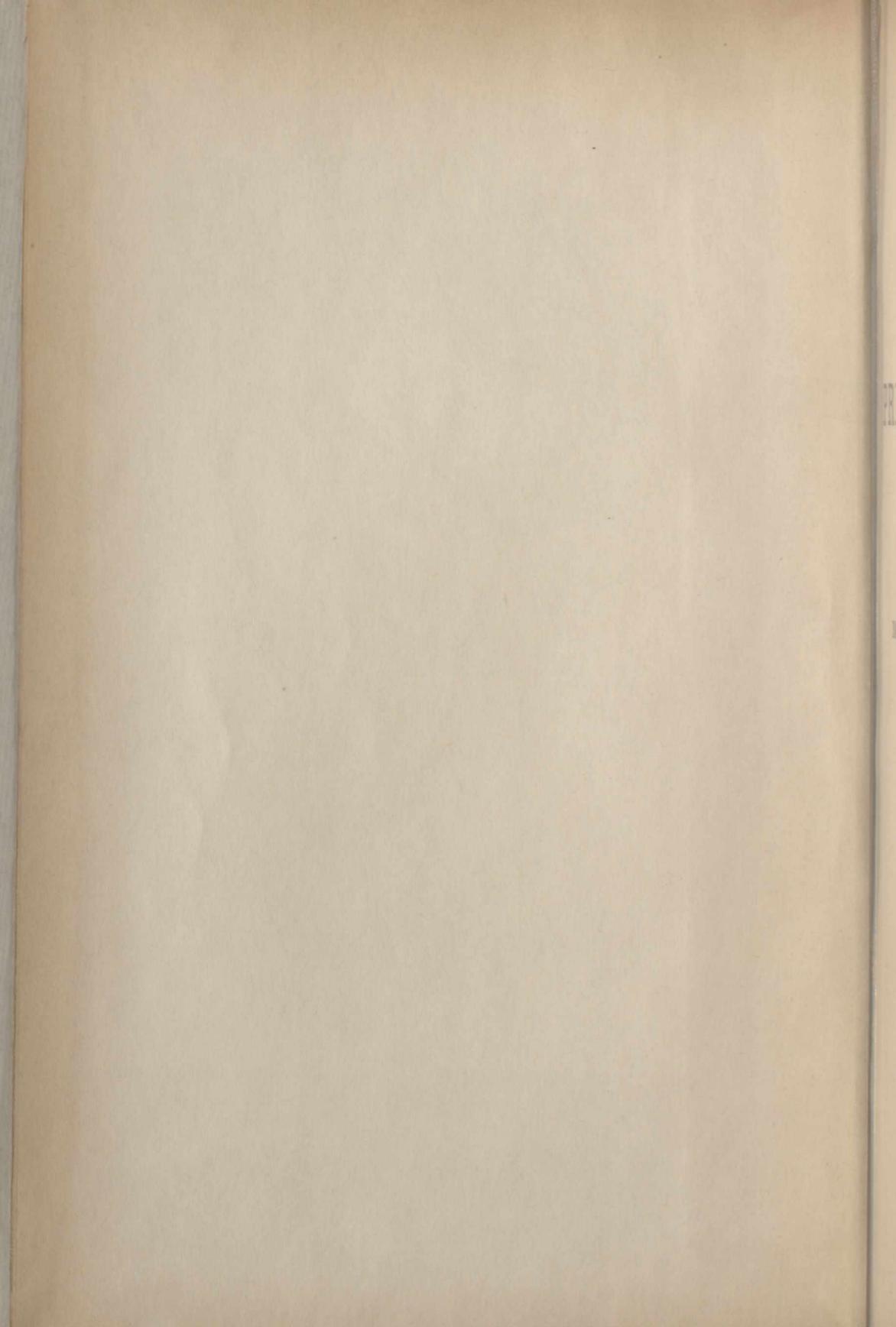
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THE

WITNESSES AND ELECTIONS

THE

WITNESSES AND ELECTIONS



HOUSE OF COMMONS

Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 1

TUESDAY, MARCH 8, 1955

CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson J. Castonguay, Chief Electoral Officer.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWilliam, Esq., and

Messrs.

Balcer
Bourque
Bryson
Cardin
Carter
Cavers
Churchill
Dechêne
Dickey
Ellis

Hansell
Harrison
Hollingworth
Leboe
Lefrancois
MacDougall
MacKenzie
McWilliam
Meunier
Murphy (*Lambton West*)

Nowlan
Pallett
Pouliot
Richard (*Ottawa East*)
Robinson (*Bruce*)
Viau
Vincent
White (*Waterloo South*)
Zaplitny

Members, 29.

Quorum, 10.

Antoine Chassé,
Clerk of the Committee.

ORDERS OF REFERENCE

HOUSE OF COMMONS,
FRIDAY, February 4, 1955.

Resolved,—That the following Members do compose the Standing Committee on Privileges and Elections:

Messrs.

Balcer,	Fraser (<i>Peterborough</i>),	Murphy (<i>Lambton West</i>),
Bourque,	Hansell,	Nowlan,
Bryson,	Harrison,	Pallett,
Cardin,	Hollingworth,	Pouliot,
Carter,	Leboe,	Richard (<i>Ottawa East</i>),
Cavers,	Lefrancois,	Viau,
Churchill,	MacDougall,	Vincent,
Dechêne,	MacKenzie,	White (<i>Waterloo South</i>),
Dickey,	McWilliam,	Zaplitny—29.
Ellis,	Meunier,	

(Quorum 10)

Ordered,—That the Standing Committee on Privileges and Elections be empowered to examine and inquire into all such matters and things as may be referred to them by the House; and to report from time to time their observations and opinions thereon, with power to send for persons, papers and records.

FRIDAY, February 25, 1955.

Ordered,—That the Standing Committee on Privileges and Elections be instructed to study the several amendments to the Canada Elections Act, 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 that the Committee be also empowered to enquire into the different methods of effecting the adjustment of representation; that the said Committee have power to print from day to day its minutes of evidence and proceedings and that Standing Order 64 be suspended in relation thereto.

MONDAY, February 28, 1955.

Ordered,—That the name of Mr. Robinson (*Bruce*) be substituted for that of Mr. Fraser (*Peterborough*) on the said Committee.

TUESDAY, March 8, 1955.

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

Attest.

LEON J. RAYMOND,
Clerk of the House.

REPORT TO THE HOUSE

TUESDAY, March 8, 1955.

The Standing Committee on Privileges and Elections begs leave to present as follows its

FIRST REPORT

Your Committee recommends that it be granted leave to sit while the House is sitting.

All of which is respectfully submitted.

G. ROY McWILLIAM,
Chairman.

(The said report was concurred in by the House on the same day)

MINUTES OF PROCEEDINGS

House of Commons, Room 277,

TUESDAY, March 8, 1955.

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Balcer, Bryson, Cardin, Carter, Cavers, Churchill, Dechêne, Hansell, Harrison, Lefrançois, MacDougall, McWilliam, Meunier, Nowlan, Pouliot, Richard (*Ottawa East*), and Robinson (*Bruce*).

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

On motion of Mr. MacDougall,

Resolved,—That the Committee ask leave to sit while the House is sitting.

On motion of Mr. Dechêne,

Resolved,—That pursuant to the authority conferred upon it by the Order of Reference of Friday, February 25, 1955, the Committee print, from day to day, 750 copies in English and 200 copies in French, of its Minutes of Proceedings and evidence.

On motion of Mr. Cardin,

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

The Chairman introduced Mr. Castonguay and Mr. Anglin, and the former tabled, for distribution to each member of the Committee, printed copies of the amendments to the Canada Elections Act proposed by the Chief Electoral Officer; also communications, embodying various suggested changes, received by the Chief Electoral Officer since the coming into force of the 1951 Amendments to the Canada Elections Act from:

1. Jean-François Pouliot, M.P., Rivière-du-Loup, P.Q.
2. United Electrical, Radio and Machine Workers of America, Toronto, Ontario.
3. Trades and Labour Congress of Canada.
4. Harvey Caulfield, Mount Forest, Ontario.
5. Canadian Teachers' Federation, Ottawa, Ontario.
6. Maurice C. Punshon, Toronto, Ontario.
7. Egan Chambers, Mount Royal, P.Q.
8. His Honour Judge Forsyth, Toronto, Ontario.
9. M. A. Myren, Portage-la-Prairie, Manitoba.
10. Robert Fair, M.P., Ottawa, Ontario.
11. United-Automobile-Aircraft-Agricultural Implement Workers of America (UAW-CIO) Local 439, Toronto, Ontario.
12. Manitoba Summer School, University of Manitoba.

13. Summer Session Students' Association of the University of British Columbia.

14. His Honour Judge Morley, Owen Sound, Ontario.

15. T. C. Anderson, Canadian National Steamships.

16. Provincial Normal School, Tuxedo, Manitoba.

17. F. H. Tanner, East Gore, N.S.

18. Graham P. Smith, Calgary, Alta.

19. A. A. Meadows, Guelph, Ontario.

20. PAC-CCL Political Action Committee, Toronto, Ontario.

21. J. P. Doherty, Provost, Alta.

22. Federation Women's Institutes of Canada, Unionville, Ont.

23. The Canadian Chamber of Commerce, Montreal, P.Q.

24. Robert Hewitt, Westmount, P.Q.

25. Leonora Starr, Newmarket, Ontario.

26. Major Gen. G. R. Pearkes, Ottawa, Ontario.

27. J. P. Doherty, Provost, Alta.

28. Donald H. Doherty, Secretary, District No. 4 Council, International Chemical Workers' Union, Toronto, Ontario.

29. Michael Engel, Montreal, P.Q.

The Chairman also tabled a communication addressed to him from Mr. M. Engel of Montreal.

On motion of Mr. Richard (*Ottawa East*),

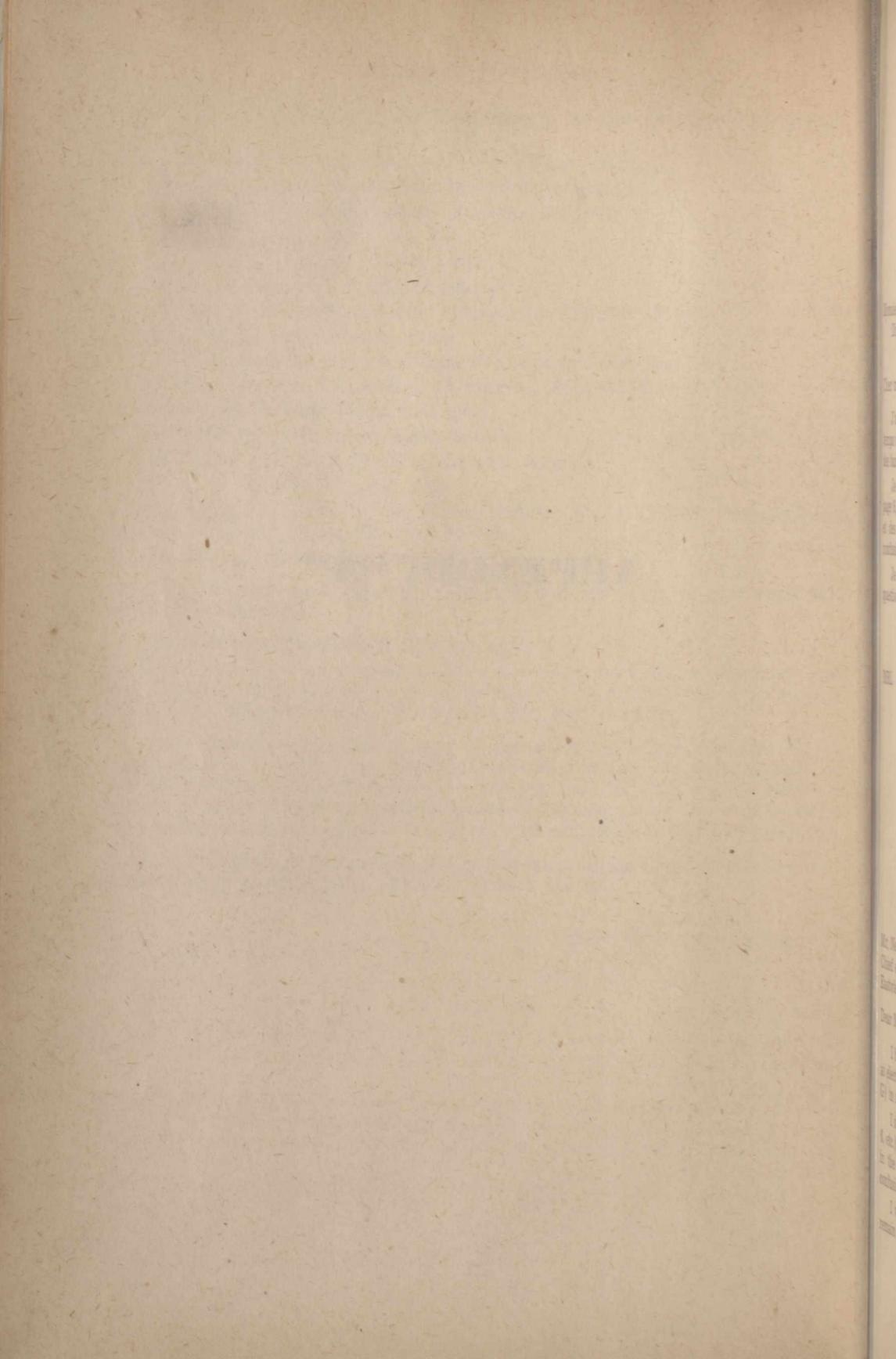
Resolved,—That all communications tabled by both Mr. Castonguay and the Chairman be published as an Appendix to the printed report of today's proceedings. (*See Appendix A—Items 1 to 29, inclusive*).

The Committee discussed matters of procedure and future meetings. It was unanimously agreed that the Committee should first proceed with a study of the Canada Elections Act, section by section, and as each such section in respect of which amendments are proposed or representations have been made are reached, the said proposed amendments and suggestions will be considered.

At 11 o'clock a.m., on motion of Mr. MacDougall, the Committee adjourned to meet again at 10.30 a.m., Thursday, March 10, 1955.

A. Chassé,
Clerk of the Committee.

APPENDIX "A"



Item No. 1

(TEXT)

CHAMBRE DES COMMUNES
CANADAC.P. 57, Rivière-du-Loup
le 14 septembre 1953Monsieur Nelson Castonguay
Directeur général des élections
EASTVIEW, Ont.

Cher monsieur Castonguay,

J'ai eu des représentations de plusieurs chefs de mon comté pendant le temps des élections, relativement aux Instructions aux sous-officiers rapporteurs des bureaux de votation ordinaires (cahier G), en ce qui a trait à l'heure.

Je vous serais obligé de faire changer "heure normale" (1ère ligne de la page 6, etc.) par "heure solaire" dans la traduction française de la loi électorale et des instructions aux sous-officiers rapporteurs. *Heure normale* prête à confusion.

Je vous remercie de l'attention que vous voudrez bien donner à cette question et je vous prie de me croire

Votre tout dévoué,
(signé) Jean-François Pouliot.

MRL

No. 1

(Translation)

HOUSE OF COMMONS
CANADAP.O. Box 57 Rivière du Loup
September 14, 1953Mr. Nelson Castonguay,
Chief electoral officer,
Eastview, Ont.

Dear Mr. Castonguay,

I have received representations from several organizers in my constituency at election time, in regard to the Instructions to deputy returning officers (book G) in respect to "time".

I should be obliged if you would replace "heure normale" (1st line on page 6, etc.), by "heure solaire" in the French translation of the Elections Act and in the Instructions to deputy returning officers. *Heure normale* leads to confusion.

I wish to thank you for the attention you will give this matter, and I remain

Yours truly,
(sgd) Jean-François Pouliot.

Item No. 2

UNITED ELECTRICAL, RADIO AND MACHINE WORKERS
OF AMERICA

District Five Council

292 Jarvis Street

Toronto 2, Ontario

December 2nd, 1953

The Right Honourable Louis St. Laurent,
Prime Minister and President of the Privy Council,
House of Commons,
Ottawa, Ontario.

Dear Sir:

Find enclosed copies of resolutions adopted at the Annual Convention of the Canadian section of the United Electrical, Radio and Machine Workers of America.

These matters, we believe, come within the jurisdiction of your Department. We would appreciate your making our views known to the Government and we hope the representations made will be given serious consideration.

Yours very truly,

(sgd) Geo. Harris
Secretary-Treasurer.

YOUTH—VOTING RIGHTS

Therefore be it resolved that this Convention of the United Electrical, Radio and Machine Workers of America (UE), District 5, strongly urge the government to introduce legislation implementing the 18-year old vote.

Resolution adopted, Annual Convention,

United Electrical, Radio and Machine,
Workers of America (UE), October 8-11,
1953, Toronto, Ontario.

FEDERAL ELECTIONS

Whereas in the present voting procedure in federal elections some constituencies elect members with a few thousand votes, while others are based upon a much greater representation.

Therefore be it resolved that we urge upon the government that all constituencies be divided in such a way that candidates are elected by approximately the same number of voters.

Resolution adopted,

District Five Annual Convention,
United Electrical, Radio and Machine
Workers of America (UE), October 8-11,
1953, Toronto, Ontario.

Item No. 3

MINISTER OF LABOUR
CANADA

December 3rd, 1953.

Dear Mr. Castonguay:—

The Prime Minister yesterday, commenting on the attached brief submitted by the Trades and Labour Congress of Canada to the Cabinet, advised the delegation that he would see their suggestion with regard to the Election Act would be brought to the attention of the proper official.

Just in case you have not as yet seen a copy of the memorandum submitted by the Trades and Labour Congress of Canada a copy is enclosed for your information. You will find reference to the Election Act on Page 16.

Yours sincerely,

(Sgd.) Ned Bossé,
E. Bossé,
Executive Assistant.

Nelson Castonguay, Esq.,
Chief Electoral Officer,
McArthur Ave.,
Eastview, Ontario.

MEMORANDUM TO THE GOVERNMENT OF CANADA
THE TRADES AND LABOR CONGRESS OF CANADA—1954.
ELECTION ACT

We would remind our Government that election day this year coincided with the opening day of our annual Congress convention. The result was that more than six hundred delegates from all parts of Canada were unable to exercise their franchise. We realize, of course, that such an unhappy coincidence might never happen again, but we would point out that there are very many organizations in Canada which hold regular conventions and that it may very well be that no election date could be set which would not conflict with one or more of such conventions with consequent disfranchisement of the delegates.

This is not the only way in which our members are disfranchised. There are now several hundred full time representatives of trade unions in Canada and their duties require them to do a great deal of travelling. No provision is now made for any of these representatives to vote at the advance polls.

This Congress, therefore, urges our Government to proceed with the necessary amendments to the Election Act in order that our convention delegates and full time trade union representatives may be able to fully exercise their right to vote in any future federal election.

At the same time we request that the voting age be reduced to eighteen years.

Item No. 4

Mount Forest,
Ontario, Canada,
Aug. 15, 1953.

Personal Attention

The Chief Electoral Officer,
Ottawa, Ontario.

Dear Sir:

I have been informed that once an election is over work is begun for the next one. Here is a provision that might be added to Book G—11—51—80M.

It has to do with Provincial Police. We have about 30 here as this is a divisional headquarters. These men are subject to transfer almost over night and I personally cannot find a ruling that would allow them to vote should they and their families be moved say a week or two before the vote. In brief not even covered by the 30 day clause. I was a deputy returning officer and this point came up but we were able to handle it as it turned out to be alright. However, if not the nearest type case I would see was in Sect. 11-D, page 36, similar to a clergyman ruling. Perhaps it is not a comparable case but I think it is.

If I am right it wouldn't be a bad idea to put a clause in covering them for the next election.

I enclose a stamped and addressed envelope for a reply. Naturally, I want to be helpful to you and know it is only by people keeping you informed that all cases can be covered so drop me a line and let me know what you think of my idea.

Of course it may be covered somewhere and I haven't found it. Thank you.

Yours very truly,

MRL

(sgd) Harvey Caulfield

Item No. 5

CANADIAN TEACHERS' FEDERATION

Secretary-Treasurer:
George G. Croskery,
444 MacLaren Street,
Ottawa 4, Ontario.
Phone 2-8089

OCTOBER 1, 1953.

Honourable and dear Sir:

By resolution of the annual general meeting of the Canadian Teachers' Federation, I am instructed to request the Government of Canada to make provision in the Canada Elections Act to prevent disenfranchisement of a large body of Canadian citizens, including teachers, when an election is held during the summer months.

Respectfully yours,

(Sgd.) George G. Croskery,
Secretary-Treasurer
Canadian Teacher's Federation

GGC/M

The Rt. Hon. Louis St. Laurent,
Prime Minister of Canada,
Ottawa, Canada.

Item No. 6

Maurice C. Punshon,
CCF Candidate for Greenwood,
1434 A Danforth Ave.,
Toronto, Ont.

Sept. 14th/53.

Chief Electoral Officer,
J. N. Castonguay.

Dear Sir:

When an influential Canadian newspaper, ie, The Telegram supports in an editorial the contents of a letter you have sent them for publication, then I believe that it must be of sufficient value to send to the authorities concerned

Enclosed is a copy of the letter which the Toronto Star and the Telegram printed containing some observations on the recent election. Some of these may be quite practical some may not, but I do hope that you as Chief Electoral Officer will give them some consideration.

Reference to number (2) If vacationers are permitted to use the advance poll, maybe they should produce a form signed by their employer stating they will be away at the time of the election. This would cut down unnecessary use of the advance poll.

(3) Obviously I refer to the extension of the franchise to those in hospital or ill at home who are of sound mind and have no contagious illness. The Tely's suggestion that shut-ins vote by mail is the kind of idea I am trying to get across.

(4) I think it would be an educational experience for the armed services to be able to receive election material, not only from the Liberal Party but other parties too.

(5) The recent election was poorly enumerated. Many people were left off the Voters' Lists, including myself! I had to get my name placed on the revised list! Some of the returning officers have been at the job for a long time and they have become a little careless, unconsciously so, they assume too much that the enumerators and the DRO's have been adequately informed.

(6) I'm concerned over the number of spoiled ballots. In the York Humber race 300 ballots were rejected.

I hope these observations will be helpful and that serious consideration will be given by the government to review the act.

Sincerely,

(Sgd.) Maurice C. Punshon.

Copy of letter sent to the Toronto Press

AUGUST 27, 1953.

To the Editor:

Dear Sir:

The new parliament must review the Election Act. As a Candidate in the recent federal election, the following are some observations I made that could be suggested as amendments.

(1) Advance poll should be extended to cover additional forms of employment that requires workers to be away from their place of residence ie, teachers, construction workers, etc.

(2) A serious attempt should be made to permit vacationers use of the advance poll.

(3) Citizens in hospitals and ill at home should not lose their franchise and I would seriously recommend a travelling DRO and clerk for each riding or group of ridings to carry out this function.

(4) The armed services mailing list should be made available to all political parties or to none. The CCF and Conservatives have as much right to this list as the Liberals. The armed services of Canada are employed by the Canadian People not the Liberal Party.

(5) More efficient instruction of returning officers so they in turn can intelligently instruct their enumerators. The recent election was poorly enumerated.

(6) The Chief Electoral Officer should be instructed to place "ads" in newspapers explaining how citizens should mark their ballots so they will not be spoiled. Far too many Canadians lose their vote because of last minute instructions, excitement and confusion.

(7) If a resident is left off the Voters' List through error or carelessness and positive proof is available of the persons residence, a sworn oath or statement should be acceptable.

The Election Act should be elastic enough to permit as many Canadians as possible to exercise their franchise and participate in the democratic process. This should be the main objective in any review of the Act.

Maurice C. Punshon,
Scarlet Park, Lake Couchiching.

(Editorial in *The Telegram*—September 14, 1953.)

FEDERAL VOTING PROVISIONS SHOULD BE MORE ELASTIC

There is widespread opinion that the Election Act of Canada would be the better for amendment along various lines. Some of these are listed in a letter to *The Telegram* from Maurice C. Punshon, CCF candidate in Greenwood in the recent election. His proposal that advance poll privileges should be extended beyond the few categories now covered was made in these columns when the Prime Minister announced August voting, and should be acted upon before another election. It is to be hoped, however, that summer polling will never again be imposed by any Canadian government.

Mr. Punshon presents the case of vacationers and of persons unable through illness to vote under present conditions. Some states of the Union extend advance poll privileges to persons on vacation. New York state provides only for those away unavoidably and on business. In Australia, where compulsory voting has been in effect for 28 years, an elector may vote at any poll within his own state, for a candidate in his home constituency, and if a shut-in he may vote by mail. There is a fine of about \$4.50 for failure to vote, and the result has been a poll of about 90 per cent, ever since the system became operative.

Arising probably from an incident at an RCAF station in Ontario, Mr. Punshon contends that the armed services mailing list should be made available to all parties or none. The armed services, he points out, "are employed by the Canadian people, not the Liberal party." He sees a need for better instruction of returning officers. These for some years have been permanent appointments, tending to a sound knowledge of the rules, and the Chief Election Officer, J. N. Castonguay, has been indefatigable in their promulgation to all concerned, but there has been evidence even here of room for improvement.

The statute should be directed to encouragement of the greatest possible use of the franchise by Canadian electors, and revision to that end should be on the agenda for next session of Parliament.

Item No. 7

49 Palmerston Avenue,
Town of Mount Royal, P.Q.
SEPTEMBER 11th, 1953.

The Chief Electoral Officer,
Ottawa, Ontario.

Dear Sir:—

At the General Election of August 10th, 1953, I was a candidate in the Electoral District of St. Antoine-Westmount. Such being the case, it is my privilege, I believe, to send to you suggestions for improvements in the Canada Elections Act which seem desirable to me. I have several such suggestions and to explain why I feel them to be desirable, I would like first to describe certain occurrences in St. Antoine-Westmount on Election Day, August 10th, 1953.

It was reported to me by Agents that I appointed to polling stations that there were 89 instances of two votes being cast in one name in 13 polls. The numbers of the polls and the number of such occurrences in each, as reported to me, appear below as appendix "A". These can be checked against the records in the Poll Books. That is to say, that in 89 cases in 13 polls an elector arrived at the poll to find that a vote had already been cast in his name, but was able to identify himself satisfactorily, and having taken the oath was allowed to vote. This figure cannot include those people who, on discovering that a vote had been cast in their name, left the poll unaware that they nevertheless had a right to vote. Nor can it include votes that were cast in the name of electors who were out of town on the day of election, although several such instances have come to light, and persons who engage in these practices would naturally concentrate on personating electors who are known to be unable to vote themselves. A fairly conservative estimate of the number of cases of personation in St. Antoine-Westmount on August 10th would be 1,000.

Three men were arrested at the polls on charges of personation. It is interesting to note that in two cases I personally was at the poll in question and requested that a warrant be made out, and in each case the offender had arrived at the poll accompanied by three other men who left when the arrest was made. In the third case the accused man was accompanied by six other men who were arrested. As you know, the majority of election officials and candidates' agents at a poll are women and it is difficult for them to bring about the arrest of a personator when they are moving in groups of four or more men.

The conduct of the Deputy Returning Officers was in many cases unsatisfactory. When it became apparent that a large number of persons were attempting to vote under false names, it was necessary for candidates' agents to ask that many voters take the oath. In some Polls the Deputy Returning Officers refused for a while to require that the oath be taken on the grounds that it took too much time. In Poll 39 it was discovered that there were 175 ballots in the box, initialed by the Deputy Returning Officer and only 169 names entered in the Poll Book. A man was arrested at Poll 23A for personation on a warrant issued by the Deputy Returning Officer. Subsequently the Deputy Returning Officer refused to sign the charge for the police.

It is not my intention in this report to suggest that the result of the election in St. Antoine-Westmount would have been different had these things not taken place, nor is it my intention to place the responsibility for them on any individual. It is, however, my strong feeling that an Act under which these things are possible is in need of improvement.

I would therefore suggest that the Canada Elections Act be amended with the following effect:

- (1) That Form 7, "Enumerator's Notice to Elector", bear on its face as a further description of the elector, the elector's age; and,
- (2) That the Forms 7 be consecutively numbered and strictly accountable by the enumerators; and,
- (3) That the second copies of Form 7 be supplied to the Deputy Returning Officer* to be kept in the poll on the day of election; and,
- (4) That the Revising Officers issue to each elector placed on the lists by them a Form 7; and,
- (5) That every elector be required to produce for the inspection of the Deputy Returning Officer his Form 7 before being issued a ballot, and that failing this the elector be required to swear an oath that he is the person described on the list of electors; and,
- (6) That any person who is guilty of personation be liable on indictment, or, on summary conviction, to imprisonment for a term of not less than two years with or without hard labour: and,
- (7) That every urban polling station be located in a place equipped with a telephone, unless the Returning Officer can show that this is impossible; and,
- (8) That the Deputy Returning Officers be appointed by the Returning Officer on the nomination of the Candidate, who at the next previous election received the greatest number of votes: and,
- (9) That the Poll Clerks be appointed by the Returning Officer on the nomination of the Candidate who at the next previous election received the second largest number of votes.

I request that pursuant to section 58, subsection 2, of the Canada Elections Act, that you include this letter in your next report to the Speaker of the House of Commons.

Yours sincerely,

(sgd) Egan CHAMBERS

MRL

APPENDIX "A" TO No. 6

NUMBER OF CASES OF TWO VOTES BEING CAST IN ONE NAME AS REPORTED BY CANDIDATES' AGENTS

Poll 25	3	double	votes
Poll 26	5	"	"
Poll 27	3	"	"
Poll 28	8	"	"
Poll 29	3	"	"
Poll 30	20	"	"
Poll 31	10	"	"
Poll 32	18	"	"
Poll 33	1	"	"
Poll 34	9	"	"
Poll 36	2	"	"
Poll 38	1	"	"
Poll 39	6	"	"
Total.....	89	"	"

Item No. 8

Judge's Chambers
City Hall
Toronto, Ontario

Sept. 1, 1953

N. Castonguay, Esq.,
Chief Electoral Officer,
Ottawa, Ont.

Dear Mr. Castonguay:

I am submitting herewith certain suggestions for amendment to the Canada Elections Act.

Section 45 (3) provides that a ballot paper shall be marked "by making a cross with a black lead pencil." I found on a recent recount that many ballots were marked with a ball-point pen. I think this subsection should be amended to allow ballots to be marked with either pen or pencil.

Section 50 (2) (d)—This subsection gives rise to much dispute. I think it should provide that "any ballot not marked in accordance with the provisions of this Act should be rejected."

Section 54 (1)—I think this subsection should be amended to require more precise evidence as to irregularities before an Order for a recount is made. Under the subsection it would appear that some credible witness need merely depose that one or two ballots have been improperly rejected to secure such an order. The Act should require the witness to furnish particulars of sufficient irregularities that they might, in the opinion of the Judge, influence the result. In the alternative, I think that where a particular irregularity is deposed to, that the Judge should have the power to enquire only as to that particular irregularity, without the necessity of making a complete recount. For instance, if it is alleged that in Polling Division No. 25 two ballots marked for "A" were improperly rejected, then the enquiry should be limited to an examination of these two ballots.

Section 54 (2)—I think this subsection should be amended to include "any Judge of the County whom the Senior Judge may designate." I see no sufficient reason why only the Senior Judge should be empowered to conduct a recount. In the County of York there are eighteen Electoral Districts, and if by chance recounts were ordered in several districts, it would be impossible for the Senior Judge to conduct all of them.

Section 54 (7)—This subsection would appear to require that the Judge should personally count each ballot. I have just completed the recount of votes totalling 27,150 in the York-Humber district. This is too heavy a task for one person. I submit this subsection should provide that a recount be "under the supervision of the Judge".

Re Affidavits of Objection—Paragraph 257 of the Instructions for Returning Officers requires the Revising Officer to be available three afternoons or evenings of the three days prior to the first day of the sittings, and on the third day he must keep himself available in the *afternoon* only.

It has been found both in Federal and Provincial elections that Affidavits of Objections are practically nil, and while it is necessary to make some provision for this, it is suggested that two evenings and one afternoon are

more than necessary to take care of this; also the compulsory *afternoon* sitting is difficult to arrange as many of the lawyers acting as Revising Officers have court engagements. Another difficulty that arises is that the home address of the Revising Officer, where it is stated he will be available for Affidavits of Objection, is often a great distance away from his Revisal District, particularly so in the Yorks.

It is suggested that one of the following changes be made in connection with these Affidavits of Objection:

(a) That Affidavits of Objections be heard, at the *Place of Revision*, at 10 a.m. on the first day of the Sittings. (If any Affidavits of Objection are received at this time, an appointment for the Person Objected To can be given for the following Monday morning, at either the Place of Revision, or the office of the Returning Officer).

or (b) That Affidavits of Objection be heard by the Revising Officer, at a place designated, on Monday evening, the third day before the sittings, between the hours of seven and ten o'clock in the evening.

Yours very truly,

(Sgd.) Robert Forsyth
Judge Robt. Forsyth.

Item No. 9

15-20th Street N.W.,
Portage la Prairie, Man.
MARCH 13, 1954.

Chief Electoral Officer,
Ottawa, Canada.

Dear Sir:

Last summer I served as one of the enumerators for Poll 8 Portage-Neepawa, and in response to your invitation I am making a suggestion. It is this, that *two full weeks* be allowed the enumerators for completing their work.

Things are different now from what they were in the "hungry thirties" when enumerators were a dime a dozen and a person could, generally speaking, give his undivided attention to this work.

In our poll 722 voters were enumerated. My co-enumerator was a widow in addition to caring for her home and two children was also nursing her father through his final illness. She also had a part time job which called for night duty. For myself, while I am past seventy and supposed to be retired, I have a part time job which requires my attention about four afternoons a week.

I might also mention that we started out by running into two days of extremely hot weather. The third day we had a pouring rain all day, which slowed us up considerably.

Very truly,

MRL

(sgd) M. A. Myren

Item No. 10

HOUSE OF COMMONS
CANADAOTTAWA, Ontario,
DECEMBER 2, 1953.Mr. J. Nelson Castonguay,
Chief Electoral Officer,
Ottawa.

Dear Mr. Castonguay:

As a result of many criticisms since the Election of August 10, last, I would suggest that if and when an Elections Committee is again set up, that consideration should be given to a problem which has been discussed in recent years—namely, placing initials after the candidates' names on the ballot paper to show which party he belongs to.

I understand that on various occasions during the recent election that voters were unable to tell which candidate represented the particular party they wished to support and because of, in many cases, refusal of the D.R.O. to give them this information, they returned to their homes without casting their ballots.

Trusting you will include this suggestion with others to be placed before the committee.

Yours sincerely,

(Sgd.) Robert Fair.
R. Fair, M.P.,
Battle River-Camrose.

RF/GH

Item No. 11

United Automobile-Aircraft-Agricultural
Implement Workers of America (UAW-CIO)
Local 439

International Union

942 King St. West,
Toronto 3, Ont.

JULY 15, 1953.

Rt. Hon. Louis St. Laurent,
Prime Minister of Canada,
Parliament Buildings,
Ottawa, Canada.

Dear Sir:

The enclosed resolution has been adopted by the membership of Local 439 UAW-CIO and I have been instructed to forward it on to you.

Yours very truly,

(sgd) P. A. Smith, Rec.-Sec.

PAS:da
encl.
MRL

LOCAL 439 UAW-CIO RESOLUTION

Party Name on Ballot

Whereas in several of Canada's provinces, the ballot used in provincial elections carry not only the candidate's name, but also his party affiliation, a procedure not included in federal elections, and

Whereas the inclusion of the party name on the ballot will assist many voters to determine correctly the name of their choice on the ballot, be it

Therefore resolved that this 1953 Convention of the Canadian Congress of Labour urge the Federal Government to change our federal elections' laws to provide for the inclusion of party affiliations, as well as the name of each candidate on the ballot.

MRL

LOCAL 439 UAW-CIO RESOLUTION

Advance Poll and Absentee Voters

Whereas thousands of Canadians citizens were disenfranchised by being out of their home polling sub-division on holidays on August 10th, and

Whereas the calling of the 1953 Federal Election during Canada's paid vacation period was in our opinion a political manoeuver aimed at reducing the labour vote, and,

Whereas such tactics tend to weaken rather than strength respect for our democratic procedures, be it

Therefore resolved that this convention of the Canadian Congress of Labour urge the Federal Government to so amend Canada's election act to permit eligible voters, who are absent on election from their home polling sub-division to exercise their franchise—

- 1) by the extension of coverage of the advance poll provisions to permit any person on the voters' list, who for any reasons will be out of his polling sub-division on election day, or
- 2) by providing for a form of absentee voting in Federal general elections, which would permit persons, out of their home polling sub-division, to vote in any other sub-division on declaration by oath that they have not voted and that they are on the voters' list in their home riding.

Item No. 12

THE UNIVERSITY OF MANITOBA

Winnipeg, Canada
August 5, 1953.

Manitoba Summer School
Office of the Director

The Right Honourable Louis St. Laurent,
Prime Minister of Canada,
Parliament Buildings,
Ottawa, Ontario.

Dear Mr. St. Laurent,

The enclosed petition is supplementary to that which was forwarded to you on July 29th from the University of Manitoba Summer School Students' Council. This enclosed supplementary petition is signed by officers of the students' organization of the Faculty of Education consisting of graduate students and all are teachers and of mature years. They constitute a part of the University of Manitoba Summer School.

Yours respectfully,

(sgd) W. M. HUGILL,
Director of the Summer School.

MRL

July 29th, 1953.

The Right Honourable Louis St. Laurent,
Prime Minister of Canada,
Parliament Buildings,
Ottawa, Ontario.

Dear Mr. St. Laurent,

The Summer School Students' Council of the University of Manitoba Summer School, representing eight hundred students from all parts of the Province, in session from July 2nd to August 15th, wish to draw your attention to the loss of civic rights to which many of them will be subject because they will not be able to be in their own constituencies to exercise their franchise on election day, August 10th. Of our total enrolment, about 40% are active teachers whose homes are in rural parts of the Province.

We would respectfully request through you that the Government would take steps to redress this disfranchisement of a considerable section of the electorate of Manitoba, and authorize some system of absentee balloting, such as that with which we are familiar in municipal elections in the City of Winnipeg, so that in future elections citizens attending Summer Schools may not be deprived of the right to vote.

On behalf of the Council and Students of the University of Manitoba Summer School.

Yours respectfully,

(sgd) Irwin J. LEHMAN, President,
Donald McKINNON, Secretary.
Faculty of Education.

cc: Inspector Briskin
Mr. Longmore
Dean Scarfe
Professor Ferns

MRL

THE UNIVERSITY OF MANITOBA

Winnipeg, Canada.

July 29th, 1953.

Manitoba Summer School
Office of the Director

The Right Honourable Louis St. Laurent,
Prime Minister of Canada,
Parliament Buildings,
Ottawa, Ontario.

Dear Mr. St. Laurent:

The Summer School Students' Council of the University of Manitoba Summer School, representing eight hundred students from all parts of the Province, in session from July 2nd to August 15th, wish to draw your attention to the loss of civic rights to which many of them will be subject because they will not be able to be in their own constituencies to exercise their franchise on election day, August 10th. Of our total enrolment, about 40% are active teachers whose homes are in rural parts of the Province.

We would respectfully request through you that the Government would take steps to redress this disfranchisement of a considerable section of the electorate of Manitoba, and authorize some system of absentee balloting, such as that with which we are familiar in municipal elections in the City of Winnipeg, so that in future elections citizens attending Summer Schools may not be deprived of the right to vote.

On behalf of the Council and Students of the University of Manitoba Summer School.

Yours respectfully,

(sgd) Raymond HARRIS, President
Joan COHEN, Secretary.

cc: Inspector Briskin
Dean Scarfe
Mr. Longmore
Professor Ferns

Item No. 13

SUMMER SESSION STUDENTS' ASSOCIATION
of

The University of British Columbia

August 14, 1953.

The Office of the Prime Minister,
Ottawa, Canada.

Dear Sir:

We are in receipt of your letter of August 6, which carefully explains the reasons for the holding of the Federal Election on August 10 this year.

Your letter makes quite clear the problems, the solution to which necessitated holding the election on the date it was. However, it does not give any indication that the regulations which resulted in the disenfranchisement of half of the University of British Columbia faculty and students, some five hundred qualified voters, are to be altered to rectify this situation. As we interpret the Elections Act, the voters entitled to cast their ballots in advance of the prescribed day are at present drawn only from a few specific occupations.

We therefore strongly recommend that the Elections Act be amended in such a manner as to allow the large number of qualified voters, not covered by Section 17, but out of their constituencies on Election Day, to vote by absentee ballot.

Very truly yours,

SUMMER SESSION STUDENTS' ASSOCIATION

(sgd) A. J. LONGMORE,

President.

AJL: sr

Item No. 14

JUDGE'S CHAMBERS
OWEN SOUND, ONTARIO

JUNE 12, 1952.

Mr. Jules Castonguay,
Chief Electoral Officer,
Parliament Bldgs.,
Ottawa, Ontario.

Dear Mr. Castonguay:

re: Mariners Proxies

I have received a communication from Mr. Colin E. Bennett, M.P. for North Grey, with respect to this matter and he has sent me a copy of *Hansard* which deals with the last discussion that took place in connection with Mariners Proxies.

Permit me to state that probably the County of Grey, with the exception of possibly Toronto and other large ports, has had extensive experience with mariners proxies, and having been Chairman of the Election Board for this County at Provincial Elections, extending over a period of 20 years, I think I am in a position to make a fair statement respecting this matter. Last time when this matter was discussed apparently you did not have the advice of any Judge or Revising Officer who has had experience in dealing with mariners proxies.

Generally speaking, in the Provincial Elections, none of the Parties have watched this matter very carefully and the consequence was that many of these mariners were denied a vote because none of these Political Parties knew the law and did not realize that they should get after these proxies as soon as the Writ of Election has been issued.

However, I have a vote here on June 21st under the Liquor Licence Act 1946 Ontario and all the parties have diligently endeavoured to secure all the proxies they could and the result is, up to date I have granted 58 proxies out of a possible 80 in Owen Sound.

I hope you will take the contents of this letter into consideration and seriously consider bringing in necessary legislation at the present Session if possible.

Yours truly,

(sgd) G. W. Morley, Judge.

MRL

Item No. 15

CANADIAN NATIONAL STEAMSHIPS

Code Address
"Cangomar"
Code Used
Scott's 10th Edition

Our File No.
M. V. "Canadian Challenger"
Bridgetown, Barbados,

JULY 15th, 1953.

Nelson Castonguay, Esquire,
Chief Electoral Officer,
Ottawa, Ontario.

Dear Sir:—

Prior to leaving Montreal on July 3rd, as Master of this Canadian National Steamships vessel, on a voyage which will keep me out of Canada until after the coming general election, I asked my wife to arrange to get a proxy form which, attested, I hoped would enable me to cast my ballot in absentia.

My home, now 5666 Beurling Avenue, Verdun, Quebec, was originally in the Constituency of Parry Sound, Ontario.

After diligent inquiry of various election Officials who could not, unequivocally, inform her, she wisely telephoned you in Ottawa.

Please accept my thanks for your courtesy to her, as well as for the, to me, distressing information that there is no provision made for a Seaman to vote in a Federal election, and that, per se, his occupation, sometimes considered in the National interest, in fact disfranchises him while exercising it out of his home constituency.

I feel it quite impossible to accept with equanimity, at least without some protest, such a situation which might so easily be remedied, especially when it is remembered that such provision was made for balloting by Merchant seamen during the late hostilities.

Quite aside from my own case, in this Ship alone, some forty men under my command are similarly disfranchised, to say nothing of many other absent ships with their Canadian crews.

I feel assured that if it were brought to the attention of the proper Committee some provision would be made for registering the Seaman's vote in any subsequent election, permitting us to exercise our valued, and in the past hard fought for rights, as Canadians.

Yours truly,

(sgd) T. C. Anderson.

c.c.

Honourable Lionel Chevrier,
Minister of Transport,
Ottawa, Ontario.

MRL

Item No. 16

PROVINCIAL
NORMAL SCHOOL
TUXEDO, MANITOBA

AUGUST 5, 1953.

The Right Honourable Louis St. Laurent,
Prime Minister of Canada,
Parliament Building,
Ottawa, Ontario.

Dear Mr. St. Laurent:

The Summer School Students' Council of the Manitoba Provincial Normal School Summer School, representing six hundred seventy-five students from all parts of the Province, in session from July 7th to August 15th, wish to draw your attention to the loss of civic rights to which many of them will be subject because they will not be able to be in their own constituencies to exercise their franchise on election day, August 10th. Of our total enrolment, about 15% are active teachers whose homes are in rural parts of the Province.

We would respectfully request through you that the Government would take steps to redress this disfranchisement of a considerable section of the electorate of Manitoba, and authorize some system of absentee balloting, such as that with which we are familiar in municipal elections in the City of Winnipeg, so that in future elections citizens attending Summer Schools may not be deprived of the right to vote.

On behalf of the Council and Students of the Manitoba Provincial Normal School Summer School

Yours respectfully,

(sgd) J. A. Cliffe, President.
M. A. Loree, Secretary.

MRL

Item No. 17

FEBRUARY 22, 1954.

Managing Director,
The House of Commons,
Ottawa, Canada.

Dear Sir:

Some few years ago the Attorney at Law of the Ramsay Co., Ottawa, Can., consulted me to the degree by sending out a pamphlet to me asking me if I could improve the Legislature of any province of Canada. Sir, my being an inventor through devising one or more meritorious inventions, I suggest

a improvement in the voting profession. This idea will save time, labour and money. I may be making a wrong statement. I maybe advising the wrong officials in this profession. Anyway, if the government officials that is now in power at the House of Commons in Ottawa, cannot make this improvement in the Legislature—the idea could be passed along to the right and proper people at the local offices—that is if my idea of improvement will improve the Legislature. As you all know, in the past, there has been a good deal of misunderstandings referring to the ballots and ballot boxes before and after the elections, as we elect new members and re-elect members of Parliament. So to save time, labour and money to improve the voting profession, all we will have to do is station a ballot box at every P.O.—in every district, it being a locked ballot box, then on the other hand let the voters receive there blank ballots from the P.O. There should be space provided on the new ballots so that each and every voter, man or woman, would have to sign their name on the ballot as well as mark it with an X. . . . and them boxes could be erected at the post offices one month before the final election day, both dates inclusive, then them boxes could be returned to the head offices and opened and the legal ballots counted. You see the idea of the people signing their name on the ballot as well as marking with an X, there would be no chance for anyone to vote or mark more than the one ballot each election, and furthermore, this way of conducting an election any person not able to go to the polls could mark it, sign it, and send it to the Box then them that wanted to represent their government in power would have a legal and fair chance to do so and them that don't, vote could do otherwise as they do in the past.

This way of ruling an election in order to put legal men in power would be a time, labour and money saving improvement. As I see it if the ballot boxes was erected at the P.O. the ballots could be issued out to every individual from the P.O., and as I quoted before a space provided on the ballot so each voter would have to sign his or her name on the ballot as well as mark it with an X. That would prevent anyone from voting more than the once at any election from time to time.

If I have made any mistake by sending this data to the House of Commons at Ottawa, will you be kind enough to refer it to the right and proper people at the local office here in Canada, so that we can get that profession straight in the future. That way of running an election I am sure it will save time, labour and money in the future in more than one way. This will give the people as a government a fair and legal chance to keep our members of Parliament in power.

Sir or Madam, I would not give this profession the second thought only as I quoted before in the past. The Ramsay Company, Attorney-at-Law asked me if I could improve the Legislature so as I see it, this is one profession where the Legislature can be improved for the benefit of our government officials in power now and likewise in the future.

So please pass this data along to the right and proper people and you will greatly oblige.

Yours truly,

(Sgd.) F. H. Tanner
East-Gore, Hants, Co. N.S. R.R.1.

Item No. 18

THE CANADA LIFE ASSURANCE COMPANY
HEAD OFFICE, TORONTO, 1, CANADACanada Life Building,
8th Avenue and 2nd Street West
CALGARY, ALTA.

AUGUST 7th, 1953.

Secretary of State,
Ottawa, Ontario.

Dear Sir:

I have just learned that I am to be disfranchised on Monday, August 10th, due to the fact that I was confined to hospital on July 31st, and will be here some two or three weeks. Apparently the Election Act makes no provisions for such cases.

I wish to draw your attention to this fact and ask that consideration be given to amending the Act so that voting rights will be provided for those, who through no fault of their own, are unable to present themselves at their own polling booths on election day.

Yours very truly,

(sgd) Graeme P. Smith, C.L.U.,
Branch Manager

MRL

Item No. 19

24 Clark St. W.,
Guelph, Ont.,

Sept. 7, 1953.

Chief Electoral Officer,
Ottawa.

Dear Sir:—

Many thanks for yours received August 28, 1953 in relation to votes in my opinion cast at service hospitals. I myself have just left hospital and now reside at above address. There is an institution ran by Salvation Army called The Eventide, 24 Clarke St. W., Guelph, Ontario, as shown by address.

Having been in hospital for six months is a long time but now recuperating. It is a long time to be tied up, as I say, 6 months in St. Joseph's Hospital, Guelph, 7 months in General Hospital, Guelph, 5 months in Kitchener-Waterloo Hospital—so I think I have had my share.

Kindly give the Prime Minister my best wishes and once again congratulations on your last success of August 10th. I have great regard for him and trust I shall always have.

I am a man of 75 and enter with less feelings at success and can only say in all sincerity God be with him at all times.

My purpose in writing is to ask why is not a vote ballot given to those who are laid up in these institutions at election time—such was my case on August 10th—no vote—no nothing—one feels he is lost out his services to vote. Is there no remedy for them? I would be pleased to see the matter taken up. I claim any man is entitled to vote Yes or No. I am sorry I lost out August 10th as I felt I should not. Have been a Liberal for 75 years and shall always remain for I see no reason to change for Drew and his click so long as I can follow the Prime Minister. I am a Protestant and not a Catholic but that makes no difference. The Prime Minister is a gentleman of his word. Best wishes to him personally and good luck.

Yours very truly,

(sgd) A. A. MEADOWS

MRL

Item No. 20

PAC-CCL Political Action Committee—Canadian Congress of Labour
11½ Spadina Road, Toronto, Ontario

HENRY WEISBACH
EXECUTIVE SECRETARY

April 15, 1954.

Honourable J. W. Pickersgill,
Secretary of State,
House of Commons,
Ottawa, Canada.

Sir:—

It has been brought to our attention that a group of sailors who sail the Arctic area has continually been deprived of their vote. These men leave their home areas in the spring months and sometimes do not return until late in the Fall or Winter.

They do not have an opportunity to make use of the advance polls because their boats are in continuous motion and they do not have a chance to get to any voting stations. Some of these men have voiced the opinion that they should be treated similarly to the armed forces who have the opportunity to vote for the candidates in their own constituencies. They feel they are deprived of their democratic right. During the last federal election there were about 160 to 180 sailors in the northern waters who did not have an opportunity to cast their ballots.

The problem outlined about would lead us to believe that changes in the Canada Elections Act would be necessary in order to enable people under these circumstances to make use of their democratic right to cast a ballot for the candidate of their choice.

I would appreciate knowing whether the government is contemplating a change in the Election Act to include a provision for absentee ballots which would include people in similar circumstances.

Yours very truly,

(sgd) Henry WEISBACH,
Executive Secretary.

MRL

Item No. 21

March 11, 1954.

Chief Electoral Office,
Ottawa, Ont.

Dear Sirs:—

Owing to the lack of interest taken in elections and the consequential low percentage of voting I feel this would be a good time to draw attention to the House while in session to withdraw some of the restrictions on advertising and general bally hoo on Election Day. I refer you to Sec. 377 in Book A34, Instructions to R.O.'s as examples.

Years ago we carried those things in our cars, coat sleeves and bill posts and called out more voters than we now do. Less than half the eligible voters turned out to last Summer's Federal election. Most absentees forgot about an election. Thanking you for attention to this.

(sgd) J. P. DOHERTY,
Provost, Alta.

MRL

FEDERATED WOMEN'S INSTITUTES OF CANADA

Box 64, Unionville, Ont., Sept. 25/53.

The Right Honourable Louis St. Laurent,
Prime Minister of Canada,
Ottawa.

Dear Mr. Prime Minister:—

At the Biennial Meeting of the Federated Women's Institutes of Canada held in Toronto, August 24th to August 27th, the following Resolutions were passed:

1. "Whereas, there is a growing awareness amongst women, as individuals and in organizations, of their responsibilities as citizens, and
Whereas, women constitute over one half the Voters of Canada
Therefore, be it resolved

That the Federated Women's Institutes of Canada request the Federal Government to honour women of outstanding ability, irrespective of their political affiliations by appointing a woman to the Senate to represent each Province as a vacancy occurs."

2. "Whereas, there is no way of knowing the date of a Federal Election when making plans for National or International Conventions, and

Whereas, many Delegates attending the Conference of the Associated Countrywomen of the World held in Toronto, August 12th to 23rd, were deprived of their franchise,

Whereas, it is in the interests of good citizenship that all should record their votes,

Therefore, be it resolved

That the Federated Women's Institutes of Canada request that the Election Act be amended to include all Delegates attending National or International Conventions, on the list of those permitted an advance Poll."

We shall be glad if you will kindly have these Resolutions placed before the proper authorities for their consideration.

Yours very truly,
(sgd) Mrs. G. Gordon MAYNARD,
Sec'y-Treas. F.W.I.C.

MRL

Item No. 23

THE CANADIAN CHAMBER OF COMMERCE

Office of the general manager

530 Board of Trade Bldg.,
Montreal 1, Quebec.

DECEMBER 8, 1953.

Hon. J. W. Pickersgill,
Secretary of State,
Ottawa, Canada.

Dear Mr. Pickersgill:

Further to our presentation of our Policy Statement to the Cabinet, I note in today's Press reference to the referral of a resolution concerning Redistribution of Seats to the Standing Committee on Privileges and Elections.

In this connection, I am enclosing for your information and consideration a copy of the Policy Statement of The Canadian Chamber of Commerce dealing with Redistribution of Federal Constituencies. I am also enclosing the Policy Statement dealing with Federal Advance Polls.

We should be pleased to have your comments on these Policies after you have had an opportunity to review them.

Yours sincerely,

DLM:MM

(Sgd.) D. L. Morrell.

Federal Advance Polls

The Chamber believes that any qualified voter who signed a sworn statement to the effect that he or she would be unable to vote on polling day at the ordinary polling station due to absence for cause should be able to vote at an advance poll, and that advance polling stations should be opened sufficiently far in advance of election day to accommodate those who would make use of them.

The Chamber, therefore, urges the Federal Government to provide for the greatly extended use of advance polls in federal elections.

Redistribution of Federal Constituencies

The Canadian Chamber of Commerce further urges that the Federal Government make provision for constituency redistribution by a judicial committee.

(Extract from Policy Declarations and Resolutions as passed at the 24th Annual Meeting of The Canadian Chamber of Commerce, held in Edmonton, September 14, 15, 16 and 17, 1953.)

Item No. 24

327 Redfern Avenue
Westmount, Montreal, P.Q.

DECEMBER 9th, 1954.

The Chief Electoral Officer,
Federal Government,
Ottawa, Ontario.

Dear Sir:

In the recent By-Election for Westmount I was unable to vote at the advance poll. I feel the act covering voting should be amended.

Because I am listed as President of our Company I could not vote, whereas, if I had been a travelling salesman, or a floor sweeper on a train, I could have voted. Mr. W. J. Smaill, the returning officer in charge at Westmount Athletic Grounds was very co-operative and considerate, but naturally could not operate contrary to the instructions given him. On this particular occasion a meeting of the Canadian Good Roads Association was being held in Toronto and I could not possibly have stayed over in Montreal until Monday to vote.

I hope some day the requirements will be changed to permit citizens to vote at an advanced poll, regardless of their status of employment.

Yours very truly,

RH/o'h

(sgd) Robert Hewitt

c.c. Hon. Mr. George Marler,
Minister of Transport,
Federal Government,
Ottawa, Ontario.

MRL

Item No. 25

98 Prospect St., Newmarket,

JUNE 30/53.

N. Castonguay, Esq.,
Chief Electoral Officer,
Ottawa, Ont.

Dear Sir:

When the Enumerators came around this year, they still listed "Spinster" after names of unmarried women.

Surely in this enlightened age when a person is keeping up their own home, they deserve at least Homekeeper after their name.

When they have Spinster after their name people get the idea they have no home but work for someone else.

Yours truly,

(sgd) Leonora Starr

MRL

Item No. 26

HOUSE OF COMMONS
CANADA

OTTAWA, January 12, 1955.

The Honourable Roch Pinard,
Secretary of State,
West Block,
Ottawa, Ontario.

Dear Mr. Pinard,

While I was at home before the present session of Parliament commenced, representations were made to me suggesting that Canadians serving abroad with departments of government, other than those in the armed services, should be given the opportunity of casting their votes at a general election, when voting facilities are available to personnel of the armed services.

These are, as you know, a number of Canadians in the public service in the United Kingdom, and at other points abroad. These people, I am informed, feel quite keenly that they should be deprived of their franchise when personnel of the armed services, frequently many years their junior in age and experience, and stationed at the same location, are able to exercise their franchise.

It would be very much appreciated if this proposal might be examined with a view to seeing whether it might be possible to amend the Election Act so as to enable Canadians in the government service, stationed abroad, to vote.

Yours sincerely,

(Signed) George R. Pearkes
TM/CL

OTTAWA, January 13, 1955.

Dear General Pearkes,

I have your letter of January 12th supporting the suggestion made to you that voting facilities should be provided for Canadian employees of government departments abroad.

I have sent a copy of your letter to the Chief Electoral Officer who will see that your representations are brought to the attention of the committee of the House which it is expected will shortly begin a study of the Canada Elections Act and proposed amendments thereto.

Yours sincerely,

(Rubber stamp) Roch Pinard
Secretary of State

Major-General G. R. Pearkes, V.C., C.B., M.P.,
House of Commons,
Ottawa, Ontario.

Item No. 27

Jan. 6, 1955.

Hon. L. St. Laurent,
Prime Minister,
Ottawa, Ont.

Dear Sir:

I wish to draw your attention to the by-election in the Camrose Constituency, owing to the death of Robert Fair.

It is expected that at least 3 candidates will be in the contest, and possibly more; that being the case why not have the Preferential Ballot same as the Alberta Provincial ballots? It is the only fair system in a case of plural contestants. This province insists upon several parties contesting, with the result that a true feeling of the voters is not obtained, and many are elected by Minority vote.

We had a case of it here in the last Federal election; the elected man had a minority vote that would have made a difference in the election if we had the Preferential Ballot.

Thanking you for your attention to this.

J. P. Doherty,
Provost, Alta.

OTTAWA (4)
JANUARY 14, 1955.

J. P. Doherty, Esq.,
Provost,
Alberta.

Dear Mr. Doherty:

The Prime Minister has asked me to acknowledge receipt of your letter of January 6, concerning the forthcoming by-election in Camrose Federal Constituency.

Mr. St-Laurent has noted your views and has asked me to explain that in order to implement your suggestion that the preferential ballot be used Parliament would have to amend the Canada Elections Act.

Yours sincerely,

J. S. Cross,
Secretary.

Ottawa, January 18, 1955.

Dear Mr. Doherty:

Your letter of January 6th, concerning the forthcoming by-election in the federal constituency of Camrose has been forwarded to me by the office of the Prime Minister.

Every once in a while a committee is set to study Elections Act. In fact, I have this year introduced a resolution to establish such a committee.

I am pleased to inform the Chief Electoral Officer of your interest in the matter and especially of your suggestion that preferential ballot be used at the forthcoming by-election in the constituency of Camrose, so that he can carefully note your representations and bring them to the attention of the committee at the proper time.

Yours very truly,
Roch Pinard

Mr. J. P. Doherty,
Provost,
Alberta.

Item No. 28

International Chemical
Workers Union

410 Bloor St. East,
Toronto 5. Ontario.

FEBRUARY 3rd, 1955.

Right Honourable Louis St. Laurent, Prime Minister,
Dominion of Canada,
OTTAWA, Ontario.

Right Honourable Sir,

Enclosed, please find resolutions endorsed by the delegates in attendance at the recent Conference of District No. 4 Council—International Chemical Workers' Union, A.F. of L., T.L.C., dealing with the following subjects:

National Health Plan
National Retirement Plan
Employment of people over 40 years of age
Unemployment in Canada
Unemployment Insurance
Income Tax exemptions
Immigration
Federal Election Act

Your consideration and action is respectfully urged regarding these important matters.

Awaiting your reply, I am,

Sincerely,
(Sgd.) Donald H. Doherty
Donald H. Doherty, Secretary,
District No. 4 Council—
International Chemical Workers' Union.

Encl.

Whereas: the Federal Election Act seems totally inadequate for these times,

And Whereas: many citizens were deprived of their franchise at the last Federal Election through this Act,

And whereas: the Federal Election Act permits only and certain classes of workers to vote in advance polls,

Therefore be it resolved: that this Act be revised and amended to meet the requirements of the present day.

Submitted by:

Local 175 (Composite) Niagara Falls, Ont.

Ottawa (4),
February 10, 1955.

Donald H. Doherty, Esq.,
Secretary, District No. 4 Council,
International Chemical Workers' Union,
410 Bloor Street East,
Toronto 5, Ontario.

Dear Mr. Doherty:

The Prime Minister has asked me to acknowledge the receipt of your letter of February 3, with which were enclosed resolutions passed by District No. 4 Council, International Chemical Workers' Union.

At Mr. St-Laurent's direction, the representations of the resolution are being referred for the attention of the appropriate Ministers.

Yours sincerely,

J. S. Cross,
Secretary.

Ottawa, February 16, 1955.

Donald H. Doherty, Esq.,
Secretary, District No. 4 Council,
International Chemical Workers' Union,
410 Bloor Street East,
Toronto 5, Ontario.

Dear Mr. Doherty,

I have received from the Prime Minister's Office a copy of your letter of February 3rd, together with a copy of the Resolution concerning the Canada Elections Act.

It is expected that a Committee of the House of Commons will shortly be organized to consider proposed amendments to the Canada Elections Act. I am, therefore, bringing the Resolution to the attention of the Chief Electoral Officer, who will submit it, with other representations which he has received on the subject, to the Chairman of the above-mentioned Committee when it is set up.

Yours sincerely,

Roch Pinard
Secretary of State.

Item No. 29

Michael Engel.
4516 Girouard #7.
Montreal.

MARCH 2nd 1955.

The Chairman,
The Parliamentary Committee on Elections.
House of Commons. Ottawa.

Dear Sir:

I shall be glad if you will kindly bring the following idea to the notice of your committee for consideration by them.

That the new election act should contain a clause to the effect that all electors who voted in a general election or a bye election should be eligible to partake in a draw or raffle for a cash prize of \$1,000 (tax free) in each constituency.

In practise it would be easy to arrange, by giving each voter a draw ticket together with the ballot. The ballot duly marked would go into the ballot box and the draw ticket duly filled in the the voters name and address would go into a separate draw box.

The poll officers could be in charge of the draw as they are in charge of the ballot boxes and the draw could take place at the same time as the counting of the votes and the name of the winner in each constituency announced at the same time as the election officer announces the name of the winning parliamentary candidate.

The cost could be covered by the cost of holding the election.

The effect would be that all would exercise their franchise. In particular the section of the population who do all the work and pay all the bills, men and women over 21, for a change would get back something directly from the government.

To the moralists who might object that it is bad for the soul to get something for nothing, it can be answered, that all religious devotees seek "something for nothing". All suplicants in their prayers point out how unworthy they are of the blessings they request.

In several countries there is penalising legislation for failing to vote at an election, let Canada be the first to have a new approach on this vital democratic function. I guarantee that with this new idea, the next elections would have a full turn out of voters and arouse unparalleled interest in the results.

Sincerely yours,

(sgd) M. Engel.
Michael Engel.

HOUSE OF COMMONS

Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

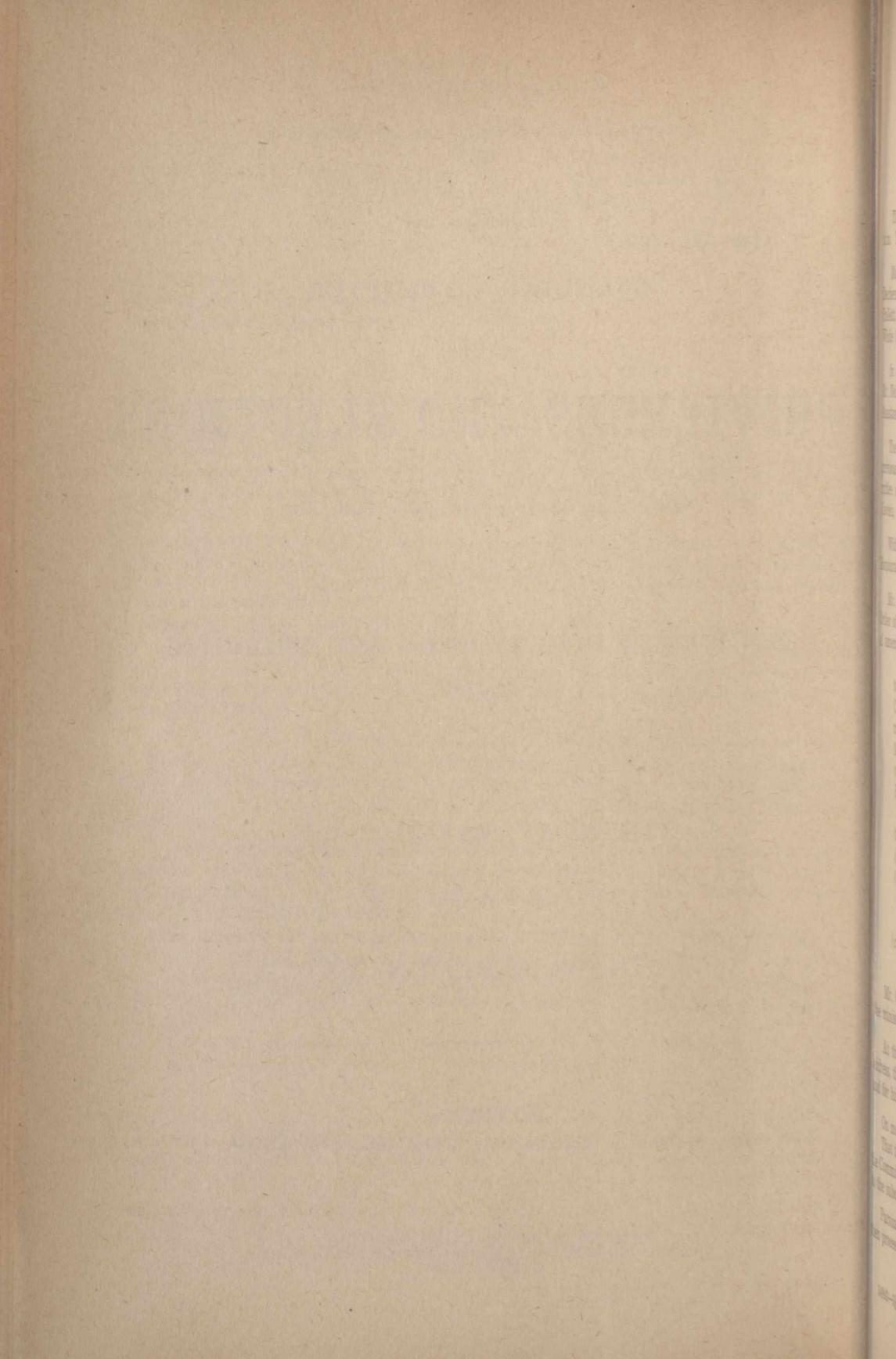
No. 2

THURSDAY, MARCH 10, 1955

CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson J. Castonguay, Chief Electoral Officer.



The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Balcer, Bryson, Cardin, Carter, Cavers, Churchill, Dechene, Harrison, Hollingworth, Lefrancois, MacDougall, McWilliam, Nowlan, Pallett, Pouliot, Richard (*Ottawa East*), Robinson (*Bruce*), Viau, Vincent, White (*Waterloo South*), and Zaplitny.

In attendance: Honourable Roch Pinard, Q.C., M.P., Secretary of State; Mr. Nelson J. Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer.

The Chairman announced that, pursuant to the resolution passed at the previous meeting of March 8, he had named to act with him on the Subcommittee on Agenda and Procedure the following members: Messrs. Cardin, Cavers, Hansell, MacDougall, Nowlan, and Zaplitny.

With the unanimous consent of the Committee, the Chairman invited the Honourable Roch Pinard, Secretary of State, to address the Committee.

Mr. Pinard, in his address, suggested that, in view of the wide scope of its Order of Reference, the Committee might give some study to the advisability of amending the Act to make provisions for:

1. The Chief Electoral Officer to act in the case of the Yukon Territory as electoral officer in the conduct of elections in that section of Canada in the same way he does in respect of the election of the members of the Northwest Territories Council. (In this connection, the Minister suggested that the Committee might wish to call and hear a representative of the Department of Northern Affairs and Natural Resources.)

2. Creating facilities to allow Canadians residing abroad to exercise their franchise and which are divided in the following groups:

- (a) Canadians residing abroad who are not in the public service;
- (b) Canadians abroad who are members of the public service, such as the officers of our missions in foreign countries or in countries of the Commonwealth;
- (c) Wives of the members of the Canadian forces who reside abroad with their husbands.

Mr. Castonguay was questioned on certain technical points arising out of the minister's address.

At the conclusion of the discussion on the issues raised in the Minister's address, the chairman thanked Mr. Pinard for attending before the Committee and for his enlightening remarks.

On motion of Mr. Churchill, *Resolved*,—

That the subject matters, raised by the Secretary of State in his address to the Committee, be referred for consideration and a report with recommendation, to the subcommittee on Agenda and Procedure.

Pursuant to the resolution passed at its previous meeting, the Committee then proceeded to a study of the Canada Elections Act.

Objections having been raised to this procedure because of the fact that the printed report of the Minutes of Proceedings and Evidence of Tuesday, March 8, to which were appended the communications tabled on that day by the Chief Electoral Officer and the Chairman, were not available for distribution to the members, it was agreed, on the suggestion of Mr. Nowlan, that the Committee meanwhile proceed with a preliminary study of the amendments proposed by the Chief Electoral Officer, and that later when the printed communications referred to above were available, the Committee proceed with the Act along the lines formulated in the resolution passed on Tuesday, March 8.

Mr. Castonguay was questioned in respect of each of his proposed amendments under study and following are those that were agreed to:

Clause 1. (1) Paragraph (b) of subsection (15) of section 2 of the *Canada Elections Act*, chapter 23 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

(b) in relation to any place or territory within a judicial district, other than the judicial district of Quebec or Montreal, in the Province of Quebec for which a judge has been appointed, the judge so appointed, or where there is more than one such judge, the senior of them;

Explanatory Notes.

Clause 1. (1) To provide that the judge appointed for any judicial district in the Province of Quebec, other than the judicial districts of Quebec and Montreal, will be the judge as therein defined. The present paragraph (b) of section 2 (15) reads as follows:

(b) in relation to any place or territory within the judicial districts of St. Francis and Three Rivers, in the Province of Quebec, the resident judge of the Superior Court;

(2) Subsection (15) of section 2 of the said Act is further amended by deleting the word "and" at the end of paragraph (d) thereof and all the words following paragraph (e) thereof, by adding the word "and" at the end of paragraph (e) thereof and by adding thereto the following paragraph:

(f) in relation to any place or territory in Canada where there is no judge as defined in paragraphs (a) to (e) or a vacancy exists or arises in the office of any such judge or where such judge is unable to act by reason of illness or absence from his judicial district, the judge exercising the jurisdiction of such judge, and if there is more than one judge exercising such jurisdiction, the senior of them, and if no judge is exercising such jurisdiction, any judge designated for the purpose by the Minister of Justice.

(2) To provide a different mode of appointment of a substitute judge when the judge as defined in the preceding paragraphs of section 2 (15) is not available. The words appearing after paragraph (e) to be deleted are as follows:

And if there is no such judge in any place or territory in Canada or the judge is unable to act, means the judge designated for the purpose by the Governor in Council;

Clause 2—Stood over.

Clause 3—Stood over

4. All that portion of subsection (3) of section 15 of the said Act following paragraph (c) thereof is repealed and the following substituted therefor:

(d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate, the total number

of persons employed under this paragraph not to exceed one for each five hundred electors in the electoral district; the official agent shall communicate the name, address and occupation of every person employed under this paragraph, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station.

Explanatory Notes

Clause 4. The latter portion of subsection (3) of section 15 was so drafted that it was doubtful whether it applied to the persons mentioned in paragraphs (a) to (d) of subsection (3) or to those mentioned in paragraph (d) only. The Statute Revision Committee construed it as applying to the persons mentioned in paragraphs (a) to (d). This amendment makes it clear that that portion of subsection (3) applies only to the persons mentioned in paragraph (d). All that portion of section 15 (3) appearing after paragraph (c) thereof now reads as follows:

(d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind, or as clerks or stenographers or as messengers on behalf of a candidate, but the total number of persons employed under the provisions of this paragraph shall not exceed one for each five hundred electors in the electoral district; the name, address and occupation of every such person so employed shall be communicated, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station.

Clause 5—Stood over.

6. (1) All that portion of subsection (5) of section 17 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day; the printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by the Chief Electoral Officer; the preliminary list of electors for every polling division printed by the returning officer shall bear the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be as follows:”

Explanatory Notes

Clause 6. (1) The words “upon its face” have been eliminated. The name and address of the printer and the certificate referred to cannot always appear on the face of the printed preliminary lists of electors. All that portion of section 17 (5) preceding paragraph (a) thereof now reads as follows:

(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day; the printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by

the Chief Electoral Officer; the preliminary list of electors for every polling division printed by the returning officer shall bear upon its face the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors, as prepared by the enumerator or enumerators, for the polling division to which such list relates; the arrangement of names on the lists shall be as follows:

(2) Section 17 of the said Act is further amended by adding thereto immediately after subsection (5) thereof the following subsection:

“(5a) Where by reason of lack of printing facilities or of time or for any other reason, a returning officer is unable to cause the preliminary list of electors for any polling division to be printed in accordance with the requirements of this Act, he shall, wherever possible and with the prior approval of the Chief Electoral Officer, cause such list to be reproduced by any other means, and a preliminary list so reproduced shall, for the purposes of this Act, be deemed, except in subsections (6) to (8), to be printed; the preliminary list for every polling division reproduced by the returning officer under this subsection shall bear a certificate by the returning officer that such reproduction accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be the same as is provided for printed preliminary lists by paragraphs (a) and (b) of subsection (5); where a preliminary list is reproduced in accordance with this subsection, the returning officer shall furnish the Chief Electoral Officer and each candidate with two copies thereof.”

Explanatory Notes

(2) New. To provide alternative methods of producing preliminary lists of electors when, for the reasons set out, the returning officer is unable to have such lists printed.

(3) Rule (7) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (17). For every urban polling division, the judge as defined in subsection (15) of section 2 is the *ex officio* revising officer.”

Explanatory Notes

(3) Consequential to the proposed amendment in Clause 1 (2). The present Rule (17) reads as follows:

Rule (17). For every urban polling division, the judge as defined in subsection (15) of section 2 is the *ex officio* revising officer; in the event of there being or arising a vacancy in the office of *ex officio* revising officer, another judge for the same district if any shall thereupon become or be named *ex officio* revising officer, and if there is none or none is named, the Governor in Council may nominate a person to be substitute for the *ex officio* revising officer pending the appointment or nomination of a new judge.

(4) Rule (20) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (20). The returning officer shall, when so instructed by the Chief Electoral Officer, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of such revisal districts.”

Explanatory Notes

(4) To enable the Chief Electoral Officer to instruct returning officers to complete as much of the preliminary work as possible before the writ ordering an election issues. The present Rule (20) reads as follows:

Rule (20). The returning officer shall, as soon as he conveniently can after the receipt by him of notice of the issue of a writ for an election in his electoral district, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of the boundaries of such revisal districts.

(5) Rules (23) and (24) of Schedule A to Section 17 of the said Act are repealed and the following substituted therefor:

"Rule (23). Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 4 listing the numbers of the polling divisions comprised in every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors and stating the day and time during which such revisal office will be open; at least four days before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district; immediately after the printing of the notice in Form No. 14, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the notice mentioned in Rule (23) to be posted up outside of and near to the revisal office where he will sit to revise the lists; the revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the days of sittings for revision."

Explanatory Notes

(5) The proposed amendment to Rule (23) is to shorten the printed notice of revision by eliminating the descriptions of the boundaries of the revisal districts. The proposed amendment to Rule (24) is consequential to the proposed amendment in Clause 6 (6). The present Rules (23) and (24) read as follows:

Rule (23). Forthwith on receipt of such notification the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14, describing the boundaries of every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors, and stating the day and time during which such revisal office will be open; it shall also be stated in the said notice the days and hours before the first day of sittings for revision, and the address at which each revising officer shall be in attendance to complete Affidavits of Objection in Form No. 15; at least four **days**

before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district. Immediately after the printing of the notice in Form No. 14, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so officially nominated or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the above mentioned notice to be posted up outside of and near to the revisal office where he will sit to revise the lists; the revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the three days of sittings for revision.

(6) Rules (26) to (28) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"Rule (26). The sittings of the revising officers for the revision of the lists of electors shall be held on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and, subject to Rule (36), on Tuesday, the thirteenth day before polling day; such sittings shall commence at ten o'clock in the forenoon on those days and shall continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of: moreover, on each of those days, every revising officer shall sit at his revisal office for the revision of the lists of electors from seven o'clock to ten o'clock in the evening; if any of those days is a holiday as defined in the Interpretation Act, the day for the commencement or continuation of the sittings for revision may be postponed accordingly.

Rule (27). At the sittings for revision on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of

- (a) personal applications made by electors whose names were omitted from the preliminary list;
- (b) sworn applications made by agents, on Forms Nos. 17 and 18, on behalf of persons claiming the right to have their names included in the list of electors, pursuant to Rule (33); and
- (c) verbal applications for the correction of names or particulars of electors, appearing on the preliminary list.

Rule (28). During the sittings for revision on Thursday and Friday, the eighteenth and seventeenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than Friday, the seventeenth day before polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day to establish his right, if any,

to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection."

Explanatory Notes

(6) The proposed amendment to Rule (26) is to provide urban electors and candidates more time to examine lists of electors before the sittings for revision for the purpose of filing sworn notices of objection. The proposed amendments to Rules (27) and (28) are consequential to the proposed amendment to Rule (26). The present Rules (26) to (28) read as follows:

Rule (26). The sittings of the revising officers for the revision of the lists of electors shall commence at ten o'clock in the forenoon of Thursday, Friday, and Saturday, the eighteenth, seventeenth, and sixteenth days before polling day, and shall continue for at least one hour and during such time, thereafter as may be necessary to deal with the business ready to be disposed of, provided that, if any of such days is a holiday as defined in the Interpretation Act, the date for the commencement or continuation of the sittings for revision may be postponed accordingly; moreover, on each of the three days fixed for the sittings for revision, every revising officer shall sit continuously at his revisal office for the revision of the lists of electors from seven o'clock until ten o'clock in the evenings of these three days.

Rule (27). At the sittings for revision, the revising officer shall have jurisdiction to and shall dispose of

- (a) personal applications made by electors whose names were omitted from the preliminary list;
- (b) sworn applications made by agents, on Forms Nos. 17 and 18, on behalf of persons claiming the right to have their names included in the list of electors, pursuant to Rule (33);
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary list; and
- (d) any objection made on oath, in Form No. 15, to the inclusion of any name on the preliminary lists of electors, of which he himself has given notice to the elector concerned, in Form No. 16, pursuant to Rule 28.

Rule (28). During the three days immediately preceding the first day fixed for the sittings for revision, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election, for one of the polling divisions comprised in a given revisal district, subscribes to an Affidavit of Objection in Form No. 15, before the revising officer appointed for such revisal district, alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than the day immediately preceding the first day fixed for the sittings for revision, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer, during his sittings for revision, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection; on each of the three days immediately preceding the first day fixed for the sittings for revision, the revising officer shall keep

himself available during at least three hours in the afternoons or evenings of such days, at the address given in the Notice of Revision in Form No. 14, to complete, as required, Affidavits of Objection and Notices to Persons Objected to, and to despatch copies of such affidavits and notices to the persons concerned.

(7) Rules (32) and (33) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"Rule (32). Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate list of electors at the sittings of the revising officer for such revisal district on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer shall deem necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record sheets as an accepted application for registration in the list of electors of the polling division where such person resides.

Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 17 exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elector; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

Explanatory Notes

(7) Consequential to the proposed amendment to Rule (26) in Clause 6 (6). The present Rules (32 and (33) read as follows:

Rule (32). Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate list of electors at any sitting of the revising officer for such revisal district, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer shall deem necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record as an accepted application for registration in the list of electors of the polling division wherein such person resides.

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

as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 17, exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elector; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division wherein such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached.

Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (36). Where under Rule (28) any objection has been made on oath in Form No. 15 to the retention of the name of any person on the preliminary list and the revising officer has given notice under that Rule to the person of such objection in Form No. 16, the revising officer shall hold sittings for revision on Tuesday, the thirteenth day before polling day; during his sittings for revision on that day, the revising officer has jurisdiction to and shall determine and dispose of all such objections of which he has so given notice; if the revising officer has given no such notice he shall not hold any sitting for revision on the Tuesday aforesaid."

Explanatory Notes

(8) Consequential to the proposed amendment to Rule (26) in Clause 6 (6). The present Rule (36) reads as follows:

Rule (36). During his sittings for revision the revising officer shall hear and determine all objections made upon oath before him under Rule (28) and of which notice has been properly given by him under the said rule.

7. Lines one and two of subsection (1) of section 18 of the said Act are repealed and the following substituted therefor:

"18. (1) Within two days after the receipt of the writ of election or within six days after he has been notified."

Explanatory Notes

Clause 7. To provide more time for the printing and the distribution of the proclamation. Lines one and two of the present section 18 (1) read as follows:

18. (1) Within two days after the receipt of the writ of election or within two days after he has been notified.

Clauses 8, 9 and 10 stood over.

11. Subsection (10) of section 50 of the said Act is repealed and the following substituted therefor:

"(10) The deputy returning officer shall, with the ballot box, transmit or deliver to the returning officer in the envelope provided for that purpose

(a) the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer, and

(b) the polling station account filled in and signed by the deputy returning officer."

Explanatory Notes

Clause 11. To make this subsection conform to subsection (9) of section 50 and to simplify procedure with regard to polling station accounts. The present section 50 (10) reads as follows:

The deputy returning officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, the key of such ballot box, the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer and the polling station account furnished him in blank by the returning officer, having first caused it to be filled in and signed by the officials of his polling station entitled to fees, and by the landlord thereof, if any, and if under subsection (11) the ballot box is returned to the returning officer post free, registered, the envelope containing the key thereof, the preliminary statement of the poll and the polling station account shall likewise be transmitted at the same time.

12. Subsection (2) of section 54 of the said Act is repealed and the following substituted therefor:

“(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection (15) of section 2 within whose judicial district is situated the place where the official addition of the votes was held or the judge acting for such judge pursuant to paragraph (f) of that subsection or a judge designated by the Minister of Justice under that paragraph, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.”

Explanatory Notes

Clause 12. Consequential to the proposed amendment in Clause 1 (2). The present section 54 (2) reads as follows:

(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection (15) of section 2 within whose judicial district is situated the place whereat the official addition of the votes was held, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.

13. Section 59 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

“(2a) Where a Superior Court or a judge thereof has ordered the production of any election documents or election papers, the Chief Electoral Officer need not, unless the court or judge otherwise orders, appear personally to produce such documents or papers, but it is sufficient if the Chief Electoral Officer certifies such documents or papers and transmits them by registered mail to the clerk or registrar of the court, who shall, when such documents have served the purposes of the court or judge, return them by registered mail to the Chief Electoral Officer, any such documents or papers purporting to be certified by the Chief Electoral Officer are receivable in evidence without further proof thereof.”

Explanatory Notes

Clause 13. New. To make it possible for election documents or election papers to be produced in court without the personal appearance of the Chief Electoral Officer.

Clause 14. Stood over.

15. (1) Paragraph (c) of subsection (1) of section 100 of the said Act is repealed and the following substituted therefor:

(c) members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Council of the Northwest Territories or the Yukon Territory;

(2) Paragraph (e) of subsection (1) of section 100 of the said Act is repealed and the following substituted therefor:

(e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory and the Northwest Territories, police magistrates;

(3) Subsection (2) shall come into force on the day the Northwest Territories Act, chapter 331 of the Revised Statutes of Canada, 1952, comes into force.

Explanatory Notes

Clause 15. (1) and (2). To provide that members of the Council of the Northwest Territories and police magistrates in the Northwest Territories shall not be appointed as election officers. (3) At the present time there are no police magistrates in the said Territories. Paragraphs (c) and (e) of the present section 100 (1) read as follows:

(c) members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Yukon Territorial Council;

(e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory, police magistrates;

16. Subsection (1) of section 109 of the said Act is amended by adding the word "and" at the end of paragraph (a) thereof, by repealing paragraphs (b), (c) and (d) thereof and substituting the following therefor:

(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, and, subject to Rule (36) of Schedule A to section 17, Tuesday, the sixth day before polling day.

Explanatory Notes

Clause 16. Consequential to the proposed amendment in Clause 6. Paragraphs (b), (c) and (d) of the present section 109 (1) read as follows:

(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.

17. Section 114 of the said Act is amended by adding thereto the following subsection:

"(4) The qualifications for electors for Northwest Territories elections shall be those established pursuant to section 9 of the *Northwest Territories Act* and in force six months prior to the polling day for such elections."

Explanatory Notes

Clause 17. Subsection (4) of section 114 was deleted from the Act as being spent. The qualifications for electors for Northwest Territories elections are to be governed in future by subsection (4) as it appears in the amendment.

18. The said Act is further amended by adding thereto the following section:

"115. (1) In this section, "election material" includes instructions, forms, record books, index books, ballot papers, poll books and copies of Acts or regulations or portions thereof, and any other supplies.

(2) Any election material authorized or required for the purposes of or in relation to a by-election or Northwest Territories elections by any Act providing for the election of members of the House of Commons may, in lieu of the election material authorized or required by any revision of such Act, be used for the purposes of or in relation to any by-election or Northwest Territories elections held before the first general election next after the coming into force of such revised Act; and references in election material so used to any Act, regulation, rule, schedule or form or any part or provision thereof shall be construed as a reference to the corresponding Act, regulation, rule, schedule, form, part or provision thereof in force upon the coming into force of such revised Act."

Explanatory Notes

Clause 18. New. To provide for the use of existing election material at a by-election or Northwest Territories elections that may be held after any reenactment of the *Canada Elections Act* such as the revision of the Statutes of Canada.

At 12.30 o'clock p.m., on motion of Mr. Carter, the Committee adjourned to the call of the Chair.

A. Chassé,
Clerk of the Committee.

EVIDENCE

MARCH 10, 1955.

10:30 a.m.

The CHAIRMAN: Gentlemen, we have a quorum, and I will call the meeting to order. As the first order of business, I should like to name the subcommittee on agenda: Messrs. Nowlan, Cardin, Hansell, Cavers, Zaplitny and MacDougall.

We have the minister with us this morning. We probably do not need a motion, but the minister would like to say a few words. Is that agreed?

Agreed.

Hon. ROCH PINARD (Secretary of State of Canada): Mr. Chairman, I wish first of all to express my appreciation to you and to the members of the committee for giving me this opportunity to make a brief statement before you proceed with your work.

The order of reference which was unanimously accepted by the House on February 25 is wider in scope than the orders of reference dealt with by former committees. It contains two different items, and the task of the committee is therefore twofold.

Firstly, the committee is to deal with its usual function of revising the Canada Elections Act. I am told that you have been already supplied with draft amendments as suggested by the Chief Electoral Officer. They are quite numerous, but it seems to me that none of them is of a very serious controversial nature.

As I said in the House, the Chief Electoral Officer has always discharged his obligations and the duties of his office as administrator of the Act in an objective and competent manner. For this reason I know that the committee will give to all of his suggestions very serious consideration, knowing in advance that none of his recommendations will be inspired by any wish to favour any particular group to the detriment of others.

There will be other suggestions made, and I know that they will be offered and studied in the same impartial way by the members of the committee. For instance, I read with some interest a suggestion made by a certain Mr. Michael Engel, of Montreal. There is no doubt in my mind that this Mr. Engle had quite an angle. Just how far we can go in this field remains to be seen.

I think I expressed a view which is generally accepted when I said in the House that one of the guiding principles that has inspired the activities of similar committees in the past has been to consider favourably any constructive suggestion for the extension of the right of franchise under the Act.

I think that the committee would be well advised if it did again this year consider this matter very seriously. As many Canadians as possible should vote, and whenever circumstances will allow, as many of those who are deprived of that right of franchise because of special conditions should be offered the facilities enabling them to exercise that privilege.

In the first place, there are these Canadians residing in Canada who, because of the nature of their work or for other reasons, are not in a position to vote even if their names appear on the list. Facilities have already been made available for a number of these, but I wish to draw your special attention to a class of Canadians residing in Canada who also wish to take advantage of our Act in the conduct of elections in their section of the country. I refer to those Canadians living in the Yukon Territory.

In 1951 an amendment was made to the Canada Elections Act empowering the Chief Electoral Officer to act as the electoral officer in charge for the election of the members of the Northwest Territories Council. The successful experience of two elections held in the Northwest Territories under the amendment has convinced the Yukon Council to accept the same procedure in the case of the Yukon Territory. The government at the suggestion of the minister in charge, the Minister of Northern Affairs and National Resources, has decided to act accordingly and, if it is accepted, the Chief Electoral Officer will again act in the case of the Yukon Territory as electoral officer in the conduct of elections in that section of Canada. As a result, you will be asked to amend the Canada Elections Act in the same way as was done in the case of the Northwest Territories.

There are also the Canadians residing abroad who must be looked after and for whom facilities could possibly be made available. This group of non-resident Canadians may be divided into four classes:

- (1) Canadians residing abroad who are not in the public service;
- (2) Canadians abroad who are members of the public service, such as the officers of our missions in foreign countries or in countries of the Commonwealth;
- (3) Members of the armed forces abroad. This class has been taken care of under special regulations;
- (4) Wives of the members of the Canadian forces who reside abroad with their husbands.

The committee will, no doubt, wish to give to all these Canadians special attention so that they may benefit, if possible, from this right of franchise which should be to them as essential as it is to ourselves.

After your work has been done in relation to the Canada Elections Act, you will then consider the other item on the order of reference, the problem of the adjustment of representation. I know that this important part of your responsibilities will also be discharged by all of you in an effort to give serious study to the different methods of effecting redistribution.

If I can be of any assistance to the committee, I offer in advance my full cooperation. If there are any questions which I am in a position to answer, I shall be glad to do so.

Mr. MACDOUGALL: In connection with what the minister said with respect to the Yukon Territory, I presume that he would also include the Mackenzie river.

Hon. Mr. PINARD: I think it would be best, if the committee agrees, to get the assistance of the Department of Northern Affairs and National Resources. However, I am informed by the Chief Electoral Officer that the Mackenzie territory is already taken care of under the Act.

The CHAIRMAN: Are there any other questions? Does any member wish to ask the minister anything arising out of his remarks?

Mr. CARTER: I have no question arising out of his remarks, but while he was speaking I recalled a recent news item which mentioned a new mechanical device for balloting. Has any thought been given to that?

The CHAIRMAN: The committee will consider that.

Hon. Mr. PINARD: I do not know to what the hon. member refers, but I should suppose that the committee would bring it up if it wished to study it.

The CHAIRMAN: Is this not the matter to which the Minister made reference in regard to running a lottery?

Mr. CARTER: No, it is not that at all. It is some sort of invention, a voting machine, which does not require the voter to mark a ballot.

Mr. CAVERS: Those things are used chiefly in municipal elections, I believe.

The CHAIRMAN: That will come up as we go along to the Act and to the section of the Act dealing with that particular thing.

Thank you, Mr. Minister, for coming this morning; and thank you for your remarks. I am sure we all listened with interest.

Now, the first thing with which we might deal, is, as you know, the first part of the business, which is to take up the suggested amendments to the Canada Elections Act.

The minister has brought forward suggestions here this morning or made some comments on extending the franchise to Canadians living outside of Canada. I think we might have to agree in principle on that this morning before we start consideration of the amendments to the Act. I think maybe we might have some discussion about that this morning, whether we wish to agree in principle with it or to disagree. I think we should make a decision whether we are to consider that or not.

Hon. Mr. PINARD: Mr. Chairman I already suggested that consideration could also be given first to Canadians residing in Canada who are deprived of their rights of voting under special circumstances; and then we could deal with possibly—I do not want to give any directions—but possibly we could deal with that first before taking up Canadians residing abroad.

The CHAIRMAN: Yes, and particularly having regard to the Yukon Territory. I think we should decide that in principle before we go on to the amendments of the Act.

Mr. POULIOT: This refers to civilians?

The CHAIRMAN: Yes.

Mr. POULIOT: Could you give me approximately the number of civilians at the present time who are outside of Canada?

The CHAIRMAN: I think possibly we will take up the matter in regard to the Yukon Territory as our first order of business. To do that, I suggest, it would probably save time and give the members a lot of information, especially if the Chief Electoral Officer might say something in that regard.

Mr. N. J. Castonguay, Chief Electoral Officer, called:

The WITNESS: Mr. Chairman, in 1952 parliament gave me the power or responsibility of running the elections for the Northwest Territorial Council.

We have had two elections since then, and now, from what I understand, the Yukon Territorial Council would also like to hold their elections under the provisions of the Canada Elections Act. Their elections would be conducted under the Canada Elections Act with certain modifications which would have to be made because of circumstances in the Yukon, such as their qualifications of electors, and their qualifications for candidates. But in substance, with these exceptions, our Canada Elections Act, would apply to elections to the Yukon Territorial Council.

Briefly, that is the whole matter. They wish to have the Canada Elections Act apply to their elections and such elections administered by me.

Mr. CHURCHILL: How do they run them now?

The WITNESS: They run them themselves. They have their own regulations and electoral officer.

The CHAIRMAN: Does any member wish to make a comment?

Mr. MacDOUGALL: It is part of Canada and I can see no reason why, just because of their geographical position, that they should be excluded from being governed by the Chief Electoral Officer of Canada. So it seems to me a logical thing that they should have this.

Mr. NOWLAN: It is more like the provinces.

Mr. PALLETT: What particular purpose would be served by their coming under this Act?

The WITNESS: I am afraid that the only thing I know about it is that I was asked if I would have any objection to conducting the elections in the Yukon Territory in the same way as I do it now for the Northwest Territorial Council. I said I had no objections and I was prepared to do it if parliament approved.

The benefit would be—some people might call it a benefit—that at least their elections would be run under the Canada Elections Act, and they would be administered by me. I am not competent to answer the other matters.

Hon. Mr. PINARD: I think it would be a good idea if I interjected to suggest that possibly somebody from the Department of Northern Affairs might explain the conditions there and outline to the committee the reasons why they themselves made that suggestion. I understand that the suggestion was made by the Yukon Commissioners themselves. They saw what the experience was in the Northwest Territories and they seemed to be fully satisfied with the Chief Electoral Officer administering our Act, and they seemed to feel that he should be empowered to look after their elections. They feel the same thing could very well be done in the case of the Yukon Territories. So it might be a good idea, if the committee wishes, that somebody from the department should come and explain the background of this and give the committee every possible information as to why the department considers it should be done.

Mr. ZAPLITNY: Mr. Chairman, I understand that representations have been received. I wonder if they could be tabled?

Hon. Mr. PINARD: Yes. That is what I had in mind when I suggested somebody from the department could appear before this committee. I spoke to the minister about this and he has assured me that, if the committee wishes, somebody from his department could appear here and give every possible information available under the circumstances. I am not in a position to say exactly how it came about, but I know that the Yukon council itself has accepted that suggestion. Should I go further and say they themselves have suggested it, I am not sure. I think it would be the best thing for the committee to suggest that somebody from that department come here.

Mr. ZAPLITNY: I gather that there is no objection at all to hearing the explanation. I was wondering if this committee could have the actual representations tabled so we could see what they are asking for.

Hon. Mr. PINARD: If the minister in charge of the department sees no objection this could be done. But I would suggest that your steering committee might study the possibility of asking someone from that department to come here.

The CHAIRMAN: Is that agreed?

Agreed.

The next thing then is the franchise to Canadians living outside of Canada. The minister mentioned that there were four classes. They come into four classes, these Canadians in the public service of Canada, and Canadians not in the public service of Canada. The armed forces are already taken care of, and the wives of members of the armed forces, living abroad. What are the views of the committee in regard to extending the franchise to these Canadians living outside of Canada?

Mr. CARTER: In that category of people who are not public servants who are outside of Canada, they are everywhere all over the world. Are we going to limit them to any particular countries or specific groups?

The CHAIRMAN: I am not too familiar with it. I think I will have to call on the Chief Electoral Officer to express his views on the thing. He is familiar with these things.

Mr. CAVERS: Would those votes be tabulated to the constituency in which they had last lived when living in Canada or would they be entitled to say where they would be tabulated?

The CHAIRMAN: I think we should decide whether or not we are going to do it and then work out the details later when we come to the section of the Act.

Mr. CARTER: Could we have some information on my previous question?

The WITNESS: My predecessors and I have explored every avenue to provide extra facilities for Canadian citizens and British subjects to vote in this country and outside of this country. They arrived at the same opinion I have that our electoral system now does not permit providing these facilities to Canadians serving outside of the country because this would be mechanically impossible. It has been suggested that other countries of the Commonwealth do it, but I must remind the committee that in all other countries of the Commonwealth they have permanent lists, permanent electoral rolls, and with the permanent electoral rolls you have the basis for providing the mechanics to give extra facilities for persons to vote who are not only absent from the country but are also absent from their own polling division, within their electoral district or outside of their electoral district in Canada.

Mr. POULIOT: Mr. Castonguay, if you will permit me, I suppose, there is a group of Canadian citizens or British subjects in the United States and Canada who do not belong to the armed forces and an election comes along and naturally those who live in Canada are informed about the issues of the election. How could people who live outside be informed about the issues in Canada? Do they read papers? If they read a paper it might be a liberal paper with liberal information, or if a conservative paper with conservative information. Probably they would know nothing about the issues in Canada. I have some relatives who live outside Canada to whom I send *Hansard*. How do those who do not get *Hansard* know the issues? Some of those people who spend 5 or 10 years outside of Canada know nothing about the conditions in Canada and they would be making a blind vote. This is my first objection. In the second place, they have to be registered at the Canadian Embassy overseas and how can you figure it out. It will give more work to the embassies checking it. There may be a lot of people from Temiscouata who may live in Indonesia or anywhere else. Will I have to send circulars to them to inform them about the issues in the campaign here? In Canada we listen to the radio and read the papers we like. It is not the same thing for those who live outside. We have the British subjects and the Canadian citizens. A British subject has a right to vote here after he spends four months in Canada before the election time. Will he be entitled to vote in our election by being informed by the *London Times* which gives no information about Canada?

The WITNESS: I cannot answer those questions. I am not advocating that this system be adopted. I am merely explaining the mechanics it would take to provide extra facilities for electors to vote who are absent from their polling divisions in Canada or outside Canada. I am trying to explain the change which would be involved if such facilities are to be provided.

Some members of this committee have been candidates at the election with permanent lists in 1935. I think you will recall that that one experience turned out to be a failure. They had also provided absentee voting in 1935 and that experience also turned out to be a failure. At the same time this system is working out satisfactory in other countries and I now wish to explain to the committee the mechanics involved. Taking the vote of people who are not

only absent outside Canada but absent from their own polling division in Canada first you need as a basis a permanent list. A permanent list requires a biennial, triennial, or quadrennial revision.

That is where they have these permanent lists. These revisions are a house to house canvass. To a permanent list you attach these facilities. The first is by a postal envelope very similar to the envelope supplied to members of the Canadian forces. For people absent from their home polling division within Canada, they are supplied with a ballot and an envelope and they write in on a ballot paper the name of the candidate for whom they wish to vote in their constituency, and that ballot is placed in the envelope and put in the ballot box. The returning officer takes these envelopes and mails the postal envelopes to the pertinent constituency, and when they arrive at the constituency the returning officer checks over his permanent list to see whether John Doe is an elector of that constituency; secondly he checks the signature on this application to see if it is the same as the signature on John Doe's original application for registration on the list. The next safeguard is to check the poll book of the poll where the elector would normally vote to see whether John Doe has voted at that poll. Having satisfied himself on these three safeguards, first if the elector is qualified to vote in the electoral district, secondly that the signature of the elector corresponds with the elector's signature on the original application to be put on the permanent list and thirdly to check to see whether the elector has voted at the poll where he would normally vote if he were not absent, the ballot is then counted. Those residing outside Canada apply to the returning officer of the electoral district in which they are qualified to vote for a postal ballot. That ballot is then mailed out of the country and it is up to the elector to get it back to the returning officer of his electoral district by a certain date. There is a time limit, and members will see that time is a factor. The envelope might not get back to be counted. But when the envelope comes back, the signature of the voter is again checked against the original application of the elector to be put on the permanent list and again the poll book is checked to see whether the elector has voted in the poll he would normally vote if he were not absent, and after these checks have been made, the ballot is then counted.

A system of permanent lists would involve at least biennial revision. Members will recollect that with the 1935 permanent lists any change in a person's status as an elector had to be notified to a registrar by the elector himself. He has to go to the registrar to have his name added or struck off the list. In all other countries where they have a permanent list, they have a biennial revision at least made by a house to house canvass by election officers. It is done in the same manner as an enumeration in this country. The annual turnover is quite large. From figures I have here from the last national registration you will find that the difficulty of compiling a permanent list is great. There are a large number of changes that have to be recorded: the number of people coming of age; the number of people moving from their constituency; the marriages, the deaths: they would amount to at least a 30 per cent change of your list. You have all those changes to make in your permanent list each year. It would be quite a difficult thing to do. I want to give you this information to explain to you that in order to provide a system to permit people to vote when they are absent from their polling division within Canada or absent from their polling division outside of Canada—the basis of that system has been found to be a permanent list, and any country which provides these facilities has a permanent list. On a national basis we are the only country in the Commonwealth which provides a list after the election is ordered. All the other countries I know of have the permanent system of lists and that is the basis for all the extra voting facilities they provide for their citizens.

Mr. POULIOT: Do you not find that your task is heavy enough as it is?

The WITNESS: I am not advocating the adoption of this system, I am just trying to explain to the members the changes that would be necessary to provide extra voting facilities. Some people wonder why elections can be held in three weeks in England. The reason is because they have a permanent list. The electoral officer does not have to compile a list after an election is ordered. The list is always ready.

Mr. POULIOT: Take a British subject or a Canadian citizen who lives in Montreal and goes to Toronto. He votes in Toronto, he does not vote in Montreal.

The WITNESS: Under our present Act, Mr. Pouliot, if he takes up residence in Toronto and he is in residence at the date of the issue of the writ, he may vote in Toronto.

Mr. POULIOT: If he is there four months before the election.

The WITNESS: If he has residence in Toronto on the date of the issue of the writ he is permitted to vote in Toronto.

Mr. POULIOT: He is not only permitted, but he has a right to.

The WITNESS: That is the only place he can vote. But the only prerequisite for a British subject is he must be in the country for one year before the polling date. If electors change their place of residence in Canada they must have residence in a constituency on the date of the issue of the writ and it becomes the only constituency in which they are entitled to vote.

Mr. POULIOT: I come back to my first question. Will you tell me the gross number on the permanent list of 1934?

Mr. MACDOUGALL: While the Chief Electoral Officer is getting that information—

Mr. POULIOT: Let him answer my question.

Mr. MACDOUGALL: While he is getting the information. I could not agree more than I do with the hon. member for Temiscouata. Take the situation in my own city of Vancouver. Every day, in the city of Vancouver, for the 365 days of the year, there are more than 475 changes of address. If that occurs in Vancouver, I am quite sure that the same thing applies to the city of Montreal and also to Winnipeg and Toronto on a proportionate basis of population. Now, of this group of which we are talking, Canadians resident outside the confines of the dominion, the greatest percentage, apart from those already looked after in the armed services, are unquestionably residents of the United States. Now, for instance, take those people who have been in the United States previous to the last revision of the electoral code. They do not have the foggiest idea of what riding they live in. They might remember in a hazy way what riding they lived in 15 years ago, when they went to the United States, but how in heaven are they to know what riding they live in after there has been a redistribution and the boundaries have been changed? Possibly it is only a matter of two or three blocks in a large city riding, depending on whether they lived on the north side of such-and-such a street or on the south side. I cannot say that I entirely agree to loading our electoral officer with a problem that is, in my opinion, practically insoluble.

Now, remember this, that provincially in British Columbia we started a few years ago a policy of permanent lists. That was provincially, not federally. What happened to it? It was just like a dog tag. Every elector was supposed to be designated in the electoral office with a little brass tag. If he lived in Vancouver-Burrard during this election and decided to go into Cariboo, this little dog tag was supposed to be transferred to the riding of

Cariboo; and the same would apply to any other riding in British Columbia. There again, as the Chief Electoral Officer pointed out, the responsibility for keeping that list permanent and up to date was the responsibility of the individual elector. The upshot of that was this, that the individual elector did not care what the result was and there was a complete failure in the transferring of the permanent electoral list. You will find precisely the same thing will happen if you adopt some system of permanent rolls for elections in the dominion, which there would have to be in order to get any reasonable amount of those people. I use the United States as an example, because I think that most of our citizens would be there. It would mean an impossible task, especially, as the hon. member for Temiscouata has said, since many of those people are in the process of becoming American citizens and therefore naturally cannot vote as Canadian electors. If they vote, through ignorance, an unintelligent vote in a federal election in Canada, their American citizenship will be automatically cut off.

I think this whole thing is completely out of the question, and I certainly would oppose it in every stage through this committee because the responsibility of the electoral officer is impossible. He cannot make it work when there is no permanent list. Our present system of taking enumeration before the election is, in my opinion, the best system that we have yet devised in Canada whereby you will have the greatest number of Canadian electors voting on election day. That, above everything else, is, in my opinion, what a good Canadian citizen wants, that is what all the parties of the House want and the greatest number of their supporters want—that he vote. We can best attain that, in my opinion, through the method which we now have.

The WITNESS: I have the information for Mr. Pouliot. The number of electors registered in 1935 was 5,918,207.

By Mr. Pouliot:

Q. On the permanent list outside of Canada?—A. There were no lists compiled of electors residing outside Canada. The permanent list applied only to Canada, and there were no electors on such list who resided outside the country. The only Canadian citizens who have ever voted outside the country and for whom facilities have been provided to vote outside of Canada have been members of the Canadian forces. No one else has ever been provided with facilities to vote outside the country. During the last war the members of organizations such as the Y.M.C.A., Red Cross and other organizations providing amenities for the troops were given the privilege to vote with the Forces, but outside of these organizations no one has been provided facilities to vote outside the country. In 1935 it was strictly for electors residing in Canada.

Q. Take, for instance, the case of a Canadian who lived in Trois Pistoles and now lives anywhere in the United States. Since 1934, Trois Pistoles has been no longer part of Temiscouata. It is part of Rimouski. It belongs also to the provincial county of Riviere-du-Loup. If the Canadian who was a former resident of Trois Pistoles and who now resides in Nashua or Lawrence and writes to the registrar of Temiscouata county he will write to the wrong address. You did not answer my question, Mr. Castonguay, about the number outside of Canada. You have no information. How could those people who have been away from Canada for such a long time be informed of the issues at stake during a general election or by-election when they live far away and do not read Canadian newspapers? American and English papers mention nothing concerning Canadian politics except at times an item which is soon forgotten. How will they be informed so as to enable them to make an intelligent vote on election day?—A. I cannot answer that question.

Mr. ROBINSON (*Bruce*): It is a very interesting problem that you have on your hands. I begin to think that maybe it is too much of a package, because the greatest argument against it up to now has been about voting by people outside of Canada. My problem is not so much the people outside of Canada but people in Canada who during their lifetime are disfranchised about 95 per cent of the time. I come from a riding that has about 300 miles of coastline in it, on Lake Huron and Georgian Bay, and that means that we have many sailors there. I had occasion to drop a line to the secretary of the Warton Propeller Club asking him for suggestions regarding amendments to the Canada Elections Act so that these sailors would be able to poll a vote on election day, and also the number of sailors that were in that club. He has sent me a list of the sailors. There are 156 members in that one club in that one town. I venture to say that they are for 25 per cent of the time disfranchised. I had taken this up with the Chief Electoral Officer's father when he was Chief Electoral Officer, and he was very sympathetic. The present Chief Electoral Officer was also sympathetic. At that time they thought that the machinery for it would be too hard to set up. Probably with our new ways of doing these things there could be some machinery that would be able to work at the present time. I was very sorry to hear a member from British Columbia say that he would have no part and parcel of this amendment. Maybe it could be broken down.

The CHAIRMAN: I think that Mr. MacDougall was speaking on voting outside of Canada. There is no amendment, Mr. Robinson.

Mr. ROBINSON (*Bruce*): I think that this is too broad a discussion. It takes in outsiders along with our own people.

The CHAIRMAN: The question with which we are dealing at the moment is whether we are going to extend the franchise to Canadians living outside Canada, except the armed forces. I think that we had better deal with that now. Your point can be dealt with a little later.

Mr. ROBINSON (*Bruce*): The Chief Electoral Officer did mention the people that were in Canada but not in their ridings at a general election.

Hon. Mr. PINARD: I want to make it very clear that I do not necessarily advocate that we should go ahead and extend the right of franchise to all non-resident Canadians. I simply suggested that the committee might study that. That is what I understand is being done, and there is no suggested amendment to the Act to provide facilities for voting to non-resident Canadians other than the armed forces, who today are provided with such facilities. I did not advocate that an amendment should be made to the Act to include others. I think we all agree that we ought to try to extend the franchise as widely as possible, provided circumstances will allow. That is what is being done now; the problem is being studied to see whether other Canadians outside Canada can vote. That is the problem that the committee is presently studying. I just intervene now to state very clearly that I did not suggest that this should be done but just that a study of it be made.

Mr. RICHARD (*Ottawa East*): What facilities are provided for groups who are away from Canada at election time because of their duties for the government; for example, officials of the Department of External Affairs?

The WITNESS: Except for members of the Canadian forces, no voting facilities are provided to any other Canadian citizen outside the country.

Mr. RICHARD (*Ottawa East*): That is a problem, is it not? All these government groups that are away on all kinds of duties for the government might feel that they have a right to vote. It might be made easier for them to register a vote.

Hon. Mr. PINARD: In other words, if I may suggest this, in the case of foreign service officers, most of them are not out of Canada as a result of their own choice. They are posted overseas. So a study might be made of the possibility of extending the right of franchise to foreign service officers if it does not necessitate the preparation of a permanent list in their case.

Mr. POULIOT: I understand very well Mr. Robinson's view and what he said with regard to those people who have their families residing in Bruce county. That is a very different case from that of people who live away with their families. How could we ascertain that they will remain Canadians? There may be a small proportion. At the present time it seems to me that this discussion is irrelevant, because it is premature. My idea of the holding of elections is that the election shall be made by those who live in Canada, with the exception of the armed forces. The privilege is given to the Canadian armed forces because that is a special class. There is a special machinery for registering their vote overseas; the vote in those cases can be checked when the envelopes are given to the officer in charge of the unit. That is entirely different from correspondence from individuals who have left Canada with their families. We do not know where they are and we cannot try to look for them. We do not know whether they are registered. To summarize the whole question, I am in favour of having the vote taken in Canada by Canadians who live here, but making an exception only for the armed forces and in special cases such as that mentioned by Mr. Robinson for people who may be outside of Canada for a few days but whose families are still residing here.

Mr. RICHARD (*Ottawa East*): Mr. Chairman, I am not proposing anything, but I am still talking about this group of public servants who are not in the armed forces but who temporarily—maybe for a year or two years—are absent from Canada on government duty, perhaps as employees or as officers in embassies or missions or other government activity. That is quite different from a man who is residing for pleasure or on business outside Canada.

The CHAIRMAN: I think we should give consideration to categories such as sailors who wish to tabulate a vote. I think that possibly the same facilities may be set up for External affairs employees, who sometimes are away only during the elections.

Mr. ZAPLITNY: I should like to make a suggestion, with your permission, Mr. Chairman. It might result in a more orderly consideration of the matter. There are four main categories of people living outside Canada. For some of those, suggested amendments are available. For example, the armed services and, I would assume, their wives. For the others there are no suggested amendments. I would suggest that, if we are going to discuss the category who are not public servants and not in the armed services but are living outside Canada, it should be done on the motion of somebody in the committee who feels that that should be done. I would suggest that whoever raised it should make a motion and that we could have a discussion on that motion, complete the discussion, and then go to the next subject. If we do not do that, I am afraid that we are going to be jumping from one category to the other and we will finish up by making no decision at all. I make that suggestion because I think this is rather important. I would suggest that we begin with the first category mentioned, that is, persons living outside Canada who are not in the public service and not in the armed services. If someone wishes to make that motion—I personally do not wish to—I would be very glad to hear it.

Mr. HOLLINGWORTH: I will defer to Mr. Zaplitny to permit some discussion on this and make a motion.

The CHAIRMAN: He has not made a motion.

Mr. CHURCHILL: I suggest that this matter be referred to the steering committee. It is a larger problem than appeared when you introduced it. Let the steering committee decide what is going to be the order of procedure. I thought that this committee would perhaps deal with the amendments proposed by the Chief Electoral Officer. There must be 20 or 25 other problems that we might come to later on.

The CHAIRMAN: I think that this was brought about to decide in principle, and when we come to the amendment we could deal with it then. I think that the suggestion is a good one. A motion has been moved by Mr. Churchill, seconded by Mr. Nowlan, that this matter of extending the franchise to Canadians living outside of Canada be referred to the steering committee for action. All in favour say "Yea", all to the contrary "No".

Carried.

The next order of business is the suggested amendment to the Canada Elections Act. I will leave this to the choice of the committee, but I would suggest that it would save much time if we go through the Act and take it section by section. There will be some sections about which there will be no discussion whatever, but I think that by doing it in this way we will get along in a more orderly fashion and save time in the long run. Is it agreed that we take the Act section by section?

Agreed.

Section 1. This is just the title. First of all we have got to work both from the Act itself and from the draft amendments. We have to work on both books together. Section 1, as I say, is only the title. This Act may be cited as the Canada Elections Act. I think that is agreed.

Section 1. No change.

Mr. ZAPLITNY: Mr. Chairman, may I suggest that when these sections are called, reference should be made to any amendment which may be proposed, in case some of these sections should slip by.

The CHAIRMAN: Yes, they will be called. Subsection 14, of Section 2, is the first to be dealt with. Mr. Pouliot has a letter to the committee.

Mr. NOWLAN: Are we dealing with the suggested amendments?

The CHAIRMAN: The first one we have is subsection 14, of Section 2 and if Mr. Pouliot is not here now we could let that stand until later if members of the committee wish.

Mr. NOWLAN: I think our understanding was that we were going to go through the recommendations of the Chief Electoral Officer first and deal with them in toto, and then go back to deal with the mass of letters which were filed the other day.

The CHAIRMAN: Another suggestion has been made that we should deal with these matters as they come along.

Mr. NOWLAN: The Chief Electoral Officer told us they were all technical in nature, and we all have confidence in him, and I think we could clear this up more quickly than if we started to deal with some matters of principle suggested by third parties.

The WITNESS: The difficulty is that there are several suggestions from the public, candidates, members of the committee and others which, if accepted in principle, would affect some of my amendments.

Mr. NOWLAN: I don't think we should deal with them until we see them all printed.

The CHAIRMAN: That is right. It is a very good point. We have not got a copy of this letter with us, because it has been sent to the printing bureau in preparation for use as an appendix to the committee's proceedings. I think it would be better that we should go through the sections.

Clause 1, dealing with Paragraph (b) subsection 15 of Section 2 of the Act is the first for consideration. Do any members wish to make some comments on it?

The WITNESS: I have no remarks to make other than those contained in the explanatory notes.

Mr. PALLET: How can we deal intelligently with the recommendations of Mr. Castonguay and the letters without having them both before us? We shall have to rehash the whole thing again later on.

I think we had better deal with the recommendations first. We could then pass to our discussion.

Mr. ZAPLITNY: May I make another suggestion Mr. Chairman, that is that we go through these suggested amendments in relation to matters on which no recommendations have been received. We could proceed with those, and come to a decision. When we come to suggested amendments on which representations have been made, we could let them stand.

The CHAIRMAN: Very well. Is that agreed? Then we will follow that procedure.

Clause 1, subclause 1.

Agreed.

The WITNESS: I have some remarks to make about subclause 2. The Act now provides that the judge of a county court or a judicial district is responsible for the revision and the official recount. The judge also appoints substitute revising officers in the urban electoral districts. It was my experience in the last election that sometimes a senior judge was ill in hospital and there was no means of appointing substitute revising officers, or replacing substitute revising officers because under the present provisions the next senior judge cannot act in such capacity. This amendment, however, will authorize the next senior judge to take on this responsibility when the senior judge cannot. There are also some electoral districts in which a judge was absent from the judicial district, and the judge appointed to carry on his duties during his absence could not, under the present provisions, perform the duties required by the Canada Elections Act. We are proposing therefore that the Minister of Justice be given the power to designate a judge to act when these situations arise. That is the sole purpose of this amendment to sub-clause 2 of clause 1.

Agreed.

Mr. ZAPLITNY: May I ask whether any representations have been received in connection with this particular amendment.

The WITNESS: No, there were no representations received. Just the difficulties I had with this particular problem in the last election.

The CHAIRMAN: Clause 2 stands until we deal with clause 10.

Clause 3 stands until we deal with clause 32.

Clause 4.

Hon. MEMBER: Should it not be clause 3?

The CHAIRMAN: It has to stand until we deal with clause 32. We cannot pass it now because it has a bearing on clause 32, so it has to stand for the moment unless you want to go back and make a reference to it now. It would be better, I think, to go back to it after we come to clause 32.

Mr. CARTER: What is the purpose of Clause 4, Mr. Chairman?

The WITNESS: The statute revision committee made a slight error in changing the intent of that section and this amendment will restore the section to what it was previous to the changes made by the statute revision committee.

Mr. NOWLAN: I do not wish to be technical on questions of draftsmanship, but I do not recall ever having seen a reference before to "all that portion". Such a phrase might be better applied, perhaps, with reference to a portion of a pound of tea. I would have thought some other words would have been better.

The WITNESS: All these amendments were passed on by the Department of Justice, and this was their form of drafting.

Mr. NOWLAN: That does not increase my respect for them. That is the reason why you are in this trouble now, because the draftsmanship was so sketchy. However, I am simply reading the wording, I am not objecting to it.

The CHAIRMAN: Then clause 4 is agreed to.

Clause 5 has to stand until we deal with clause 32.

Clause 6, sub-clause (1).

The WITNESS: This is a mistake which has been in the Act for some time. Those words, upon its face, can be correct if there are only about 40 names on the list. The certificate of the returning officer will appear on the front of the list, but as you increase the number of names the certificate is on the last page, so the amendment is just remedial in that sense.

Agreed.

The CHAIRMAN: We are now on sub-clause (2).

The WITNESS: The amendment is to provide me with the authority to have lists of electors either mimeographed or typewritten in electoral districts where there are no printing facilities, and where, particularly in the electoral district of Burin-Burgeo we have been unable to have the list printed for the last two general elections. This will perhaps come up only in cases of emergency, but it will be most useful to be able to reproduce these lists, either through mimeographing or typewriting, so that they may be supplied to the candidates for election purposes.

Mr. CHURCHILL: You may have printing facilities and still not be able to get the work done in the time allotted.

The WITNESS: Yes. We have this difficulty. I know at the last general election there was one constituency where there were no printing facilities, and the list was returned unprinted, and I know of another place where we had to scramble to find a printer to do the work. There are occasions when lists do come in, to late to print, especially in remote and sparsely settled electoral districts, where if lists are received in sufficient time before polling day they can be mimeographed or reproduced, and they can then be given to the candidates. Primarily this is to give me authority to have the lists mimeographed when there are no printing facilities and time does not permit them to be printed. Also in remote places we can have them mimeographed and given to candidates before polling day. I do not want to use this power to have the lists printed in this way after polling day.

Mr. NOWLAN: My point is would this permit you to have it mimeographed where there are printing facilities existing but there is no time?

The WITNESS: Yes, it will.

Agreed.

The CHAIRMAN: Sub-clause 3 is consequential to the amendment in clause 1 which has just been agreed to. It deals with Rule 17, schedule A of Section 17 of the Act.

The WITNESS: The only change of substance there is that where there is no judge the Minister of Justice shall appoint such judge,—where there is no judge in a judicial district.

Agreed.

Mr. PALLETT: What is the purpose of amending rule 23?

The CHAIRMAN: We have not got to that yet.

Page 4, rule 20, schedule "A" of Section 17 of the Act. Any remarks on that?

The WITNESS: Rule 20 as it presently stands provides that the returning officer shall, as soon as he conveniently can after the receipt by him of notice of the issue of a writ for an election in his electoral district, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of the boundaries of such revisal districts.

I have been stretching that a bit; in fact I wrote to returning officers the issue of writs to revise the polling divisions and group them into revisal districts. It seemed necessary to have this amendment in order that I must have this work done before the writs issue. It is necessary so that we will be able to ascertain how many revisal officers are required for the purposes of an election. As it is now I do give instructions to returning officers prior to the general election to revise the polling arrangements of their constituencies and at the same time I wish to instruct them supported by Statute to establish their revisal districts so that the preliminary work is all done before the issue of the writs wherever possible.

Agreed.

Mr. PALLETT: As a matter of administration, how do you know ahead of time who your officers are going to be?

The WITNESS: Returning officers are appointed on a permanent basis and they can only be removed for cause. They are appointed pursuant to section 8 of the Act and may only be removed by the Governor in Council for cause. If a man is over 65 or if he ceases to reside in the constituency, he may be removed from office, but his appointment is on a permanent basis. We have a turnover of about 80 returning officers at every general election, returning officers who resign or who have died.

Mr. PALLETT: About 35 per cent?

The WITNESS: Where there is a vacancy I try to have that vacancy filled as soon as possible.

The CHAIRMAN: Sub-clause 5 of clause 2.

The WITNESS: I received representations from returning officers to the effect that if they put the full description of the revisal district in the notice it would be about 15 to 20 feet long, and they suggested to me it might be sufficient just to put the numbers of the polling divisions instead of putting the long description on the notice, so I am submitting that suggestion to the committee now for consideration.

Mr. CAVERS: Is that sufficiently descriptive to enable the people to know that the revision has taken place in the district in which they reside?

The WITNESS: Yes. All it does is give in the notice of revision, the days of revision, the hours of revision, the name of the revising officer, the address where he will sit, the hours he will sit, and a description of the revisal districts in the constituency.

By Mr. Nowlan:

Q. Where will a person be able to inquire should he wish to have this information made available to him?—A. In every urban polling division we send a list of electors to each household, generally speaking, and if it happens that a person does not receive one, then his neighbour may have received one, or he can inquire from his neighbour, or phone the returning officer, or contact the political parties.

Q. There is an arrangement; is there, under which political organizations can get a copy of the description of the boundaries?—A. Notice of revision is sent to each candidate.

Q. What I am getting at is this. You suggest we do away with this long detailed description, and you may be right in that, but it has got to be available somewhere, at least for the political organizations.—A. As soon as they have finished their revisions, my instruction is to supply all the candidates and recognized political organizations in the constituency with a copy of the descriptions of the polling divisions and the revisal districts.

Q. Is it the practice that political organizations anyway would get a copy of the description of the boundaries?—A. Notices of revision are sent to each candidate.

Q. You say—and I think you are probably right—that these long detailed descriptions should be omitted, but they have to be available somewhere, at least for the political organizations.—A. As soon as the revision of the districts is finished we supply to the candidates or the political organizations in the constituencies a copy of the descriptions of each polling division and a copy of the descriptions of the revisal districts, as a matter of practice. Each candidate is also entitled to receive a certain number of copies of the notice of revision.

Mr. CARTER: With regard to these revisal districts, would that be practicable in a coastal area like mine?

The WITNESS: This applies only in a constituency with urban polling divisions.

The CHAIRMAN: Does subclause (5) carry?

Mr. CHURCHILL: What about rule (24)?

The CHAIRMAN: That is consequential to rule (26).

Subclause (6). Rule (26) of Schedule A to Section 7 of the Act.

The WITNESS: This amendment represents a small change in the method of revision in urban constituencies. It is set up for Monday, Tuesday and Wednesday, the 21st, 20th and 19th days before polling day, so that on those three days, notices of objection are sent to electors by the revising officer. An elector may go before the revisers officer to object about a name on the list. Then a notice is sent by registered mail to the person who is being objected to. During the actual sitting for the revision, the question of whether, the name of such elector should stay on or go off the list is dealt with by the substitute revising officer. That is dealt with on Thursday, Friday and Saturday. On the Monday, Tuesday and Wednesday, notices can be sent to the electors only. They do not deal with them until Thursday, Friday or Saturday. What I am proposing here is that we do away with those first three days, Monday, Tuesday and Wednesday, and that on Thursday and Friday notices of objections be sent to the electors, and that on the following Tuesday the revising officer will sit to deal with the notices of objection, and that the notices of objection will not be dealt with on the Thursday, Friday and Saturday.

Now, there are two reasons why I am suggesting this. At present these lists are mailed on the Saturday previous to the Monday when the notices of objection are sent. Also the printers have to have a period of about 14 days to print the list. Invariably, on the Saturday the political organizations and the electors have not a chance to examine the lists before those three days begin. Throughout the whole of Canada, in all the polling divisions in this country, only 1,800 names were struck off the urban lists at the last general election. The reason for making it Tuesday only is that these notices have to be sent at the latest by Friday and you have to give time for them to reach the electors. If it were Monday, it is conceivable that the electors might not have received them by registered mail in time, but by holding it on Tuesday the notice will have arrived and the electors will have an opportunity to appear if they so desire. By the way, the onus of substantiating that a person's name should not be on the list rests with the person making the objection, but the person may appear, if he so wishes, before the revising officer.

With the proposal, I believe that more time will be allowed for the public and for candidates and political organizations to scrutinize the lists before the sittings of revision begin. By dealing with the notices on the following Tuesday, on the one day, I think that there is ample time for the revising officer to deal with these notices of objection. Considering the number that we had at the last election, dealt with by 700 revising officers, I think that one day is ample. If in any particular revising district the traffic is such that one day is not sufficient, I have powers under section 99 of the Act to extend that time, but on the whole I think that one day is sufficient. This suggestion was made by Judge Forsyth of Toronto. It is in one of the letters here. He recommended this change, not in its complete form. He suggested that the revising officer deal with the notices of objection on Monday. I thought that Monday would be too soon for the mail facilities to reach the elector who has been objected to. By making it Tuesday, every letter posted by registered mail certainly would have reached the electors concerned by Monday, and he has Tuesday to appear before the revising officer if he so wishes. All this applies only in urban polling divisions. I have every confidence that this will be successful because the traffic that revising officers have had to deal with in the past does not indicate that they will be unable to deal with these matters in one day. At present the revising officers must sit for one hour only on each of the three days from 10 to 11 a.m. On this Tuesday they have to sit for the normal hours, from 10 to 11 a.m. and from 7 p.m. to 10 p.m., that a revising officer normally sits on Thursday, Friday and Saturday. So the actual amount of time is the same, but that time is confined to one day.

The CHAIRMANS Is subclause (6), rule (26) agreed?

Agreed.

We go back to rules (23) and (24). That is in subclause (5) at the bottom of page 4.

The WITNESS: That refers to the five copies of the notice of revision mentioned in rule (23). The only changes are that the words "mentioned in Rule (23)" have been added and the word "three" has been deleted in the last line.

The CHAIRMAN: Shall rules (23) and (24) carry?

Agreed.

Subclause (6), rule (27).

The WITNESS: That is the same principle previously accepted. If you accept the principle of changing the sending of notices of objection to Thursday

and Friday, and the objections to be dealt with on the following Tuesday, then this amendment is consequential to the acceptance of this principle. It is just a change of days.

The CHAIRMAN: Is rule (27) carried?

Agreed.

Rule (28).

The WITNESS: It is the same change.

The CHAIRMAN: Is rule (28) carried?

Agreed.

Subclause (7), dealing with rule (32).

By Mr. Churchill:

Q. What is the procedure if the revising officer is not sitting during the evenings of Thursday, Friday and Saturday or if he goes home?—A. The Act places the responsibility for the revision of urban lists squarely upon the judge. Whenever complaints of that nature are made to me, I inform the judge that the substitute revising officer is not carrying out his duties. I think that the principle of placing responsibility on the judge is to have the matter controlled locally. The judge appoints the substitute revising officers. A complaint of that nature should be made to the judge, and the substitute revising officer would sit.

Q. But it becomes too late. If you are attempting to put the names on Saturday night, and the revising officer is not there, then what do you do? You are too late.—A. I do not know what can be done beyond extending the period of revision.

Q. While we are reviewing this, could you think up some means of making it possible to deal with that situation? A complaint can be laid afterwards, and the revising officer can be dealt with, but getting the name of the elector on the list is the important point at that moment.—A. Possibly the only way to deal with it is to send me a telegram and I will get in touch with the judge right away. If a complaint were lodged with me that the revising officer was not sitting on Saturday night, I would extend that period of revision to the following Monday, so that those names could be dealt with. I have the power to extend the period of revision. If a revising officer failed to sit on Saturday night and for this reason names could not be added to the list, I would extend the period to Monday and make him sit on Monday.

Q. When are you on duty?—A. 18 hours a day for 60 continuous days, including Sundays. I do not think anybody has had any trouble reaching me during the last election, nor my predecessor when he was in office.

The CHAIRMAN: Is rule (32) carried?

Agreed.

Subclause (7), dealing with rule (33).

By Mr. Zaplitny:

Q. I notice that rule (33) refers to an application for registration being made by an agent, and the word "agent" appears in the other rule. I wonder if the Chief Electoral Officer could tell us how wide that term "agent" is in this context? Is it restricted in any sense, or can any person appear?—A. Any elector of the electoral district may appear as an agent.

Q. Provided he is a qualified elector?—A. Provided he is a qualified elector.

The CHAIRMAN: Does subclause (7), rule (33) carry?

Agreed.

Subclause (8), dealing with rule (36).

The WITNESS: The only change is to Tuesday.

The CHAIRMAN: Does rule (36) carry?

Agreed.

Clause 7, "Proclamation by returning officer."

The WITNESS: With regard to this particular problem, it seems that in the last two elections the writs were issued on a Friday. Under the present provisions the returning officer is required to print and distribute those proclamations within 48 hours after telegraphic notice of the election. At the last general election the writs were issued on Friday and some printing establishments were not open on Saturday. I might say that the history of this provision was that it used to be that on receipt of the actual writ he had 48 hours to print the proclamation. The writ was mailed to the returning officer and a period of time would expire between the sending and receiving, but now a telegraphic notice is sent by the Chief Electoral Officer, and the returning officer cannot comply with this provision. We want to give the returning officer the time to obey the law.

The CHAIRMAN: Is clause 7 carried?

Agreed.

Clause 8. Stands.

Clause 9. Stands

Clause 10: Sub-section (6) of Section 31 of the Act "Central polling place"; "Polling station in adjacent polling division".

The WITNESS: With regard to clause 10, the present provision of the Act enables me to authorize central polling stations in incorporated cities and towns with a population of 10,000. This problem exists in cities with a population of over 10,000 now, because at the last general election and the one previous it was very difficult to find a polling station within the limits of the polling division. More and more the returning officers are finding difficulty in securing adequate premises for polling stations within the respective polling divisions. So I would suggest and I am submitting for your consideration that this power be extended to me in all cases.

Mr. PALLETT: That would have the effect of making the elector travel some distance to vote.

The WITNESS: It is subject to my approval. I would not authorize it if it were possible to find premises within the polling division. That is the guiding principle that I try to instil in all returning officers, to try to find a polling station within the polling division. However, it is not as easy as it was before the war. On a rainy morning people do not want to find 200 people tramping through their homes. If it begins to rain on Monday they refuse to let people in the house and another polling place has to be found. I feel that I need this power, because we ran into a great deal of difficulty at the last general election with that problem.

Mr. CHURCHILL: What do you mean by "any locality"?

The WITNESS: Take, for example, the polling division surrounding a school. It would be the locality around such school.

Mr. NOWLAN: At the moment you are limited to cities and towns of 10,000?

The WITNESS: I am, but I must confess that we had to ignore this to some extent at the last election because we could not find suitable places for polling stations. We obtained the approval of all candidates in the constituency and we were able to get around this problem in that way, but I would like to have the statutory power to overcome these problems.

Mr. ZAPLITNY: Is it assumed that in the case where a polling place has to be changed at the last minute adequate notice will be given and it will be advertised or made known to the electors as soon as the change is made?

The WITNESS: The procedure we follow to advise electors depends on the time element. Should the location change for these reasons and there is time, a card is mailed to each elector telling them that the polling station has been changed. But in those cases that come up on the Monday morning before the poll opens we have signs printed and we usually try to instruct the polling officer to have someone there to inform the electors as they come to that poll to go to the other poll. We try to provide other facilities, but it depends on the time that we have on hand.

By Mr. Churchill:

Q. Normally you will establish a polling station in each polling division. In cases where that is difficult you pick a school or something of that kind?—A. Whatever is available.

Q. Can there be an arrangement whereby it might be suggested in some constituencies to use central places rather than these houses in each poll? Would you first exhaust the house situation before you apply this particular section?—A. I have always instructed returning officers to exhaust the houses first, because the more convenient the polling station is to the electors of the polling division, the greater facilities there are for the electors to vote in that polling division. But where local conditions and local customs and usage are such that people vote in a central place, we do not try to discourage those customs. Provincially and municipally there are established habits in voting, and where the local custom or usage is to have a central polling place and no one objects to it, we will allow that to continue, because we are not going to try to disturb the customs and habits of people who have voted in this manner for years and years. But we do try always to have returning officers wherever possible to establish a polling station within the limits of the polling division.

Mr. CAVERS: Can a polling place be established in a place other than a house—can it be set up in a garage, and so on?

The WITNESS: We have had them in trailers. We set them up wherever we can. In some very residential areas they will not even give you a garage. The situation is such that generally speaking whatever is available in the polling division is used.

By Mr. Carter:

Q. I have been wondering if it would not be possible to have a travelling booth. In my district, many people have to come from the Island perhaps as far as four or five miles away. It may be that women would have to row up in boats, and they cannot do it, but if we had a small travelling booth, it could take in all these places, and I think it would not cost any more than the present system.—A. Committees in the past have examined the question of travelling polls and I have observed that they have approached the subject in a very cautious manner, because a travelling poll is difficult to control. I recall one experience in Newfoundland, in one of the referenda, they had a cutter go up the Labrador coast. This cutter spent three weeks in that area among 2,000 offshore fishermen and potential voters, and only some 273 votes

were recorded. Their experience was that during the day time the fishermen would say: "We are too busy fishing, come back later." And later on, when it was night, and the cutter returned, the fishermen would all be asleep.

Q. I was not thinking of that kind of situation. I was thinking about a visit being made to one little settlement after another. We have people who have to row five or six miles to the booth which is not practicable, particularly if the day is stormy or windy. I do not see why you cannot have a little boat with a booth on it and then perhaps travel about 20 miles in the course of a day.—A. There would be difficulties—you would have to have agents on the boat and you would have very little control. If this situation exists, I would rather establish a polling station for the convenience of whomever, as you say, would have to row five or six miles. I am afraid the suggestion made would remove all the normal safeguards required for a polling station.

Q. In a settlement where there are only 50 people you do not need a day to vote.—A. In a settlement of 50 people we will put a polling division there.

Q. There are a lot of settlements where there are 50 people in my area who did not have one.—A. They must have been cases where the polling official was not looking after his work. A poll can be established for as few as seven or eight electors who would have to go fifty miles to vote. The returning officer has the responsibility of establishing convenient polling divisions for the convenience of the electors.

The CHAIRMAN: Subsection 6 of clause 10 dealing with section 31, of the Act, is agreed to?

Mr. PALLETT: I am generally opposed in principle to the central polling place with this wider provision in the rules. I do not say you should not have a larger discretion since you suggest that a wide discretion is very important, but I am of the opinion that such discretion should be limited. I can conceive of circumstances where a mile might be a long way for a voter to travel in an urban constituency. Is there some way in which you could limit the distance in urban municipalities?

The WITNESS: It is not a question of discretion, but of the availability of premises for polling purposes.

Mr. PALLETT: Sometimes it is a matter of convenience. If you tell your returning officers that they must secure premises, premises will be found. If on the other hand you say he can put the polling station four miles away, he will put it four miles away.

The WITNESS: As you know this can only be done with the prior permission of the chief electoral officer. The guiding principle which the returning officer must follow is to find a polling station within the division. I shall want to know if it is possible to find places before giving my permission. If you try to limit this it will be ineffective because this situation exists in constituencies of 60,000 to 70,000 people, as it does in the case of constituencies of 25,000 people. It exists in every urban constituency and more so in residential constituencies because people are not prone to rent their houses for polling places and we cannot even get garages sometimes.

Mr. NOWLAN: As long as we have the present Chief Electoral Officer I do not think we need to worry about administrative matters. I suppose the only limitation we could put on this would be to say that no more than a certain number of districts shall be grouped together. As it is, theoretically, in the city of Winnipeg you could make everybody in the city vote in one building.

The WITNESS: I could, but—

Mr. NOWLAN: I know, you would not do it. Would it not be possible, to allay any doubts, to say that the number grouped would not exceed, for example, 10 or 15, or 20 polling districts? I think it should be possible to put

a limitation on there as to the number of districts which should be included in any central polling place. That would also give you protection in case some local officer should try to put something over you.

Mr. CAVERS: I think it should not be more than five.

The WITNESS: I would like to bring some of the practical problems to the attention of the committee. I know of one case in Prince George. For instance, where you have enough electors for about ten polling divisions. They vote in the one place, the Central Community Hall, Prince Rupert; there is one voting place because of local practice. They prepare the lists alphabetically. People with surnames beginning from "A" to "C" vote in one compartment and so on. I do not think there are many places like Prince George where the centralization of more than eight or nine divisions occurs in one place. Five, I think, would be too low. It is all a matter of availability. If the places are not available I cannot commandeer a house or place within a polling division. It resolves itself, as I said, into a question of availability, and I know there may be some doubt about the availability of suitable places. I do not get many requests of this sort, but when I get them I try to find out whether there is solid grounds for centralization.

Mr. ZAPLITNY: At the present the Act says:

The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish in any city or town of not more than ten thousand population a central polling place whereat the polling stations of all or any of the polling divisions of such city or town may be centralized, and upon the establishment of such central polling place all provisions of this Act apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

You do not have that limitation on availability, and I would suggest as a matter of general principle that you should put a qualification in there, and perhaps have a saving clause that if you were satisfied premises were not available you could go beyond it.

The WITNESS: If I may refer the committee to section 31 of the statute which you have before you you will see there that it is definitely stated that a polling station shall be established in each polling division. This is the situation. You have your primary condition there. The Act is quite clear. This is an exception which I do not think has been used very much. I do not receive many requests for it to be applied. I am not afraid of any abuse of this power by the returning officer.

Mr. NOWLAN: I would be inclined to think that ten are plenty.

The WITNESS: I will agree with that.

Mr. NOWLAN: With a saving clause that if nothing is available then you would have a further recourse.

The CHAIRMAN: Then this amendment is carried, subject to further amendment.

The WITNESS: Subsection 7 is next. We have a situation where a street divides the polling divisions—and it might not be possible to find premises to hold a polling station in one of the polling divisions while right across the street, in another division, suitable premises are available. That is you cannot get premises in one, but right across the street, you can get them in the other. This would give us power to establish a polling station in an adjoining polling division.

Clause 10 dealing with subsection (7).

The CHAIRMAN: Clause 11. This amends subsection 10, section 50 of the Act.

Mr. NOWLAN: I would like to ask a question here, though it does not fit exactly into the subsection itself. I want to know what is the situation about instructing deputy returning officers in dealing with spoiled ballots and rejected ballots. I know this subject comes up in section 50. In one case known to me, the deputy returning officer confused spoiled ballots and rejected ballots and as a result very often placed rejected ballots in the envelope designed or marked for spoiled ballots, and on a recount under the law the judge was not allowed to open the spoiled ballot envelope. Therefore if rejected ballots had been inadvertently placed in the spoiled ballot envelope they could not be counted on a recount.

I have known instances when various recounts in which I have acted where as many as five rejected ballots in one poll had been included in the spoiled ballot envelope either deliberately or accidentally and as a result the judge could not count them. I urge that we give very specific instructions to the deputy returning officer to make absolutely certain that the rejected ballots are placed in the envelope designed for that purpose and so avoid the confusion between them. They may be spoiled ballots or rejected ballots which many returning officers apparently thought amounted to the same thing.

The WITNESS: Every one of our election officers is in possession of a book of instructions which make it perfectly clear what is involved in the case of a spoiled ballot paper.

Paragraph 29 reads this way:

29. Spoiled Ballot Papers. An elector who has received a ballot paper may, before he has handed it back to the deputy returning officer to be put in the ballot box, obtained a second ballot paper on the ground that he has inadvertently spoiled the first. In any such case, the spoiled ballot paper will be handed back to the deputy returning officer by whom it will be defaced and placed, without being inspected, in the spoiled ballot paper envelope (Form 68). Within reasonable limits the word of the elector that he has spoiled a ballot paper will be accepted. An elector's right to obtain another ballot paper in lieu of one he has spoiled is not limited to one, but, after an unsuccessful attempt, he should have a very good explanation of a second failure to mark his ballot paper as he desires.

Mr. NOWLAN: Section 50 says specifically he will count the spoiled ballot papers, and I do not see anything in the section about that.

The WITNESS: There is a statement which he has got to complete, and he has got to account for the number of ballot papers supplied to him. I do not know how you can simplify these things. You are dealing with the human element. If they read this book and follow the instructions it will be done well. We have made tests with people who have read this book, and they do the work perfectly, but it is very hard to be sure that they always read and follow their instructions. But our instructions are very clear and we have never had any complaints about the manner in which they are drafted. The deputy returning officer at the poll has no statute to deal with, all he has is this book of printed instructions which we give him. I know it may be difficult for a layman to know the difference between a spoiled and a rejected ballot, but if he will read the book and follow the instructions, I do not see how he can make a mistake.

Mr. NOWLAN: I am not suggesting these instructions should be made more explicit. I am saying they just do not follow them.

Mr. CAVERS: May I ask one further question? You say that the deputy returning officer shall transmit. Is there any objection to newspapers putting in a special sheet to facilitate their calculation of the result?

The WITNESS: We do supply mimeographed instructions as to how these results shall be collated for the information of the Canadian public, and we have stressed the way in which they are supposed to give this information out. We have run into a few electoral districts where they have a much better system than our own because of local conditions and is better than anything we could devise to work on a national basis. Where that system is working, we allow it to continue. However, I may add that the system we recommend to returning officers, generally, has given satisfactory results. But naturally in certain constituencies the local system, which has been working for years, is better and therefore we will not insist that our system be used.

The CHAIRMAN: Shall clause 11 carry?

Agreed.

Clause 12. This deals with subsection 2 of Section 54 of the Act. Shall that carry?

Agreed.

Clause 13. Section 59 of the Act.

The WITNESS: This is suggested because after the last election and in the midst of my work when I could very ill afford to leave Ottawa I received subpoenas to produce documents which consisted of a writ, proclamation and so on, and I had to produce them to the court in person. The present section would enable me, if the court so desires, to send this in the manner set out in this amendment. It would not necessitate my personal appearance just to produce documents.

The CHAIRMAN: Shall clause 13 carry?

Agreed.

Clause 14. This is an amendment to paragraph (b) of subsection (3) of section 94 of the Act.

The WITNESS: There are problems with this, particularly in the electoral district of Esquimalt-Saanich where there is no incorporated town, city or village and we were not able to establish an advance poll at the last election. This amendment will permit the establishment of an advance poll in such a case. The late Rodney Adamson made similar representations because we had one in the electoral district in one end of his constituency and not in the other. I thought that by amending this subsection it would permit the establishment of more advanced polls.

Mr. HARRISON: I know in the last election in my own riding a large number of people were disenfranchised by reason of the weather that day. The establishment of the bombing range is right on the interprovincial line and a lot of my constituents were just over the border in Alberta working at Cold Lake and they had made arrangements for buses to bring them back, but they are all mud roads up there and the conditions on election day were such that I would think a great 300 missed their vote.

I have approached the returning officer and he said that the only way that the poll could be set up was that it had to be set up before the writ was issued.

I think some provision should be made that the Chief Electoral Officer in the electoral district should have some judgment as to whether he could put in advanced polls.

The CHAIRMAN: I am informed that there is considerable correspondence in regard to advanced polls and until that correspondence is before all the members of the committee it would be better to let that stand and we can deal with it when we get the correspondence.

Clause 14 stands.

The CHAIRMAN: Clause 15. This deals with Section 100, subsection (1) paragraphs (c) and (e) of the Act. Are there any remarks in regard to that amendment, Mr. Castonguay?

The WITNESS: This amendment is just to bring it into line with the Yukon Territory. These persons cannot act as election officers in the Yukon Territory and I thought the members would like the same thing to apply to the Northwest Territories.

The CHAIRMAN: Shall the proposed amendment carry?

Agreed.

Clause 16. Dealing with Section 109, subsection (1) of the Act.

The WITNESS: That section is on the revision. If you agree to this principle, which you did, it is a consequential amendment.

The CHAIRMAN: Shall the amendment carry?

Agreed.

Clause 17. To amend Section 114 of the Act.

The WITNESS: This is again due to the Statute Revision Committee. They omitted this particular clause in the revision and I am asking that it be restored. There is no change in principal involved. It is just the restoration to its former provisions.

Agreed.

The CHAIRMAN: Clause 18. New Section 115 (1) to the Act.

The WITNESS: As you will remember the revised statutes came into force on September 15, 1953, and all pamphlets, my forms, my books of instruction, everything then became obsolete because certain sections had been renumbered and because certain forms had been repealed, other forms had to be renumbered, and at the first session of this parliament a bill was passed to authorize me to use my handbooks of instruction and forms until the next general election. I would like to see this provision in the Election Act in the event of any further revision of statutes or any re-enactment of the Canada Election Act because it takes about six months to reprint all our handbooks and the last time I was quite worried because we just finished the general election and had accounts to tax and also could have been faced with by-elections for which we would not have had any documents which could have legally served for a by-election. We do think this situation may exist again and this amendment is the same in substance as the bill passed at the parliament in the first session of parliament.

Mr. PALLETT: Does that mean that the instructions for the next general election can also be covered.

The WITNESS: No. The power given me authorizes me to use these until the next general election.

The CHAIRMAN: Shall clause 18 carry?

Agreed.

Mr. CARTER: I move that we adjourn and that the next meeting be at the call of the chair.

The CHAIRMAN: The meeting is adjourned.

The committee adjourned.

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Vol. 1
Part 1

HOUSE OF COMMONS

Second Session—Twenty-second Parliament

1955

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 3

TUESDAY, MARCH 15, 1955

CANADA ELECTIONS ACT

WITNESSES:

Mr. F. J. G. Cunningham, Director, Northern Administration and Lands Branch, Dept. of Northern Affairs and National Resources; Mr. Nelson J. Castonguay, Chief Electoral Officer.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

MINUTES OF PROCEEDINGS

House of Commons,
Room Sixteen,

TUESDAY, March 15, 1955.

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Bourque, Cardin, Carter, Cavers, Churchill, Ellis, Hansell, Harrison, Lefrancois, MacDougall, MacKenzie, McWilliam, Nowlan, Pallett, Richard (*Ottawa East*), Robinson (*Bruce*), Viau, White (*Waterloo South*), and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; and Mr. F. J. G. Cunningham, Director, Northern Administration and Lands Branch, Department of Northern Affairs and National Resources.

The Chairman presented a report of the Subcommittee on agenda and procedure.

After some discussion thereon, on motion of Mr. Lefrancois, the said report was adopted.

(*For report see today's Minutes of Evidence*).

Mr. Castonguay was recalled.

With the permission of the Committee, the Chairman invited Mr. Cunningham to address the Committee. The latter read a letter from Mr. W. J. Brown, Commissioner of the Yukon Territory, wherein were expressed the Council's wishes concerning a revision of the Elections ordinance.

Mr. Cunningham was questioned on the proposal, and Mr. Castonguay as well, on the points involved by the implementation of the Yukon Territory Council's request.

The Chairman thanked Mr. Cunningham for his attendance before the Committee and it was agreed that he again would attend, if necessary, when the Committee considered the amendments proposed by the Chief Electoral Officer to carry out the wishes of the Yukon Territory Council.

The Committee thereafter proceeded to the section by section study of the Canada Elections Act.

Section 1. No change made.

On Section 2.

A letter from Mr. J. F. Pouliot, M.P., was read to the Committee, whereafter;

On motion of Mr. Lefrancois.

Resolved,—

That subsection 14 of Section 2 of the French version of the Act be repealed and the following substituted therefor:

(14) "heures du jour" et toutes les autres mentions de l'heure dans la présente loi ont trait à l'heure solaire;

Also that Clause (g) of paragraph 4 of the French version of the Regulations, contained in Schedule Three to the Act, be repealed and the following substituted therefor:

g) "heures du jour" et les autres mentions de l'heure dans les présents règlements se rapportent à l'heure solaire;

On motion of Mr. Lefrancois.

Resolved,—

That (1) Paragraph (b) of subsection (15) of said section 2 of the Canada Elections Act, chapter 23 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor:

(b) in relation to any place or territory within a judicial district, other than the judicial district of Quebec or Montreal, in the Province of Quebec for which a judge has been appointed, the judge so appointed, or where there is more than one such judge, the senior of them;

(2) Subsection (15) of section 2 of the said Act is further amended by deleting the word "and" at the end of paragraph (d) thereof and all the words following paragraph (e) thereof, by adding the word "and" at the end of paragraph (e) thereof and by adding thereto the following paragraph:

(f) in relation to any place or territory in Canada where there is no judge as defined in paragraphs (a) to (e) or a vacancy exists or arises in the office of any such judge or where such judge is unable to act by reason of illness or absence from his judicial district, the judge exercising the jurisdiction of said judge, and if there is more than one judge exercising such jurisdiction, the senior of them, and if no judge is exercising such jurisdiction, any judge designated for the purpose by the Minister of Justice.

Section 2 being the interpretation section of the Act, it was agreed that further study thereof be deferred until the Committee had completed all other sections of the Act, due to the fact that suggested amendments if accepted may necessitate consequential amendments to the said interpretation section.

Sections 3 to 10, inclusive, were studied without any change being made.

Section 11 was stood over for study at a later date.

Sections 12 and 13 were studied without any change being made.

On Section 14, a resolution from the United Electrical Radio and Machine Workers of America, District 5, Council, Toronto, and an extract from the 1954 memorandum to the Government of Canada by the Trades and Labour Congress of Canada, were considered by the Committee.

In view of the fact that a bill on this subject matter was presently before the House, it was agreed to defer study of this section to a later date.

On Section 15,

On motion of Mr. Cavers,

Resolved,—

That all that portion of subsection (3) of section 15 of the said Act following paragraph (c) thereof is repealed and the following substituted therefor:

(d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate, the total number of persons employed under this paragraph not to exceed one for each five hundred electors in the electoral district; the official agent shall

communicate the name, address and occupation of every person employed under this paragraph, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station.

Section 16 was stood over for study at a later date.

On Section 17,

On motion of Mr. Cardin,

Resolved,—

That (1) All that portion of subsection (5) of section 17 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day; the printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by the Chief Electoral Officer; the preliminary lists of electors for every polling division printed by the returning officer shall bear the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be as follows:”

(2) Section 17 of the said Act is further amended by adding thereto immediately after subsection (5) thereof the following subsection:

“(5a) Where by reason of lack of printing facilities or of time or for any other reason, a returning officer is unable to cause the preliminary list of electors for any polling division to be printed in accordance with the requirements of this Act, he shall, wherever possible and with the prior approval of the Chief Electoral Officer, cause such list to be reproduced by any other means, and a preliminary list so reproduced shall, for the purposes of this Act, be deemed, except in subsections (6) to (8), to be printed: the preliminary list for every polling division reproduced by the returning officer under this subsection shall bear a certificate by the returning officer that such reproduction accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be the same as is provided for printed preliminary lists by paragraphs (a) and (b) of subsection (5); where a preliminary list is reproduced in accordance with this subsection, the returning officer shall furnish the Chief Electoral Officer and each candidate with two copies thereof.”

On Schedule A to Section 71

Communications from Mr. Maurice C. Punshon, Mr. M. A. Myren, and Mr. Egan Chambers were considered by the Committee.

On motion of Mr. Viau,

Resolved,—

That Rule (17) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (17). For every urban polling division, the judge as defined in subsection (15) of section 2 is the *ex officio* revising officer.”

On motion of Mr. Richard,
Resolved,—

That 1. Rule (20) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

“Rule (20). The returning officer shall, when so instructed by the Chief Electoral Officer, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of such revisal districts.”

2. Rules (23) and (24) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

“Rule (23). Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14 listing the numbers of the polling divisions comprised in every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors and stating the day and time during which such revisal office will be open; at least four days before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district; immediately after the printing of the notice in Form No. 14, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the notice mentioned in Rule (23) to be posted up outside of and near to the revisal office where he will sit to revise the lists; the revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the days of sittings for revision.”

On motion of Mr. MacKenzie,
Resolved,—

That rules (26) to (28) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

“Rule (26). The sittings of the revising officers for the revision of the lists of electors shall be held on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and, subject to Rule (36), on Tuesday, the thirteenth day before polling day; such sittings shall commence at ten o'clock in the forenoon on those days and shall continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of; moreover, on each of those days, every revising officer shall sit at his revisal office for the revision of the lists of electors from seven o'clock to ten o'clock in the evening; if any of those days is a holiday as defined in the Interpretation Act, the day for the commencement or continuation of the sittings for revision may be postponed accordingly.

Rule (27). At the sittings for revision on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of

- (a) personal applications made by electors whose names were omitted from the preliminary list;
- (b) sworn applications made by agents, on Forms Nos. 17 and 18, on behalf of persons claiming the right to have their names included in the list of electors, pursuant to Rule (33); and
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary list.

Rule (82). During the sittings for revision on Thursday and Friday, the eighteenth and seventeenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than Friday, the seventeenth day before polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection."

On motion of Mr. Cavers,

Resolved,—

That Rules (32) and (33) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"*Rule (32).* Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate list of electors at the sittings of the revising officer for such revisal district Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer shall deem necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record sheets as an accepted application for registration in the list of electors of the polling division where such person resides.

Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 17 exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elector; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising

officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

(8) Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor:

"Rule (36). Where under Rule (28) any objection has been made on oath in Form No. 15 to the retention of the name of any person on the preliminary list and the revising officer has given notice under that Rule to the person of such objection in Form No. 16, the revising officer shall hold sittings for revision on Tuesday, the thirteenth day before polling day; during his sittings for revision on that day, the revising officer has jurisdiction to and shall determine and dispose of all such objections of which he has so given notice; if the revising officer has given no such notice he shall not hold any sitting for revision on the Tuesday aforesaid."

On Schedule B to Section 17

A letter from Mr. M. A. Myren, with reference to "time for enumeration" was considered. However, it was agreed that no change be made to the said Schedule B.

On Section 18

On motion of Mr. White (*Waterloo South*),

Resolved,—

That lines one and two of subsection (1) of section 18 of the said Act are repealed and the following submitted therefor:

"18. (1) Within two days after the receipt of the writ of election or within six days after he has been notified".

Sections 19 and 20 were studied without any change being made.

Section 21 was stood over for study at a later date.

Section 22 was studied without any change being made.

Section 23 was allowed to stand for study at a later date.

Sections 24 and 25 were studied without any change being made.

On Section 26

The representations by Mr. Egan Chambers, in connection with the appointment of Deputy Returning Officers and Poll Clerks, were considered.

After a lengthy debate thereon, the said section was stood over and further study thereof postponed to the next sitting of the Committee.

At 12.30 o'clock p.m., the Committee adjourned to meet again at 10.30 o'clock, Thursday, March 17.

Antoine Chasse,
Clerk of the Committee.

EVIDENCE

MARCH 15, 1955

10.30 a.m.

The CHAIRMAN: Gentlemen, we have a quorum. We will call the meeting to order. As the first order of business, I should like to give you the report of the subcommittee on agenda and procedure:

"The subcommittee met at 3.30 o'clock p.m., Monday, March 14, at which time the following members were present: Mr. McWilliam (*Chairman*), and Messrs. Cardin, Cavers, Hansell, MacDougall, Nowlan and Zaplitny.

The subcommittee made a study of the communications tabled before the committee on Tuesday, March 8, as well as the suggestion contained in the address by the Secretary of State, Honourable Roch Pinard.

Your committee recommends:

1. That, in respect to the communications tabled before the committee, the procedure laid down in the resolution passed by the committee on Tuesday, March 8th, be adhered to.

2. That on Tuesday, March 15, the committee hear a representative of the Department of Northern Affairs and National Resources, in connection with the suggestion that the Chief Electoral Officer act in the case of the Yukon Territory as electoral officer in a conduct of elections in that section of Canada in the same way he does in respect of the election of the members of the Northwest Territories Council.

3. That again on Tuesday, March 15, following the hearing of a representative of the Department of Northern Affairs and National Resources, and time permitting, the committee proceed with its section by section study of the Canada Elections Act.

4. That on Thursday, March 17, the committee hear representatives of both the Department of External Affairs and the Department of National Defence in respect to the question of creating facilities to allow Canadians residing abroad to exercise their franchise and comprised of the following groups:

- (a) Canadians abroad who are members of the public service, such as the officers of our missions in foreign countries or in countries of the Commonwealth;
- (b) Wives of the members of the Canadian forces who reside abroad with their husbands.

Following this, time permitting, that the committee resume section by section study of the Canada Elections Act."

Is it agreed that the report be adopted?

Moved by Mr. Lefrancois, seconded by Mr. Carter.

MR. ZAPLITNY: Mr. Chairman, before we adopt that—the first recommendation is not too clear. It says:

That, in respect to the communications tabled before the committee, the procedure laid down in the resolution passed by the committee be adhered to.

To what resolution does that refer?

The CHAIRMAN: On Tuesday, March 8, the committee discussed matters of procedure and future meetings. It was unanimously agreed that the committee should first proceed with a study of the Canada Elections Act, section by section.

Mr. ZAPLITNY: On what page of the report is that?

The CHAIRMAN: On page 6, the second last paragraph, in the first report of our proceedings and evidence. We decided at that meeting that we would study the Act, section by section.

Mr. CHURCHILL: In connection with that study section by section, does that mean that we are going to deal first with the recommendations of the Chief Electoral Officer?

The CHAIRMAN: No. This means only that we are going to go through the Act, section by section. As each section to which amendments are proposed are reached the said proposed amendments can be dealt with at that time. I think that will save time. I think that we should go through the Act section by section, in case any member wants to bring up anything in any one section.

Mr. ZAPLITNY: In other words, that provides for a different procedure from that followed at the previous meeting, where we took the amendments?

The CHAIRMAN: Yes. We did that more as a time-saver. It was the only business before the committee, and we went over to the suggested draft amendments at the last meeting, because the correspondence was not before the committee in printed form at that time, and we felt that we should not proceed with it, section by section, until such time as all the correspondence in printed form was before the members of the committee.

Mr. ZAPLITNY: Does that mean that at today's sitting we should go through the Act, section by section?

The CHAIRMAN: Provided that we have time after we hear the representative of the Department of Northern Affairs and National Resources.

Mr. CHURCHILL: It is conceivable that this committee might not complete its deliberations during this session. The original purpose of the committee was to consider proposals advanced by the Chief Electoral Officer, which are quite obviously non-controversial, as far as we have seen up to now, and are improvements in the field of administration. I thought that our conclusions the other day were that we would complete that and then get into this other matter of correspondence, suggestions and all the possibly controversial problems that might be brought forward.

The CHAIRMAN: As you know, we have already agreed on the procedure, on Tuesday, March 8. At that meeting it was agreed that we take the Act section by section. My personal opinion is that it would save time if we did that. I believe that we shall still have time enough to deal with the first part of the terms of reference, that is the amendments to the Canada Elections Act. It has been the procedure in the past, I understand, to deal with it section by section. Some sections may possibly take some time, but many sections in the Act will not require any time.

Mr. ZAPLITNY: With respect to sections in which a proposed amendment to a particular section will require a consequent amendment to another section which does not immediately follow it, will we skip the intervening sections and go on to others which are affected?

The CHAIRMAN: We could follow that procedure and let that section stand, if that is the wish of the committee.

Mr. HANSELL: I suppose that we could always revert to previous sections.

Mr. CHURCHILL: I am not quite clear as to why we are departing from the terms of reference.

The CHAIRMAN: There is no departure from the terms of reference.

Mr. CHURCHILL: As I see it here, it says:

That the Standing Committee on Privileges and Elections be instructed to study the several amendments to the Canada Elections Act, and amendments thereto, suggested by the Chief Electoral Officer.

That is the first thing, and everything else follows.

The CHAIRMAN: That is true, but in the past they have taken it section by section, because they felt that would save time. We can tie them all in together as we proceed with the Act. I think that the members who have sat on the committee before know that the committee followed that procedure, and there never seemed to be any question as to the propriety of that or the fact that it was probably a better procedure.

Mr. CHURCHILL: There is a difference of opinion. I do not think it is. I think it would be tidier to deal with the suggestions of the Chief Electoral Officer, and having dealt with them we would not have to make any further reference to them.

The CHAIRMAN: It has been proven by the fact that the same procedure was used in previous committee meetings that it is an orderly method. We will get on with the business as designated in the terms of reference. The question is on the motion of Mr. Lefrançois—is it agreed to adopt the report of the subcommittee on agenda and procedure?

Carried.

We have with us this morning Mr. F. J. G. Cunningham of the Department of Northern Affairs and National Resources. With the committee's permission, I will ask him to make a statement, in connection with elections in the Yukon Territory.

Mr. F. J. G. CUNNINGHAM (*Department of Northern Affairs and National Resources*): Mr. Chairman and gentlemen, there is in the Yukon Territory a territorial council comprised of five members who are elected every three years. The last election was in 1952, and the next will be in 1955. In the past the procedure for the operation of the elections has been under the Yukon Elections Ordinance, which required a returning officer to be established by local nomination of the Commissioner of the Yukon Territory. On the 4th December, 1954, the Commissioner of the Yukon Territory wrote to the Deputy Minister of the Department of Northern Affairs and National Resources, as follows:

Dear Mr. Robertson,

Proposed Elections Ordinance

When Mr. G. V. LaForest of the Department of Justice was here during the last session of the Territorial Council, he made enquiries as to what were our wishes concerning a revision of the Elections Ordinance.

Our present Ordinance is not a good one. At times arbitrary decisions have to be made on points not covered by the Ordinance in order to make it work.

Having in mind the difficulty of rewriting our present Ordinance, I think that a short Ordinance might be passed making the Canada Elections Act and regulations apply *mutatis mutandis*. The Ordinance could also give the Chief Electoral Officer of Canada authority to run the election. It is realized that the Canada Elections Act might have to be amended to impose this duty upon him, but in the absence of an amendment, his consent might be obtained if authority is given by Ordinance.

The Council discussed the matter and expressed their agreement and approval to having the federal law apply to a territorial election. I would appreciate it if this matter could be taken up with Mr. Nason and the Department of Justice for their opinion.

Yours sincerely,

W. G. Brown,
Commissioner.

The matter was taken up with the Department of Justice and with the Chief Electoral Officer and an agreement was reached to place before parliament the amendment which you are now considering, with the consent of the Minister of Northern Affairs, the Minister of Justice and the Chief Electoral Officer. I might add that this would bring electoral procedures in the Yukon Territory in line with the present procedures in the Northwest Territories where, since representation was given, calling for territorial elections in the Northwest Territories, the Chief Electoral Officer has run the elections in that territory with complete satisfaction to everybody concerned. If there are any questions, Mr. Chairman, about any points, I should be glad to answer them.

The CHAIRMAN: Thank you, Mr. Cunningham. Does any member wish to ask Mr. Cunningham any questions?

Mr. NOWLAN: From whom was this letter?

Mr. CUNNINGHAM: W. G. Brown, the Commissioner of the Yukon Territory.

Mr. NOWLAN: Writing on behalf of the commissioners?

Mr. CUNNINGHAM: Writing on behalf of himself and his council.

Mr. ELLIS: What are the main weaknesses in the present system which we can correct by changes?

Mr. CUNNINGHAM: Chiefly questions of interpretation. The election ordinance is fairly long, fairly comprehensive and fairly complete, but each election at the present time must be operated by a returning officer who is an unskilled person residing in the territories. Often questions as to whether or not a man should have the right to vote under certain circumstances or whether or not you can put a name on the list and so forth must be interpreted by an unskilled person. These things are fundamental, because they concern the jealously guarded rights of the individual. It is thought that if the Chief Electoral Officer is given authority to run the election, things will be smoother and these small difficulties will not arise.

Mr. CARDIN: What is the population of the Yukon?

Mr. CUNNINGHAM: The population is approximately 9,000.

Mr. CARDIN: You are not just counting the voters now?

Mr. CUNNINGHAM: That is the total population. Mr. Simmons might correct me if I am wrong, but I think that approximately 1,500 vote in the elections in the Yukon.

The CHAIRMAN: Are there any other questions?

Mr. ZAPLITNY: How many members of the council are elected?

Mr. CUNNINGHAM: All five are elected for a three-year term.

Mr. CHURCHILL: Is this agreeable to the Chief Electoral Officer? Has he time to undertake this type of duty?

Mr. N. J. Castonguay, Chief Electoral Officer, called:

The WITNESS: We have to prepare the election documents, forms and hand-books of instructions for the elections of the Northwest Territorial Council, and I do not see where it is going to present any additional hardships in that way. We can handle those elections if parliament approves.

Mr. HANSELL: Might I ask this question? The question that arises in my mind is this: are we adopting the correct procedure? In other words, through amending the Canada Elections Act here, are we imposing something on the Yukon Territory rather than having the people of the Yukon Territory do the thing themselves and then following in line by amending the Canada Elections Act? That is a point that is of interest to me, because the Yukon Territory and the Northwest Territories can be likened to a province in a sense—territorially anyway. I am wondering if it is the correct procedure for parliament to act first in the matter. Perhaps you might be able to give some counsel along that line.

Mr. CUNNINGHAM: Mr. Chairman, might I point out that the request for this action has come from the Commissioner and his Council. There are many analogies to the federal government's running this sort of service in the territories. It is quite true that they are quasi-provincial in their nature, but they are far from reaching provincial status. In provincial responsibilities where skilled assistance is required, they do lean on the federal government in both territories. For example, administration of education in the Northwest Territories is an expensive function, and is supplied as a territorial function by officers of the federal government without charge to the territorial government. All the schools in the Northwest Territories are run by federal civil servants, and the territorial government simply pays a per capita fee to the federal government for the education of children for which it is responsible. Another example is in connection with public health; in the Northwest Territories the chief officer of health of the territories is a federal employee who serves gratis. I could develop other analogies as well, because in a number of respects the territorial government asks the federal government to provide services of a purely provincial nature, chiefly based on financial considerations. It is cheaper and more satisfactory to get expert assistance from the federal government than to provide the services themselves as a territorial responsibility. Does that answer the question?

Mr. HANSELL: I think so, as long as we can satisfy ourselves that they desire it.

The WITNESS: The only thing that we would be imposing on the council would be the mechanics of the Canada Elections Act. They still set their own qualifications for electors and for candidates, because those sections applying in the Canada Elections Act do not apply to the Northwest Territories elections.

Mr. NOWLAN: That was the question I was going to ask, whether we will not be interfering with their qualifications.

Mr. CAVERS: The officials are all from the territory?

The WITNESS: All from the territory, with the exception of my normal staff.

May I refer you to section 114 of chapter 23, where it says:

(3) Sections 14, 16, 19 and 20 do not apply to Northwest Territories elections.

Sections 14 and 16 deal with the qualifications of electors and rules as to the residence of electors. Sections 19 and 20 deal with the qualifications and disqualifications of candidates. But the mechanics do apply to these elections.

Mr. NOWLAN: If this is only a question of mechanics, I personally would be satisfied to accede to this request, but if the matter had gone further it would be something we would have to consider carefully.

The CHAIRMAN: Is it the wish of the committee that the Chief Electoral Officer prepare the necessary amendment?

Mr. ZAPLITNY: Before we go on to that, I should like to ask another question in relation to the letter that was quoted. I am not familiar with the way in which the Territorial Council does its business, but I would personally have expected that there would be a formal resolution from the council asking us to do these things. All we have is a letter saying that the commissioner has discussed it with the council and that they are agreeable. Perhaps that is the way in which they do their business, but it seems slightly informal to me. I would feel happier about it if we had a formal resolution from the council as such, requesting that the committee should take certain action. Perhaps someone more familiar with the way in which the council does its actual business of government might explain to us whether this is the regular way of communicating their recommendations to this government.

Mr. CUNNINGHAM: The point is well taken that it is informal. If informality is a fault, certainly we are at fault. The relations between the Minister of Northern Affairs and the commissioners of the Yukon Territory and the Northwest Territories are on an informal administrative basis. Probably the reason for that is primarily this, that the commissioner of each territory is an officer of the Department of Northern Affairs, and therefore there is a much closer tie than there is between the federal government and the provinces. Mr. Brown, the Commissioner of the Yukon Territory, is an administrative officer on the staff of the Northern Affairs department. There has grown up a pattern of reference, not by resolution, but by informal contacts. Very frequently, when the deputy minister of our department wants to know what the Yukon council thinks on any matter he writes to the commissioner and says, "Canvass these people and see what they think, and tell me." It is done informally, on that basis.

Mr. ZAPLITNY: This is not entirely clear to me. I can imagine that in ordinary circumstances this procedure might be sufficient, but here we are asked to do something that is fairly important to the territory. Personally I would like to know the wishes of all the members of that council. If we had a formal resolution which stated what each commissioner wished, then we would feel safe that that is the opinion of all the members of that council. Of course, the majority rules, and they might split three to two on it. If it were not unanimous, I think that we should know.

The CHAIRMAN: In the last paragraph of Commissioner W. G. Brown's letter of December 4, 1954, to Mr. Robertson, the Deputy Minister of the Department of Northern Affairs and National Resources, Mr. Brown says:

The council discussed the matter and expressed their agreement and approval to having the federal law apply to a territorial election. I would appreciate it if this matter could be taken up with Mr. Nason and the Department of Justice for their opinion.

I think it is quite clear from that letter that the commissioners are certainly in agreement that something should be done in the matter, and that is the way in which they presented their case. It is probably not in the form of a resolution, but it is probably as much of a resolution as you can get from the commissioners. I do not think that there is a great deal involved in it, anyway. As was explained by the Chief Electoral Officer, it is not such a great change.

Mr. SIMMONS: May I be permitted to say a word on this? The Territorial Council have signified their agreement and approval that the people of the Yukon have no objection at all, that they are talking for the people of the Yukon. I would be very pleased to support it.

Mr. CARDIN: I think perhaps Mr. Castonguay would be able to answer this question. If this proposed amendment goes through, does that mean that it would make for uniformity of the mechanics of elections throughout the country? Would there be any other group that would be subject to this?

The WITNESS: I do not think that would be the primary purpose. I do not think uniformity is a consideration in this matter. I think it is just a desire to have the mechanics of the Canada Elections Act applied to their elections.

Mr. CARDIN: Effectively, would that be the result?

The WITNESS: That would be the result. The Northwest Territories elections are held under the Canada Elections Act, and with this amendment the Yukon council would also be under the Canada Elections Act. There would be that degree of uniformity, in so far as these elections are concerned, with the federal elections held in these territories.

Mr. NOWLAN: I do not know anything about the Yukon, but in regard to making up the voters' list of 315 and so on, does that compare roughly with the mechanics applying today? How do you make up a list in an area where a distance of 200 miles intervenes between different families, and so on?

The WITNESS: The mechanics apply to federal elections in the Yukon and Mackenzie districts, and naturally we have difficulties in so far as distances are concerned, but there are provisions in the Canada Elections Act which help to overcome those difficulties. We have not received any complaints in so far as the working of the mechanics of the federal election held in the Yukon and the Northwest Territories. The last two elections that were held for the Northwest Territorial Council were held under the Canada Elections Act, and I received no complaints from candidates or from official agents, in so far as the working of the mechanics in the Mackenzie district was concerned. I do not know what difference there would be between the system presently used and ours. I must confess that I have not studied the Yukon elections ordonnances.

Mr. HANSELL: Evidently ours would be an improvement; otherwise they would not ask for it.

The WITNESS: I have not studied the present Yukon method, but they seem to want to use ours.

Mr. HANSELL: At least there would be uniformity between the two.

The WITNESS: Between the two territories?

Mr. HANSELL: Yes, and the federal elections that would be held there.

The CHAIRMAN: Can the committee agree?

Mr. ZAPLITNY: I have one more question. What would be the first occasion on which they would be able to use this machinery? When is the next election due?

Mr. CUNNINGHAM: 1955, but I think that the intent is to apply this first to the 1958 elections.

The WITNESS: I could not possibly modify the Canada Elections Act for the general election in 1955. It would be for the subsequent elections.

Mr. ZAPLITNY: It would be approximately three years before they would make use of it?

The WITNESS: I will be prepared to hold by-elections after 1955 and the next general election after 1955.

Mr. HANSELL: Do they have a stipulated time for their elections? Are they periodical?

Mr. CUNNINGHAM: Every three years.

The CHAIRMAN: Does any other member wish to ask any questions? Does the committee agree in principle that the Chief Electoral Officer should proceed to prepare the amendment and present it to the committee? The Chief Electoral Officer has it prepared now. We will pass it around for your study. We will not ask the committee to deal with it this morning, but you will have a chance to study it.

Mr. CUNNINGHAM: I wish to thank you very much for your attendance at the committee this morning and for your kindness in answering all the questions and giving us an outline of what is involved in this matter and how the Northwest Territories commissioners feel as to the necessity for some change. I thank you for your attendance.

Mr. HANSELL: When this particular amendment is proposed, it might be as well for Mr. Cunningham to return, as we may have some questions that are pertinent at that time.

The CHAIRMAN: I think that is a good point. Is it agreeable to the committee that, when we deal with this amendment, Mr. Cunningham be asked to appear before the committee again, in case there are further questions?

Agreed.

The CHAIRMAN: Following the order of business, we will now deal with the Act respecting the franchise of electors and the election of members to the House of Commons.

Section 1. Short title.

No change.

Section 2. Definitions. Subsection 1—Advance poll.

The CHAIRMAN: I am advised by the Chief Electoral Officer that section 2 is the interpretation section, and that we will let this stand and deal only with the ones on which we have received correspondence.

Agreed.

Subsection 14.

The CHAIRMAN: We have a letter from Mr. Pouliot, which is on page 9 of the report of proceedings.

The WITNESS: Mr. Chairman, I think that I concur in Mr. Pouliot's suggestion, inasmuch as at the last general election this expression "heure normale" gave rise to some confusion. I have been informed that "heure solaire"—is an expression that is better understood in the province of Quebec. My returning officers tell me that this gave rise to a great deal of confusion. We formerly used the expression "heure solaire",—but it was changed to "heure normale". I cannot find the reason why it was changed, but it might have been just in the translation. I concur in Mr. Pouliot's suggestion.

Mr. CAVERS: That does not change the English translation?

The WITNESS: No, just the French version.

Mr. LEFRANCOIS: I so move.

The CHAIRMAN: Mr. Lefrancois moves the adoption of the amendment.

The WITNESS: It appears in subsection (14) of section 2 of the Act (French version) also in clause (g) of paragraph 4 of the French version of the regulations. I have copies of the amendment, if members wish it.

The CHAIRMAN: Shall the motion carry?

Carried.

Section 2, subsection (15).

The CHAIRMAN: We dealt with that at our last meeting and the committee carried subsection (15). That is on page 1 of the draft bill, in the explanatory notes. Mr. Lefrancois now moves its adoption—shall it carry?

Carried.

The CHAIRMAN: The remainder of section 2 stands until we deal with the Act.

Section 3, on page 456 of the Act.

No change.

Section 4.

No change.

Section 5.

No change.

Section 6.

No change.

Section 7.

No change.

Section 8.

No change.

Section 9.

No change.

Section 10, "Returning officer to open and maintain an office."

By Mr. Churchill:

Q. Section 10 says that every returning officer shall open and maintain an office in some convenient place in the electoral district. What is a convenient place?—A. Mr. Chairman, at the last election, the same difficulty arose as to offices for returning officers as to premises for polling stations. The returning officers cannot open an office until the writs issue. The practice is that they keep an eye open before an election is ordered for a Red Cross station, church basement or some community hall—whatever is convenient and whatever is available in the constituency—for their offices. But they are not empowered to open an office until the writs issue. That presents quite a difficulty for returning officers. It is a question of availability. At the last election they used church basements, community halls, stores, if they were empty—and there were few of those—and they obtain every variety of premises. It depends on what they can get.

Q. I am not so much concerned with the nature of the actual buildings, but in a large rural territory there is a difference of opinion as to convenience. The returning officer might very well be in an isolated section of a constituency rather than at the main centre of population. Have you any jurisdiction over that, as to where these returning officers carry on their duties? It does not matter where they live; it is a matter of where they carry on their duties during the election.—A. Usually the most convenient place for a returning officer to get for his office is where he lives, in these rural districts. If he had to open an office 50 miles away, he would have to establish residence there or commute between his place of residence and his office. Every constituency presents a different problem in that respect. Our constituencies range from 385,000 square miles in area down to half a square mile. I agree with you that there could be a wide difference of opinion in every constituency as to the convenience of the locality where the office of the returning officer is established but there is also the returning officer to consider. I believe that he is more readily available to the public where he lives. But we have moved the offices

of returning officers to a more central location on representations being made through the local organizations to the returning officer that he should have his office in a more central place. Where we have done that, we ran into the complaint that the returning officer is not always available, because he naturally has to commute to his home and cannot always be in his office. That is the difficulty with the location of the offices of the returning officers.

Q. I ran into an interesting experience last fall. The returning officer in the constituency to which I refer was living in an area where only two-thirds of the population were living. He was not anywhere near the main town. He was out of the way and hard to approach. You could not even get him on the phone. Apparently he did not keep his office open. What do you do about a case like that? The returning officer must be within reasonable reach of all the candidates and the candidates' official agents. In that particular area he might as well have been at the north pole most of the time.—A. That difficulty presents itself in many of the constituencies. A returning officer has to do a great deal of travelling, and he cannot always be available in his office. I have nothing to do with the selection or appointment of the returning officers, and I do not know whether the returning officers are selected on a basis of the convenient locality where they live, but where representations have been made to a returning officer and a returning officer has asked me for authority to establish his office in a more central place, I have given him that authority, and I have also authorized a certain amount of mileage for commuting, based on the distance between his office and his home.

Q. He would make those representations asking you to authorize him to establish himself in a more central location?—A. Those I have received have come from the local political organization through the returning officer. The returning officer has then in turn asked me for authority to establish his office in a more central place. We have done that on two or three occasions. I think that in a large rural constituency there can be a vast degree of difference of opinion as to what is actually the most convenient place for the location of the returning officer's office. The further the office of the returning officer is located away from his home the more difficult it will be for him to be available in his office as he has to do a great deal of travelling to select his enumerators, to get his polling stations and select his deputy returning officers. He cannot be available in his office at all times during the period of the election.

The CHAIRMAN: Might I ask this question of Mr. Castonguay at this point? If the returning officer is not available, is his clerk available, at least within reason?

The WITNESS: Most of the rural returning officers use their homes as offices, and that is provided for in the tariff. I find that, generally speaking, if the returning officer is not there, somebody in the family will answer the telephone. Certainly the returning officer in the rural area who does not use his home will not be as easy to reach as the one who does, but we have not had too many complaints in that insofar as the convenience of the location of the office of the returning officer and the availability of the returning officer to candidates are concerned. In the city it is a different proposition, because there is a great deal more clerical work to do. His election clerk is really a full-time employee, but in the rural districts there is far less clerical work to do than in an urban constituency. So the returning officer in most cases uses his home as the office. His wife or members of his family may answer the telephone and pass messages to the returning officer when he comes home, or she can send them to him if she knows where he will be on that day.

By Mr. Churchill:

Q. Is there any provision for the returning officer to have an additional telephone, if he so desires?—A. If he so desires, and if the traffic warrants it, we authorize the installation of additional telephones.

Q. It rests with the returning officer as to whether these facilities are installed?—A. We tell them in our instructions that we will authorize the expenditure for additional telephones if the traffic requires it. For instance, in the collection of election results we authorize them to put in additional telephones. If the returning officer claims that the traffic is heavy enough to justify it he may have extra telephones installed. The returning officer is in a better position to judge his local needs. You cannot cover it with a general instruction, but he may write to me, and if he puts up a good case for an extra telephone, I will authorize it.

Q. If he is indifferent to the problem and does not install extra telephones and is not concerned with the rapidity of the returns coming in on election day, what recourse have you then?—A. When complaints are made to me, I move fairly fast on them and bring them to his attention. I find out exactly why he is not giving the required service.

Q. It would be applicable then only to the following election?—A. Most of our difficulties come up in that way. During the period of the election, if a complaint is made and if there is sufficient time, I can usually remedy that problem. On the night of the election we tell them to put in extra telephones. We have a system which we have designed to cover election returns, but a great deal of the delay in election returns is not the fault of the returning officer. At the closing of the poll, we instruct the D.R.O. that if there is no telephone he should send a telegram; otherwise it comes by mail. I do not think that we should go to the expense of paying a D.R.O. mileage for 50 miles to get a ballot box in that night solely for the purpose of getting the results that night. Where there is a telegraph, he sends the result in "collect" to the returning officer. The D.R.O. in the poll may close his poll and forget to telephone. There is the human element involved and the returning officers on many occasions have no control over that. In this particular case, I would certainly be glad to take up any complaint you may have with the returning officer in regard to the collection of the election results.

Q. You would not have the information available now, but could you get information to indicate to the committee when the returns on the Selkirk by-election reached you?—A. I have that. I do not require the returning officer to send in results until after he holds his official count.

Q. Ten days later?—A. And after the period for a recount expires. It is six days after the offered count. Then I get the official returns on the recapitulation sheet, signed by the judge if there is a recount. After a general election, results usually do not begin to come in until about two weeks after polling day. In a constituency like the electoral district of Selkirk, there are many polls, the results of which take a day or two to come in, because there are no telephone facilities. In the northern part of that constituency it is very difficult.

Mr. HARRISON: In my riding they have taken two weeks, on several occasions. Certainly no D.R.O. could bring a ballot box in there. He would have to charter a plane and maybe fly it 400 miles. There are no telephones or wire services.

The WITNESS: There was also the problem at Selkirk of getting aircraft in to collect the ballot boxes in one or two places. In a large sparsely settled constituency if you get 80 per cent of the returns in that night it is very good work. In an urban constituency there is no reason why they should not be

in within three hours, but in a sparsely settled electoral district like Selkirk and many others it is a different matter. For instance, in the Saguenay district we did not get the returns until six weeks after the elections from the polls at Hudson bay, James bay and Ungava bay.

Mr. CHURCHILL: There are no communications.

The WITNESS: No, there are no communications in some of those places. The Labrador coast presents the same problem. In any electoral district that borders on the Northwest Territories or Hudson bay, James bay or Ungava bay, there will be difficulty in getting returns in on time on the night of the election.

Mr. CARTER: Is the remuneration of the returning officers laid down in the Act, or does it vary in individual cases ?

The CHAIRMAN: That is laid down in section 60. Is section 10 agreed to? No change.

Section 11, "Revision of boundaries of polling divisions."

The CHAIRMAN: There is a draft amendment, on page 2, which was carried by the committee at our last meeting.

Mr. PALLETT: It was not carried!

The CHAIRMAN: I am sorry. It was stood over. Now, section 11 of the Act stands.

(Revision of boundaries of polling divisions.)

Section 12—"Chief Electoral Officer to decide what polling divisions are rural or urban respectively: exceptions in certain cases; rural polling divisions."

Mr. CHURCHILL: This says that the Chief Electoral Officer has power to decide and he shall decide what polling divisions are rural or urban respectively.

Mr. HARRISON: Has this anything to do with a possible restriction of advance polls?

The CHAIRMAN: No. It is the ordinary polling division.

Section 12. Is there any change?

Section 13. "Supplies for returning officers."

That has to do with the supply of election material by the Chief Electoral Officer. There is no change.

Section 14. "Qualifications". We have two letters in regard to this section and they concern the lowering of the voting age.

Those letters can be found at page 10 of the first report of our proceedings.

What is the pleasure of the committee? Do you want us to deal with it or to have it stand?

Mr. VIAU: Are we now on clause 13?

The CHAIRMAN: No, clause 14.

Mr. ZAPLITNY: There is a bill before the House to deal with that, so we had better let it stand.

The CHAIRMAN: It is agreed that it will stand.

Mr. VIAU: I refer to clause 13 which has to do with the supply of material by the Chief Electoral Officer. How much material is there in both languages? What is the amount.

The WITNESS: All the forms are printed in both languages. Some are bilingual and some are in English while others are in French.

Mr. VIAU: I refer now to the last election in my own riding where there was some dispute about the material there being all in the English language.

The WITNESS: The Act prescribes that certain forms be printed in both French and English in Manitoba and Quebec. We have bilingual books, but

they were not requested. We only supply them upon request. I am not so sure that they were not supplied in St. Boniface. We supply them to a constituency if the returning officer makes a demand for the bilingual books.

Mr. VIAU: Then the demand must be made immediately.

The WITNESS: We send the supplies about a year before, that is before the writ issues—we hope.

In order to hold an election in 60 days, the returning officer must have the enumeration supplies in his possession, otherwise it would be impossible to hold it in 60 days. It takes about a month to ship all the enumeration supplies to each electoral district, working twenty-four hours a day.

About 350 tons of supplies are required for an election. We send to the returning officer a distribution sheet showing him the quantity and type of forms we are sending and he has to review them, and whatever ones he wants which has not been supplied, he makes a request for them and we send them to him.

Mr. CAVERS: Is the returning officer allowed anything for rentals and space for storage?

The WITNESS: Yes, it is included in the fees we pay him for his preliminary work. We allow him a certain amount for the revision of his polling divisions, storage space, and anything else he is required to do before an election.

The CHAIRMAN: Section 14 "Qualifications" will stand.

The WITNESS: Subsection 2 of section 14, clause (h) in the Statute: members of the previous committee which sat in 1950-51 may remember a discussion which took place in respect to the Doukhobors, and this clause applies to the Doukhobors in British Columbia. The province of British Columbia has repealed the clause in their Act disfranchising Doukhobors and it may be that the committee may now wish to consider the repeal of this clause in the light of the action taken by British Columbia. In British Columbia they now have the right to vote, and it may be that the committee may wish to repeal this section. It does not apply to any other province in the country or in Canada. I refer to clause "h".

Mr. ZAPLITNY: Would the fact that they have changed their legislation not automatically qualify them?

The WITNESS: It qualifies them to vote, but this clause is spent now and it has no effect.

Mr. RICHARD (*Ottawa East*): Are we not standing the whole section?

The CHAIRMAN: He is bringing it to us for attention so we can give it some thought in the meantime. Now, Section 14.

Mr. CARTER: Under this act indians are not allowed to vote, but in Newfoundland they do.

The WITNESS: They have the franchise in Newfoundland because there are no reserves in Newfoundland. The only indians in Canada who are disfranchised are those who live on reserves who are not veterans of World War I or World War II or their wives and those who have not signed a waiver of tax exemption before the issue of the writ.

All other indians, who live off the reserves, are entitled to vote; and if they move off a reserve and take up residence off the reserves, they are entitled to vote. Those who live on the reserves are not entitled to vote except the veterans which I mentioned of World War I and World War II and their wives as well as those who signed a waiver of tax exemption from any income which they derive from the reserve.

The CHAIRMAN: Section 15 "Persons in receipt of pay disqualified".

The WITNESS: You will find that on page 2 of the draft bill.

The CHAIRMAN: Yes, page 2 of the draft amendments; and you will see that the amendment was carried at our last meeting. You will find it on page 2, Clause 4. Mr. Cavers moves the adoption of this amendment. Is the committee ready for the question?

Agreed.

Mr. NOWLAN: As a matter of clarification, when we stand a section, it is understood that we are standing it until we have gone through the Act, and when we are coming back we will take it up again?

The CHAIRMAN: That is right.

Mr. NOWLAN: We do not want to be faced with a situation where we stand it one day, believing that it will be dealt with at the end, and then to find that it has been passed. It will be dealt with when we have gone through the whole Act and come back again?

The CHAIRMAN: That is right.

Section 16 "Interpretation of the words 'ordinarily resident' and 'ordinarily resided' ". That will also stand.

Section 17 "Commencement of preparation of lists." With respect to paragraph 5 of section 17 there was an amendment before the committee at our last meeting and it is to be found on page 3. It is amendment number 6 on page 3 of the draft, and the sixth paragraph; and on the same page, and the same clause, there is 5-A which was also carried at our last meeting.

Mr. Cardin moves that this amendment be adopted. All in favour?

Carried.

Mr. CARTER: Do we have to adopt the whole clause as amended now?

The CHAIRMAN: These are proposed amendments to the Act.

Mr. CARTER: Yes.

The CHAIRMAN: They will have to be adopted.

Mr. CARTER: I know. We have adopted the amendment, but do we have to do anything to the clause as amended?

The CHAIRMAN: No.

There are some letters on page 8 of the proceedings of the committee. Will the members please turn to page 8. Pardon me, I am sorry, I mean page 13. They have reference to schedule A to section 17.

Mr. CHURCHILL: It is schedule A to 17 on page 24.

The WITNESS: Item 6 has to do with enumerations. It is an item of the letter from Mr. Punshon; and the other letter is to be found at page 18, and it has to do with item number 9. This letter is from Mr. Myren.

Mr. HANSELL: It takes a little time to read all these things. I have not read them yet.

The WITNESS: The effect of Mr. Punshon's letter is that the enumeration in the electoral district in which he was a candidate was poor—he alleges that it was poor; and the effect of Mr. Myren's letter is that he suggests a period of two weeks be provided for the enumeration instead of six days.

Mr. CAVERS: Do you feel that you get a better enumeration if you confine the work of the enumerators to a short period of time rather than to let them extend it over too long a period of time?

The WITNESS: I think the period of time that can be allowed depends on how long the period of election is to be.

Now, the enumeration begins on the forty-ninth day; so an extension of the enumeration would have to be added to the forty-ninth day and the report I get is that the present period of sixty days for an election appears to be sufficiently long, and that any additional time provided for the enumeration means that it cannot be taken up anywhere between the forty-ninth day before the polling day and the polling day itself because in this period the enumerators have six days in which to enumerate 8½ million people. Moreover, we have fourteen days to print these lists, a period of revision must be provided and a period to print ballot papers, and so on, all within a period of 60 days.

I suggest it would be practically impossible to give more time to the enumerators in the period now provided for elections because that would reduce the period of printing which is rather important. Therefore, I am not suggesting any change. But naturally, if the committee is prepared to give more time to the enumeration, and add it to the 49 days then fair enough; but it cannot be given between the forty-ninth day and polling day.

The CHAIRMAN: Schedule A to section 17 "Preparation of lists of electors in urban polling divisions."

Mr. VIAU: In this case he mentioned that he was 70 years of age. On the other hand a returning officer cannot hold office after 65.

The WITNESS: It is only the returning officer; but any elector, regardless of age, can be an election officer.

The CHAIRMAN: We also have a letter with respect to schedule A, rule 7, and that letter can be found on page 15. It is a lengthy letter from a Mr. Chambers.

The WITNESS: The suggestions deal mostly with schedule A to section 17 and have to do with the enumeration revision and voting. He wishes to recommend amendments to the Canada Elections Act. They are to be found at page 16.

The CHAIRMAN: Has any member of the committee any comment to make?

Mr. CHURCHILL: We have not had the time to look at it.

The WITNESS: The basis of the suggestions taken as a whole is to adopt certain features of the Quebec provincial electoral act, where enumerators leave a slip at the door of the elector; and the first suggestion says that the age of the elector should be thereon. But I fear the female voter and some males would have a great deal to complain about the age being shown on the slip. Whether that has any bearing on the merit of the suggestion or not, I do not know.

The enumerators' slips under the provisions of the Canada Elections Act serve only two purposes, first they serve the purpose of advising the elector that the enumerators have placed his name on the list. Second if the elector, when he goes to the polling station, finds his name is not on the list, he can then go to the returning officer of the electoral district and inform them that he has been left a slip, yet his name is not on the list, and request that he be given a certificate to vote.

The returning officer then has to go to the original enumerators' book to see if this is a bona fide slip. He then looks at the enumerators' original list to see if the name was inadvertently omitted from the list, and if it is on the original list, then it may have been a printing error.

Having satisfied himself that the elector was enumerated, and that the revising officer had not struck off his name during the revision, he then gives

to the elector a certificate in form 20, which permits him to vote. But it is the returning officer who gives him that slip, not the deputy returning officer.

Under the Quebec system, you must produce this slip at the poll in order to vote. That is one of the requirements of their act. However, under our act, these slips are left at the electors home six or seven weeks before polling day, and I think if it was made mandatory to produce them to vote, we would have to set up special offices to renew the slips which were in the interval lost, because a period of six weeks will have expired between the time they are left at the residences and polling day and I am of opinion that many would be lost. These slips help to identify the elector at the poll. But these slips are no full proof protection against impersonations or anything else because they can be easily reproduced. So if you made it mandatory for electors to produce the slips in order to vote they may lull the agent of a candidate into a false sense of security and impersonators would not be challenged as to their right to vote.

There may be merit to the Quebec electoral system. But I am of opinion that unless you provide the elector with a full proof identification such as a card with a photograph of the elector then the public should not be put to the inconvenience of having to produce these slips which in my opinion would not be a full proof identification of the elector.

There are two other matters which are to be found on page 16 of the minutes; one is that every urban polling station be located in a place equipped with a telephone. That is rather difficult. Another is that the deputy returning officer be appointed in a different manner. That is a matter of principle. Another is that poll clerks be appointed by the returning officer on the nomination of the candidate who at the next previous election received the second largest number of votes. This also is a matter of principle on which I do not propose to comment. Then there is the penalty for impersonation. Generally speaking that is the substance of the suggestions which were made by Mr. Chambers.

The CHAIRMAN: Is there any further comment?

Mr. ZAPLITNY: I think there is some merit in one suggestion anyway that is as a matter of policy, the question of having the officers at the poll nominated by the different political interests.

The CHAIRMAN: We are just dealing with matters of routine and there will be an opportunity at a later date, when we come to the subject of the deputy returning officer to discuss this question.

Mr. ZAPLITNY: Very well.

The CHAIRMAN: We are now going to rule 17. There is an amendment on page 4 of the draft amendments.

Clause 3 was carried at our last meeting. Mr. Viau moves the adoption of this amendment. Is the committee ready? All those in favour will signify by saying yea, and those contrary, nay.

Carried.

The CHAIRMAN: Rule 20 also was carried at our last meeting. And Mr. Richard (Ottawa East) now moves that rule 20 be adopted. Are you ready for the question?

Agreed.

The CHAIRMAN: Rule 23. This was also carried at our last meeting. Mr. Richard moves that the amendment in regard to rule 33 be adopted. All in favour? Contrary?

Carried.

The CHAIRMAN: Rule 24. Mr. Richard moves that the amendment in regard to rule 24 be adopted. All those in favour? Those contrary?

Carried.

The CHAIRMAN: Rules 26 and 27. The same applies here. It was dealt with at our last meeting. Mr. MacKenzie moves that the amendment in regard to rules 26 and 27 be approved. All in favour? Contrary?

Carried.

The CHAIRMAN: Rule 28. Mr. MacKenzie moves that the amendment to rule 28 be adopted. All those in favour? Contrary?

Carried.

The CHAIRMAN: Rules 32, 33 and 36 were dealt with at our last meeting and approved.

Mr. HANSELL: When was the last meeting? Do you mean during the last session at some time?

The CHAIRMAN: No. It was on Tuesday and you were not present.

Mr. HANSELL: I am sorry.

Mr. VIAU: You were in Alberta.

The CHAIRMAN: Mr. Cavers moves that the amendment in regard to rules 32, 33 and 36 be adopted. All those in favour? Contrary?

Carried.

Mr. ZAPLITNY: Are all these amendments under clause 6 of the suggested amendments to be found under clause 6?

The WITNESS: Yes, and all are consequential upon the changes made to the urban revision.

The CHAIRMAN: Does schedule A carry?

Carried.

The CHAIRMAN: Schedule B, "Preparation of lists of electors by rural polling divisions"; that is on page 35. We have a letter in regard to this schedule B. It is letter number 9 and is found on page 18 of the report of the committee.

The WITNESS: It has to do with extending the time for enumeration by a period of two weeks. I think the committee dealt with it.

By Mr. Hansell:

Q. Right there, I do not think you can extend it. But in order to refresh my memory—I have not gone through this—but I do not recall when enumerators are appointed? They can be appointed ahead of time, can they not?—A. They can be appointed only after the issue of the writ, but they are selected ahead of time. In 1952 I ordered returning officers to revise the polling division arrangements of their constituencies. I asked them to select enumerators in the event that, if there might be a general election in the fall, they would be ready, and at least some preparatory work would be done. Possibly that is why you thought that they were appointed before. They were selected before, but they can only be appointed after the issue of the writ ordering the election.

Q. I was trying to figure out the amount of time that they actually had. I know that in some districts, where there is a small community of, say, two or three hundred homes, an enumerator knows practically everyone who lives in that community. They know all the houses around there, they know that Mr. and Mrs. So-and-so and their eldest son live there, and so on, and they do not even visit the homes. I am not criticizing that. I cannot see that there would be any particular reason for going. If one knew that he was to be an

enumerator, he could do much of that ahead of time. I am not suggesting that any instructions be given to that effect, but there is no reason why they could not start working on it beforehand.—A. That question would give rise to the matter of fees. They would not like to undertake the work unless they were paid. The other problem is that we never know the date of an election. We do not want the supplies out in the hands of an enumerator for maybe a year before an election. They might be lost. Therefore the returning officers are instructed to give out the supplies only after the issue of a writ. The rural list does not require a house-to-house visitation in the same manner as an urban one. The rural list is an open list. The enumerator can compile his list, as you say, from local knowledge, without travelling. If we insisted on them travelling, as they used to, we would have to pay mileage. The Auditor General found it very hard to tax and audit enumerators' mileage accounts, and therefore we do not pay mileage to enumerators any more, because it was found that most of the rural lists were compiled in the way you suggested. They have open lists, so that if one name is left off the list and the elector presents himself to vote on polling day, all he is required to do is to have another elector whose name is on the list vouch for him. If a name is not on the list, in the urban areas, the person cannot vote. They do require a house-to-house visit in the urban areas for that reason. In the rural areas, with an open list, we do not receive as many complaints about people being left off the list as we do in the urban, because the penalty in the urban polls is disfranchisement.

The CHAIRMAN: Have you any further comment? There is no other change in Schedule B. Can Schedule B carry?

Carried.

Section 18, "Proclamation by returning officer."

The CHAIRMAN: An amendment before the committee was agreed to at our last meeting. It is found on page 7 of the proposed amendments. Mr. White moved the adoption of the proposed amendment. All in favour, signify by saying "Yes", to the contrary "No".

Carried.

Section 19.

No change.

Section 20.

No change.

Section 21.

Stands.

Section 22.

No change.

Section 23.

Stands.

The WITNESS: There are amendments in the Canadian forces voting regulations which, if accepted by the committee, would require amendments here.

The CHAIRMAN: These sections are standing because we are going to deal with them on Thursday.

Section 24.

No change.

Section 25.

No change.

Section 26, "Deputy Returning Officers and Poll Clerks".

The CHAIRMAN: We have a letter in connection with this section from Mr. Egan Chambers, on page 16 of the Minutes of Proceedings. Paragraphs (8) and (9) of Mr. Chambers' letter deal with deputy returning officers and poll clerks.

Mr. ZAPLITNY: I wonder if the committee would be prepared to adjourn at this time? I am selfish in making the suggestion, because I have another appointment. If they are prepared to do so, I think this is a suitable place to stop because there is a considerable amount of reading to do in order to catch up with what we have done so far.

The CHAIRMAN: What is the wish of the committee in that regard?

Mr. CARDIN: I do not want to be too strict with the honourable member, but it seems to me that we have a good deal of work to do, and it is sometimes difficult to get meetings in. It is rather unfortunate that the honourable member must go, but it seems to me that we should continue our work.

Mr. ZAPLITNY: I am prepared to withdraw that.

The CHAIRMAN: I understand that Mr. Zaplitny has withdrawn his suggestion, and we will carry on. Do you wish to say something, Mr. Zaplitny?

Mr. ZAPLITNY: Not at this point, unless we are going to come back to the question that I mentioned a while ago.

The WITNESS: Paragraphs (8) and (9) deal with the question of the appointment of deputy returning officers and poll clerks.

Mr. ZAPLITNY: There is some merit in that suggestion. I think that the general principle that we all subscribe to is to try to be as fair as possible to all concerned in the general election. There is always the difficulty in any election of obtaining poll agents, as I think every member who has participated in elections will remember. There are circumstances under which it is hard to get poll agents. If a condition such as this were adopted, whereby the two opposing political interests would have the opportunity to nominate an officer at the poll, it would provide an automatic method of checking one against the other in order to provide fairness to all concerned. I realize that there are often more than two political interests represented. There may be four or five. But the fact that there are two opposing candidates with representatives in the poll would, I think, in itself be an assurance to all the candidates that there would be fair play, even though they may not be able to have their poll agents present, or if in some cases a poll agent who has undertaken to be there is not there on account of sickness or for some other reason. I can see no argument against it, and it is a harmless way to provide fair play for everyone at the polls without having to look around to find a sufficient number of poll agents to represent the candidates' interests. I think that that suggestion should be considered.

Mr. RICHARD (*Ottawa East*): I do not agree. After all, the returning officer is appointed by Governor in Council and he remains in that position until he is removed for cause. In the same manner, the authority devolves on somebody else, as a deputy returning officer gets his authority from the returning officer. He should not be what you might call a political appointee of the man who solicited the greatest number of votes at the last election. That would be altogether a party selection. The man who ran on the previous occasion and got the greatest number of votes may not be the candidate next time, and certainly he should not have the choice of the returning officer. That would be a political appointment at the poll.

Mr. ZAPLITNY: It would be, in a sense, but we have the principle established in the nomination of enumerators at urban polls. So far as I know, I have never heard any objections to it. I think that it has been a step forward. I have heard

a great many favourable comments on it, in that it provides a fair method of double checking, shall we say, to make sure that everyone has an even break. I think frankly that it would be in the nature of a political appointment. It could not be any other, in view of the fact that the same person may not be running in a subsequent election. Even so, seeing that there are two appointments made, it provides a method of assuring all candidates of fairness. I do not see any objection to it.

Mr. RICHARD (*Ottawa East*): There is a great difference between the enumerator and the deputy returning officer. The enumerator himself has no direct control over the poll. His duty is simply with regard to the names of possible electors, and the final list is subject to revision by a judge. That would mean that the party that had the largest number of votes would have control over the deputy returning officers in each riding.

Mr. CHURCHILL: I think that Mr. Zaplitny was also discussing paragraph (9) in connection with paragraph (8). This deals with poll clerks. They are thinking in terms of the two people occupying the poll, the deputy returning officer and the poll clerk. But the poll clerk is in a somewhat different position, and it would be applying the principle used in the selection of enumerators, which works out very satisfactorily.

Mr. RICHARD (*Ottawa East*): Are you suggesting that we should have two poll clerks?

Mr. CHURCHILL: Not necessarily. If the deputy returning officer is appointed by the returning officer, and in turn he is appointed by the Governor in Council, that means that the government is represented by the deputy returning officer. Why not let the poll clerk be the representative, as suggested here, nominated by the candidate who at the next previous election received the second largest number of votes, just as they do with the enumerator?

Mr. RICHARD (*Ottawa East*): What you are suggesting is that the whole machinery should stem from the authority of the returning officer and that there would be administration of that poll from the top to the bottom. If the poll clerk is an agent authorized to act by the deputy returning officer who in turn is authorized by the returning officer, then they would all get their authority from the one source. You would be putting politics right into the poll there.

Mr. ZAPLITNY: I understand that Mr. Richard is saying that he does not desire to have interference, and I agree with him thoroughly on that, and it is for that very reason that I am making this suggestion, so that there would be no interference. Both the deputy returning officers and the poll clerks are subject to the Act and its regulations. They cannot do anything that is not provided for in the Act or the regulations. Both are under the authority of the returning officer of the constituency. Therefore there is no possibility of their coming into conflict, so far as the Act is concerned. The purpose of it would be to make sure that there is fairness. I am not saying this because I say that there is no unfairness at the present time. My own experience has been that in my own constituency there has been fairness, and I am not complaining about it, but it would provide assurance that there are two political interests represented. It provides an assurance to the voter who comes to the poll that the Act is being operated in a proper manner. If it is not, one forms a check on the other. If you have all the appointments from one side, there is always the feeling that the poll is being run according to the wishes of one side. There is unofficial protection in the form of the poll agent—whom we call the scrutineer—but in many cases it is not possible to have a sufficient number of polling agents.

Mr. RICHARD (*Ottawa East*): That means that that machinery—although, as Mr. Zaplitny says, the system is fair now—gives an excuse for people to

be unfair. It applies to the first two parties only. That means that the third party, which might have come very close in an election, will feel that there is some interference and that it is not being protected as the two larger parties are being protected. I do not see any reason for the change.

Mr. HANSELL: I think that if the poll clerk is nominated by the candidate receiving the second largest number of votes, it does not follow that these recommendations are made by those receiving the highest number and second highest number. That would happen only where the previously elected candidate was a government supporter. The previously elected candidate may not be a government supporter, like myself and Mr. Zaplitny. The deputy returning officer is appointed by the returning officer, and we will suppose that, by the very nature of the case, he may be favourable toward the present government. It has to be the man receiving the total number of votes in that case that nominates the poll clerk—

Mr. ZAPLITNY: You mean the highest number?

Mr. HANSELL: Yes, the man receiving the second highest would not nominate anybody.

Mr. ZAPLITNY: It works both ways, and I think that is the point that commends it. It is not a matter of interference. It is a matter of assurance to the voters that there are two officials who act as a double check on each other and both are subject to the regulations and are under the over-all authority of the returning officer. It is exactly the same principle as now operates in the appointment of urban enumerators. The experience on that, as other members have found in their own areas—and certainly I have found in my constituency—is that it has met with very favourable comment on all sides. It would be a step to ensure fairness. I think that that is the objective that we are after; we want to assure fairness. The shoe may be on the other foot at any time. There could be a change in the government, and the members who are now on the government side may be on the opposition. They would obtain the same protection as members of the opposition now. Certainly I have no desire to create any interference, but I think that this is a method of procedure by which voters will be assured that everything will be done fairly.

Mr. VIAU: How many reports of unfairness have been made after an election?

The WITNESS: After the 1953 election, I received one official complaint from an official agent or a candidate. That was from Mr. Chambers.

By Mr. Hansell:

Q. As Mr. Zaplitny says, no matter who nominates the deputy returning officer or the poll clerk, they have to act according to instructions. I am not surprised that you received no complaints. Might I ask this question, if it is not to personal a one? How does the Chief Electoral Officer appoint the returning officer?—A. I do not appoint him. The Governor in Council appoints him.

Q. He must be recommended?—A. I receive an order in council with the returning officer's name, and the constituency to which he is appointed, and I communicate with the returning officer and send him the instructions and the Act. He then comes under my jurisdiction.

Q. You do not enter the picture until that is done? I was wondering if they had difficulty in getting returning officers?—A. I am not in a position to answer that. I do not know.

The CHAIRMAN: Once they are appointed, the returning officers stay as returning officers for the constituency, unless they are removed for cause or through death.

By Mr. Hansell:

Q. They may resign.—A. There is a turnover of about 80 to 100 returning officers at every general election, caused by resignations or deaths.

Q. I am told that sometimes the returning officers have difficulty in finding deputy returning officers.—A. I have had returning officers inform me of that.

Mr. HANSELL: The remuneration is not very encouraging, in reality.

The CHAIRMAN: We are getting out of our field if we begin discussing fees. This has been discussed before in committee, and I think that much the same arguments were presented before, but in the past the committee in its wisdom and judgment decided that no change would be made. However, I feel that we should have an open, frank discussion about the matter.

Mr. HANSELL: I am inclined to think that we could go half-way and have the one receiving the highest number of votes in the previous election nominate both.

The CHAIRMAN: Whether he is a candidate or not?

Mr. HANSELL: Yes, whether he is a candidate or not.

The CHAIRMAN: It is possible that a man who received the highest number of votes in the previous election may not be a candidate in the next election.

Mr. HANSELL: It is possible, but his party would have a candidate.

Mr. ROBINSON (*Bruce*): There are many details that have to be watched. I should think that there is no abuse in the way it is handled at the present time.

Mr. CHURCHILL. I do not think that the argument is founded on any question of abuse. It is extending the principle now applied in the appointment of enumerators. That has met with general agreement. The purpose of the election is being well served under the present system. The opportunities are there for people to vote under the law, and I do not see why that principle could not be extended so that each polling subdivision, or each poll, has a representative there of the party in power and the runner-up. It would meet with the approval of the people, I am sure. It is not that the people are going into these polls expecting any bad practices, but if representatives of both the government side and the runner-up are there, on the face of it it appears to be done in absolute fairness to all sides. If you are going to argue that the poll clerk should not be appointed in the way suggested here, are you accepting the appointment of the enumerators without question? If you accept the appointment of the enumerators without question, as is now done, I think that this follows logically.

Mr. NOWLAN: I think we have to assume that we know that the presiding officers are appointed on recommendation of the government party. They are also government sympathizers. As Mr. Hansell says, that is inherent in the nature of the thing. The deputy returning officers are appointed by the returning officers, who are responsible to the Chief Electoral Officer, and I think that they try to carry out their duties impartially. I think that if they recognize that they are the agents for that party, I am afraid that we would not get the same impartial treatment. It is human nature. If I went in as a presiding officer, having been appointed by my party, it would be the same. I think the argument is perfectly sound, as far as poll clerks are concerned. I agree with Mr. Hansell and Mr. Zaplitny on that, but I personally would be opposed to going further. I think that we should keep the presiding officers appointed by the returning officers, and the returning officers in turn responsible to the Chief Electoral Officer, even though in my last election, at 4.30 in the afternoon, when three people to whom the presiding officer had objected came back, he replied that he was then closing the poll. We had to get the local Liberal provincial member to tell him that he was exceeding his authority.

Nevertheless, I am sure that 95 per cent of them do a fair job. I think that we should have that chain of contact, but I think that we should consider very carefully this other suggestion.

Mr. RICHARD (*Ottawa East*): I still say that the appointment of a poll clerk in that manner is a purely political appointment, and it is recognizing that there is a need to have a political check within the officials of the poll. The Act provides for scrutineering by all the parties, who have certain rights established by our Act at the present time. It is up to the parties to provide their own machinery if they feel that there is political interference at the polls. It is not up to any officials to be the watchdogs of any political party. I think it would be a step backward to do that. The ideal thing, I suppose, would be to have permanent returning officers and permanent poll clerks. That could be done. They would be civil servants in a sense, and I am sure my friends on the committee would be very glad. Probably many of us on this side are inclined in the same way. On the other hand, I do not think it would be a good step to say to the public, "We are afraid that there is unfairness at the polls. We are going to put in poll clerks who are agents of political parties."

Mr. CAVERS: In many localities, probably throughout the whole country, there are people who have been doing this type of work as D.R.O.'s and poll clerks for many years and have become familiar with their duties. If we change the procedure, the returning officer of the riding is not going to be able to call these people, but he will have to take persons who are designed either by the person who obtained the highest number of votes or the candidate who received the second largest number of votes. I move that section 26 of the Act be left with the same wording as it has at the present time.

Mr. VIAU: Seconded.

The CHAIRMAN: Moved by Mr. Cavers, and seconded by Mr. Viau, that there be no change in section 26.

Mr. CHURCHILL: Would a motion be in order? I think that you would have to work the other way. There is an opportunity to present an amendment.

Mr. CAVERS: If an amendment is presented.

Mr. ZAPLITNY: The reason I brought the matter up is—

The CHAIRMAN: I think that a motion may be in order. I will put the motion, and then you can make an amendment. It is moved and seconded that section 26 stand.

Mr. ZAPLITNY: Before you put the motion, may I suggest this? Of course, the motion itself is debatable, and I brought the matter up first to see whether the committee would be willing to consider this suggestion. If a considerable number of the committee wanted to consider that, then I would bring in an amendment to the appropriate section. In those circumstances, I see no reason why we should adopt a motion now to let the section remain as is, because without any motion the section will remain as is. So the motion at present before you is, I respectfully suggest, quite superfluous because, if there is no motion, the section remains. A motion would be required only if there was an amendment. It is now 12.30, and I would suggest that it stand.

The CHAIRMAN: Is it agreed that it stand?

Agreed.

The CHAIRMAN: The committee is adjourned.

The committee adjourned.

PRE

Volume 1
No. 10
October
1900

HOUSE OF COMMONS

Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 4

THURSDAY, MARCH 17, 1955

CANADA ELECTIONS ACT

WITNESSES:

Nelson J. Castonguay, Chief Electoral Officer;
Mr. M. H. Wershof, Legal Adviser, Department of External Affairs;
Brigadier J. W. Lawson, Judge Advocate General, Department of National
Defence.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWilliam, Esq., and
Messrs.

Bourque
Bryson
Cardin
Carter
Cavers
Churchill
Dechêne
Dickey
Ellis

Fraser (*Peterborough*)

Members, 29.

Hansell
Harrison
Hollingworth
Leboe
Lefrançois
MacDougall
MacKenzie
McWilliam
Meunier

Nowlan
Pallett
Perron
Pouliot
Richard (*Ottawa East*)
Robinson (*Bruce*)
Viau
Vincent
White (*Waterloo South*)
Zaplitny
Quorum, 10.

Antoine Chassé,
Clerk of the Committee.

ORDERS OF REFERENCE

TUESDAY, March 15, 1955.

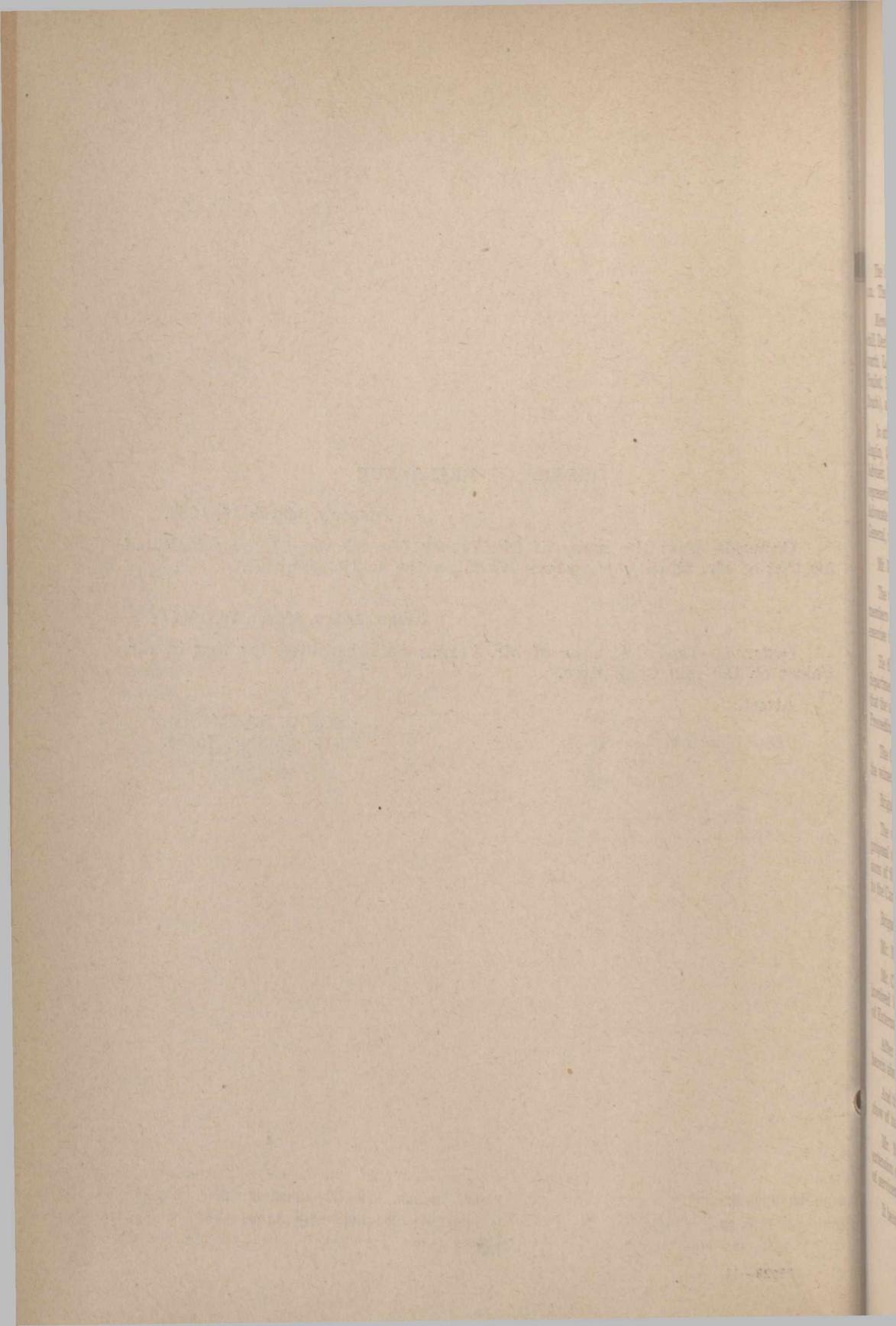
Ordered,—That the name of Mr. Fraser (*Peterborough*), be substituted for that of Mr. Murphy (*Lambton West*) on the said Committee.

WEDNESDAY, March 16, 1955.

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

Attest.

LEON J. RAYMOND,
Clerk of the House.



MINUTES OF PROCEEDINGS

House of Commons, Room 497
THURSDAY, March 17, 1955.

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Bourque, Bryson, Cardin, Carter, Cavers, Churchill, Dechêne, Dickey, Ellis, Fraser (*Peterborough*), Hansell, Harrison, Hollingworth, Leboe, Lefrancois, MacDougall, McWilliam, Meunier, Pallett, Perron, Pouliot, Richard (*Ottawa East*), Robinson (*Bruce*), Viau, White (*Waterloo South*), and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer; Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; Mr. M. H. Wershof, Legal Adviser, Mr. Giles Sicotte, Chief of the Legal Division, and Mr. C. M. Bedard, representing the Department of External Affairs; Brigadier W. J. Lawson, Judge Advocate General and Captain J. P. Dewis, R.C.N., Deputy Judge Advocate General, representing the Department of National Defence.

Mr. M. H. Wershof was called.

The witness, gave an outline of the proposal to afford Canadians who are members of the public service and residing abroad facilities to allow them to exercise their franchise, and he was questioned thereon at length.

He filed with the Committee a statement showing the number, in each department, to which application of the proposal will apply and it was ordered that the said statement be appended to this day's printed report of Minutes of Proceedings and Evidence. (*See Appendix "A"*).

The Chairman thanked Mr. Wershof for his very instructive testimony and the witness was retired.

Brigadier W. J. Lawson, Judge Advocate General, was called.

The witness addressed the Committee briefly and was questioned on the proposal of the Department of National Defence to extend the existing provisions of the Canadian Forces Voting Regulations, contained in Schedule Three to the Canada Elections Act, to the wives of members of the armed forces.

Brigadier Lawson was thanked by the Chairman and was retired.

Mr. Nelson J. Castonguay was recalled.

Mr. Castonguay was questioned at length as to the issues which might be involved by the implementation of the proposals made by the Department of External Affairs and the Department of National Defence.

After some debate Mr. Pouliot moved that consideration of the proposals, herein above referred to, be postponed indefinitely.

And the question having been put on the motion of Mr. Pouliot, it was, on a show of hands, resolved in the negative.

Mr. MacDougall moved that the Committee approve in principle the extension of the provisions of the Canadian Forces Voting Regulations to wives of servicemen living abroad.

It being 12.30 o'clock p.m., the Committee adjourned to the call of the Chair.

Antoine Chassé,
Clerk of the Committee.

EVIDENCE

March 17, 1955.
10.30 a.m.

The CHAIRMAN: Gentlemen, we have a quorum, and we will proceed.

Mr. RICHARD (*Ottawa East*): I understood that we would proceed this morning with the discussion on the possible extension of the franchise to public servants living abroad. I understand from the steering committee that we have the pleasure of having with us this morning a representative from the Department of External Affairs, Mr. Wershof. I was wondering whether it would not be better, before we have the opportunity of putting questions, to obtain some sort of a direct statement from an official like Mr. Wershof, who is the legal officer of the Department of External Affairs, to explain what position his department takes and what information it has on this subject. I would therefore move that we ask Mr. Wershof to make a preliminary statement.

The CHAIRMAN: Is that agreed?

Agreed.

Mr. M. H. Wershof, Legal Adviser, Department of External Affairs, called:

The CHAIRMAN: Do you have a prepared statement?

The WITNESS: No, sir, but I should like to speak from these notes.

The CHAIRMAN: I think that that would be agreeable with the committee. Mr. Wershof, you may proceed.

The WITNESS: If I may, I shall just take a few minutes with general remarks, and then I shall be at your disposal to answer any questions. I also have some statistics on the number of people all over the world who might be affected by this idea of Mr. Richard. In our department, with the approval of Mr. Pearson, we have been studying for some time the possibility that somebody might recommend to this committee that the Canada Elections Act be amended to make it possible for Canadian government civilian employees outside of Canada to vote in general elections, and, if that were found possible, perhaps their wives also, because there are a large number of wives of Canadian government civilian employees abroad. From time to time we have had patriotic complaints from some of our foreign service officers particularly, because of the fact that they are not able to vote. Over a period of years they have been urging our department to bring the problem to the attention of the appropriate authorities. Therefore we are very grateful for a chance to say a few words to this committee.

As you gentlemen know, under the Canada Elections Act there are at the present time two categories of persons outside of Canada who are able to vote in elections, the first being the Canadian forces electors, under the Canadian Forces Voting Regulations, which is Schedule Three of the Act, and the second, prisoners of war. The principle of allowing the serviceman abroad to vote was, I believe, first recognized in 1940 by an order in council; then it was put into the statute in 1944 and reenacted in 1951. To our department it seems that the decision by parliament to make it possible for Canadian servicemen outside of Canada to vote really emphasized the desirability, in principle at least, of trying to extend the vote to other people in the Canadian

government public service who are required to be outside of Canada, not from their own choice but because their official duties take them outside of Canada. Our department, I think, has the largest number of employees outside of Canada, and for that reason we naturally have taken more interest in this than some other departments, but we have in fact discussed it on the official level with various other departments. Later, if you wish, I will give detailed figures, or I can leave them with the committee. However, we think that the number of Canadian government employees abroad and their wives, who might conceivably be covered by any legislation, would be in round figures about 1,400 people, of whom about 620 would be from the Department of External Affairs.

By Mr. Pouliot:

Q. If I am permitted, I should like to ask this. Did you study law?—
A. Yes.

Q. Do you realize that there is a great difference between a vote cast by a Canadian citizen or a British subject living in Canada and a vote cast outside of Canada, for a Canadian election?—A. Yes, sir, I certainly realized that there is a great difference.

Q. Yes, a difference in law. It is this, that in the first place the Canadian citizen or British subject living in Canada has a right to vote, by virtue of the general law. Then the members of the armed forces who live outside of Canada have been given the privilege of voting because normally they would not have the right to vote in Canadian elections. Do you agree with that?—
A. Yes, sir, certainly.

Q. Then the right to vote which has been given, first by order in council and then by the parliament of Canada, to the branches of the armed forces outside of Canada was given as a privilege. You will agree with that?—
A. Yes, it was a decision of parliament.

Q. A privilege given to the armed forces and to the wives of the members of the forces. Will you also agree that the granting of the privilege does not constitute a precedent?—A. Well, Mr. Chairman, if you will allow me, I cannot answer that question with a straight "Yes" or "No". I say this with all respect to the hon. member. What we are doing, with Mr. Pearson's permission, is simply to submit the problem to this committee for consideration, leaving it, of course, to the hon. members of this committee to decide whether there are good and sufficient reasons to recommend to parliament that amendments be made to the Act to make it possible for Canadian government officials abroad to vote. But I shall say, if I may, that in the opinion of our department—and I know that Mr. Pearson holds the same opinion—the same principle which caused parliament to decide to make it possible for Canadian armed forces personnel outside of Canada to vote in peacetime could be considered suitable, in our respectful opinion, for Canadian government civilian employees who are sent out of Canada to work in various countries for temporary periods. Unfortunately, in most cases they are outside of Canada when the elections take place.

Q. That is right, but you are just considering that the privilege granted to the forces should be extended to the Department of External Affairs, and in that regard I ask you if, to your knowledge, the granting of the privilege has ever constituted a precedent. Do you use it as a precedent?—A. Yes, sir, I do.

Q. Well, I ask you whether in law the granting of the privilege constitutes a right or constitutes a precedent?—A. Mr. Chairman, we are not suggesting that there is any right on the part of members of the Department of External Affairs or any other government department to ask parliament or to ask this committee to recommend to parliament that this be done. But, with all

respect, we think that it is perfectly reasonable to point to the action that parliament took in connection with the armed forces as a precedent, not in the sense of a legally binding precedent but in the sense of an example of a decision by parliament, to make it possible for a very important group of Canadians who are outside of Canada to cast their votes. All we are saying, with Mr. Pearson's approval, is that, if parliament thought it wise to grant the privilege to members of the armed forces stationed abroad, possibly this committee might, after consideration, deem it wise to do something along the same lines for Canadian government civilian employees. That is as far as I would go. I am not talking in terms of a legal precedent binding on this committee or anybody else.

Q. You are very clever. You use the word "example" instead of "precedent". Now I should like to ask you about something else. How long have you been working on that?—A. On this subject?

Q. Yes.—A. I would say about a year.

Q. Now, are you in a position to tell us — speaking of precedents — what other country gives the right of voting to civilians outside of their country?—A. I have some information on that, Mr. Chairman. It is not exhaustive. We have not made inquiries in every country in the world, but, if I may, I will read briefly the information that we have.

Q. Please do.—A. In the United Kingdom we understand that a system of voting by proxy is available not only to members of the armed forces but also to civil servants and their wives stationed outside the United Kingdom. That is the first example.

Q. For United Kingdom civil servants all over the world?—A. Yes, sir, in principle, all over the world. I have not looked into it to see whether they have been able to include every civil servant, even to the farthest regions of the jungle, but in principle their law provides for all civil servants all over the world.

Q. Did you ask the British High Commissioner in Ottawa if he was empowered to vote in the British elections?—A. Sir, what we did was to look into their law. We did not make an official approach to the British government. We looked into the law. As a matter of curiosity, I spoke to a member of the High Commissioner's staff this morning to see whether the law in fact works in that way, and the man to whom I spoke said, "Yes, it did". He said that in the last elections he was stationed in Rome, and he remembers casting a vote by proxy under United Kingdom legislation in London.

Q. How do they vote by proxy?—A. I am sorry, but I have not looked into the details of the system. If the committee desired, we would be very glad to prepare a report on it. I did not come this morning with full information regarding the British system.

Mr. POULIOT: Here we have a man who has been working for a year on this, and he is not in a position to answer our questions. It is always the same thing. These witnesses came here in the name of Mr. Pearson, and they know nothing. They came here as experts to inform us, and they know nothing.

Mr. RICHARD (*Ottawa East*): Mr. Chairman, I protest.

The CHAIRMAN: I think that we should let the witness proceed and finish his statement, and we can discuss it afterwards. These questions can be asked after he finishes. I do not think that the witness can be held as to the mechanics of the law in any case. He has just asked this committee to consider extending the franchise to civil servants outside of Canada. Will you proceed now, Mr. Wershof, with any other remarks you have to make?

The WITNESS: My general remarks are practically finished. I had mentioned the approximate number of people. Although it is not for us to say what mechanics would be proper, I imagine that if this committee thinks that there is merit in the idea, you would be asking the Chief Electoral Officer to give you advice on what mechanics might be suitable. Nevertheless, we looked into it to see how it possibly might be done if this committee of parliament thought it wise. This is the method which we thought might make sense, if the committee and parliament wanted to amend Schedule Three of the Act, which at present deals with the armed forces. It would require rather extensive amendments in order to cover Canadian civilian employees abroad. Although it is not possible for us to decide these matters, we thought that in practice parliament and others concerned might not wish to try actually to give the vote to Canadian government employees everywhere in the world, because it might be found that a quite unreasonable expense would have to be undertaken, for the sake of a small number of people. What we thought was this: in the last election the Chief Electoral Officer, under the provisions of the law, set up a special voting territory for servicemen with headquarters in London, England, and he had a special returning officer with a staff to take the vote from servicemen all over Europe. Our thought was that, if parliament so desired, it would be feasible for Canadian government employees and possibly their wives, certainly in all of Europe, to be looked after by the machinery which in any event the Chief Electoral Officer is already authorized to set up under the Act for the armed forces. Of course, the machinery in London would not be able to look after Canadian government employees, let us say, in Latin America or in Indonesia. In the last election, the Chief Electoral Officer set up similar machinery in Japan to look after the forces in Korea. It may turn out that there will not be such machinery in the next election because the number of forces in Korea is diminishing, but in any event we are not suggesting—and it would not be our place to suggest—that this committee or parliament should decide to set up new voting territories in various parts of the world at great expense for the benefit of a relatively small number of employees. However, we think that the principle is worthy of consideration, and if the committee and parliament approve the principle, then in practice perhaps only the employees in Europe would be able to vote, at least at the next election, because we know that there will be machinery in London, England, set up for the armed forces, which in our opinion would be quite capable of looking after government employees, at least in the whole of Europe.

Finally, I might read out a very brief summary of the figures, and then leave with the committee, if you wish, a long table which we have prepared including information about other departments. Although I am not authorized to speak for the other departments, we did our best to obtain figures from other departments to show where their people are in other parts of the world. If I might, I shall leave the long table with the committee, and I could read the short one.

As far as we can see, this is the setup. In Europe and the Middle East there are about 478 Canadian government civilian employees. If you include their wives, it makes 780. That is a fairly sizeable number, which could probably be looked after by the machinery in London, England.

In the United States there are about 193 Canadian government civilian employees, and including the wives the figure is 305. In our opinion, if parliament so provided, those people could easily be allowed to vote by using the armed forces machinery set up in Canada. As you know, there are three voting territories set up in Canada by law for the armed forces and, subject to what Mr. Castonguay says, it seems that people in the United States could easily be authorized by parliament to use that machinery.

In Latin America there are 67 Canadian government civilian employees, or 115 people, including wives. In the Far East and South Africa, there are 100 employees, or 145 people, including wives.

The total for the areas I have mentioned is about 839 employees, or 1,335 people, counting the wives. These figures were drawn up rather hastily, and we think that we have left out a few areas in the world which might add another 25 people, but it gives an idea of the magnitude of the problem. Even if it turned out that it would not make sense from a financial point of view to provide the vote for all of these people, it seemed to us that it would be simple to provide it for the people in Europe, that is 780 voters, and certainly in the United States, where there are 305. With regard to the others, perhaps it would not be possible.

By Mr. Fraser (Peterborough):

Q. May I ask a question? Are you taking into consideration only the federal government employees who are abroad?—A. Yes.

Q. Was any consideration given to including trade commissioners and others from the provinces in foreign countries, because I am afraid that they might feel slighted if they were not included?—A. Of course, we realized that there are a number, but I would not imagine that there are a great proportion of provincial employees abroad. I imagine that most of them would be in the United Kingdom and France. We did not think that it was proper for our department to be expressing any opinion about provincial government employees. Obviously that is a question that this committee might wish to consider. We did think, however, with all respect, that even if it were found not feasible to give it to provincial government employees, if for administrative reasons it did not work out, we respectfully submit that there is a case for extending the franchise to the federal officials abroad in the public service.

Q. In the number that you gave of officials overseas in various countries, did you consider that some of the employees of the government are not Canadian citizens?—A. I am quite satisfied that our figures include only Canadian citizens. There are probably almost a thousand aliens locally engaged, but we did not count them in our figures. These are just British subjects, but presumably if their homes are in Canada they would be eligible to vote in Canada if they were here during the elections.

Mr. DICKEY: I think it would be of interest to the committee if the witness could complete the list of countries that do extend some sort of privilege of this kind to their employees abroad. I do not think we need at this stage to go into the actual details of how they arrange it, but only the information as to countries who do this sort of thing.

The WITNESS: This is probably not an exhaustive list, because we did not explore it all over the world. I had mentioned the United Kingdom. In Australia, where voting is compulsory anyway, we know that there is a postal voting procedure available to registered electors who are absent from their places of residence and abroad on election day. I really do not know, sir, whether in practice an Australian government official who had been abroad for a few years would find it possible to make use of it, but in theory he could. If he were in Australia at a time that would enable him to get on the electoral list, then he could use the postal voting procedure when he is abroad.

In Sweden, we are informed, foreign service personnel may vote by mail in any constituency of their choice in the Stockholm area. In South Africa, we are told, foreign service officers and, I think, all government employees abroad may vote by mail for the constituency where they normally reside.

With regard to the United States, we made inquiries, and the first thing we learned was that the right to vote in federal elections is actually governed by state laws and not federal laws. In the District of Columbia, which is

probably the home of most of the diplomatic officers abroad, as you know, residents do not have the vote, and it follows that a diplomatic officer or any government employee whose normal home is in the District of Columbia has no more right to vote when he is abroad than when he is at home. But if his normal home is outside the District of Columbia, then it varies from state to state. Foreign service personnel with residence qualifications may vote in both primary and general elections in thirty-six states, and they can vote in the general elections in five additional states.

Those are the only countries about which we have reliable information. Perhaps, if the committee desired, we could try to get fuller information, but it might take a few weeks.

By Mr. Zaplitny:

Q. What about the United Kingdom?—A. It is a proxy voting system, not of the kind provided for the Canadian armed forces.

Q. It is the kind we have for prisoners of war?—A. For prisoners of war, but not for the armed forces. We understand that it is available to members of the armed forces, to their civil servants abroad and to their wives.

Mr. DICKEY: I was wondering if the witness could say whether or not persons who are employees of the federal government abroad but not coming directly under the Department of External Affairs were kept in mind in connection with the department's thinking on this; for instance, the civilian school teachers who are abroad in Department of National Defence service schools teaching the children of dependents?

The WITNESS: If I may, I shall answer that in two parts. In our department we most certainly took into account the actual employees of all other government departments. I am not authorized to speak for them, but we did in fact consult other departments and our figures include all their employees, but not the teachers. I know it is a fact that the officials in the other departments, like ourselves, thought this would be a good idea, if the committee of parliament thought it was a good idea. We know as a fact that the Department of National Defence is greatly interested in the teachers as well, but I am afraid that we as a department have nothing to say about the teachers overseas, because we concentrated on the category of the *employees* of the Canadian government and their wives.

Mr. ZAPLITNY: In relation to this estimated number of 839, or 1,335, including wives, as the case may be, has an effort been made to find out how many of those would actually have a vote, provided they were living in one of the Commonwealth countries, in the country in which they are at present employed? For example, if they were British subjects and were living in the United Kingdom for a certain period of time—I think it is one year—they are allowed to vote in that country. How many of those have the vote in a country other than Canada?

The WITNESS: I am afraid that we did not think of that question, but I can give a partial answer. In the United Kingdom, for example, there appear to be about 150—or possibly 200—Canadians employed by the Canadian government. As the hon. member said, I believe that in theory many of these might take steps to vote in the United Kingdom elections. Frankly, sir, we did not look at it from that point of view. We would do nothing to stop a Canadian government employee in the United Kingdom from voting in the United Kingdom elections if he felt like it. But I am reasonably sure that, if any of our employees were to ask us whether we would approve of it, we would tell them that it is not a good idea. These people are Canadian citizens working for the Canadian government, and even though the United Kingdom may generously extend the franchise to any British subject who is physically

living in the United Kingdom for 12 months, I think it would seem to most of us in the External Affairs service that it would not be a good idea. In any event, the Canadian government employees who have complained did so on the basis that they are citizens of Canada, that their homes are in Canada, and that they are doing a public duty by accepting postings outside Canada. Some of our postings are not so attractive as those in the United Kingdom. We therefore feel that, if it were possible, they ought to be able to exercise the franchise like other Canadian citizens whose homes are in Canada.

The CHAIRMAN: That applies to British subjects who are in Canada for more than one year and who belong to an embassy or a high commissioner's office here. They can also vote here.

Mr. CHURCHILL: What is the term of service abroad for employees in the various departments who are posted abroad?

The WITNESS: It varies a great deal even within our own department. Other departments have people who may be stationed abroad for 10 or 15 years, although presumably every three or four years they are eligible to come back to Canada on home leave for a few months. In our own service, the normal term abroad for officers, stenographers and clerks averages about three years. Sometimes a man is sent abroad and at the end of three years he comes back on home leave for a few months and then goes abroad again. It would be unusual in our department for a man to remain abroad continuously for much more than 3½ years. Many of our people spend most of their careers abroad, except for occasional home leaves in Canada and occasional short postings in Ottawa. I have been told of some people in our department who in the course of 25 years' service have never had a chance to get on a voters' list in Canada. Some of them, as patriotic citizens, rather regret that and wish that there was a way for them to vote like other Canadians.

Mr. DICKEY: I wonder if the witness would say that this is regarded as a reasonably important method of keeping a tie between Canada and a number of officers who, through their services, have to live abroad for many years.

The WITNESS: Well, Mr. Chairman, of course, it is a matter of speculation. We have not canvassed other government employees, not even all our own, to ask them how strongly they feel about it. But we have heard from a good many of them on it. I would agree with Mr. Dickey that this would be an important thing, not from the point of view of the number of votes actually added to any constituency, but from the point of view of principle. A good many Canadian employees abroad feel that at this important time in Canadian public life and Canadian democracy, they should be able to vote like other Canadians.

Mr. HANSELL: They would like to see that by being assigned to another country they do not lose their franchise?

The WITNESS: Yes.

By Mr. Pallett:

Q. Did the figure that you gave for the numbers in the United States include people at the United Nations?—A. It includes any people at the United Nations in the employ of the Canadian government, not Canadians working for the United Nations secretariat. There are two kinds of Canadians at the United Nations; some are employed by the United Nations itself, and we have not counted them in.

Q. Do you have any idea of the number involved there?—A. No, sir.

Mr. CAVERS: In giving the franchise to those who are civil servants or employees of the dominion government and not giving the vote to those who may be employed on the secretariat or as commercial or mercantile representatives of various firms in many parts of the world, it seems to me that you are going to create a discrimination between certain classes of employees. I think that that is going to cause a great deal of trouble unless everyone is given the franchise.

The CHAIRMAN: As you know, the witness is speaking on behalf of the Department of External Affairs. I do not know if he would care to elaborate on that, but I do not think, probably, that he should. It is up to other groups to make representations if they so desire.

Mr. RICHARD (*Ottawa East*): I suppose that this matter is now open for discussion. The people we are discussing are servants of the Crown who, on account of their duties as public officials, are posted abroad, not of their own volition but because the government, either provincial or federal, posts them abroad. That is different from a civilian employee who works for a firm.

Mr. CAVERS: They might not be there of their own volition either. They might be sent there.

Mr. RICHARD (*Ottawa East*): You might perhaps say that. But it is in essence coming back to the question of whether a privilege of this type should be extended to any other than those who deserve the privilege. I think that in the first meeting the Chief Electoral Officer explained that it was not possible to give the right of voting to every Canadian citizen wherever he may be. It is desirable, and it is an inherent right, not a privilege, to vote outside of Canada, but on account of the difficulty of the machinery, some cannot be allowed to vote at the present time. That is why that privilege should be extended only where it is reasonable on account of the difficulties involved.

The CHAIRMAN: Yes, under our present system.

Mr. MACDOUGALL: I do not wish to be biased in this. I am a great admirer of the personnel of the Department of External Affairs, and I think that they are doing a terrific job, and I know that the witness is doing a great job in that department today. But there are many facets to this discussion. One of them has been raised by Mr. Cavers.

The CHAIRMAN: If I might interrupt at this point, as we are going to hear the witness from the Department of National Defence on the subject of having the franchise extended to Canadians living outside Canada; maybe we had better deal with all the witnesses and the questions, and then if anyone wants to make a general statement afterwards, that would be a better time.

Mr. MACDOUGALL: Are you going to hear the witness from the Department of National Defence today?

The CHAIRMAN: Yes.

Mr. MACDOUGALL: Then I shall sit down.

The CHAIRMAN: Are there any more questions?

By Mr. Fraser (Peterborough):

Q. Would the men and women employed under the Colombo Plan as instructors and so on come under this?—A. Of course, we have not presented to this committee an actual scheme of legislation. I think that some of the Colombo Plan employees would be technically employees of the Canadian government. Therefore, so far as we are concerned, they would be covered if the machinery could reach them. But, actually, most of them are in parts of the world where the chances are that the machinery will not reach them anyway.

Q. Yes, but under the Colombo Plan there might be a man coming under the Department of External Affairs and another man working right with him who might not be covered. One would have the vote and the other would not.—A. Our suggestion relates to all employees of the Canadian government abroad.

Q. It would cover the Colombo Plan?—A. If they are on the payroll of the Canadian government they would be covered.

By Mr. Pallett:

Q. Do you have the total number of Canadians abroad?—A. All Canadian citizens?

Q. Yes.—A. No, sir. We do not have a figure that would be of much use. In many countries we have fairly reliable figures, but what ruins it is that in countries like the United States and the United Kingdom there are scores of thousands whom there is no way to identify as Canadians. So many Canadians take up their homes in the United Kingdom and become part of the United Kingdom community; likewise in the United States. I am afraid that we do not have figures. In any event, most of those people have taken up their residences for life in the other countries, whereas we submit that the ones we are talking about are the people whose normal home is in Canada but who are temporarily sent abroad, as in our case, for the good of the country, and in other cases to work for the provincial governments or for corporations.

By Mr. Hansell:

Q. Might I ask this? Would the normal residences of people stationed abroad be fairly scattered, or would you say that they might be concentrated in one or two areas? Would you say that there is a preponderance of them whose residence would be in Ottawa, or would they come from all parts?—A. It would depend on how the law was drafted, whether the individual was asked to say what he regards as his home.

Q. As I understand it, if he voted according to the regulations governing the services vote, he would vote for a candidate in his own particular constituency from which he came.—A. One of the many problems that would arise, if the committee thought that there was some merit in the general idea, is this: in the armed forces a man knows where his home is. If his home is Edmonton and he enlists for five years, or whatever period it is, in the army, his home is still Edmonton. I used to live in Edmonton until about 18 years ago. In some ways I might think of Edmonton as my home. I have brothers and sisters there, but physically my home is in Ottawa, I have a house in Ottawa, and when I am stationed abroad I consider that I live in Ottawa. If the law gave me a choice and said, "You can put down what you regard as your home", maybe I would put down "Edmonton", or I might put down "Ottawa".

Mr. FRASER (*Peterborough*): But the serviceman has a choice.

Mr. CASTONGUAY: The serviceman can only give his ordinary place of residence prior to enrolment. But in December of any year he may change that, provided his residence has been physically changed.

Mr. FRASER (*Peterborough*): That is what I meant.

Mr. DICKEY: If a serviceman moves his family from Edmonton to Ottawa during the year and was intending to come back to Ottawa when his period of service outside the country was over, he could in December of that year make a declaration changing his place of ordinary residence to Ottawa.

Mr. CASTONGUAY: Broadly speaking. When the regulations came into force those who were in the forces had approximately three choices. Now, as the regulations have been functioning, these people on enrolment have only one choice. It is their place of residence prior to enrolment.

By Mr. Pouliot:

Q. Mr. Wershof, you spoke of Canadians working on the Colombo Plan outside of Canada. Are there many of those?—A. We think that there must be at least a few dozen at the moment working abroad on the Colombo Plan.

Q. They had not been employed for a long time?—A. Most of them go out on a contract for one year or two years.

Q. At the outset I was told that no Canadians were working on the Colombo Plan. After we had subscribed some money for it— —A. Perhaps I did not make myself clear. Under the technical assistance part of the Colombo Plan, there are certain Canadian experts, mostly technical experts, who are from the Canadian government service. I think that some are borrowed from industry. Another government—for example, the government of India—asks the Canadian government if we can let them have an expert to give technical assistance under the Colombo Plan on a certain project. The Canadian government then tries to get an expert, who may be from the Canadian government service or may be from private industry in Canada, and sends him out for two years, for example, to work in India. It is under the Colombo Plan in the sense that it is under the technical assistance part of the Colombo Plan.

Q. This is what you mean?—A. Yes.

Q. Because I was speaking of those engaged in the management of the Colombo Plan outside of Canada. There are no Canadians on that?—A. I think that you are correct. It is only the technical assistance people who are sent out.

Mr. HOLLINGWORTH: Technical assistance people would be employed by certain United Nations agencies, would they not?

The WITNESS: The United Nations certainly has a technical assistance program and they send out people, and for all I know they may send out some Canadians. There are also some Canadians who are sent out under the technical assistance part of the Colombo Plan and who are on the Canadian government payroll, I believe. Presumably they would have as much right to be given consideration as other Canadian government employees.

Mr. CARTER: I can see that the principle is one thing, but the practical application of that principle might be quite another thing. I was wondering if either the witness or the Chief Electoral Officer could give us any information as to how effective this machinery used in other countries is for this purpose. We have heard of voting by proxy, voting by mail and various other methods. If the machinery is not effective, it would be hardly worth while to set it up.

The CHAIRMAN: Today we are discussing the principle of the thing, and I do not know whether we are getting into the mechanics or not. Of course, it may have a bearing on our decision, but I think that we should probably wait and deal with it later. For the time being we will finish with the witness on questions concerning the principle rather than the mechanics.

Mr. RICHARD (*Ottawa East*): I think so, Mr. Chairman. Then we can hear the witness from the Department of National Defence and let the Chief Electoral Officer speak.

Mr. POULIOT: Would this be the right time to move that the suggestion should be postponed indefinitely?

The CHAIRMAN: I think that perhaps we should hear the witness from the Department of National Defence.

Mr. POULIOT: I move that the suggestion made by Mr. Wershof be postponed indefinitely.

Mr. MACDOUGALL: Though I agree in principle 100 per cent with my friend, Mr. Pouliot, I hardly think that this is fair. We have now heard Mr. Wershof of the Department of External Affairs. I understand that the representative from the Department of National Defence is here, and I do not think that we should differentiate on that basis at the moment. I should like to make a motion, too, Mr. Pouliot, along the same lines as you. I think that we ought to hear a representative from the armed services.

The CHAIRMAN: I think that the steering committee agreed to that, and that we call the witnesses this morning. They are here, and, if it is agreed, we will proceed with the other witness, but first, as we have only one reporter this morning, we are going to have a five-minute break before we hear the representative of the Department of National Defence.

Is it the wish of the committee that this table from the Department of External Affairs be printed in the proceedings of the committee?

Agreed. (See Appendix "A")

Mr. Wershof, I should like to thank you very much for coming here this morning and stating your case on behalf of the civil servants of Canada residing outside of Canada in respect to their being granted the franchise. I am sure that the committee will give every consideration to your presentation. Thank you very much for your assistance.

(Upon resuming):

The CHAIRMAN: We will resume after our recess.

Mr. DICKEY: Mr. Chairman and gentlemen, the Hon. Mr. Campney, Minister of National Defence, was looking forward to being able to be here at this meeting to present to the members of the committee the thoughts of the Department of National Defence in connection with the problem relating to the taking of the votes of Canadian servicemen stationed overseas in the various services. Under arrangements made by the Department of National Defence, these men have their wives and families with them. As the committee knows, Canadian servicemen are now entitled to vote under the Canada Elections Act. Regulations, known as the Canadian Forces Voting Regulations, are included as a schedule to the Act which sets up the machinery for the taking of the vote of service electors in service polls. Now, there is no need for any substantial changes in the regulations as they apply to members of the regular forces and members of the reserve forces who are on full-time service. However, the situation at present is that a large number of wives and families of Canadian servicemen are now resident abroad, and it is felt that, in view of the fact that the mechanics for taking the votes of the service electors are set up, consideration should be given to the propriety of extending eligibility for voting in those service polls to the wives of these same servicemen. The department has prepared draft amendments to the regulations for submission to the committee at a later stage, if and when the committee decides that the principle should be adopted and that consideration should be given as to the practicability of this proposal. The draft amendments make minor changes in the regulations, but their main purpose is to include provisions which would extend the regulations to cover the wives of servicemen.

Brigadier Lawson, the Judge Advocate General, is here to speak on behalf of the department and particularly at this stage to answer questions of the members of the committee. He is prepared at a later stage to present the draft amendments to which I have referred and to go over them in detail with the committee, but I believe that at this moment it would be more

appropriate perhaps to have Brigadier Lawson answer questions by the members relating to the principle involved.

The CHAIRMAN: Is it agreed that we hear Brigadier Lawson, the Judge Advocate General?

Agreed.

Brigadier W. J. Lawson, Judge Advocate General, Department of National Defence, called:

The WITNESS: Mr. Chairman, I can add very little to what Mr. Dickey has said by way of explanation. There are at the present time some 3,613 wives of Canadian servicemen living abroad with their husbands, largely in Germany with our Canadian brigade and part of our air division, and in France with the remainder of our air division. These servicemen and their wives live on stations or in camps, in married quarters, in what, I think, could properly be referred to as integrated Canadian communities. They have their own shops, their own churches, and live together there just as if they were living in a town in Canada. When a general election occurs, we set up in these communities polling places at which the servicemen are entitled to vote. The proposal is that the wives should also be entitled to vote in these same polling places and under the same terms and conditions as their husbands. The same machinery will be used, and little or no additional expense would appear to be involved in the proposal.

By Mr. Fraser (Peterborough):

Q. May I ask a question? In regard to these 3,613 wives, some of them would be women of foreign birth. Would they automatically become Canadian citizens on marrying a soldier?—A. No, they do not, sir.

Q. I wanted to know how you would work that out in your voting. Has consideration been given to that?—A. I have not specifically considered the problem, Mr. Chairman. I think that they would not have a vote, as they would not be British subjects.

Mr. DICKEY: Mr. Chairman, the situation is that the regulations proposed would extend the franchise to the wives of Canadian service electors. The qualifications for a wife would be that she is of the full age of 21 years, which is the general requirement of the Act, and that she is a Canadian citizen or other British subject. If under the general law she became by her marriage a Canadian citizen and entitled to vote as a Canadian citizen under the general Canada Elections Act, then she would be eligible under these regulations. If by the fact of her marriage she did not become a Canadian citizen or British subject, she would not be covered.

Mr. FRASER (*Peterborough*): It is up to the wife herself whether she wishes to become a Canadian citizen?

Mr. DICKEY: It is as to whether or not she is under the general law a Canadian citizen or a British subject.

Mr. FRASER (*Peterborough*): She has a choice?

Mr. DICKEY: It is a matter of the general law, and I do not think that we should go into that. If in fact under the general law she is a Canadian citizen or a British subject, then she would be covered by the proposed regulations. Otherwise, she would not.

By Mr. Cavers:

Q. Brigadier Lawson has told us that there were 3,613 wives living with their husbands abroad. Can you tell the committee how many wives are not

living abroad with their husbands, but who are residing in Canada? My point is this: what check is going to be made on the voters' lists in Canada to see that a wife does not vote in Canada and then have someone vote for her abroad?—A. Mr. Chairman, in answer to the first part of the question, I have no exact figures of the number of wives who remain in Canada and the number who go abroad, but a high percentage of wives go abroad with their husbands. In answer to the second part of the question: if the wife was abroad and voted abroad, she obviously could not vote in Canada. She would not be physically present in Canada to vote although she might possibly be on a voters' list in Canada if she had not left before the list had been prepared.

Q. Those wives who are not abroad would be entitled to vote in Canada and to vote there.—A. That is right. They would have the normal civilian vote in Canada, just as any other servicemen's wives in Canada.

Mr. DICKEY: Perhaps there is some confusion here. It is a service vote; it is not a vote by proxy. The individual has to mark his ballot and put his ballot in a proper envelope. It is not a question of having somebody else vote for the wife; the wife has to vote personally.

Mr. CAVERS: My point is this: what check is going to be made between the vote taken abroad and the voters' list in Canada to make sure that persons are not voting in somebody else's name?

Mr. DICKEY: Perhaps that is a point that could be discussed by the committee later. Actually that would involve the question of impersonation in Canada, which is dealt with otherwise.

By Mr. Richard (Ottawa East):

Q. The witness mentioned 3,613 wives living in camps. The wives of enlisted men who are living abroad but not in camps would not be covered. Is that right?—A. I did not intend to say that. I said that there are 3,613 wives of servicemen living with their husbands outside of Canada. Most of those are living in camps, but not all.

Q. The next point is this: some of these wives are living in areas where servicemen's votes can be taken, but that would not be covered in all the countries in the world where servicemen are posted with their wives?—A. That is quite right. There would be a few cases where it would not be practicable for the wife to vote, as it is not practicable now for the serviceman to vote. We have military attaches at our embassies in various countries, and it is not practically possible for them to vote, under the regulations as they now exist; neither would it be practically possible for their wives to vote.

Q. The serviceman's vote does not entitle every serviceman in the world to vote, but only those in localities where the facilities are provided. Those facilities are limited in principle, are they not?—A. That is right.

By Mr. Fraser (Peterborough):

Q. Would not military attaches in the different embassies be able to vote under the same regulations as members of the External Affairs staff? They would be attached to the same setup.—A. I would assume, Mr. Chairman, that if it is decided to extend the vote to Canadian civilian employees abroad, arrangements would be made to allow servicemen to vote at the polls that might be established for the civilian employees, if it were not convenient for them to get to a service poll. That would be a matter of framing the regulations.

Q. That would have to be done by proxy from most of those embassies, would it not?—A. We have no system of proxy voting now except in the case of prisoners of war. It is a personal vote, as Mr. Dickey has just explained.

Mr. HOLLINGWORTH: Mr. Chairman, I feel that Mr. Dickey's observation as to the general law, as he called it, was quite in order, but I should like Mr.

Castonguay to answer this question, if he can. If a Canadian serviceman marries a German girl, does she automatically become a Canadian citizen?

Mr. CASTONGUAY: I am not competent to give a ruling with respect to the Canadian Citizenship Act.

The CHAIRMAN: I do not think that much is to be gained in that regard. We could probably find out.

Mr. HOLLINGWORTH: Probably a German wife of a Canadian serviceman would not be familiar at all with Canadian politics.

Mr. CHURCHILL: What is the average term of service abroad of Canadian servicemen?

The WITNESS: Usually the term is three years, if he is accompanied by his wife.

By Mr. Hansell:

Q. Might I ask if these figures are recent figures? How would they compare, for instance, with figures of the last election two years ago? Are they approximately the same?—A. The figures would be very much higher now, Mr. Chairman. It is only in the last two years that we have commenced to move dependents abroad in any numbers. It was necessary to construct married quarters, and so on, for them, and that has just been done. It is just in the last year that they have been living abroad in large numbers.

Q. Has there been any particular agitation or request from wives of these men? Where does the idea spring from, really, of granting this to them? Does it come from the department? Do they want it?—A. Mr. Chairman, the matter has not yet come up, because there has not been a general election since there has been any substantial number of wives living abroad. Therefore, we have had no representations, regarding the matter, from the wives or their husbands. I could fairly say that it is an idea developed in the department. It seemed only reasonable to extend this privilege to them.

Mr. POULIOT: You have no power of attorney from the wives of soldiers to request that the franchise be extended to them?

The WITNESS: No, I could not fairly say that we have.

Mr. RICHARD (*Ottawa East*): In the same camps now—and this has only been for the past few years—you have teachers and other civilian employees who are, of course, not wives of the soldiers. They are there for two or three years and maybe more. Has any consideration been given to extending the vote to those teachers and other people who are with your camps?

The WITNESS: Mr. Chairman, we have very few Canadian civilian employees abroad. We have a large number of civilian employees who are nationals of the countries in which the camps are situated. We have some 112 civilian schoolteachers, and we would very much like to see the Act so amended as to make it possible for them to exercise their franchise in a general election. We would hope that, if the proposal put forward by the Department of External Affairs is adopted, it would be modified to include these civilian schoolteachers.

Mr. FRASER (*Peterborough*): Those civilian schoolteachers are paid by the Department of National Defence, are they?

The WITNESS: They are actually paid by their own Canadian school boards who, in turn, are reimbursed by the Department of National Defence, so that possibly they would not come under a general provision applying only to Canadian government employees. Special consideration would have to be given to their case in drafting new legislation.

Mr. MACDOUGALL: What is the status of exchange teachers abroad?

The WITNESS: I take it that the reference is to teachers going abroad from Canada to teach in English schools, and that sort of thing. I am afraid that I have no information on that.

Mr. PALLETT: Of these 3,613 wives that you mentiond, how many of their marriages were completed in Canada and how many overseas?

The WITNESS: I have no figures on that. The very great majority of marriages would have taken place in Canada.

Mr. HANSELL: Might I ask Mr. Castonguay a question? This again raises the matter of the residential status of these wives. After the wives have gone overseas, what is their residential status? Who would they vote for?

Mr. CASTONGUAY: It would depend on the decision of the committee. It could be that the committee would wish to have the wives apply their votes to the constituency to which their husbands made a declaration. That could be one approach to the matter. The question of where that vote would be applied would have to be determined by the committee. The husband makes a declaration of his place of ordinary residence, and it would seem to me natural that the wife should be limited to apply her vote to that constituency. That would simplify matters a great deal.

Mr. POULIOT: In normal life, it would be the wife who informed her husband, rather than vice versa.

Mr. DICKEY: The scheme of the present regulations is for the vote to be applied to the place of ordinary residence of the service voter. I do not think that there was any suggestion that that principle should be departed from, unless there was good reason for the committee to decide otherwise. I understand that the department's view was that the place of ordinary residence of the wife would be the same as the place of ordinary residence of the husband.

Mr. HANSELL: Yes, but a little while ago Mr. Castonguay said that once a year the serviceman could declare his place of residence by reason of the fact that his wife had moved from Ontario to Alberta, as many of them do.

Mr. FRASER (*Peterborough*): Not many.

Mr. HANSELL: In this case they would not be moving from one part of Canada to another part of Canada, but they would be moving their home from Canada to Germany.

Mr. CASTONGUAY: Then his residence would remain the same as it was on his original declaration. It is only when he moves within Canada, or when his family moves within Canada, that he has the privilege of making a change in his place of ordinary residence.

Mr. RICHARD (*Ottawa East*): Maybe Brigadier Lawson could break down his figure of 3,613 wives, and tell us where these people are located.

The WITNESS: Yes, I have a breakdown of those figures, Mr. Chairman. These are wives of service personnel living with their husbands outside of Canada. In the United Kingdom and Europe there are a total of 3,401, made up of 63 navy, 1,630 army, and 1,708 air force. In the United States there are a total of 212, made up of 46 navy, 70 army and 96 air force. I have no figures for other countries, but there would be very few beyond that. There would be only a few wives of military attaches, as I said, and perhaps one or two members of their staffs in various places.

By Mr. Fraser (Peterborough):

Q. Most of those in the United States would be in New York and Washington, would they not?—A. No, I would not say that. They would be scattered.

Q. Would they be scattered where the training is carried on?—A. Yes.

By Mr. Pouliot:

Q. In the first place, I would suggest that the witness sit down to answer. He spoke of a certain number of wives in Europe. Europe is a continent, and I wonder if he could give details for each European country.—A. I am sorry, Mr. Chairman. I have not exact figures on that. The largest number would be in Germany, because that is where our brigade is stationed. The wives of all the members of the brigade would be in Germany. Approximately one-half of our air division is in Germany, so that the wives of one-half of the air division would be in Germany. The other half of the air division is in France, and therefore those wives would be in France. Outside of Germany and France, the numbers would be comparatively small. There would be a fairly substantial number in the United Kingdom, but beyond that there would be very few.

Q. The smaller the number, the more difficult it would be to organize?—A. That is quite true, Mr. Chairman, but, of course, we do not provide facilities for them all. As I said before, there will be some for whom it would not be reasonable for us to establish facilities.

Q. To summarize the whole thing, you did not receive any representations from any soldier stationed overseas, nor from a wife of any such soldier, to appear before the committee and to ask that the franchise be extended to them?—A. No, we had no such request.

Mr. PALLET: I have a question for Mr. Castonguay. Do you know the percentage of overseas members of the armed forces who voted in the last election?

Mr. CASTONGUAY: In the United Kingdom and northwest Europe there was a potential vote of 9,224. That was the estimated number of Canadian forces electors; of these, 5,104 voted. In Japan and Korea there was an estimated number of Canadian forces electors of 9,340; of these, 3,873 voted.

Mr. POULIOT: That is for men and women in the forces?

Mr. CASTONGUAY: Members of the Canadian forces. 5,104 voted out of 9,224, which would be slightly under 60 per cent. In Japan and Korea the figure would be about one-third of the forces.

The CHAIRMAN: Are there any further questions of this witness? If there are no questions, can I release the witness before we go into general discussion?

Agreed.

Thank you very much, Brigadier Lawson, for coming here this morning and presenting your case, and thanks also to your assistant, Captain Dewis. Is it the wish of the committee that we proceed now to a discussion of this matter?

Mr. RICHARD (*Ottawa East*): Unless there are other representations from other witnesses, I think that, to proceed in a reasonable manner, we should hear from the Chief Electoral Officer. After hearing these witnesses, perhaps he could give us his opinion as to whether there are any mechanics within the Act as it now stands which would be reasonably apt to be applied to these circumstances. Then, I think, we could go into a general discussion.

The CHAIRMAN: Is that agreed?

Agreed.

Mr. N. J. Castonguay, Chief Electoral Officer, called:

The WITNESS: I explained at the second meeting the position with regard to taking the votes of Canadian citizens who are not wives of members of the Canadian forces or public servants abroad. In my explanation I pointed out

that I think it would take a complete change in our electoral system to provide facilities for Canadian citizens who are not members of the public service or wives of members of the forces to vote outside the country. I went beyond that. I think that it would also take a complete change to provide facilities for Canadian citizens who are absent from their polling divisions within Canada to vote at a general election. Dealing with this question of Canadian citizens who are not public servants nor wives of members of the Canadian forces, I have nothing to add to what I said at the original meeting and to what I have briefly outlined now.

With regard to members of the public service, if the committee wish to confine these facilities for the public service to the voting territories that I am authorized to establish for members of the Canadian forces, I am sure that it can be done, but I do not presume that the committee would wish me to establish a voting territory solely to cover the public servants in, say, South America or in Asia. There are limitations to the facilities that we can provide with the voting territories that we have established by law. We have those three in Canada and at the last general election, as you know, I had one in Japan and Korea, and one in the United Kingdom and northwest Europe. There are limitations even to the territories I do establish outside the country. Those members of the Canadian forces who are in countries that can be serviced from the voting territories outside the country are taken care of now, but these facilities are limited.

Before going on to the wives, I must say that this could be done if it were limited to members of the public service and if some rules could be devised to establish a place of ordinary residence for them in this country so that they could apply their votes outside the country to the constituency where they have normal residence when not absent. As to the wives of members of Canadian forces, in so far as the mechanics are concerned, I think that that could be arranged with less difficulty than with the public service.

Mr. FRASER (*Peterborough*): Would it not have to be done by proxy, as from the embassies? Is that not the only way it could be handled?

The WITNESS: No, as I explained previously, with the permanent system of lists you can establish facilities to provide for a postal vote. With most of those countries where facilities are provided to nationals to vote outside the country, the basis for those facilities is a permanent electoral roll. If the elector is absent from his home polling division within the country, he will go to another polling station in the country and apply a vote in the poll for a candidate in his constituency. The mechanics are different for a national living outside the country. He applies to the registrar of his constituency for a postal ballot, and that ballot is sent to him, provided he is enrolled on that permanent list of the constituency. Then it is up to the elector to send that postal ballot back to the registrar of his constituency in time to be counted, and the normal safeguards are the checking of the signature of the elector on the postal envelope against the elector's original application for registration and then checking the poll book where the elector would normally vote to see if somebody had voted in his name. I would suggest that, even in the providing of these facilities in Canada, the province of British Columbia allows three weeks for the collection of their absentee votes. For a federal election, spread from Newfoundland to British Columbia, the returning officers would need about six or seven weeks to get these votes back to their proper constituencies and counted. Therefore you would have a period of at least two months before members could take their seats in the House.

By Mr. Pouliot:

Q. What delay would there be when they ask for a form in the first place?

—A. The form is requested as soon as the election is announced, but the form

cannot be sent to the elector until such time as nomination takes place because with the postal envelopes and ballots must be sent the names of the candidates in the pertinent constituency.

Q. That is if there is a permanent list. If there is no permanent list, it is not feasible.—A. Then it is not practicable at all.

Q. Is it true that a permanent list is purely Utopian?—A. I know that it was tried once, in 1934.

Q. At the time when Mr. Bennett was in power, Mr. Thompson was working with your father.—A. A franchise Act was introduced in 1934. Colonel Thompson became the franchise commissioner. The basis of that system was a complete enumeration in October, 1934. There was to be an annual revision, and the annual revision took place between the 15th May and the 30th June, 1935. After that revision ended, on the 30th June, there was no way to get on or off that list, and in the rural areas there was no vouching system. Your name had to be on the list to vote. The election was announced in October, about four months after the last opportunity was afforded to any citizen to get on the list. The experience of that election was such that the members came back after the 1935 general election and unanimously agreed to reject that permanent list. That is the one experience that we have had in this country with a permanent list.

Q. It was not very good.—A. The onus of recording any change with the registrar rested upon the elector. He had to go before the registrar and to inform him that he had moved into the constituency and that he wanted to be on the list. The onus, in a practical sense, of removing the names from the lists fell upon the political organization in the constituency, because the elector, having left, was no longer interested in having his name struck off. I understand that striking off names from the lists became more or less a task of the political organizations in the constituencies. By that I do not mean to infer that the permanent system of lists cannot be properly used. It is used in other Commonwealth countries and used successfully. To provide facilities for people absent within the country or outside the country, the basis of such a system has to be a permanent list, in order to provide the normal safeguards that only ballots cast by qualified electors of a constituency are counted in that constituency, even though they are absent from their polling division on polling day.

Mr. FRASER (*Peterborough*): In regard to the postal ballot, in many cases it could not be secret. If a ballot came in from some outlandish section of the community and there was only one person in that section, they would know, when that ballot was counted, how that individual voted.

The WITNESS: I would say that the postal ballot is secret, because in the first place in the case of absence within a country that vote must be cast in a polling station. The elector walks into a polling station and states, for instance, "I am from Peterborough". He gets a ballot and gives his name. Then he has a list of candidates, and he writes the name of the candidate on the ballot. He puts the ballot in the envelope and drops it into the ballot box of that polling station. But there is a danger in regard to secrecy outside the country inasmuch as the voter does not drop it in a ballot box at a polling station. He receives it at his home, and maybe somebody will come along who says to the elector, "Mark the ballot for such a candidate, put it in the envelope, and I'll mail it for you". That cannot happen when they cast their ballots in a polling station. Outside the country, an elector can mark his ballot at home or in his office or anywhere, and that type of influence could be exercised. That is the only danger with regard to secrecy. When it gets back to the returning officer, I do not see any danger with regard to secrecy, because the ballots are counted in front of the agents. They are removed from the envelopes without identifying the envelopes with

the ballots, and I think that there is protection of the secrecy of the ballot, in the same measure as there is for voting under the armed forces voting regulations.

By Mr. Pouliot:

Q. After consultation with Mr. Churchill, I should like to ask you a question regarding the permanent list. You said that perhaps it was successful in other countries?—A. Yes.

Q. Do you not think that it could have been successful because it was not honestly done in those countries?

MR. CHURCHILL: I rise on a point of order, Mr. Chairman. There has been no consultation between myself and Mr. Pouliot. Mr. Pouliot used the word "honestly", and I suggest that the word "honestly" should be struck out.

MR. POULIOT: When I use a fine word like that, it is not libel or slander.

THE CHAIRMAN: Today being March 17, could we display some of the spirit of St. Patrick?

MR. HOLLINGWORTH: I move that this committee approve in principle that the federal vote be extended to government personnel resident outside Canada and also to the wives of service personnel where facilities are now available. The reason why I so move, Mr. Chairman, is this: I think that it is trite to say that every Canadian citizen has an unassailable right to vote. I think it would be bad if we denied that vote to any Canadian citizen. I do not see that any great additional cost would be incurred, because I said specifically, "where present facilities are available". I think that we should approve it in principle only at this stage, because the technical working out of the actual voting procedure will have to be done after further consultation with the Chief Electoral Officer, possibly at a subsequent meeting. Therefore I move, Mr. Chairman, that we so extend the vote as I have indicated in the resolution.

MR. RICHARD (*Ottawa East*): Seconded.

THE CHAIRMAN: It has been moved by Mr. Hollingworth and seconded by Mr. Richard that the committee approve in principle the extending of the franchise to the wives of members of the armed forces and to civil servants living abroad.

MR. ELLIS: I would approve of that motion, because I think that we should extend the vote to as many Canadian citizens as possible. At the same time I would suggest that when we speak of extending voting privileges to people living in other parts of the world, we should bear in mind that there are many people in Canada who cannot vote. If we are going to be concerned about Canadians living in other countries who cannot vote, we should remember that in Canada there are hundreds of thousands of Canadians who are denied the vote, simply because their jobs take them into other parts of Canada. That principle has involved many members who come to Ottawa and lose the votes in their municipal and provincial elections. In this country we find that in elections at every level there are a great many Canadians who are denied votes. The ideal situation would be absentee voting, which would make it possible for all Canadians to vote.

THE CHAIRMAN: That could be dealt with under another section of the Act. Your point, which is well taken, could be considered under another section of the Act.

MR. ELLIS: I just bring up that point as the reason for my attitude on this subject.

MR. MACDOUGALL: I should like you to read the motion of Mr. Hollingworth, because it seems to me, if I was hearing correctly, that there is ambiguity in the motion. Would you mind reading it again?

The CLERK (*Mr. Chassé*): The hon. member will correct me if I have it wrong, but this is how my notes read: Mr. Hollingworth moves, seconded by Mr. Richard: "that this committee approve in principle the extension of the facilities now existing for servicemen abroad for the taking of their vote, to government employees and wives of soldiers living abroad."

The CHAIRMAN: Wives of the members of the armed forces.

Mr. HOLLINGWORTH: With the rider: "where present facilities are available".

Mr. MACDOUGALL: I say that this is getting very mixed up. As far as I personally am concerned—and I think that this is the opinion of other members of the committee—we are justified under the armed services voting regulations to allow the wives of members of the armed services abroad to vote. But that is an entirely different matter to what is linked up with the resolution of Mr. Hollingworth. That resolution includes not only the wives of the members of the armed services abroad but governmental employees also. Now, I am going to move an amendment, and I do not want anyone to think that I am discriminating at all against an organization of which I am very much in favour, the Department of External Affairs. I think that it is doing a great job. But the very moment that we give due cognizance and authority for the enactment of such legislation, you have not the foggiest idea of the number of people who are or were Canadians and who now may be voting in the United Kingdom as British subjects. Secondly, you have no idea how many ex-Canadians are resident in the United States and are now going through a process, possibly, of taking their American citizenship papers. The question of absentee voting was mentioned by the hon. member for Regina. Since I have become a member of parliament I have never been able to vote in the municipal elections of the city of Vancouver. Do not forget that there are all types of occupations which will not allow a legitimate Canadian elector to cast his ballot because he has been prevented, either by his location or through illness or some other cause, from being in that part of the dominion, so that he loses his franchise to vote in his own electoral district. The question was raised the other day by the hon. member for Temiscouata regarding civilians who are not governmental employees. There are many big mining organizations which are staffed by Canadians in many countries of the world. There are also the Canadian Pacific and the Canadian National Railways, and there are all the banks in Canada which have Canadian personnel, a great many of whom have been absent from this country for a period of 10 years or more. I doubt very much whether people in that category can cast anything resembling an intelligent vote, and I doubt whether they are desirous of voting at all. Therefore I move this amendment to the motion of my good friend from York Centre: That every consideration be given by this committee to the suggestion that the wives of members of the armed services abroad should be allowed to vote, but that we do indefinitely reject the idea that that same principle should be extended to Canadians who are living abroad and are not in the armed services.

Mr. CAVERS: Seconded.

Mr. ZAPLITNY: I had hoped that the amendment was going to be briefer than it was. I am not sure what the words of the amendment are, but I take it that the meaning of the amendment is that we should now deal exclusively with the question of extending the franchise to the wives of services personnel and leave the other question.

Mr. MACDOUGALL: I want to dispose of one negatively and the other positively.

Mr. ZAPLITNY: I suggest that that kind of motion would be out of order, because it would be a negative motion. Speaking to the motion, as I understood the meaning of it, it was that we deal first with the question of the

wives of the armed services personnel, and then dispose of the other question later. On that basis, I thoroughly support the amendment. I think that Mr. MacDougall's point is very well taken in that we are dealing in the first instance with a special case for which facilities are already available and which would not require any extensive changes to the Act or regulations, whereas the other question is a matter which involves a different principle entirely.

Mr. MACDOUGALL: Mr. Zaplitny, with your permission, I would cut my amendment. I will admit that it is possibly out of order, because there is a negative and a positive side to it. I shall now move an amendment to the original motion: that this committee do consider giving the wives of Canadian service personnel who are serving abroad the vote. Is that short enough?

Mr. ZAPLITNY: That is the kind of motion that I would be pleased to support. I think that there is a very good case for us to deal with that matter first. I am in favour of the amendment, and I am in favour of leaving the other question of the public servants till a later time.

The CHAIRMAN: Do you agree with that, Mr. Cavers?

Mr. FRASER (*Peterborough*): Before that amendment is put, Mr. MacDougall, I think that you would have to add in that amendment, "to the wives of servicemen who are qualified to vote".

The CHAIRMAN: I think that that would be automatic.

Mr. FRASER (*Peterborough*): I do not know whether it would be.

Mr. MACDOUGALL: I will qualify it, if you like.

Mr. DICKEY: I think that this is only an expression of the approval of the committee in principle.

Mr. FRASER (*Peterborough*): In principle, yes, but I think it should be qualified.

Mr. HOLLINGWORTH: I have no objection to Mr. MacDougall's amendment, because actually that is part of my motion.

Mr. MACDOUGALL: But it is not all of it.

Mr. CHURCHILL: I should like to speak on the amendment. There is much to be said for extending the voting privilege to the wives of servicemen overseas, but I would hope that some different arrangements would be made if that is to be done with respect to the services vote generally. Although there is everything to be said for servicemen voting, there is a very strict limitation in presenting to servicemen the privilege of voting in matters that concern the election in which they are casting their ballot. I have been through this voting twice overseas, and once at home, while in the service, and I appreciate the lack of knowledge of service people with regard to the issues at stake. If we are going to extend now this privilege to wives of servicemen without making it possible to give the wives at least further information than the servicemen get with regard to the issues at stake, I think that we are not gaining very much.

The CHAIRMAN: May I interrupt for a moment? When the regulations come before the committee, that could be dealt with.

Mr. CHURCHILL: I know, but I would not be in favour of voting for this amendment if the intent of it is simply to carry on the system now in existence.

The CHAIRMAN: I think that we are dealing more with the principle of it now.

Mr. HANSELL: Might I rise to a point of order here? I should like to make a suggestion. There may be confusion between the motion and the amendment. I am quite prepared to vote for Mr. MacDougall's amendment,

but I believe that it could be simplified if both gentlemen would withdraw their motions and make two separate motions, one approving the principle with regard to the wives of servicemen, which would dispose of that question, and the other approving or rejecting the question with regard to the public servants abroad. That would simplify the matter very much, I think.

Mr. DICKEY: On that point of order, I was also going to bring that to the attention of the committee that, if by voting for this amendment we negative the other portion of Mr. Hollingworth's motion, we in effect are deciding at this stage to rule out the possibility of further consideration of the proposal in connection with the public servants. I for one do not think that I should like to make a definite decision on that at the moment. I think that there should be further discussion on it. If Mr. MacDougall and Mr. Hollingworth would separate the issues, so that we could deal with the issue on which there seems to be general unanimity and then at a later meeting have further discussion to decide separately the other problem, I think it would be much better.

Mr. POULIOT: I shall resuscitate my motion to postpone the whole matter indefinitely, for this very good reason: from what Mr. Castonguay has said, the suggestion to give the franchise to civilians outside Canada is impracticable. That is my point of view. In the second place, I have every sympathy for the wives of members of the armed forces overseas, but they have asked for nothing. It would be a burden imposed on them by the House of Commons. They have never asked for it. Here we are kind-heartedly saying that we will give the franchise to those women, some of whom know nothing about Canada. The Brigadier told us that he had no power of attorney to speak on their behalf. He was not asked either by the wives or the husbands to ask for it, and here we are very enthusiastically doing this for the welfare of the wife of the Canadian soldier. Let us come down to common sense, and let us not exaggerate the thing. I have wasted two hours here this morning with this discussion.

Mr. MACDOUGALL: Not wasted.

Mr. POULIOT: Not when you members of the committee spoke, but we are doing nothing here. We are discussing a too impractical matter. We have wasted two hours. Is that not enough? I have moved that the matter should be postponed indefinitely and that we start work on practical matters that may be useful, not sentimental ones like this that will get us nowhere.

The CHAIRMAN: We have a motion and an amendment before the committee.

Mr. POULIOT: You have my first motion. I have not withdrawn it. It is the senior one and has precedence.

The CHAIRMAN: Has it any seconder?

Mr. HOLLINGWORTH: I think that his motion is out of order, although I think his comments are in order. With the concurrence of the seconder of my motion and with the general concurrence of the committee, I shall withdraw my motion, and Mr. MacDougall has apparently consented also to withdraw his amendment. I shall permit him to make his motion. I shall then make a separate motion, and then Mr. Pouliot can follow me.

Mr. POULIOT: But both motions have been withdrawn, and I have not withdrawn mine.

The CHAIRMAN: Mr. Pouliot made the original motion. In order to bring matters to a head, we can deal with Mr. Pouliot's now. Those in favour of Mr. Pouliot's motion that we postpone the matter indefinitely? Against? I declare the motion lost.

Mr. MacDougall, do you wish to make a motion?

Mr. MACDOUGALL: I certainly wish to confirm the amendment, which now becomes the motion, having to do with the wives of service personnel abroad.

Mr. DICKEY: The wording of Mr. MacDougall's motion would be that this committee approve in principle the extension of the franchise under the Canadian Forces Voting Regulations to wives of servicemen stationed abroad.

Mr. MACDOUGALL: That is it.

Mr. CHURCHILL: I do not think that we should make a snap vote on this now. I move that we now adjourn.

Mr. PALLETT: If the motion for adjournment is not now going to be entertained, I believe that we have the right to discuss the motion.

The CHAIRMAN: The motion to adjourn is not debatable, and I am going to put the motion that we adjourn. There are other reasons. I do not bring this out very emphatically, but we have only one reporter here this morning and he has been here since 10.30, and, as you know, it is quite a strain. However, I will put the motion. Is the committee ready to adjourn?

Agreed.

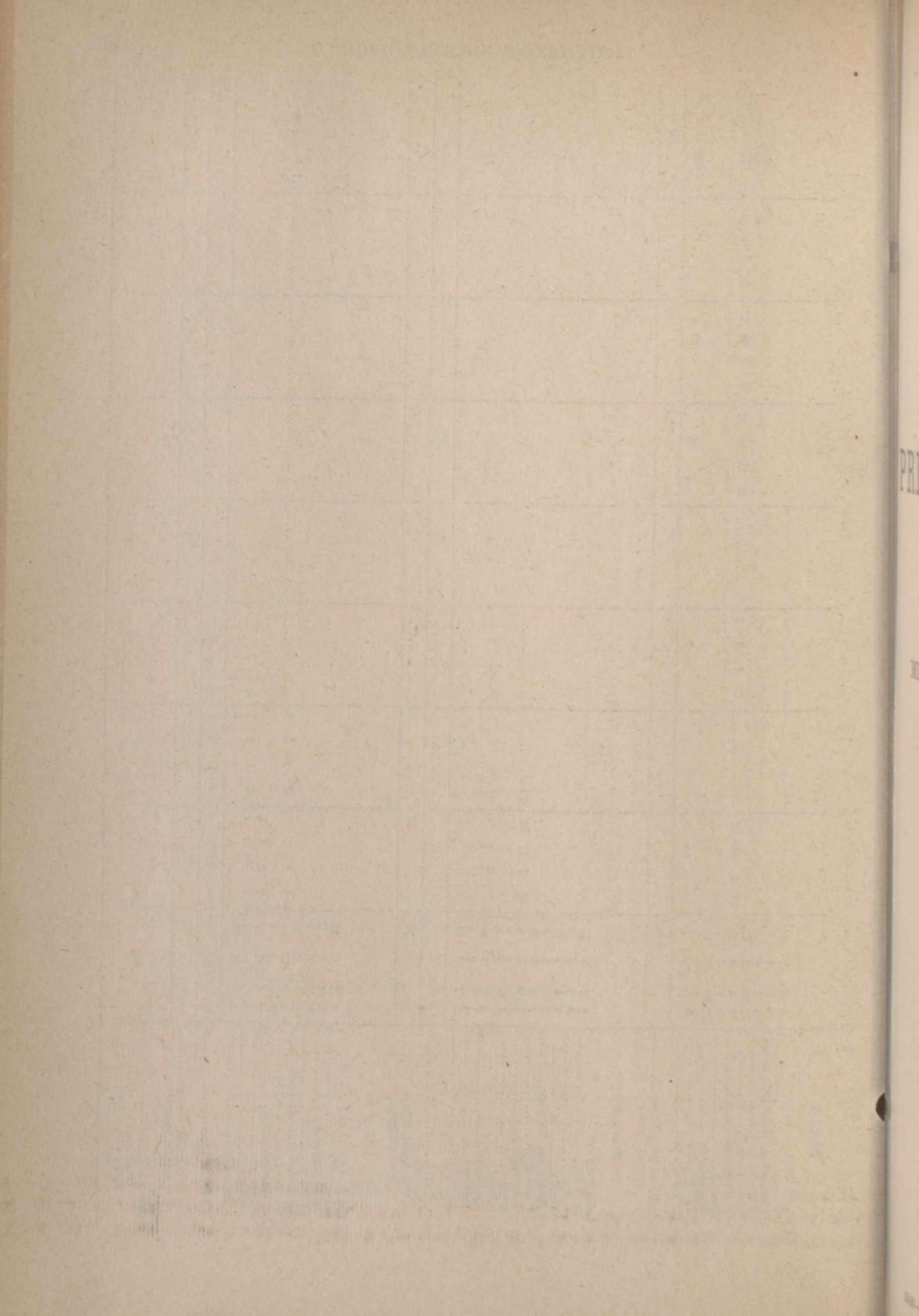
We will meet again at the call of the chair.

The committee adjourned.

DISTRIBUTION OF CIVILIAN GOVERNMENT EMPLOYEES ABROAD

	External Affairs	Trade and Commerce	Citizenship and Immigration	R.C.M.P.	National Health and Welfare	National Defence	Defence Production	Department of Finance	Other
	Total with M S Total Wives								
PART I									
EUROPE AND MIDDLE EAST									
<i>Europe:</i>									
United Kingdom.....	20 12 32 52	8 1 9 17	31 7 38 69	5 2 7 12	14 3 17 31	3 0 3 6	3 0 3 6	4 0 4 8	18
Ireland.....	2 2 4 6								
France.....	28 24 53 81	3 1 4 7	5 2 7 12	0 3 3 3	2 1 3 5		1 2 3 4	3 3 6 9	1
Spain.....	3 3 6 9	1 0 1 2							
Portugal.....	1 2 3 4	3 0 3 6	4 2 6 10	3 1 4 7	5 1 6 11				
Italy.....	6 4 10 16	1 1 2 3	2 0 2 4						
Switzerland.....	5 5 10 15	4 0 4 8	11 2 13 24	2 1 3 5	6 0 6 12				
Belgium.....	5 7 12 17								
Holland.....	4 5 9 13								
Austria.....	1 3 4 5			2 2 4 6					
Germany.....	9 7 16 25	2 0 2 4	15 7 22 37	13 6 19 32	7 6 13 20	1 0 1 2			
Denmark.....	2 3 5 7								
Sweden.....	2 3 5 7	4 0 4 8	3 3 6 9	1 3 4 5	0 1 1 1				
Norway.....	3 3 6 9								
Finland.....	1 1 2 3								
Czechoslovakia.....	3 3 6 9								
Yugoslavia.....	3 4 7 10								
Poland.....	2 2 4 6								
U.S.S.R.....	3 4 7 10								
Greece.....	3 3 6 9	1 0 1 2	2 1 3 5	1 0 1 2	0 1 1 1				
Total.....	207	30	97	50	47	4	6	10	451
Total with Wives..... (round figure)	325	60	170	70	80	10	10	20	745
<i>Middle East:</i>									
Turkey.....	4 2 6 10								
Egypt.....	1 4 5 6	1 0 1 2							
Israel.....	1 5 6 7		1 1 2 3	1 0 1 2					
Lebanon.....	1 3 4 5	1 0 1 2							
Total (Eur. & M.E.).....	228	32	99	52	47	6	6	10	478
Total (Eur. & M.E.)..... with Wives (round figure)	350	60	175	75	80	10	10	20	780

(Archives.. 1
Agric..... 4
Revenue... 3
Labour.... 5
V.A..... 5
Archives



HOUSE OF COMMONS

Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 5

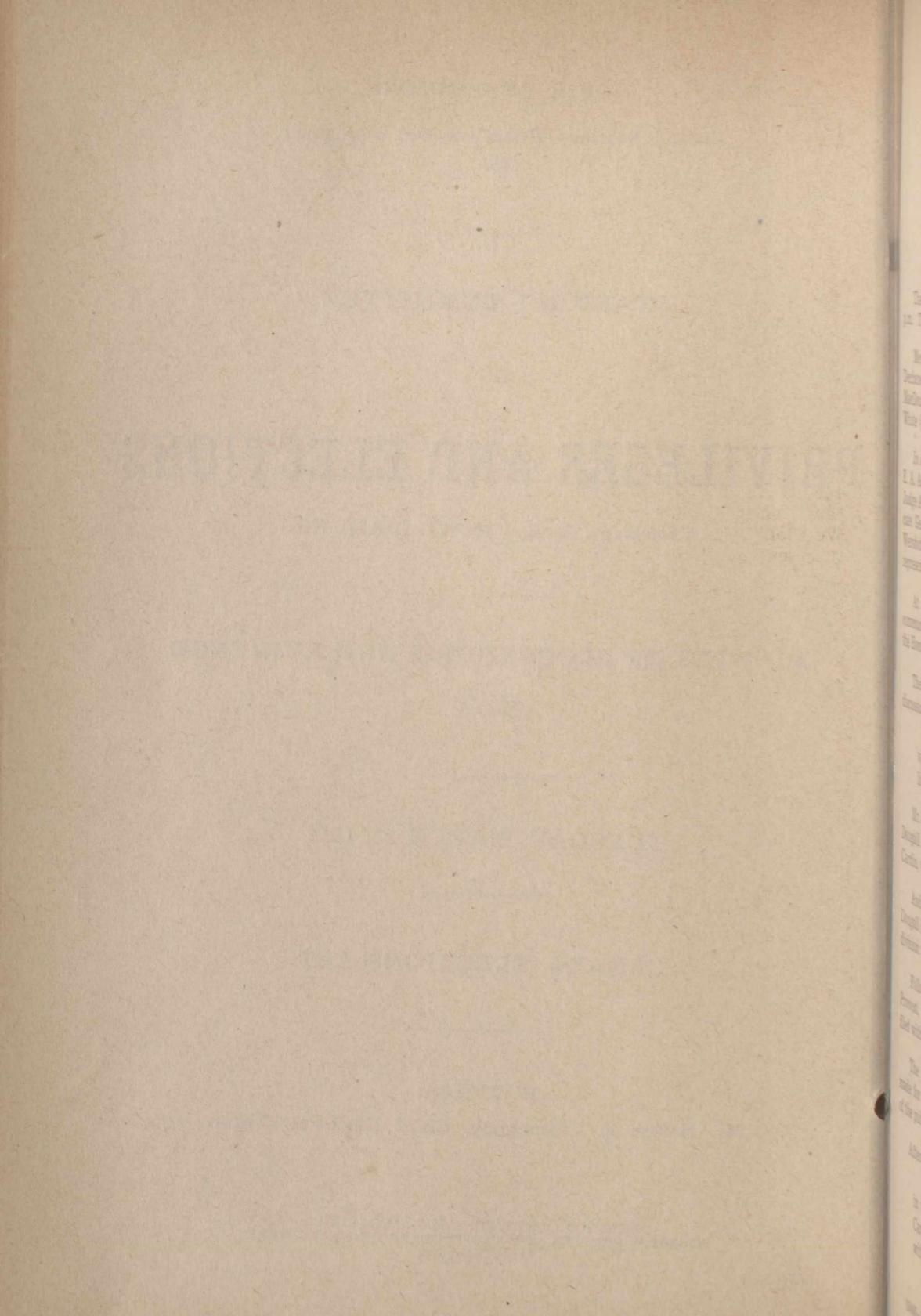
TUESDAY, MARCH 22, 1955

CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson J. Castonguay, Chief Electoral Officer.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.



MINUTES OF PROCEEDINGS

The Senate, Room 262,

TUESDAY, March 22, 1955.

The Standing Committee on Privileges and Elections met at 3.30 o'clock p.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Bourque, Cardin, Carter, Cavers, Churchill, Dechene, Dickey, Ellis, Fraser (Peterborough), Harrison, Leboe, Lefrancois, MacDougall, McWilliam, Meunier, Nowlan, Perron, Robinson (Bruce), Viau, White (Waterloo South), and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; Brigadier J. W. Lawson, Judge Advocate General, and Captain J. P. Dewis, R.C.N., Deputy Judge Advocate General, representing the Department of National Defence; Mr. M. H. Wershof, Legal Adviser, and Mr. Giles Sicotte, Chief of the Legal Division, representing the Department of External Affairs.

At the opening of the meeting, the Chairman read to the Committee a communication he had received from the Secretary of State for External Affairs, the Honourable Lester B. Pearson. (See today's Evidence, page 135).

The Committee then resumed from the previous sitting of March 17, the discussion of a motion proposed by Mr. MacDougall, in the following terms:

That the Committee approve in principle the extension of the provisions of the Canadian Forces Voting Regulations to wives of servicemen living abroad.

Mr. Cardin moved an amendment to the proposed motion of Mr. MacDougall but, after some debate as to the wording of the said amendment, Mr. Cardin, with leave of the Committee, withdrew his amendment.

And the question having been put on the proposed motion of Mr. MacDougall it was, on a show of hands, resolved in the affirmative on the following division: Yeas, 13; Nays, 2.

Following this, the Chairman read a letter from Mr. J. P. Doherty of Provost, Alberta, addressed to Mr. Castonguay, which the latter earlier had filed with the Committee, concerning Form 35 (See today's evidence, page 143).

The Committee then considered the suggestion that some provisions be made for the exercise of the franchise by Canadians abroad who are members of the public service.

After considerable discussion, Mr. Cardin moved, seconded by Mr. Bourque:

That the Committee approve in principle the enactment of provisions in the Canada Elections Act to allow the exercise of the franchise by Canadians in the federal public service and their spouses residing abroad within the limit of administrative practicability.

Debate having taken place on the proposed motion of Mr. Cardin, and the question having been put thereon, the said proposed motion was, on a show of hands, resolved in the negative on the following division: Yeas, 8; Nays, 9.

It being 5.30 o'clock p.m., the Committee adjourned to meet again at 10.30 o'clock a.m., Thursday, March 24.

Antoine Chassé,
Clerk of the Committee.

EVIDENCE

MARCH 22, 1955

3.30 p.m.

The CHAIRMAN: Gentlemen, we have a quorum, and we will proceed. As you know, at the close of our last sitting there was a motion before us, however before we take any action on that I should like to read a letter received from the Secretary of State for External Affairs:

“THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS
CANADA

OTTAWA, March 21, 1955.

Dear Mr. McWilliam:

At the request of our colleague, Mr. Richard, and with your kind permission, the Standing Committee on Elections and Privileges on March 17 heard evidence from Mr. Wershof of this Department, on a proposal to extend the franchise to civilian members of the Canadian Public Service stationed outside Canada, more of whom, I think, come from the Department of External Affairs than from any other department.

I am grateful to the committee for the consideration they have given to this matter. Before the members of the Committee reach a decision, I should like in this letter to state briefly my views on what I regard as the main points.

First, there is an important point of principle involved. It is whether Parliament should endeavour, within the limits of administrative practicability (and I emphasize the word “practicability”) to make the exercise of the franchise possible for Canadians in the Public Service of Canada who are serving abroad, temporarily, on the orders of the Canadian government. I suggest that Parliament has already accepted the basic principle by providing for voting abroad by members of the Canadian Armed Forces. It seems to me that it would be fair and reasonable to accept the *principle* in relation to civilians in the Public Service who are also serving their country abroad.

I have nothing to say against the proposal, which the Department of National Defence has submitted to the Committee, that the franchise be extended to wives of Canadian servicemen abroad. However, I do feel, as a matter of principle, that Canadians actually employed by the Canadian Government in other Departments should receive consideration equal to that given to wives of service personnel. Any other course would mean that the wife of a military attaché at, say Bonn, would have an opportunity to vote while our ambassador in the same place would not.

Second, if the principle I advocate is accepted by the Committee, the application of the principle can be limited by common sense and need not involve the Government in any additional expenditures. I am advised that Canadian Government employees in the United States, Mexico and Central America, could be enabled to vote by using the Voting Territories within Canada for service personnel already established by the Act. Canadian Government employees throughout Europe and possibly the Middle East could use the facilities of the Voting Territory with headquarters in London, England, which will undoubtedly be established for service personnel as it was in the

last general election. These facilities, which will be set up in any event for servicemen, can be used without creating new expense. We are not suggesting that any new facilities be set up.—Of course, this would still leave out Government employees in Asia, Africa and South America, but I think that it would be well worthwhile to apply the principle if only where it can be done easily and without creating new and expensive machinery.

I should appreciate it if you would bring this letter to the attention of the Committee, as I am anxious that the position of my Department in this matter should not be misunderstood.

Yours sincerely,

'L. B. Pearson'

G. Roy McWilliam, Est., M.P.,
House of Commons,
Ottawa.

To resume where we left off, I shall repeat for the information of the committee Mr. MacDougall's motion that was before us just prior to adjournment on March 17th. Mr. MacDougall moves that the committee approve in principle the extension of the provisions of the Canadian forces voting regulations to wives of servicemen living abroad.

I think that somebody wanted to speak to the motion but as our time limit had expired we adjourned at that stage.

Mr. MACDOUGALL: Mr. Chairman, seeing that I moved this resolution just prior to adjournment of the meeting on that date, I feel that I should say something in connection with the motion. I would like it thoroughly understood that I am not speaking to anything other than the motion which I made on that occasion. I would not wish any of the members of the committee to interpret my views in advance as to the position that I am going to take on other matters that may come up before this committee, but only to deal with the motion which I made previous to our last adjournment. I am sure that there are a number in this room who will recall that in the first world war we were given an opportunity of casting ballots on active service. At that time there were not many wives of servicemen living abroad, and certainly none of them were resident within the confines of the ballot area. Invariably the residence of wives of Canadians serving abroad was the United Kingdom, and consequently it was not the concern of either Parliament or the serviceman as to what might or might not be the disposition of a potential vote given to his wife. Now, I am glad to say that the conditions of service have vastly improved by the advancement of our so-called system of warfare, as have the amenities of servicemen and their wives today, in comparison with what they were during the first world war. I really think that it is fair and right that when we have men and women serving abroad in the armed services, the wives of the servicemen should be given the right to cast a ballot in a federal election. One of the predominant factors in this is that we have living conditions today for the men who are living abroad which make it possible for the wives to be housed in a locality exactly similar to that wherein her husband will cast a vote as a member of the active services. No expenditure of additional money would be necessary in giving the wife of a serviceman a vote, because all the facilities for granting the wife the privilege are already there. In ninety-nine cases out of a hundred, the likelihood is that she would cast her ballot in precisely the same polling booth as her husband would. So we are not in any way subjecting either the chief electoral officer or the electors of Canada to any additional expense in order that the wife of a serviceman might be able to cast a ballot.

Additionally to that, there is also this problem that if any of us were serving overseas today we would be interested in what is going on in our native or our adopted country, Canada, and I think it is reasonable to surmise that our interest in the welfare of our country would be shared equally by the serviceman and also would be of equal interest to the wife. Consequently it seems to me reasonable and fair that where we now have the opportunity for the serviceman to cast a ballot in a federal election without requiring any additional machinery, the wife of the serviceman might also be allowed to cast a ballot. If I recall correctly, in the last federal election some 289 active service personnel cast ballots in my own riding. Unfortunately, at the time of that election, there were to my knowledge five of the active service personnel home on furlough who were accompanied by their wives—and those wives had been married to the servicemen before they enlisted for active service—but, although the husbands were able to vote, the wives were refused a ballot. I felt rather badly about that.

Now, on that basis, in all fairness, it seems to me that this committee should consider and approve the question of the extension of the franchise to the wives of men serving abroad. I believe that, as a result of that, you would get a higher interest in the affairs of Canada on the part of both the serviceman and his wife, when they know in advance that at the next federal election they would both be able to cast an intelligent ballot on the affairs of their native or adopted country.

In conclusion, I would wish to say that we should consider this problem as a single factor, not in any way at this time embroiling it with any other question which might come up before this committee with respect to absentee ballots. So, sir, I suggest that the committee deal with this either affirmatively or negatively, but I certainly feel that if we consummate the possibility of giving the wives of service personnel abroad a vote, Canada will be the great beneficiary.

Mr. FRASER (*Peterborough*): Mr. Chairman, I am quite in favour of this motion, but I should like to have a little more information in regard to the qualifications of the soldiers wives. What is the status of a soldier's wife? Does she have to have a year's residence in Canada?

The CHAIRMAN: I shall call on Mr. Castonguay, the Chief Electoral Officer, to answer that.

Mr. Nelson J. Castonguay, Chief Electoral Officer, called:

The WITNESS: No qualifications for wives have been set by the committee: That would be one of the matters which the committee would have to study if it approved of the principle of giving the privilege of voting to the wives of service men overseas. One simple way to handle it would be to have the wife allocate her ballot to the same place of ordinary residence as that given by her husband in his statement of ordinary residence. That would seem to be the logical way to proceed. Naturally, to vote as a civilian in this country, the wife would have to be a resident in this country for one year before polling day, but in voting overseas it would be a different matter.

Mr. FRASER (*Peterborough*): That is why I am asking whether wives would be required to have one year's residence in Canada.

The WITNESS: Yes, they would to vote in Canada under our present provisions.

Mr. FRASER (*Peterborough*): I ask that, because I think Mr. Cavers mentioned the qualifications at our meeting the other day. Suppose that a service man overseas married yesterday or the day before, and the voting took place

today. That wife would have no knowledge of the Election Act, no knowledge of Canadians, and no knowledge of anything else with regard to our elections. I just wondered if it would not be suitable to have one year's residence in Canada as a preliminary qualification.

Mr. NOWLAN: I agree with what Mr. Fraser says, I think that the only way in which we can intelligently handle this matter, if we approve in principle the motion of Mr. MacDougall, is to have the Chief Electoral Officer—and I do not envy him in his task—try to draft some sort of machinery whereby this could be carried out. We would have to discuss that in detail, but I do not think this is the place to discuss it now. I am not opposed to the principle. I agree with Mr. MacDougall as to the beneficial results that it will have, but I do not think that the fact that you give the wives the power to vote is going to cure all the ills. It does raise other questions. For instance, if a Canadian serviceman in Germany married a German girl, as many of them do, she has never been here and she is not a Canadian citizen. How is she going to vote? That is one of the matters we will have to consider in detail. The whole situation is going to be revolutionized because at the moment the wife has to vote in the district where she is residing. Take, for instance, my own province of Nova Scotia. The men there have to register on a certain date as to whether they are going to vote there, or where they were serving before, or where they enlisted. The wife has to vote in the same way as any other civilian. She votes in that district if she has lived there for a certain time. If, for example, a man is transferred from Greenwood R.C.A.F. Base to Ontario and marries a girl whom he has known there and then is transferred to Germany and is serving there on election day, his vote would normally be in Nova Scotia, but his wife might be there or might not be. It is a difficult question. I think that the shortest way to deal with it, if we are in favour of the principle, is to pass the principle and then let the electoral officer draft some regulations.

Mr. ELLIS: I quite agree with Mr. Nowlan on that last point. I think that we can accept as a principle the proposition that where the wife would normally be a voter she should be able to vote under the new provision. In other words, if the woman living in Canada would normally be qualified to vote because of residence and citizenship and so forth she would naturally have the vote if she were living with her husband in Germany or in some other part of Europe. I can see the difficulties that have been raised here, but I think that if that principle were valid it would mean that the wife of the service man would have the vote, provided that in normal circumstances she would have the right to vote. The reason why I suggest that is that it has been pointed out that a service man could marry a German girl and an election might be called, say, three months after the marriage. I think that this is generally understood, as members have already said.

The CHAIRMAN: Let us not get too involved with the mechanics of this.

Mr. ELLIS: In other words, we are not proposing to extend the franchise to those who would not be able to exercise the franchise if they were living in Canada. I am stating that as a general principle.

Mr. FRASER (*Peterborough*): That follows out what I said.

The WITNESS: One of the basic requirements for any elector, whether a Canadian forces elector or a civilian elector, is that first he be a Canadian citizen or other British subject, and I presume that the committee would wish that principle to be carried on. The second is that the person be twenty-one years of age on polling day. I think that probably those two basic requirements could be carried on in regard to the wife, should the committee agree in principle that this privilege be extended to her.

Another matter would be this. If it was agreed that she would apply her vote to the constituency at which her husband made a declaration on enrolment as his place of residence for voting purposes, and she would apply her vote to the same constituency as her husband, it would be an easy method to provide her with voting facilities.

Mr. CARDIN: I agree with Mr. Castonguay. This committee should decide on the principle of allowing the wives of the members of the active forces overseas to vote. Now, I do not think that anyone would seriously deny the right of wives of members of the services to vote. I think that everyone agrees in principle that they should be allowed the vote. However, when dealing with this particular question, even though it goes outside the scope of Mr. MacDougall's motion, I am wondering how we can avoid even at this stage discussing the right of people in the External Affairs Department residing outside of Canada to vote. I have the greatest admiration for people serving in government capacity outside the country. I think we must remember that the Department of External Affairs has in the past few years grown to a considerable extent, and it will continue to do so in the future. Nor do I believe that anyone can honestly say that these men overseas are not doing a good job. They are doing an excellent job, and we may be really proud of our External Affairs personnel. Now, would it not be discrimination if we, for instance, passed Dr. MacDougall's resolution and allowed the franchise to wives of service men overseas, but ignored completely the right of people in the External Affairs department to vote? It seems to me that the principle is equally applicable to one group as to the other. I should not like, for instance, that some measure be taken in parliament whereby we would be actually discriminating against the External Affairs personnel. I realize that there are certain difficulties in the way of extending the franchise to personnel in the External Affairs department, in out of the way places. But some machinery can be set up similar to that used in the armed services. As I said before, the main object of this committee is to decide on the principle of extending franchise and when we decide on the principle, I think that we should at least decide with regard to all these people serving Canada overseas, whether in the armed forces, or wives of service men, or external affairs people, or the wives of external affairs personnel, that they should all be given the right to vote.

Mr. WHITE (*Waterloo South*): Or anybody else in government service.

Mr. CARDIN: Or anybody else in the government service. Anything that has to do with the machinery or the possibility or the practicability of giving the right to vote to External Affairs people who are far from any central place where they could exercise the right of franchise, would have to be studied so that a practical solution could be arrived at. I do not think that the purpose of Mr. Pearson or anyone here is to put the government to any expense in giving the right franchise to External Affairs personnel. I think the basis of it would be common sense as to whether or not it is feasible to have all the people in the Department of External Affairs given the right to vote.

My main point is this, in deciding the principle of allowing the wives of service men overseas to vote. And refusing to the External Affairs personnel the right to vote, I think we would be committing a serious injustice to the personnel of the External Affairs department, and I think it would be most unfair to them, because they too are serving Canada and are doing a very good job of it.

Mr. ELLIS: Could we not dispose of the first matter, with regard to the wives, and then go on to the second matter? They are two separate matters. Why confuse it?

Mr. CARDIN: I have no objection, but should one resolution pass and the other not pass—supposing that we should vote on one and it is allowed to give the right to vote to wives of service men, and the other one does not pass?

Mr. LEBOE: I do not think the principle is the same. Therefore, I would suggest that we dispense with this.

The CHAIRMAN: There is a motion before the committee. If there is no amendment to that, I shall put the motion.

Mr. CARDIN: I am not trying to put an obstacle in the way of the committee, but I honestly feel that the two questions are in the same field, and I feel justified in proposing an amendment on the grounds that I feel we might eventually lay ourselves open to discrimination against the External Affairs department people. If I may move an amendment, I should like to move that the matter of extending the franchise to Canadians residing abroad, other than members of the armed forces, be referred to the government for further study, and that draft proposed legislation be presented to this committee at the next session of the twenty-second parliament.

The CHAIRMAN: I shall repeat that amendment:

It is moved that the matter of extending the franchise to Canadians residing abroad, other than members of the armed forces, be referred to the government for further study, and that draft proposed legislation be presented to this committee at the next session of the twenty-second parliament.

Mr. ZAPLITNY: I would have to oppose the amendment on two grounds. In the first place, because my understanding was that the committee had already agreed at a previous meeting to deal with the question of the wives of armed services personnel, in principle, and therefore if we entertain this amendment we would be confusing the issue which is before us. In the second place—and I think this is even more serious—if this amendment is passed it would take away something which the terms of reference of this committee have already given to the committee.

The committee has been asked to consider this question at the present time at the present session. If this amendment passes, we are taking out of the terms of reference the question that has been referred to us and asking the government to give it further study. Surely that is not a proper way to proceed. When we have been given a question to consider and pass judgment upon, I think that we should do that. If, at the end of the proceedings of this committee we feel that this is a question which should be referred back to the government for study, then that would be a proper recommendation to make, but certainly not before it has been considered by the committee should we refer a matter back to the government for further study. On those grounds I must oppose the amendment.

Mr. CARDIN: If it would be of any practical use, I would withdraw the amendment and perhaps change the amendment to the effect that we consider both matters at the same time.

Mr. ELLIS: Mr. Chairman, is there any need to? At the last meeting we did not settle anything simply because, although all members are agreed that the wives of service men should be given a vote—there was no difficulty on that point—instead of getting that much settled, we insisted on tying the two together and we did not come to any definite conclusion. I suggest that the way to go about this is to deal first with the question of votes for wives of service personnel and dispense with that matter, and then bring in another motion with regard to External Affairs personnel. The arguments which have been advanced a few moments ago can be advanced at that time. Let us take each matter on its separate merit. That could be used in an argument in trying to drum up support for the second motion.

Mr. CARDIN: The reason for my motion is to avoid any possible discrimination at any time. Although there may be some disagreement on whether or not we are acting on the same principle, I think that we should have an agenda whereby we could compare the principles of one and the other in one discussion. After that we could deal with what to my mind is the most serious objection, the question of the possibility or practicability of giving the franchise to all people in the Department of External Affairs. We would be dividing that discussion into two parts. Then, if we arrive at one conclusion, there is no reason why the committee should not make all distinctions which it felt it should make. We could then go to the next item, which would be the machinery whereby such franchise could be extended to the wives of armed services and to the Department of External Affairs personnel serving overseas.

Mr. LEBOE: It looks as if we are trying to bring the civil servants in on the coattails of the armed services. I think that we should deal with one and get along with it.

The CHAIRMAN: The minister suggested three groups: (a) Canadians residing abroad who are not in the public service; (b) Canadians abroad who are members of the public service, such as the officers of our missions in foreign countries, and so on; and (c) wives of the members of the Canadian forces who reside abroad with their husbands. The committee should deal with each one individually and then, when we come to make our report, they can deal with that question.

Mr. BOURQUE: Could I ask a question of Mr. Castonguay? The letter which we have received emphasized the question of the practicability of securing this vote. We should ask Mr. Castonguay for instance, what would be the expense if we included the wives of members of the services, with the soldiers, so that they could vote reasonably. Mr. Cardin referred to Canadians residing abroad. Does he mean all Canadians residing abroad?

Mr. CARDIN: No.

Mr. BOURQUE: It would be very difficult if you have a man living in the Orient. I think you had in mind more the members of the service abroad?

Mr. CARDIN: Yes.

Mr. BOURQUE: You did not mean everybody who might be abroad?

Mr. CARDIN: Those working for the government.

Mr. BOURQUE: If you say Canadians residing abroad you are including everybody.

The CHAIRMAN: Everybody knows it would be impossible to set up voting machinery to take care of everybody.

If we are asked to vote on an amendment which takes in Canadians residing abroad who are in the service of the Canadian government then that narrows it down.

Mr. FRASER (*Peterborough*): Why just the Canadian government? Why not also the provincial governments?

Mr. ELLIS: A situation could very well arise where a member of this committee might be in favour of the original motion but might vote against the amended motion. That is the difficulty we run into if we pursue the policy of trying to link the two together. There were three separate provisions in the amendments which I suggest should be dealt with as three separate matters. I have my doubts actually that the amendment is in order because the motion calls for the granting of votes to wives of Canadian servicemen abroad. Now, an amendment is introduced which deals with a different matter altogether and

I have my doubts as to whether this amendment is in order. If it should be declared in order by the chair I must oppose it.

Mr. BOURQUE: Mr. Cardin brought this in because he does not want to discriminate against anyone and if he wants the people in the service which pertains to the government of Canada then he would not want any discrimination between the soldiers' wives and the ambassador's wives. If you brought it in to cover them all you will not discriminate against anyone.

Mr. HARRISON: My understanding on these questions would be that we do not disenfranchise anybody who we think reasonably should have a vote and there are some doubts as to whether individuals outside of this country would come within that classification. If my memory serves me correctly I think there was mention at one time of some 112 school teachers who are serving in our armed forces establishment overseas and I do not see much reason why they could not be included with the servicemen's wives because they are on those stations and I presume that when Mr. Castonguay is setting up the mechanics of this thing he could say for the purpose of the Act that these service stations overseas are for the purpose of election day, part of Canada. School teachers could quite easily be taken in with the servicemen's wives. They are people who could quite easily be included without infringing on the proposition that we should have everybody who is a Canadian vote that it is reasonably possible that they do so.

Mr. BOURQUE: Is it not a fact that these teachers would come under the government just the same because the government is subsidizing them and indirectly pays the salaries; they would come in the same as any other Canadian citizen.

The CHAIRMAN: Do you wish to withdraw your amendment, Mr. Cardin, or do you wish action on your amendment?

Mr. CARDIN: Mr. Chairman, if I may just repeat that I believe a distinction is being made between the right for the wives of service personnel and the right for the Department of External Affairs personnel to vote. We are dealing with one and the same problem and I feel it should be discussed and decided upon together. There may be other groups of people who are living outside of Canada who might have a right to vote, but where the machinery would be impossible to set up. However, under the circumstances it would seem that the thing for me to do would be to withdraw my amendment with the sincere hope that the civil service personnel abroad will equally be given the right to vote.

The CHAIRMAN: We will put Mr. MacDougall's motion. Mr. MacDougall's motion is as follows:

That the committee approve in principle the extension of the provisions of the Canadian forces voting regulations to wives of servicemen living abroad.

Are you ready for the question?

Those in favour please signify by raising your hand? 13. Those against? 2. Carried.

Mr. NOWLAN: It is carried with the understanding that I have the reservation to see the draft regulations and see how practicably it works out.

Mr. BOURQUE: Would it be in order for Mr. Cardin to make his motion now on the other part which he had in mind and we could have discussion now to have it approved in principle that the people from the Department of External Affairs and other departments come in on this?

Mr. NOWLAN: Perhaps I could suggest, Mr. Cardin, that you might instead of saying "Canadians residing abroad" put in "who are members of any Canadian government whether it be municipal, federal, provincial or otherwise".

The CHAIRMAN: While Mr. Cardin is drafting his motion I will read a letter which was received by the Chief Electoral Officer:

Mar. 14, 1955.

Mr. Castonguay,
Chief Electoral Officer,
Ottawa, Ont.

Dear Sir:—

As the session is now sitting it may be a good time to call attention to changes in the Election Act. Form 35 should be eliminated for the simple reason that it often causes a voter to mark for the wrong candidate. It did on several occasions at our last election. A better way would be to force the D.R.O. to show the voter where to place his mark and what it should be. I mean to read out the candidate's names, and show him where these names are on the ballot.

Another change is the transferable ballot for western Canada. The three party system is pretty strong here and many were elected by minority vote in all the western provinces.

Just at present the provincial government is feeling shaky and it will be no surprise to see them return to the old system next year and be reelected by minority vote.

Thanking you for the favor,

(J. P. Doherty) Box 92, Provost, Alta.

Mr. CARDIN: I wonder if the committee would consider this motion: I move that the committee approve in principle the enactment of provisions to allow the exercise of the franchise by members of the public service residing abroad within the limit of administrative practicability.

The CHAIRMAN: Is that motion clear?

I will read again what was suggested by the minister in the three groups in regard to extending the vote:

- (a) Canadians residing abroad who are not in the public service;
- (b) Canadians abroad who are members of the public service, such as the officers of our missions in foreign countries or in countries of the Commonwealth;
- (c) Wives of the members of the Canadian forces who reside abroad with their husbands.

Mr. BOURQUE: If we said "Canadians in the public service residing abroad and their wives" that would include everyone who has a position with any government.

Mr. ZAPLITNY: Or their wives.

Mr. CARDIN: I have no objection to that.

Would the committee allow me to work on this and bring it back before the committee at the next meeting?

Mr. BOURQUE: I wonder if it should be dropped now. The only thing I am interested in is that there should not be any discrimination and if we deal with it now when we have it all cleared in our minds I feel we can discuss it more intelligently.

Mr. CARDIN: I think it would be much better if some time is spent on trying to have a wording that would cover exactly what we wished to cover.

The CHAIRMAN: I think that it would be helpful to the committee if I was to call upon the Chief Electoral Officer to see if he can give the committee any light on this thing.

Mr. MACDOUGALL: Before that comes up and before Mr. Cardin has redrafted his amendment, I feel that if you make this applicable only to the members of the Department of External Affairs you are bringing about a condition of extreme discrimination because not only do we have Department of External Affairs personnel serving abroad but we have personnel in practically all departments of government, with some exceptions I will admit, who are also serving abroad; for instance those who are serving in the Department of Trade and Commerce. What are they going to say to the question of their being in a position in Europe where the members of the Department of External Affairs have a vote and they are discriminated against and do not have the ballot.

Mr. WHITE (*Waterloo South*): It is all people in the public service.

Mr. MACDOUGALL: Then you have not only to take in all departments of the federal government but you have got to take in the civilians serving abroad on the railroads of Canada, in the banks of Canada, in the insurance companies of Canada and in the companies of all industry in Canada who have personnel serving abroad. I suggest then without any reflection on the idea of Mr. Cardin that that would be the rankest kind of discrimination. Additionally on top of that you would also bring about a condition in Canada whereby if his suggestion were adopted in principle you would have to bring about in federal elections within the realm of Canada an absentee ballot or you are going to discriminate against your own people.

Mr. WHITE (*Waterloo South*): He is attempting to break it into sections.

Mr. MACDOUGALL: Are you going to include in the motion all categories in the public service?

Mr. BOURQUE: You will be free to bring in another motion covering these people whom you mentioned.

Mr. ZAPLITNY: I regret to do this because I am not disagreeing with the hon. member, but what are we discussing? Is there a motion at the present time?

The CHAIRMAN: I think the committee are giving Mr. Cardin some time in which to draft his motion which I believe is to decide on the principle of extending the franchise to public servants residing abroad and their wives.

Mr. ZAPLITNY: I understand that there is no motion before the committee now.

The CHAIRMAN: No, there is not.

Mr. ZAPLITNY: What is the subject matter before the committee now?

The CHAIRMAN: This committee gave Mr. Cardin a few minutes to re-draft his motion.

Mr. CARDIN: The committee, I believe, granted me the opportunity to bring my motion before the next meeting.

Mr. ELLIS: The principle is not too involved here. I cannot see that any purpose is to be solved in deferring this to another meeting. This matter has been discussed at this meeting. The principle can be pointed out in simple language. I hope that we do not confuse the separate issues; first the granting of the franchise to personnel of the Department of External Affairs and others residing abroad and the three points brought up by the chairman earlier that

this might be extended to include Canadians serving abroad working for commercial companies and so on. Certainly, I think we should restrict ourselves now to a brief motion to cover this issue of the granting of the franchise to the members of the Department of External Affairs or putting it broader, Canadian government employees residing abroad in the normal course of their duties.

Mr. CARDIN: That is what is in the back of my mind.

Mr. LEBOE: Could we not deal with the first one in principle?

The CHAIRMAN: That seems to be a pretty good suggestion. Could we deal in principle with the first one and in the meantime Mr. Cardin can get his motion in shape for presentation. Is it agreeable to the committee that we discuss in principle the extending of the vote to wives of service personnel?

Mr. FRASER (*Peterborough*): You were going to ask the Chief Electoral Officer to speak to us on this question.

The WITNESS: In respect to this class of Canadians residing abroad who are not members of the public service or wives of members of the Canadian armed forces, I submit, Mr. Chairman, that you could not take their vote under the mechanism of the Canadian Forces Voting Regulations because the basis of the Canadian Forces Voting Regulations is a statement usually filed by members of the Forces before the election as to their place of residence for voting purposes—the same principle as a permanent list where an elector applies to be on a list and if he should be absent such elector could vote through the facilities that can be attached to a permanent list, whether it is absence from within the constituency or outside the constituency, within Canada or outside Canada. The normal safeguards would be to have some declaration as to where the Canadian citizen residing abroad has a right to apply his vote, and the only way that can be done is by some statement made by such elector prior to the issue of the writ ordering an election, on which he declares and substantiates his place of ordinary residence for voting purposes. When a Canadian enlists in the forces he makes such a statement and sets out therein his place of residence for voting purposes which is his place of ordinary residence prior to his enlistment and he has that until such time as he changes it. In December of any year he may change that declared place of residence provided it is accompanied by a physical change of residence.

Now, to extend facilities to Canadian citizens who are not members of the public service or wives of members of Canadian forces, would involve in my opinion the adoption of permanent lists as your basis for such facilities. The elector would have to register in a constituency so he can apply to vote there. But, I would suggest that to give that elector the choice after an election is ordered would leave the door open for abuses. It would be very difficult to satisfactorily establish the place of ordinary residence of such a person after the writs are issued. In other countries where they have such facilities there is a permanent list.

I am sorry to repeat this subject of permanent list but that is the only way in which you can provide facilities for people voting not only when they are absent from their own polling division in Canada, but also when absent outside the country. The Canadian Forces Voting Regulations are in essence a permanent list, and at headquarters in Ottawa there are statements of ordinary residence of all members of the Canadian forces and with the serviceman's documents there is also a copy of his statement of ordinary residence. The commanding officer of the unit prepares the list of electors in his unit from such statements and electors can only apply their votes to the place of ordinary residence given on their statements. If you wish to extend such facilities to civilians abroad or to civilians in Canada who are absent from their polling

division it cannot in my opinion be done without first adopting a system of permanent lists. It is only with such a system that these facilities can be provided and that normal safeguards can be furnished. A safeguard must be provided to ensure that an elector would cast his vote in an electoral district in which he would be qualified to vote and that the postal envelope when it is received by the returning officer of the constituency can be verified as coming from an elector qualified to vote in such constituency.

Picture a candidate with a majority of two hundred votes on the night of the election who walks into the returning officer's office a few days later and finds 1500 postal ballots on the returning officer's desk still to be counted. I am sure that he would like to know where these came from and whether they came from qualified electors of the electoral district. It is not only a question of protecting the candidate, but it is also a question of protecting the votes cast in the constituency. Those 1500 postal votes may offset the results of the votes that were cast in each polling division of that electoral district. I would like to see some safeguard to ensure that those 1500 postal ballots came from electors qualified to vote in that electoral district. The only way you could do that would in my opinion be with a permanent list.

Then there is another factor. Those may well be sent in the name of the electors in the constituency, and the only way you can check to see if the postal ballot comes from a bona fide elector is to compare the signature on the postal envelope with the signature on the original application of the elector for registration in that electoral district. Having been satisfied that the signatures compare, the returning officer refers to the poll book where that person would normally vote and see if somebody else has voted in his name. These checks having been made, it is quite safe to count those postal ballots, but these facilities cannot safely be extended unless there are such safeguards. I respectfully suggest that those safeguards are essential to protect the vote in the constituency and to protect the candidates.

Mr. CAVERS: I take it from Mr. Castonguay's statement that it is not reasonable for us to suggest that the franchise should be extended either to the wives of personnel or to those persons who are civilians living outside Canada.

The WITNESS: I was merely speaking of Canadian citizens who are not members of the public services or wives of members of the Canadian forces. Insofar as wives of members of the Canadian forces and insofar as federal public servants are concerned, it is feasible and practicable to bring them within the confines of the facilities provided in the Canadian Forces Voting Regulations. I stress "federal public servants" because, if it were extended to provincial and municipal employees, how could we collect statements of ordinary residence from such employees serving outside the country? There are certain difficulties even in collecting the statements from federal public servants, but it could be done, as there is some control. However, for provincial and municipal employees or others serving outside of Canada, a system of permanent lists would be essential to provide those facilities. The mechanics of the Canadian Forces Voting Regulations can only be applied to take the votes of wives of Canadian service men and of federal public servants abroad.

Mr. ROBINSON (*Bruce*): Is it necessary to have a permanent list to allow proxy voting?

The WITNESS: No, it is not necessary, but it would depend upon what sort of proxy voting the committee would like to have.

The form of proxy voting that exists in Ontario, which is the only province that has proxy voting, for mariners, is that the mariners apply to the

revising officer and appoint a proxy who is an elector of that constituency. The proxy voter has two votes, one for himself and one for the person who appointed him the proxy voter.

Mr. HARRISON: In the light of what Mr. Castonguay told us with regard to those who reasonably do qualify, where do those 112 teachers who are provincial employees stand? I understand, Mr. Chairman, that these girls are all good-looking.

The WITNESS: As Brigadier Lawson mentioned, they are not members of the Department of National Defence. I may be wrong, but as I understood it, they are not members of the federal public service. It would be very difficult to get statements of residence from them.

Mr. LEBOE: Is it not a fact that we have come to the point where we are saying in effect that there are difficulties standing in the way of adopting the principle? We are saying that possibly the External Affairs personnel and all federal public servants fall within the principle, because we can look after them. Other people who would naturally fall within that principle are not to be able to vote because we are not going to have the machinery to let them vote. Is that not what we are saying? The principle is the same in either case, that it is due to the fact that we have almost insurmountable difficulties in the way of extending the franchise to Canadians who are, say, working for some large firm outside the public service. That is what we are saying in effect.

The WITNESS: Yes, the existing facilities could take care of the wives of Canadian forces and federal public servants, but if the committee wishes to provide the machinery of a permanent electoral list, it would also provide the facilities for those who are absent within the country or absent outside of the country, but the permanent electoral list, as I explained on another occasion to the committee, was tried in 1934 and was not a success. With the permanent electoral list you have a closed list in the rural areas. There would be roughly three million changes a year to make to a list of nine million electors, changes such as of people coming of age, changes of address, people becoming Canadian citizens and entitled to vote, deaths, and so on. It would require a very large clerical staff to bring those changes up to date so that the list would be up to date whenever an election is ordered. With the permanent list, naturally, you can provide absentee voting facilities. However, there are many features of the permanent list which I am sure the committee would not like too much. It is not a cure-all for all problems which face the committee.

The CHAIRMAN: We will deal now with the second group.

Mr. CARDIN: Before I read my motion, I would like to say that what crosses my mind is this. I wonder whether we would be justified in refusing the right of franchise to a group of people where the franchise could practically be obtained, simply because there is another group of Canadians outside of Canada who would equally have the right to vote but where the machinery is impossible to set up. It is on this basis that I want to read my motion:

That the committee approve in principle the enactment of provisions in the Canada Elections Act to allow the exercise of the franchise by Canadians in the federal public service and their spouses, residing abroad, within the limits of administrative practicability.

The CHAIRMAN: Are you ready for the question?

Mr. ZAPLITNY: No, Mr. Chairman, I am opposed to this motion, too. With all due respect to the mover of the motion and the reasons he has given, we must remember that the gentleman who moved this motion has expressed the opinion that we should not exercise any discrimination. I think that we

go along with that, but this would be exercising a discrimination that would be almost as serious as the type which Mr. Cardin himself mentioned. For example, I see no reason why a person who is an employee of a government in Canada, whether it be a federal government or a provincial government should be entitled to any more consideration than a person who is employed privately. He is no more a Canadian citizen by virtue of the fact that he is an employee of the Canadian government. If we find that it is not practicable, and it appears that it is not, to extend voting privileges to Canadian citizens generally outside Canada, then by virtue of that same argument I see no reason why we should pick out one group just because they happen to be employed by the government and give them the privilege. It may be argued that we have agreed in principle to extend the privilege to the wives of members of the armed services and that therefore we have created a precedent, but it must be remembered that members of the active services on active duty are ordered outside of Canada for duty. Once they have enlisted, they are not in a position to choose where they serve. They serve where they are asked by the government to serve. That is not the case with government employees, any more than it is the case with persons employed by private corporations. If a person is employed, say, by the Canadian Bank of Commerce and he was asked to take employment say, in Argentina, he has the choice of either taking it or refusing it. If he would rather stay in Canada he would say, "No". The same applies to persons serving in the Department of External Affairs. If a person does not wish to leave the country and accept that employment, there is no law in Canada that says he must accept that employment. He is not conscripted for duty; he is asked to accept that employment. He does it voluntarily knowing that he has to leave the country in order to keep that employment, but on that basis I see no argument whatever that would appear sound to me why we should pick out persons simply because they happen to be government employees and give them a privilege which cannot be extended to other Canadian citizens who are abroad. On that basis I would oppose the motion.

Mr. MACDOUGALL: It seems to me that Mr. Castonguay, the Chief Electoral Officer, has really put his finger on the major stumbling block in this matter. That is the lack of a permanent electoral list. I agree 100 per cent with everything he has said. I agree also with what Mr. Zaplitny has said. It follows along what I said a few moments ago, that you are bringing in a condition of discrimination which I do not think any of us can justify. Now, it is all very well that it would not be along the lines of practicability. Well, who is going to say what is the end of the rope of practicability?

Additionally, there is this other factor, that we first of all discriminate between a federal employee or a provincial employee, to say nothing about the discrimination which would be brought about by all the corporations who have personnel abroad, such as banks, railroads and private businesses. Now, I think it is going to take a very fine line of demarcation to differentiate between what is practical and what is impractical. When my good friend Mr. Cardin spoke a little while ago, he expressed great admiration for the personnel of the Department of External Affairs. I hold an equal admiration for the personnel of the External Affairs department—make no mistake about that—and I think there are a number of us in this committee who feel the same way, but we do come to the end of the rope on the practicability of this question. When you categorize federal employees, as opposed to those who are employed by private industry or provincial governments, serving abroad outside the boundaries of Canada, I think that we would be taking a step that would hurt more than it would help the general morale of all Canadians serving abroad, whether they are federal, provincial, private or other employees. I think we must keep constantly before us who is going

to draw the line between practicability and impracticability. That brings us back to the point made by the Chief Electoral Officer, where he says almost in as many words, that if you do this there is only one way in which you can do it and that is by the adoption of a permanent list. Personally, I think it would get us into a great deal of trouble. Without wishing to oppose my hon. friend in this matter, if it comes to a vote, I am afraid that I am going to have to oppose the motion.

Mr. CARDIN: I will be very sorry to see my good friend vote against the first motion that I have ever made. Mr. Chairman, I think that the basis of the argument revolves around the word "discrimination" and what we understand by discrimination. I appreciate very much the arguments which were made by my friend Mr. Zaplitny, who stated, in passing my motion, that we would be discriminating against those Canadians who are not in the categories mentioned and who would not have the right to vote. But I wonder whether it would not be considered discrimination if we refused to give the right of franchise to these public servants living outside Canada, where it can be obtained. That to my mind would be discrimination. The Chief Electoral Officer has said that it is possible to provide a franchise to federal public servants living outside of Canada. But if we do not give them that right of franchise, then it is discrimination.

But you cannot in any way claim that we are discriminating against someone when it is impossible to give them the right of franchise. I think that the people in that particular class who are Canadian citizens living outside of Canada would certainly be able to make a distinction between what is possible and what is impossible. I believe that it is only fair to say that you cannot have discrimination wherever the franchise is impossible. Further, I might say that there is no reason on earth why a study group could not be set up to see whether or not it would be feasible or practicable to find some way of extending the franchise to all Canadians living outside Canada. That is one side of the question.

I still maintain that you cannot say it would be causing discrimination against people who cannot possibly vote. I would also like to say this. Mr. Zaplitny claimed that the members of the armed forces were in a different class in that they were sent abroad, and that they had no choice in the matter. It also appears that in the public service you do not always have a choice. The personnel is sent out to different posts.

Mr. ZAPLITNY: Would you permit a question? Is it not a fact that you do have a choice in this respect, that you may refuse the employment that is offered?

Mr. CARDIN: That is so. However I think that is a relatively unimportant point. The basis of the whole thing is on this question of discrimination. That has been the basis of the whole discussion.

Mr. ELLIS: Would you permit me a question?

Mr. CARDIN: Yes.

Mr. ELLIS: Would you say that it would be easy for people to distinguish in this matter? In parts of the world where the machinery could not be set up it would mean that there is no discrimination, but what is going to happen in Germany, for example, where there are a number of employees of Canadian companies who reside in the same district and in the same community as federal civil servants? When election time comes around and a certain group of Canadians, simply because they earn their money by working for the government, can vote, whereas other Canadian citizens, because they work for non-governmental employers, are denied the vote, you cannot say it would be impossible to give them the vote under the circumstances.

Mr. CARDIN: I think the people whom the honourable member has mentioned are equally as intelligent as we are. We can understand that in regard to the government service there is the equivalent of a permanent list, whereas that facility does not exist for all Canadians living outside Canada. I think that the people will understand that. I would also encourage every kind of study on the part of the Chief Electoral Officer to see if there would not be any machinery that could be set up. I know that he has given a great deal of thought to it, but a little more might help. We do not want to give the impression that we are giving up hope with regard to the many Canadian citizens living abroad. I think we may eventually come to the point where we can arrange some method of giving them the franchise. But I do not think it is fair to prevent public servants living outside Canada from voting when we already have the facilities to allow them to vote.

Mr. MACDOUGALL: It has been pointed out that residents of the District of Columbia in the United States are disfranchised. There must have been some legitimate reason why that was done.

Mr. CARDIN: I do not intend to inquire as to why they were disfranchised in the District of Columbia, and I do not think it is fair to pick out all the small exceptions in what I believe is a discussion of general principles.

Mr. ELLIS: There has been a great deal of talk about discrimination. When we speak of denying the franchise to Canadians abroad, I am reminded of the fact that we deny the franchise, every time an election is called, to hundreds of thousands of people in Canada. I know that in my own constituency there are hundreds of people who are obliged to go out on construction projects, for example, which may take them 200 or 300 miles from home. They could not go to the advance poll. The advance poll only serves the needs of a very limited number. You will find in every constituency and every election there will be a few thousand people who cannot vote on election day.

Mr. CARDIN: I hate to interrupt my friend, but we are discussing, as I understand it, the right of franchise for people residing outside Canada. I have no objection to working out a solution or some kind of method that would answer my honourable friend's problem. I realize that it exists, but I do not think that this is the time or place to discuss it.

Mr. ELLIS: The reason that has been put forth for supporting this principle is the fact that certain Canadians are not being given the right to vote. Now I suggest that, using that same line of argument, by following that same logic, you have to arrive at a point where you are prepared to support a wholesale change in the electoral laws of the country, to provide the vote not just for those Canadians who happen to be living abroad, but also for those Canadians who, in the normal course of their jobs are away from their constituencies on election day. So it is useless arguing about discrimination, because it is being done in a wholesale manner in this country.

The CHAIRMAN: You made that point at our last meeting, and I think you made it quite clear. I think it is appreciated by all the members of the committee. Now we should deal with this motion.

Mr. ELLIS: You say that I made this point at the last meeting. Perhaps to a certain extent I did, but nonetheless it is just as valid today as it was at that time. But I think it is more necessary to pursue that argument now because of the arguments that have been raised in committee today. At the last meeting I thought there was a somewhat different attitude of mind among certain members of the committee. I find that it has been changed. I think, therefore, that my argument is quite valid, and I am stating that for the reason that I am opposing this motion. I am in favour of granting the franchise wherever possible to every Canadian who is qualified to vote. But I say

that if we are going to support providing voting rights for Canadians who are living abroad, then by the same token we have to do the same thing for people in this country. In other words, nothing short of an over-all solution to this problem is going to be satisfactory. Therefore, until such time as this is bound up with the whole problem of votes for absentee electors on election day, I am going to oppose this motion.

And Hon. MEMBER: I suggest that we adjourn now.

The CHAIRMAN: The steering committee agreed to sit for two hours and not to go beyond the two-hour limit. We have been sitting now for one hour and 35 minutes. I think we can deal with this matter today.

By Mr. Bourque:

Q. The matter of the District of Columbia has been brought up. If, as, and when we have a federal district in Ottawa, we can deal with that question. I understood Mr. Castonguay to say that the mechanics could be arranged, but at what cost, and how practical would it be? Utopia has not been reached yet, and I do not think we are going to reach Utopia here, but what I had in mind was the displacement that takes place with all the companies in the personnel going back and forth. Mr. Castonguay has said that in regard to the federal government employees a list can be obtained very reasonably and fast. But can we get a list of the others on time so that there will be no discrimination? If we cannot get the list, we would discriminate against possibly 50 per cent of the people who are abroad. The other 50 per cent would vote, but we must bear in mind that for the federal government employees, as Mr. Castonguay has said, the list is available and, therefore, the cost would not be prohibitive. Mr. Castonguay, could you tell us this in approximate figures? If we were to take everybody abroad who should be included, what would be the cost approximately that you would have to bear to prepare that list?—A. With regard to providing the facilities to these federal public servants within the confines of the Canadian Forces Voting Regulations, it would mean in costs just extra envelopes and extra ballots, provided that the same principle in the Regulations of appointing polling officials was carried forward to the missions. If it were confined to federal public servants, and confined to territories established for the Canadian forces electors, the cost would be just for the extra forms required.

Q. Negligible. But if we take in everybody?—A. Then we are going back to my initial explanation to the committee that it is a matter of bringing in a system of permanent lists throughout the country. That would be very expensive, because with a permanent list you must have at least a biennial house to house revision, on the same basis as an enumeration for present elections. I would say that a biennial revision for a permanent list would cost about \$4 million a year.

Q. And you would not be sure that you would get everybody?—A. That is just to pay the enumerators to collect the names. You would have to have a staff of at least a thousand clerical workers to record the changes that would have to be made to the permanent list. My estimation would be three million changes a year, and I would think that it would take a personnel of at least one thousand to handle these changes so that the list would be up-to-date at all times. A permanent list would be an expensive proposition.

Q. Have you any idea: supposing we spend \$4 million for enumerators; if you are going to have all the paraphernalia which goes with it, it may amount to \$8 million; how many votes would that cover?—A. Facilities would also be provided for Canadians who are absent within Canada. General overall cost is a very hard thing to arrive at. I would say that the biennial house to house revision would be \$4 million a year; and I would say that the staff costs would

be about \$2 million a year. You would have to have 263 permanent registrars throughout the country in offices. You would have to decentralize my office, and have electoral officers for various regions such as the western provinces, one for Ontario, one for Quebec and one for the Maritimes; and you would find that you would be creating an administrative monster.

Q. It would be a gigantic proposition?—A. The overall cost would be around \$30 million.

Q. How many votes would it mean 4 million votes?—A. We never figure the cost on the basis of votes. You make expenditures on the basis of the total number electors; you are providing facilities for the maximum number electors; and in the last election there were 8½ million electors.

Q. This extra cost would cover how many voters?—A. Potentially nine million voters whether residing in or out of the country. Our present costs run around 70 cents an elector, for the enumeration, the printing of the list, and the polling facilities.

Q. It would run to about \$3.50 an elector; that would be about 5 times what it now costs, and on the basis of 8,500,000 electors it would cost over \$30 million.—A. The cost is a serious factor, but with a permanent list you have two fixed periods of revision; for example you would have the period from the 1st of April to the 21st of April and from the 1st of October to the 21st of October; the revision takes place during such periods, and in between the two you cannot get on or off the list. Another difficulty could be that the revision is from the 1st of April to the 21st of April and the election is ordered for September, which would mean that a period of more than four months would intervene between the last day of revision April 21 to polling day in September and there would be no way of getting on the list or off the list; and also in rural areas there would be no vouching system.

Q. Should the amount, as you say, be increased, it would go from \$6 million now to about \$30 million which would be about 500 per cent more, if you made a list complete for everybody.—A. And provide facilities for those who are not only absent from their polling places but who are also outside the country.

Q. If it becomes a question of whether the cost is prohibitive, would we be justified in trying to provide these people with the franchise, when possibly 50 to 60 per cent of them would not vote?

The CHAIRMAN: I think we are getting away from the point.

Mr. BOURQUE: I am talking about people who would get the franchise who are everywhere, as well as those who are moving about.

Mr. LEBOE: If we support this motion I feel we are giving up a principle for an expediency. I shall oppose the motion on that ground.

Mr. CAVERS: I think I have already made myself clear with regard to the distinction between government employees and those who are employees of commercial enterprises, but I also have another thought which I think is important and which should come to the attention of the committee. How are we going to define who are government employees? Are we going to confine it solely to the departments of the government as we understand them here, or are we going to extend it to officials of the various crown corporations which have been set up, such as Polymer and the many other companies, such as Trans Canada and the Canadian National Railways. It seems to me that we are getting ourselves into a position where the chief electoral officer says that his administrative costs are going to be higher than that in trying to figure out who has the right to vote.

The CHAIRMAN: All those in favour?

Mr. BOURQUE: The chief electoral officer said it would be very easy for him to get the federal list, and it would be no hardship, and that the costs would be negligible. But if we are to give ground for crown companies and everything, the cost will begin to be prohibitive, and we shall find ourselves in possession of a monster.

Mr. CAVERS: Are these people government employees or employees of crown companies?

Mr. BOURQUE: They are not. You could not say that a man from the Canadian National Railways is a government employee.

Mr. CHURCHILL: We can become exercised over the voting privileges for people living outside Canada. On the face of it, it appears a little more serious than it really is. When Mr. Wershof was here the other day, I asked him what the term of service was for federal government employees overseas from the Department of External Affairs. I think he said that it averaged three years, and that some were overseas without returning to Canada for as many perhaps as fifteen years or more.

If arrangements are to be made for people who are away from Canada for a very lengthy period like that, we would have to give a little serious consideration to it; but if the average term of service is only three years, a great many people will put in their term of service in between elections and we need not worry about them at all.

Those who are absent from the country at the time of an election will, on the basis of that average term of service, miss only one federal election. I do not think that it is overly serious to miss your vote at a federal election. It happens to a great many people living in Canada. It may be that many of us here have had that experience. I know that I have had it three times in Canada through no fault of my own. It so happened that I moved at the wrong time with regard to a federal election. Consequently I was deprived of my vote. So I think we are magnifying a little bit the problem of people who happen to be outside Canada at the time of a federal election.

However, I would like to give more consideration to this matter. I understood from Mr. Castonguay that it is possible to establish a permanent list for wives of service men, as already dealt with and for federal government employees overseas or those who are out of the country. But as was pointed out, it raises many other problems which it seems to me are of much greater magnitude. Then there is this to consider: the right to vote is certainly important and we would like every citizen of Canada to exercise it. Yet we know perfectly well that they do not.

As my good friend Mr. Nowlan said to me a few minutes ago: when you think of all the time and effort which we expend in the course of election campaigns to interest people who are living near us with regard to the election—we have the television, the radio, newspapers, and goodness knows what—in order to give them some information as to what the issues are and who the candidates are; and when you consider all these problems we have here, and at the same time we are considering making it easier for many outside the country, or for people temporarily absent from Canada to vote without any of the aged opinions that we try to present in this country, it seems to me that we are getting a bit exercised over a small group of people.

What chances have people living abroad to know—as the people living in Canada know—the issues of an election? What chances have they to know the candidates which I think is a rather important factor in any election? How can they be fully informed? Yet we are going to make it

easier if we adopt this idea. We are going to make it easier for a person outside of Canada to vote than for a person living within Canada.

I would hope that we could give greater attention to this problem before we put it to a vote.

Mr. NOWLAN: I want to agree with what Mr. Churchill has said. We do not want to create in this committee the idea that there is any pressure or rush. I think we may create that feeling. I agree with what Mr. Zaplitny has said. I do not quite appreciate the high standard of intelligence which Mr. Cardin said that the bill distinguished as between the two persons working in London, one for a commercial firm and somebody else working for the Department of External Affairs.

You can admire the intelligence of both. Possibly they may both be living in the same flat. The commercial employee—let us say he is an employee of the Royal Bank—may say: "Why should I be deprived of my vote while you can go and vote?" That will create a discrimination, and I think we should weigh it before we rush into it. What are we sitting around this table for?

You are talking about principle. Everyone of us has to spend a lot of money on the radio, newspapers, political meetings, and what have you, and if this is a principle, we all should sit down and let the voters play with the Ouija board and in that way decide who they will vote for.

There is not only the right to vote but the education of the voter to be considered. I am not reflecting on the standards of intelligence of the voters; but they are deprived of that completely and for these reasons, and for many others that could be brought forward. If this question were to be put to a vote this afternoon, I would vote against it.

Mr. DICKEY: I think Mr. Churchill must have misunderstood the evidence the other morning. As I understood the evidence of Mr. Wershof, it was to the effect that the term of service outside of Canada was normally three years, and that the foreign service officers were brought back for other service in Canada, or recalled to Canada at the end of that time; and that in many cases they were brought back at a time when there was not an election; and that many of them were outside of Canada for a period of service of varying length; and over a period of fifteen or twenty years they would not have a chance of voting in a federal election. That would not mean that they were continually outside of Canada during that time. It is important that that be kept in mind.

Mr. CHURCHILL: There are some who have been kept out of Canada for that length of time, such as trade commissioners.

Mr. DICKEY: No. Every trade commissioner is brought back every six months; and since their appointments are only for outside of Canada, they are made shorter in most cases.

As I see the problem here, the question of principle is very very clear. We either vote for the principle of extending the franchise; to give the privilege of the franchise to Canadians who are outside Canada, or we vote against it.

The arguments raised this afternoon on a supposed basis of principle are not on the principle at all. They are simply on matters of detail as to why the principle should not be extended to certain classes or to certain people, where the difficulties in the extension would make it prohibitive. It is not a question of principle. The principle is clear.

Are we in favour of extending the privilege of the franchise to Canadians who are on government service outside of Canada, or are we not? It is not a question of discrimination; it is not a question of whether we are discriminating against those Canadians or not.

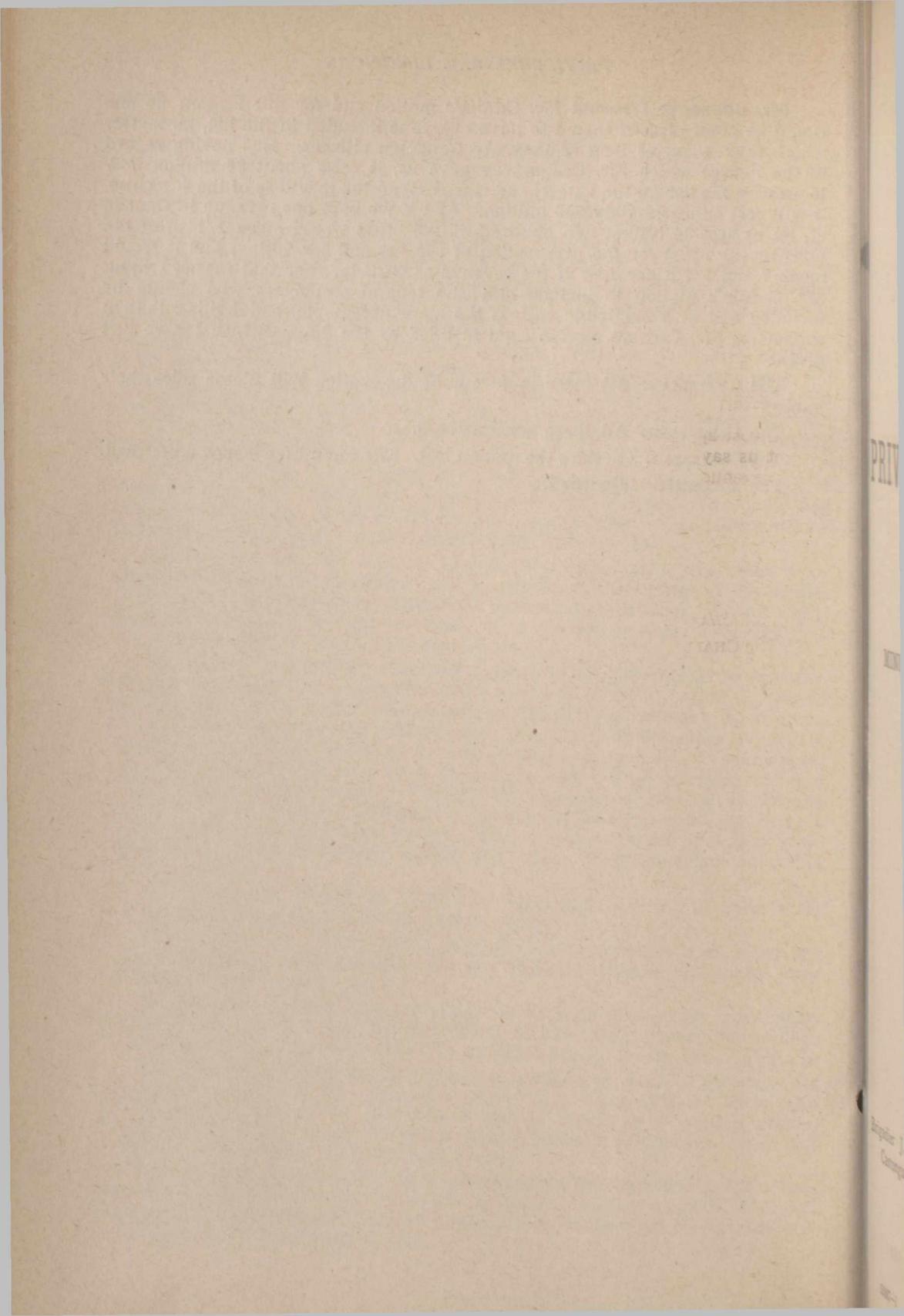
Mr. BOURQUE: I second Mr. Cardin's motion and for this reason: no one would be more pleased than I to have everyone included in the list, no matter where they were, as long as they are Canadian citizens. But having regard to the figures which Mr. Castonguay gave us, it costs about \$6 million now to prepare the list for the voters; and if we extend the privilege of the franchise, it will cost approximately \$30 million. And if we base our revenue in Canada at, let us say, \$4 billion two hundred million, that would mean 1/14th of the total revenue just for the preparation of the list and for voting; and it would mean 7 and 1/7th per cent of the revenue of Canada. For that reason I think Mr. Cardin's motion to include only the federal employees who should be included and at a negligible cost, is the more acceptable, and I think that in supporting Mr. Cardin's motion I am justified by the figures which I have just given.

The CHAIRMAN: All those in favour of the motion will please raise their hands?—8.

The CHAIRMAN: All those contrary?—9.

The CHAIRMAN: I declare the motion lost. The committee is now adjourned.

The committee adjourned.



HOUSE OF COMMONS

Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 6

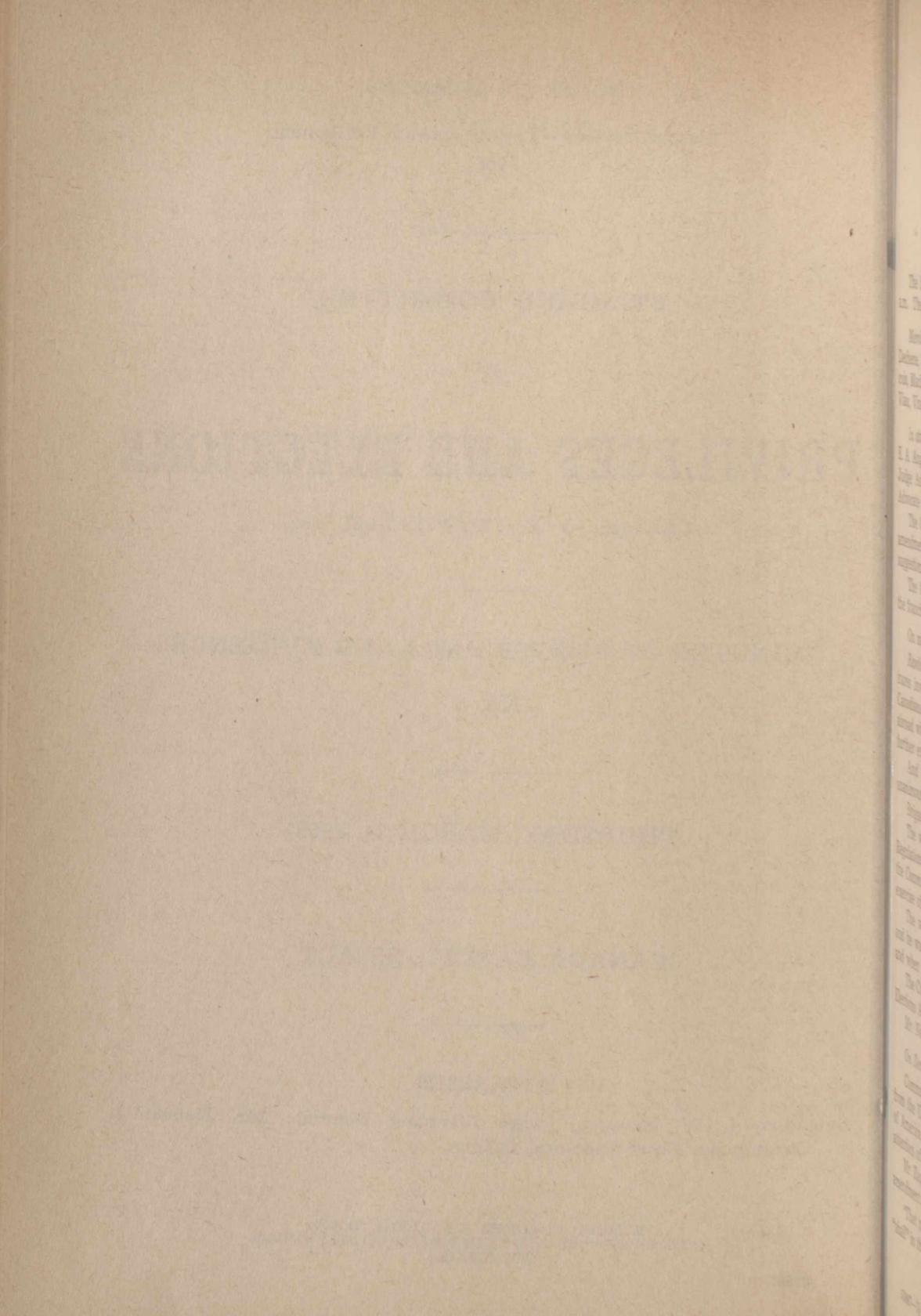
THURSDAY, MARCH 24, 1955

CANADA ELECTIONS ACT

WITNESSES:

Brigadier J. W. Lawson, Judge Advocate General; Mr. Nelson J. Castonguay, Chief Electoral Officer.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.



MINUTES OF PROCEEDINGS

House of Commons, Room 497,

Thursday, March 24, 1955.

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Bourque, Cardin, Carter, Cavers, Churchill, Dechene, Ellis, Fraser (*Peterborough*), Harrison, Hollingworth, Leboe, Lefrancois, MacDougall, MacKenzie, McWilliam, Meunier, Pallett, Robinson (*Bruce*), Viau, Vincent, White (*Waterloo South*), and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; Brigadier J. W. Lawson, Judge Advocate General, and Captain J. P. Dewis, R.C.N., Deputy Judge Advocate General, representing the Department of National Defence.

The Committee proceeded to the study of the Canada Elections Act, the amendments thereto suggested by the Chief Electoral Officer and other suggestions.

The Committee first considered the question concerning the exercise of the franchise by certain Canadians residing abroad.

On motion of Mr. Cavers,

*Resolved,—*That, in the opinion of this Committee, the issues and expenditures involved in the creation of facilities for the taking of the vote of Canadians other than those employed in the federal public service and living abroad who might otherwise be eligible as electors are of such magnitude that further extensive study should be given to it before the matter is dealt with.

And the question having been put on the said proposed motion, it was unanimously agreed to.

Brigadier J. W. Lawson, Judge Advocate General, was recalled.

The witness filed proposed amendments to the Canadian Forces Voting Regulations, contained in Schedule 3 to the Canada Elections Act, to implement the Committee's decision to extend to views of servicemen living abroad the exercise of their franchise as qualified electors under the said Regulations.

The witness was briefly questioned on the said proposed amendments and he was excused on the understanding that he would be called again as and when the Committee deals with the said proposed amendments.

The Committee resumed the section by section consideration of the Canada Elections Act.

Mr. Nelson J. Castonguay was recalled.

On Section 26

Communications from the late Mr. Robert Fair, M.P. (*Battle River*) and from the United Automobile Aircraft and Agricultural Employment Workers of America, Local 439, in respect to the said Section, were brought to the attention of the Committee.

Mr. Zaplitny moved that the Committee recommend the following proposed amendment:

"That paragraph (4) of Section 26 be amended by inserting after the word "shall" in the first line thereof, the following words: "upon the recommendation

of the candidate of the party, other than the party then in office, who received the largest number of votes in the election immediately preceding such appointment, or, in the absence of the said candidate, a representative of the party represented by the said candidate."

Debate having taken place on the proposed amendment and the question having been put thereon it was, on a show of hands, resolved in the negative on the following division: Yeas, 5; Nays, 15.

Sections 27, 28, 29 and 30 were studied and it was agreed that they remain unchanged.

On Section 31

On motion of Mr. Viau,

Resolved,—That the Committee recommend the following amendment:

Subsection (6) of section 31 of the said Act is repealed and the following substituted therefor:

(6) The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish a central polling place *where* the polling stations of all or any of the polling divisions of any locality may be centralized, *but no central polling place so established shall comprise more than ten polling divisions unless it is the usual practice in a locality to establish a central polling place for civic, municipal or provincial elections and it is desirable in the opinion of the Chief Electoral Officer to follow that practice in an election under this Act*, and upon the establishment of a central polling place *under this subsection* all provisions of this Act apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

That part of the letter from Mr. Egan Chambers of Montreal, dealing with the said Section, was read to the Committee.

Mr. Castonguay stated that the adoption of the latter amendment necessitated a consequential amendment to Section 11 of the Act.

Whereupon on motion of Mr. Bourque,

Resolved,—That the Committee recommend the following amendment:

Subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

11. (1) The polling divisions shall be those establish for the last general election, unless the returning officer considers that a revision of the boundaries thereof is necessary and, in such case, he shall give due consideration to the polling divisions established by municipal and provincial authorities, and to geographical and all other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division, or as prescribed in subsection (6) or (7) of section 31; in the event of such revision being necessary, it is the duty of the returning officer, when instructed by the Chief Electoral Officer, and subject to the foregoing provisions, to reallocate and define the boundaries of the polling divisions of his electoral district so that each polling division shall whenever practicable contain approximately three hundred and fifty electors.

On Section 32

The said section was discussed at length, whereafter, it was agreed that, while its mode of application might, in certain respects, be improved, the said section remain unchanged.

Section 33. It was agreed that the said section remain unchanged.

Mr. Robinson (*Bruce*) gave notice that he would, as Section 45 of the Act is reached, move the following amendment:

Whereas there are many people in Canada, who, on account of the type of work in which they are engaged, cannot conveniently vote at either the advance poll or at the regular poll.

Therefore this Committee endorses the principle of voting by proxy for mariners and other persons who cannot attend a poll and do hereby recommend such an amendment to the Canada Elections Act.

It being 12.30 o'clock p.m., the Committee adjourned to sit again at the call of the Chair.

Antoine Chassé,
Clerk of the Committee.

MINUTES OF EVIDENCE

MARCH 24, 1955.
10.30

The CHAIRMAN: We have a quorum, so we shall proceed. At the last sitting, as the members know, the committee dealt with two of the groups which were included in the Secretary of State's suggestions to the committee. There is a third group, and I believe we should deal with it this morning. It should only take a very few minutes. The group comprises Canadians residing abroad, not employed in the public service.

Mr. CAVERS: Mr. Chairman, I move that, in the opinion of this committee, the issues and expenditures involved in the creating of facilities for the taking of the vote of Canadians other than those employed in the federal public service and living abroad who might otherwise be eligible as electors are of such magnitude that further study should be given to it before the matter is dealt with.

The CHAIRMAN: All in favour, signify the same. To the contrary? None. Carried unanimously.

The CHAIRMAN: Well, gentlemen, you have before you draft amendments to the Canadian forces voting regulations contained in Schedule Three to the Canada Elections Act, suggested by the Department of National Defence, and we have here this morning, Brigadier Lawson, the Judge Advocate General. I am going to ask Brigadier Lawson to make some remarks with regard to these suggested amendments.

Brigadier W. J. Lawson, Judge Advocate General, Department of National Defence, called:

The WITNESS: Mr. Chairman, the Department of National Defence is proposing nineteen clauses containing amendments to the Canadian Forces Voting Regulations which are Schedule Three to the Canada Elections Act. The proposed clauses with explanatory notes have been distributed to the committee in mimeographed form. These clauses have been approved as to form and legality by the Department of Justice. They have been discussed with the chief electoral officer who foresees no serious problems in their administration.

I understand that the chief electoral officer will propose a number of amendments designed to facilitate the administration of the Canadian Forces Voting Regulations. In cases where the chief electoral officer has proposed amendments to the same paragraphs as those to which the Department of National Defence is proposing amendments, the amendments proposed by the chief electoral officer have, with his concurrence, been included in the amendments proposed by the Department of National Defence.

The principal proposed amendments are those designed to implement the decision of the committee to permit the wives of servicemen living abroad with their husbands to vote under the regulations. If the amendments as drafted are adopted by the committee all wives of servicemen living abroad with their husbands, who are Canadian citizens or other British subjects, and are of the full age of twenty-one years will be entitled to vote under the regulations. The wife's vote will be allocated to the constituency in which the place of ordinary residence named by the husband in his statement of ordinary residence is situated.

Of the nineteen proposed clauses fifteen relate to the taking of the votes of wives of servicemen. Most of the amendments made by them are of a very minor nature. The remaining four clauses will effect five other amendments to the regulations.

The first amendment would prohibit servicemen from acting as representatives of political groups, i.e., as scrutineers, at the taking of the votes at service polling places. Under paragraph 32 of the regulations any person qualified to vote as a civilian elector at a general election may act as a scrutineer at the taking of service votes at service voting places. This paragraph as it now stands would make most servicemen eligible to act as scrutineers. This is in conflict with what I suggest members of the committee will agree is a very desirable provision of the Queen's Regulations for each of the services which prohibits members of the regular forces from engaging in political activities. The proposed amendment would bring the regulations into line with the Queen's Regulations by excluding servicemen from the category of persons who may act as scrutineers. The proposed amendment will, however, extend the regulations to permit any Canadian citizen whether or not he may happen to be on a voters' list and so entitled to vote as a civilian elector to act as a scrutineer at the taking of service votes. This should be particularly helpful at service polls outside Canada where normally it would be very difficult to obtain the services of a person who is entitled to vote in Canada to act as a scrutineer.

The second proposed amendment would require that a person appointed to represent a political group at the taking of the vote at a service poll produce an authorization signed by an official candidate of the group which he represents. Paragraph 32 of the regulations now provides that to identify himself as a representative of a political group to the deputy returning officer at a poll all that a person is required to do is to produce a declaration signed by himself. The proposed amendment would provide that the representative must produce to the deputy returning officer a certificate signed by one of the candidates of his political group before being allowed to act as a scrutineer for that group. At present, all such a person need produce is a certificate signed by himself that he is a representative of the political group concerned.

The third proposed amendment would make it clear that a Canadian forces elector who is undergoing punishment in a service or civilian penal institution is disqualified from voting. That is that he is subject to the same disqualification as is a civilian voter under the Canada Elections Act. The Department of Justice has ruled that the disqualification of persons undergoing terms of incarceration contained in the Act itself also applies to persons voting under the regulations but it is considered desirable that this important disqualification should be set out in the regulations so that there can be no misunderstanding on the part of the persons charged with their administration.

The fourth proposed amendment would permit the deputy returning officer who is taking the service vote at a service hospital to go from room to room to take the votes of bedridden patients.

The fifth proposed amendment would make it clear that before a serviceman or his wife is entitled to vote the serviceman must have completed the statement of ordinary residence required by the regulations. It has always been the intention of the other parliamentary committees that have dealt with these regulations and also the intention of the draftsmen of the regulations that in order to obviate the possibility of throwing large blocks of service votes into particular constituencies a serviceman must have completed a statement of ordinary residence in order to be permitted to vote. However, the Department of Justice has ruled that as the regulations stand at present such is not the case. The effect of the proposed amendment would be that if

at the commencement of service voting a serviceman has not completed a statement of ordinary residence he would, before being allowed to vote, be required to complete such statement giving as his place of ordinary residence the place where he was ordinarily residing at the time of his enrolment in the Canadian forces.

Those are all the proposed amendments.

Mr. CAVERS: Mr. Chairman, with regard to the last proposed amendment—

The CHAIRMAN: Pardon me, Mr. Cavers, but I think it would be better if we examined the suggested amendments which are before us now before we start the question period. I think it would be better if members of the committee were to study the suggested amendments which they have in front of them, and then at some later date we shall be able to have a question period on it with Brigadier Lawson and the chief electoral officer here to deal with any questions we may have to ask. Is that agreed?

Agreed.

The CHAIRMAN: Now, Brigadier Lawson, I wish to thank you for having come here this morning. The committee shall study your suggested amendments and we shall call you in when we are ready to proceed with them. Thank you very much. Now we shall continue where we left the other day. We were at section 26, page 50 in the Act.

Mr. CARTER: Mr. Chairman, may I ask permission to refer to section 21. I had a point there which I wanted to make.

The CHAIRMAN: We stood that section over. Mr. Zaplitny has in mind an amendment to section 26. Until he arrives we can let that stand, if that is agreeable.

Agreed.

The CHAIRMAN: Section 26 stands.

Section 27, no change?

No change.

The CHAIRMAN: Section 28. We have received two letters which have a bearing on section 28. Mr. Castonguay will comment on them.

Mr. N. J. Castonguay, Chief Electoral Officer, called:

The WITNESS: One letter is from the late Mr. Robert Fair, member of parliament for Battle River, and this is found at page 19 of the committee's printed report of proceedings. It has to do with the suggestion that the political affiliations of candidates should be placed opposite their names on the ballot paper. Item 11, on the same page, has to do with the same matter. The letter is from the United Automobile Aircraft and Agricultural employment workers of America, local 439, and they also, in a resolution, suggest that the political affiliations of candidates should be placed opposite the candidate's name on the ballot paper.

The CHAIRMAN: Section 28, no change?

Mr. FRASER (*Peterborough*): I would like to ask a question about ballot papers. Who, lawfully, can print a ballot paper?

The WITNESS: Section 29 of the Act contains penalties which provide means of laying charges against persons who are not entitled to print them. The only person who is lawfully entitled to print ballot papers is the returning officer of the electoral district.

Mr. FRASER (*Peterborough*): Perhaps I did not word my question properly. Who, then, can he ask to print them? Can he ask a candidate to print the ballot papers?

The WITNESS: That is left to his discretion completely. The act places the responsibility on him and it is left to his discretion where he has them printed.

Mr. FRASER (*Peterborough*): He did in my case. My opponent printed the ballot papers.

Section 28 remains unchanged.

The CHAIRMAN: We will revert to section 26. Mr. Zaplitny, have you got your amendment?

Mr. ZAPLITNY: Yes. I have two extra copies.

The CHAIRMAN: Order, please.

Mr. ZAPLITNY: Mr. Chairman I will not go into any long-winded explanation of this, because we have discussed it in general principle already. I shall just move the amendment, and then try to explain where I think it may be necessary. The amendment I propose is:

That paragraph (4) of section 26 be amended by inserting after the word 'shall' in the first line thereof, the following words: 'upon the recommendation of the candidate of the party, other than the party then in power, who received the largest number of votes in the election immediately preceding such appointment, or, in the absence of the said candidate, a representative of the party represented by the said candidate.'

What that means is simply this. This is an attempt to provide that there should be one official in each polling district who would be appointed on the recommendation of a candidate or a party representative of that candidate other than the party in power. The purpose of that is to provide an assurance to all candidates and parties that there will be the greatest care taken and the greatest fairness shown. Also this would make sure that every voter would feel he was being protected from the point of view of having representatives from two opposing political lines.

I realize that it would be more desirable perhaps if all parties could have some representation but due to the fact that that is not possible I thought this was second best, in that the government in power is represented in a sense from the point of view that the returning officer in a constituency is appointed by the Governor in Council and all appointments which he makes stem from that appointment, whereas parties or candidates other than the party in power have no direct representation of any kind in the polls. I want to say quite frankly that if the present situation were that the returning officers in the various constituencies were appointed by the chief electoral officer rather than the Governor in Council I would feel that there would be adequate protection and nonpartisanship as matters stand, but the situation is that the chief electoral officer does not appoint the returning officer. He is appointed by the Governor in Council though he is of course subject to the direction of the chief electoral officer. I would like to make it clear that this proposed amendment does not stem from any idea of partisanship or suspicion that anyone is trying to "put anything over" on anyone at the polls. My experience has been that vigilance has, by and large, been exercised, but it has also been my experience, and that of others, that there are occasions on which there has been undue influence exercised in the polls and sometimes, even, very serious breaches of the Act have been found during election day.

We will be told, of course, that the Act must be observed, and that anyone who violates the Act is subject to the penalties which are provided under it.

This is very true and also very useless, so far as election day is concerned, because when anything which is done on that day which interferes with, and which may result in an unfair result, then it is too late after the election to put in complaints and have prosecutions and so on, because it does no good.

There are many violations of the Act which are overlooked for that reason. Once the election is over, people feel "oh, let us all be good sports, and make no noise or complaint!"

This amendment is designed to make it sure that the provisions of the Act are carried out in letter as well as in spirit and to the greatest extent possible in order to provide fairness.

Mr. HARRISON: Mr. Chairman, I was interested in what Mr. Zaplitny said. I think it would carry more weight with me, however, if the party in power in Saskatchewan would adopt the same principles. I think that after they do that, there would be plenty of time for us to consider this amendment.

The CHAIRMAN: This committee cannot deal with the Saskatchewan government.

Mr. CHURCHILL: The remarks just made were interesting, Mr. Chairman, but irrelevant.

The CHAIRMAN: Agreed.

Mr. CHURCHILL: We are dealing with federal elections and I would like to support the proposal which has been made by Mr. Zaplitny. We discussed it at our third meeting on the 15th of March to some extent, and we put forward arguments on that occasion.

I think those arguments are valid, and we support them by acknowledging that our elections are, by and large, conducted satisfactorily. I do not think there have been any outstanding complaints on the part of the Canadian people in regard to fairness in the conduct of our elections. That is to the credit of the Canadian people as a whole.

Nevertheless this suggestion is in line with the advancement in the conduct of elections; it is not infringing upon the right of the party in power. It is simply suggesting that when a dominion election is held, every endeavour is made to get as fair a return as possible from the decision of the people, to see to it that every man who is entitled to vote shall have that opportunity, that the voting shall be conducted under fair and proper regulations, and that no special advantage shall attach to one party or the other in the course of the election.

That being the case, then it seems reasonable that just as is done with enumerators, so we might do with poll clerks, and carry on with that principle and permit the other parties—certainly the runner up among the parties—to have something to do with regard to the staffing of the polls and the polling places.

As we pointed out at that third meeting, with the returning officer being appointed by the Governor-in-Council, and with the deputy returning officer being appointed in turn, then the party in power is, in effect, in control of the machinery of the election and is responsible for the proper carrying out of that election.

But when you come down to the poll clerks, by having the poll clerks appointed or nominated by a party which is not in power, you are not in any way infringing upon the rights of the party that has been in office. You are simply acknowledging the fact that it is a fair method of dealing with an election in that way, with all participating; and that at the moment of the election, other than there being a continuation of the caretaker function of the cabinet, there actually is no party which is really in office.

So it becomes thrown open to the people to decide what shall be done. It has been recognized as satisfactory to have the enumerators drawn from the

two parties. Is it not also a satisfactory suggestion to have the polling divisions staffed by people drawn from the two parties?

It would indicate that there is fair play actually taking place, and that the aim is to give both sides in the contest the opportunity to have some supervision over the actual voting procedure.

For these reasons, and for others which might be advanced, I support the resolution.

Mr. MACDOUGALL: I am interested in this discussion. Unfortunately I have not got a copy of the suggested amendment which was moved by Mr. Zaplitny. However, I have noted some of the points which have been made by Mr. Churchill. I do not know. Maybe my riding is different to a lot of other ridings; but it certainly is not a riding that has been solidly for any political party.

Ever since its formation in 1924 there have been different representatives from the various parties representing that riding here in Ottawa. In 1949, in the gathering of enumerators for that election—it was a Conservative who had been their member of the House of Commons before the election—naturally at least 50 per cent of the enumerators and election officials at the polls were of the Conservative persuasion. That worked very well in 1949. And in that same election the Liberal party was supposed to have 50 per cent.

Unfortunately, in many ways from a political standpoint, but fortunate economically, there was a great demand upon the services of men and women for employment with the result that both the Conservative party and the Liberal party on that occasion willingly and gladly went to the representatives of the other parties in order to man the army of enumerators that was required, and also to man the necessary polling subdivisions for the smooth running of the election.

Then came the 1953 election. What happened there? I admit it was regrettable in many ways. We appointed our enumerators on a basis of fifty-fifty, with the runner up party in 1949, which was the Conservative party.

The Conservatives at that time, in 1953, could not find ten per cent of the required number of men and women to man the polls of that riding. So they came to me and asked if I would suggest names for the necessary enumeration, and for handling the results of the individual polls.

I said I would "be very glad to", and I also said that "we, the Liberal party did not have sufficient men and women to do this". So I offered a suggestion which was accepted, that a large number of representatives of the Social Credit party and of the C.C.F. party be engaged to man the polls on election day in 1953.

If the idea behind this amendment is to suggest that in such instances you have abuses, I want to say to my friend from Dauphin, that no matter how rigid or how tight you make the voting regulations—with human nature such as it is—there is going to be somebody who is going to come in and possibly make a mess of what has normally in the past been a fine reputation as far as the men and women are concerned who since 1867 have been manning the polls in the general elections throughout Canada.

Therefore, I personally do not feel that this amendment is necessary. Possibly there are some ridings where political tension and political bitterness may run at a very very high rate. But in my opinion those ridings are in a tiny minority. They do not resemble anything like a true cross picture of the whole electoral set up in the Dominion of Canada. I think that by and large our present system is working satisfactorily. I do not think there have been abuses. I know there certainly have not been any abuses in my own riding. And I know perfectly well that when election day rolls around, there are going to be many workers not only from the Liberal party but from the

Conservative party, the Social Credit party and the C.C.F. who will be assuming and carrying out the onerous responsibility of bringing about a fair presentation of the electors' views at the various polls in the ridings.

Therefore, I cannot view with too much alarm the necessity for this amendment. Although I would like to go along with my friend from Dauphin, nevertheless I do feel that under the circumstances—certainly from my own experience—that the amendment is not necessary, and unfortunately I am going to have to oppose it.

Mr. VINCENT: Mr. Chairman, with respect to Mr. Churchill's remarks, he stated that at election time there was no party in power. I think we should maintain the view that there is no party in power at election time and that the returning officers are purely and simply civil servants. They are there because of the Act, and they should be maintained according to the Act as civil servants and they should not be made to represent either the Liberal party, the Conservative party, the C.C.F. party or the Social Credit party. As far as party representation at the polls is concerned, I think that every party is entitled to have its representatives there. Each candidate is entitled to have his own representatives at the poll. Consequently I think we should leave it to our civil servants during the election. If a party wants to be protected against any abuses by civil servants, then it is up to that party to appoint its own representatives, and I think we should maintain that status.

Mr. CARTER: Mr. Chairman, I want to support what the last speaker has just said. I do not see any need whatsoever for this amendment. The proposer of it himself admitted that he did not see any great need for it. Let us not clutter up the record with things which are not necessary. I am stating my interpretation of my friend's remarks.

I think a case has been made out that poll clerks shall be appointed by the deputy returning officer. And in my own particular case, with two elections which I have had I have had no reason to think that the returning officer was a supporter of the government in any way. I certainly did not make any recommendations to him as to who he should appoint as poll clerks.

If we select as returning officers those who know the district and who know the people in the district, then they can pick out the best educated people and those who are in the best position to conduct the polls accurately and to follow the instructions accurately. I think that is the greatest thing to be desired. I would hesitate to think what might happen if poll clerks have to be appointed upon the recommendation of someone who has never been in the polling district and who knows nobody whatever in the place where the poll is to be held. That would very often be the situation in my own riding.

There are 260 odd settlements in my riding; and to cover these by boat in a month is impossible. I could not do it myself. I rush as much as I can, but I have to leave out about 40 places. I am certain that my opponent would not be able to visit half of the places. So any information which she would be able to give with respect to persons who are best suited to act as polling clerks would be purely second hand.

I think the ideal situation is to have them selected by the returning officer, who can go into every place. It seems to me that he would be the person who was best qualified. It would be up to him to do the job according to his conscience.

Mr. ELLIS: Mr. MacDougall mentioned something about the inability of some opposition parties to supply sufficient personnel on election day. I suggest that the purpose of the amendment would be to enable the chief opposition party, the runner up, to nominate a slate of poll clerks for the constituency. And should it happen that the chief opposition party is unable to supply sufficient nominees, it would be the duty of the returning officer to round them

out. That is the situation which obtains with respect to enumerators. When the opposition is unable to provide or to suggest enumerators for a particular poll, the responsibility then falls upon the returning officer in the constituency to see to it that the work is done and that the polls are manned on election day. I do not think that is any obstacle. I suggest that the runner up party should have the right to nominate poll clerks. And if under the circumstances, as Mr. MacDougall has suggested, they are unable to round out a full slate, then the returning officer would have the power in that event to make the necessary appointments.

There was some reference made to the fact or to the suggestion that the nominees of the leading opposition party might not be as efficient, and that if appointments are made by the leading opposition party, you might not get as efficient a type of poll clerk that you would with the nominees of the government party.

Mr. FRASER (*Peterborough*): It might be better.

Mr. ELLIS: The suggestion was made by Mr. MacDougall. He referred to the fact that it would provide more efficiency and so on; and I gathered that he was trying to convey the impression that under the present set-up you are always going to get the most efficient type of person in the polls; but not so if the leading opposition groups were to nominate them.

Mr. MACDOUGALL: I did not say that at all. I did not suggest any such thing.

Mr. ELLIS: Very well then, I withdraw the inference.

The CHAIRMAN: Very well.

Mr. MACDOUGALL: What I did say was this: that the responsibility for efficiency is not all with the government candidates, nor with the leading candidate who runs second. As far as I am concerned, they can come from any or all of the different parties, and I have so recommended. There is no accusation with respect to my remarks.

The CHAIRMAN: Mr. Ellis has withdrawn that.

Mr. ELLIS: I do not think that it was an accusation. I was just commenting on some of the remarks that I heard earlier in the discussion. As far as appointments of poll clerks are concerned, if you have the recommendations made by the runner-up party, I think you will get a good type of person in the job of poll clerk.

Some reference was made to the fact that there is nothing political about the appointments of D.R.O.s and that we do not want to make it so by having the poll clerks appointed on the recommendation of the runner-up party. I know that in my own case a number of D.R.O.s asked me, "Are you going to have a scrutineer; I am particularly anxious that you have a good scrutineer for the poll." There have been occasions in the past, particularly in close elections, when there has been a certain amount of rancour after the elections. Human nature being what it is, particularly in very close elections, there is always a tendency for some people to think that there has been some skulduggery at the polls or something of that nature. To protect himself, he wants a good scrutineer at the poll. Good D.R.O.s, no matter how conscientious they might be, will be protected, I feel, by having the poll clerk appointed by the leading opposition group so that there will be absolutely no chance of anybody suggesting on the day after the elections that the Act was not complied with 100 per cent. I think that the appointment of the poll clerk by the leading opposition party would be a protection to the D.R.O., and in my opinion I think it would be welcomed by the D.R.O. The only D.R.O. who would not welcome it would be one who was not too conscientious, and I do not suggest

that there are many of those. But I suggest that we can protect all the D.R.O.s by making it a matter of policy by having—

Mr. MACDOUGALL: Policy or politics?

Mr. ELLIS: A matter of policy, to have them appointed by the leading opposition party. I should like to remind hon. members that the D.R.O. is in complete charge of the poll. By putting in the poll clerk, you are not in any way challenging D.R.O.'s authority at all. I think that the fact that the poll clerk is appointed by the leading opposition party is going to make for better harmony and better feeling among the leading groups in the election.

I go back to the statement made by the hon. member for Dauphin when he reminded members of the committee that at the present time the returning officers in the constituencies of Canada are not appointed by the Chief Electoral Officer; they are appointed by the government. If the appointments were made by the Chief Electoral Officer, then I think the suggestion would be a little different, but under the present set-up where the returning officer is being appointed by the government in power, the least we can do, in order to make for fairness all round, would be to pass this amendment and allow the runner-up party to nominate or suggest names of poll clerks.

The CHAIRMAN: Are you ready for the question?

Mr. ZAPLITNY: I am not going to try to argue the point any further, as I think the members know now what is involved, but a very interesting remark was made, I believe, by Mr. Vincent. He stated that the returning officers are civil servants. If that were the case, and they were appointed by the Civil Service Commission, then it would be an entirely different situation, but certainly we cannot argue seriously that they are civil servants, when they are appointed by the governor-in-council.

Mr. ZAPLITNY: I think that if the committee accepts that view and recommends, before we have finished our deliberations, that the returning officers be appointed by the Civil Service—

Mr. MACDOUGALL: I think that the hon. member is a little hazy on that. Returning officers are temporary civil servants. Would the Chief Electoral Officer tell us? I think that they are temporary civil servants; enumerators, too, when they are doing to work of enumeration.

The CHAIRMAN: Are you ready for the question?

Some hon. MEMBERS: Question.

The CHAIRMAN: All in favour of Mr. Zaplitny's amendment, raise your hands: 5: Against? 15.

I declare the amendment lost.

Section 29, page 53.

No change?

Section 30. "Supply of Election Materials to Deputy Returning Officer".

Mr. FRASER (*Peterborough*): In regard to section 30, "Supply of election materials to deputy returning officer," I feel that Deputy Returning Officers should have more instruction than they have at the present time, because some of them fall down on the job. They allow literature into their polling booths which should not be allowed there, and in many cases praise has been given to the poll clerks, as it is the poll clerks who have checked up on the returning officers and the scrutineers also. I remember that in one election, the ballot boxes were returned and counted and when they were opened after a week we found, I think, in four or five of the boxes, big red signs, "Vote Liberal"—

Mr. VINCENT: You do not know whether they were put there by the opposition representative just to fool the people. I have seen that happen.

Mr. FRASER (*Peterborough*): I do not like to see the people fooled.

Mr. VINCENT: Who told you who put that sign in the box? It might be an opposition party representative who put it there just to create some difficulty.

Mr. FRASER (*Peterborough*): What I am getting at is this: the Deputy Returning Officer has his instructions, and he should not allow anything like that to go into the box.

Mr. VINCENT: He would not see it.

Mr. FRASER (*Peterborough*): Those ballots and those boxes are his responsibility. The box must have been out of the Deputy Returning Officer's sight to allow something like that to get in.

Mr. MACDOUGALL: Speaking on that very subject which Mr. Fraser has brought up, I should like to say this. I do not wish by any means to hold up Vancouver as a model—far from it—but I think that possibly there is something in what Mr. Fraser said. Of course, the next thing to do is to prove who is the culprit. But over and above that, the complaint of Mr. Fraser is with respect to the laxity of the returning officer and whether he knows the fundamentals of his job or not. Now, it is useless having a returning officer who is extremely efficient, unless he imparts his knowledge to his deputy. That is the vital phase, and I think that possibly there are many instances where that is not done, but in my own riding I know that for a long period of years—and we have had different returning officers, the present returning officer only having served for two elections—the returning officer has held night classes for four days instructing the deputies as to how they should conduct that ballot. Not only does he hold night classes to bring about more efficiency as far as the deputies are concerned, but he has the deputies and himself hold classes for comment and criticism among his enumerators when they have completed their day's work. That is not at the completion of the whole enumeration, but when they have completed the day's work of enumeration. I think that every member of this committee will agree with me in this, that there are many instances in enumeration where the enumerator is not actually fully qualified to do a good job. I know, and I am sure the rest of you do, too, that in many instances when an election comes up, you might try to get young university students, for instance, as enumerators. On the west coast a great many of the people of that category who might be enumerators are out on boats during the summer and are unable to act as such, and some are in the forests. Consequently, you lose possibly the brightest class of enumerators that you can have. What is the alternative? The only alternative that is left is to get those who can spare the time. I say that every enumerator earns every nickel that he makes. When they have to run up and down stairs for eight or ten hours a day, I want to tell you that the enumerator at the end of the day is not in very good shape. It would seem to me, along the lines suggested by my good friend from Peterborough, that the returning officers in the ridings can do something over and above what already has been done in giving better instructions to the returning officers and the poll clerks and the enumerators, so that on election day you will have a much more efficient machine handling procedure and so on. I do not use that word "machine" in a political sense.

Mr. FRASER (*Peterborough*): In regard to what Mr. MacDougall said, I should like to say this. The returning officer in Peterborough riding is very efficient; he is a good man and he has done a good job. I have seen the same thing done in other ridings. But I think a little more instruction should be given to these deputies and also to the poll clerks than is given at the present time.

Mr. CAVERS: I concur with what Dr. MacDougall has said in regard to evening classes. I served as a returning officer in a provincial election in 1937, and we conducted classes for all the enumerators. I had them all together at various times and gave them instructions as to what they should do. Following that, we held approximately ten or fifteen meetings in various parts of the county, calling together all the deputy returning officers and poll clerks, and we went through the whole procedure as to what would happen when the poll opened in the morning, how they would fill in the various documents, what would happen when the poll opened, how the ballots should be folded, how they should be deposited in the box, the qualifications of voters, what should be done in the case of impersonation, and so on. We took them through the whole procedure. So far as I know, there were no complaints as the result of that election, and I have not heard of any complaints since. Many people are not familiar with the forms. The instructions are difficult for them to read, and they do not know how they are going to carry out a poll. If they have gone through the various steps in a class, they can discuss it with one another, and if there are any points on which they are not too clear, the returning officer can explain the Act to them and give them instruction. That is far better.

The WITNESS: To substantiate that I am a firm believer in personal instruction, I travelled from January, 1953, to May, 1953, giving courses to returning officers. I gave a three day course to all returning officers in each province. I still try to instil into returning officers to give personal instructions to their election officers wherever possible. Those are two big words "wherever possible". I can appreciate that a member of an urban constituency may see no great problems for the returning officer in giving courses, but we have constituencies which range in area from 500,000 square miles to half a square mile. In a rural constituency it is very difficult for the returning officer to give personal instruction to his enumerators, because the election takes place on an unknown date, at a period unknown to everybody. The whole organization has to function and be completed in sixty days. Members may not realize this, but it takes the combined efforts and the co-operation of at least 200,000 persons to put across a general election in this country in a period of sixty days. Now, if we had a fixed date for an election, we could organize and prepare for the election in a manner somewhat like the census. Personal instructions could be given to the returning officer right down to the poll clerk. However, under our present system I believe that these instructions can only be given after the writ is issued ordering an election. We cannot anticipate an election date. We, for example, might give instructions anticipating an election in the fall, but there might not be an election until a year after. Those people to whom we would have given instructions may not be available to act as election officers in a year's time. So we are restricted to giving personal instructions only after the writ is issued.

Now, the problem is considerably more difficult in a wholly rural constituency, and I know that members realize that. In a wholly urban constituency there are also problems as far as giving personal instruction to enumerators. Such instructions can only be given if the returning officer has on time his list of enumerators from the candidates who are entitled to nominate them. Now, in my tour across the country before the 1953 general election, the general complaint of returning officers was that such list was usually given to them on the Thursday or Friday before the enumeration commenced. They would get a list of 150 enumerators from one candidate, and 150 from the other. He would screen that list and would find that 30 per cent of the persons on the list were not qualified electors of the constituency. He would also contact the rest of the persons on the lists and find that another 30 per cent were not in a posi-

tion, for some reason or another, to act. So, by giving lists of enumerators to returning officers on the said Thursday insufficient time is given to the returning officer to give personal instruction to enumerators since he has to contact these enumerators, appoint them, give them their supplies and have them on duty on the following Monday. He cannot be expected to give personal instructions in those three days. I do not think that it would be reasonable to expect that from the returning officer. In so far as deputy returning officers are concerned, that same situation does not arise because there is sufficient time to give personal instructions in urban constituencies. In my opinion, there is no reason why the returning officer should not have selected his deputy returning officers by at least a week before polling day. In urban areas we encourage that classes of instructions be given to deputy returning officers. Members appreciate that the deputy returning officers according to the act appoint their own poll clerks. The personal instructions given, wherever possible, by the returning officer in wholly urban areas has brought an improvement in the conduct of the polls. But again there are difficulties in rural areas which in most cases make it impossible for the returning officers to give such instruction. A returning officer could not possibly cover large or even semi-large rural constituencies and give personal instruction to his election officers.

By saying that, I am not taking a negative approach to the matter. Where it can be done, we encourage returning officers to hold classes and give such personal instructions. I have made a personal test of this. Before I became Chief Electoral Officer, my predecessor asked me to conduct a personal instruction course in one constituency at a by-election. After the enumerators were appointed, I took half the enumerators and I spent an hour with each enumerator going over the forms and instructions. The enumerator has to deal with about eight forms. I stayed there to see the results of the work of the fifty enumerators to whom I had given personal instructions. There had been a marked improvement, but not so marked that it made a great deal of difference between those and the other fifty that I did not see. I think that we must, in the final analysis, rely a great deal on our printed instructions to election officers. They are designed in such a way as to be understood by persons with the least education. If the returning officer or the candidates who are entitled to appoint enumerators are able to nominate or appoint competent and conscientious persons who will study their instructions, then I say that their work will be very satisfactory. But where we have difficulty is where the deputy returning officers or enumerators do not even read the instructions or forms; the only form in which they appear to show any interest is the account form. Those are in a great minority. Generally speaking I will say that with our method of holding elections where we do not know the date and we have no target date to aim at, we are forced to rely on printed instructions. We have done everything that we can to improve the conduct of the poll. We supply sketches showing the manner of handling ballot papers. We supply a sketch for rejected ballots, showing what ballots should be accepted and what ballot papers should not be accepted. We also try to rely on graphics for instructions. I concur with the view of Mr. Fraser and Mr. Cavers that personal instruction is desirable, but it is not always practicable.

Mr. FRASER (*Peterborough*): I would like to ask one question: would it not help if you had for each deputy returning officer, say, a piece of paper some 12 inches by 8 inches in size, and then printed on it the words "no political literature is allowed in the poll". These could then be posted out so as to bar political literature from the poll altogether.

The WITNESS: I do not think we have had many complaints about that type of practice. Wherever it has been brought to my attention, the literature has been removed from the poll. Without wishing to get into any controversial

field, I might mention that these practices have been pretty evenly spit among all political parties. As far as literature is concerned, there are blotters which are brought into the poll and dropped around, but I would not say, judging from the complaints I have had from returning officers or candidates that these were very isolated cases. Of course I would not know what happens in every poll in Canada, but usually when there are serious complaints candidates contact me. As to the suggestion about sending out another printed form, I would point out that we already have about 30 forms for deputy returning officers to handle, and the more forms we give them the more confusion will arise in the poll. Actually the scrutineers attend to that, and whenever these difficulties have arisen, the scrutineers protest, and the political literature is removed from the poll.

Mr. FRASER (*Peterborough*): When I brought this matter up, I mentioned one case where the cards were in the polling office. I also remember a case where I walked into a poll at a house—there were two polls in the house—and right through, from the first poll to the second poll, the whole floor was covered with newspapers with a full page picture of a certain candidate turned up, even in front of the deputy returning officer's booth. Of course, when he was spoken to, he cleaned all those newspapers out. But they do not know or realize that this stuff is not allowed to be in the polls, and I think it should be brought to their attention that no political literature is allowed at the poll. It works for all parties, Liberals, Conservatives, C.C.F. and Social Credit.

The WITNESS: I might be able to correct that by making it clear in my instructions to deputy returning officers that political pamphlets and literature are not allowed in the poll, without introducing an amendment to that effect.

Mr. FRASER (*Peterborough*): That will be fine.

The CHAIRMAN: Section 30, no change?

No change.

The CHAIRMAN: Section 31.

The WITNESS: I was asked to redraft the amendment appearing on page 8 of my draft bill, and I have re-drafted it along the lines suggested by Mr. Nowlan and Mr. Cavers, and I trust this will now meet with the approval of the committee.

The CHAIRMAN: You have the wording there.

The WITNESS:

Section 31

(6) The returning officer may, with the prior permission, and shall upon the direction of the chief electoral officer, establish a central polling place where the polling stations of all or any of the polling divisions of any locality may be centralized, but no central polling place so established shall comprise more than ten polling divisions unless it is the usual practice in a locality to establish a central polling place for civic, municipal or provincial elections and it is desirable in the opinion of the chief electoral officer to follow that practice in an election under this Act, and upon the establishment of a central polling place under this subsection all provisions of this Act apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.

Mr. VIAU: What is meant by a central polling place?

The WITNESS: A central polling place is a building in which polling stations for maybe four or five polling divisions have been established therein.

The CHAIRMAN: We have a letter with regard to section 31, on page 16 of the evidence, from Mr. Egan Chambers of Montreal.

Every urban polling station should be located in a place equipped with a telephone unless the returning officer can show that this is impossible.

I think that is just a question of what is available. Mr. Viau proposes, seconded by Mr. Vincent, that the amendment to section 31 carry.

Carried.

The CHAIRMAN: Now we revert to clause 2 of the admendments suggested by the Chief Electoral officer.

The WITNESS: This is a consequential amendment to the amendment just adopted to section 31 of the Act. The only change is to add the words "subsection 7" in section 11 (1).

The CHAIRMAN: Mr. Bourque moves that this amendment to subsection (1) of section 11 of the Act carry.

Amendment carried.

The CHAIRMAN: Section 32: "The official list of electors to be used at the poll".

Mr. VINCENT: Supposing a returning officer decides that it is not necessary to review the boundaries of the polling division. What happens then?

The WITNESS: I instruct the returning officer that after making his preliminary survey of the polling divisions, he has to consult local organizations in the constituency and draw to their attention the changes he proposes to make and to entertain any suggestions they may wish to make. I can only presume that when the revised polling boundaries are returned to me that has been done, but I know of some electoral districts where the local political organizations and the returning officer recommended that no change be made in the polling division arrangements which existed at the time of the previous election. If that recommendation is made and if there is agreement among all persons concerned, well, the polling division arrangements which were made at the time of the previous election would stand. I propose to order the revision of polling division arrangements in June 1956, to give rural returning officials an opportunity to travel around and revise their polling division arrangements, in anticipation, maybe rightly or wrongly, of an election in 1957.

Mr. VINCENT: The reason I asked this question is this: because in sections where the population increases very rapidly a returning officer is not compelled to make a revision by reason of the increase in population.

The WITNESS: Oh yes, he would be compelled to do so because the polling division would contain too many electors for it to be workable. Once the polling division exceeds 350, or 500 electors, it becomes unmanageable and it would be reflected in the conduct of the election in that polling division. I ask the returning officers to give me an estimate of the number of electors in each polling division.

Mr. VINCENT: And that is done?

The WITNESS: They can only give an estimate, of course, but when I see that a polling division in an urban constituency exceeds 500 electors I ask for the reasons why no change has been made.

Mr. ELLIS: I would like to ask a question about the marking of polling stations, particularly in the city. In many cases the polling station is at the back of a house, or in a garage or some place not clearly visible from the street

and there has been a great deal of confusion and difficulty among electors coming out to vote in polling subdivisions because such places are not adequately "sign posted" and people have to wander around and walk round the block to find out where they are supposed to vote. I am wondering whether some method could not be found of putting appropriate markings on the street to give some indication of where the poll is being held.

I have found several places where polling was taking place in the back of the house, or in a garage, and it was impossible for people on the street to see the location of the polling station. If some method of marking could be arranged, perhaps an arrow or some sign which could be fixed in a place where people could see it, this difficulty could be avoided.

The WITNESS: Returning officers have taken the initiative of having signs printed where situations like that arise. I would point out that with regard to urban polling divisions we do mail a copy of the printed list to each elector and on that list will be found the address, the street and street number, of the polling station. I grant you that this is sent out about four weeks before polling day and that it may be lost during that period of time. But a great deal rests on the initiative of the returning officer. If he has any initiative at all, he will go ahead and have these signs printed if necessary. I know we get accounts for printing with regard to this matter.

Mr. ELLIS: Some effort is being made?

The WITNESS: Oh yes, if the returning officer deems it necessary he can do it.

Mr. MACDOUGALL: I do not think Mr. Ellis' complaint on this is particularly applicable to city ridings or ridings which are both urban and rural. If the day is bad—and it quite often happens that election day is a bad day—I do not think he or any one of us who have given our homes for polling would be very anxious to have three or four hundred people tramping in over the carpets with wet feet, probably bringing in snow from outside. In many instances, every candidate makes it his business to see that everyone in his constituency is informed as to where he or she is going to poll. If you go by a house—265 Granville street, or any other street—then you know that that is your polling division. If you do not vote in the front room, then it is logical to suppose that you are either going to vote in the playroom in the basement or in the garage, and I do not think, candidly, that there is very much room for complaint in those circumstances. If a candidate does not tell an elector where he is going to vote, I think his opponent will tell him. I do not think we need worry very much about having signs printed, or put up on telegraph poles and so on.

By Mr. Fraser:

Q. With regard to a name being on the preliminary list, and then not being on the official list, what machinery is there to have that name put on?—A. We are speaking of the urban polling divisions?

Q. Yes.—A. Where the elector has been left an enumerator's slip, but finds when he arrives at the poll that his name is not recorded on the official list, he goes to the returning officer and informs him that he has been enumerated but is not on a list. Then the returning officer checks the enumerator's records of the polling division to see if the elector was in fact enumerated. He is thus able to find out whether there has been, for example, a printing mistake. He then gives the elector a certificate, form number 20, and the elector can thereupon go back to the poll and vote. He can vote that day, but of course there has been some inconvenience to him.

Q. I brought that up on account of the inconvenience and because some people might have to travel several miles in order to get in touch with the returning officer and they might only have an hour to vote, and they would

possibly find themselves left out.—A. The only one who can definitely establish that an elector was enumerated is the returning officer. The documents are with the returning officer and I would hate to see these documents distributed into the hand of junior election officials for such purposes. There would be no control.

Q. If the man could show that he was on the preliminary list...—A. He might have been struck off during revision by the revising officer.

Q. I did not mean that. If he were on the first list...—A. We only have one printed list now.

Q. One official list?—A. Yes, plus the statement of changes by the revising officer. If a man is left off the list it can only be the enumerators' mistake.

Q. Or because the printer forgot to put him on the list?—A. Or because the printer forgot to put him on the list. An elector could not produce as proof a preliminary printed list, because he would not be on such a list.

Q. I have seen many cases where people have been on the first list and left out afterwards.—A. There is only one list now. The only proof is the enumerator's slip, plus proof that he has not been struck off.

Q. But I have seen cases where people have been on the preliminary list...—A. That was before 1951. In 1951 the system was changed and since then we have had only one printed list.

Mr. CHURCHILL: On the point raised by Mr. Ellis and dismissed by Mr. MacDougall, I think there is more to this matter than the committee has so far considered. With regard to the actual marking of the poll, I cannot agree with Mr. MacDougall, that the voter is as clear as he seems to think. There is plenty of confusion with regard to where the polling station is situated, and consideration should be given to some better way of marking these stations. The chief electoral adviser has stated that each elector is mailed a list of the electors in his particular area, and that the polling place was also indicated on that list. I want to say something in connection with that, if this is the proper section under which to discuss it.

The CHAIRMAN: This is the proper section.

Mr. CHURCHILL: My feeling is that that indication to the elector is extremely poor. I have taken this question up with the returning officer in my area, and had him put the address of the polling station in black faced type, and asked him to underline it and so on. As a result some improvement was made in the 1953 election. But nevertheless, there is still a great deal of confusion, and only one elector in 100 discovers that the polling place is actually named on the list which he receives in the mail. He looks at the list to see whether his name appears on it, and then, in all probability, he crumples it up and throws it away without realizing that the polling place is marked in one of the three small squares at the top of the sheet. This sheet is mailed to the elector not only to enable him to find out whether his name is on the list, but also that he may know where he is going to be asked to vote. I think the place where he should vote ought to be set out in some different fashion from the manner in which it is set out at present. It might be printed in a square by itself, or in much larger type, or it might have an arrow pointing to it, or something of that nature. I have found nothing which is more confusing to a voter than this question of where they should vote.

In urban areas, the electors probably vote in school rooms for municipal and provincial elections, and then in the case of dominion elections, they may have to vote in private houses. They expect to vote in the same place every time a vote comes up, and they are astonished to find that in a dominion election they may have to vote in a private house. That is why I think the officials should consider some better means of marking the address of the polling station on the face of the list.

The WITNESS: Similar representations were made before the 1953 election when we designed the specimen form for the printing of that list. We tried to improve it, we thought we had done so, but when we come to re-designing these forms again, I can put more emphasis on the address of the polling station at the head of the list, and certainly I will consider your suggestion.

Mr. VINCENT: Why not include a card saying: "You have to vote at such and such a place". Then the electors could read where they were asked to vote, and keep the card for reference.

The WITNESS: That would mean extra cost and of course, duplication as the information is given on the printed list. There is another factor involved in this, namely that the polling places which are indicated on the lists are put there about five weeks before polling day, and I do not think the returning officer could definitely state that on polling day the address of the polling station given on the list would in all cases be the correct one. Therefore I would suggest that if the committee wishes a card to be sent, and that will of course mean extra cost, it should be sent after nomination day. The list now sent out is mailed 23 days before polling day, and the address of the polling station is not in all cases a firm one. Many things can happen in four weeks. However, as I said, sending another card to an elector before polling day would involve a great deal of extra clerical assistance and more expense.

Mr. FRASER (*Peterborough*): Regarding this matter of a card. Does not the returning officer send out a card if there is a change in the poll?

The WITNESS: He is obliged to, if time permits. If there is a change on the morning of polling day, he cannot. In such a case we instruct returning officers to place somebody at the original polling station, to tell electors to go to the new poll. But where time permits returning officers are instructed to advise each elector by mail of any change.

Mr. MACDOUGALL: I think our good friend Gordon Churchill is being rather naive on this matter because I am quite sure that when election day comes in his riding he is not missing any bets. I am also quite sure that a few days before an election, depending on the delivery of first class mail, that he has a card sent out to all the electors telling them where they are going to vote, and also for whom they should vote.

Mr. FRASER (*Peterborough*): Which is a very expensive process.

Mr. MACDOUGALL: I cannot really believe Mr. Churchill is too serious about this thing, and certainly the objections raised by the chief electoral officer are most valid. The expenditure involved in sending out cards would be stupendous, and in addition there are many instances where no firm polling places could be decided on. There might be changes within the last four or five days and where such changes occurred, the returning officer of the area would certainly notify the electors accordingly; that is why I say that I do not think the objections are too serious, and that we can quite easily get along with the system as it exists at present.

Mr. CHURCHILL: I think it rather strange that Mr. MacDougall should suggest that I am being naive. I treat this as a serious matter.

Mr. ELLIS: I think it is rather strange to suggest to this committee when we are going over the Elections Act that a certain matter should be left to the political parties concerned. The honorable member has suggested that we need not worry too much about this point because political organizations will take care of it. That is no way to go through the Act section by section, if we are going to consider that the responsibility is going to rest with the political party. You have to look at this from the standpoint of the Elections Act and ignore altogether the existence of political parties, in this respect at least. You

spoke of Mr. Churchill being naive because he did not realize that it was his job. You suggested that it was his job to send out cards to electors. I suggest that it is not the job of political parties. It is our responsibility to see that we get as big a turn-out of voters as possible.

Mr. HARRISON: Mr. Chairman, I think that possibly it is little difficult for some members from city ridings to realize that what is needed is a little more flexibility, rather than less flexibility, in rural areas and particularly those which are in the north, with regard to some of the regulations. There is one which says that the polling place must at least have a door on it and a partition. In my riding those regulations cannot be met on some occasions, because when a voter comes from a fishing community, the polling place will be designated as John Doe's house at or near that location. In the northern lakes the fish move around a good deal, and on the day of polling it might be that fishing is being carried on twenty miles away and has been for the previous four or five days, with the result that the whole community is down the lake. Maybe part of the fishing party goes there by canoe and there is no building in the whole community. They may vote in a tent; on some occasions they have voted on the beach and there was not even a tent. There must be some flexibility in these matters.

Another item which I might mention, and which may not have occurred to members from city ridings, is the fact that sometimes it is very difficult to get people who can read and write to man a poll in those far northern areas. Some consideration should be given toward the modification of the regulations in the Act providing that missionaries, priests and ministers cannot be enumerators or D.R.O.s at a poll. I know that in some polls in my riding they are the only people who could possibly do the work. My returning officer has run into some difficulty in doing anything else but appoint those particular people. They are the only people who can read or write. There are only Indians or people who have had no education in the area. So there is need for more flexibility, instead of making a hard and fast rule just to cover urban ridings.

Mr. CHURCHILL: I would not wish to have left on the record Mr. Mac-Dougall's statement that I am not taking this seriously. I am. His suggestion that political parties undertake to notify electors where they vote is just an indication that something is lacking in the administration of our voting regulations. Why do political parties feel it necessary to send out a last minute voting card? It is partly for publicity, but it is extraordinarily expensive, and they should not be put to that expense. The only reason why they do it is that electors do not know where they have to vote, because it is not clearly marked on the list that is sent to the electors. That is the point I am making. I hope that the Chief Electoral Officer will have a really good look at that and see if he cannot improve the method of notification.

The WITNESS: Before 1940 we used to send out a notification card about a week before the election. In 1940 this present system was adopted, and the location of the polling station was put on the list. The members of the committee at that time felt that the notification card was no longer necessary, in view of the list. If the notification card is sent, in my humble opinion, I think it should be sent in the week previous to polling day, to have any effect. I would say offhand that a notification card would cost about two cents for the addressing and the purchase of the card. There would be no cost for mailing, if the committee passed the necessary amendment. If the sending of the card was restricted to urban areas, with four and a half million electors, it would cost about \$90,000. If it was applied to rural areas, I would say that in many cases that notification card would have to be sent two weeks before polling day or it would be useless. I do not think that it would be practical. It would

be expensive for 9 million electors at two cents a card; it would cost \$180,000. There is one other objection, which I do not put to the committee too strongly. The week before polling day is the returning officer's worst headache. He has to get his deputy return officers appointed, he has to get his forms out to them, he has to call in the D.R.O.s and give them instructions. If he is also required to have this clerical work done of addressing thirty-thousand cards in the same period of time, it is putting an addition strain on the returning officer. It can be done, but it would be another administrative task placed on him in that last week before the election. That may not be a serious objection, but those are the only two factors I can see which might militate against the card being sent within a week before polling date. Members may hold the view that this card might be sent in the week subsequent to nomination day, but if the committee so wishes cards will be sent.

Mr. CHURCHILL: I was not suggesting a card in addition to the lists you now mail. The list you mail is satisfactory, providing that the polling place is marked on it more clearly than at the present time. Another idea I had in that connection is that the envelope might have printed on the face of it something to the effect that it is important to save this, or "You vote at the place indicated" or something of that nature, so that a person who receives that knows that he has to save it. The card system has been used, I think, very frequently by cities in municipal elections. People are familiar with that, and they take the card with them to the polling place. The Dominion election does not seem to be as efficiently operated. I am not advocating a card at this moment, but some modification.

Mr. FRASER (*Peterborough*): As we are dealing with the lists, I should like to ask the Chief Electoral Officer one question. When the enumerators are going around to get their lists, they find difficulty when they come to a boarding house. They go in and ask, "Who lives here?" The person will say, "Mr. and Mrs. Smith". The reason in many cases, as given to me, is that they do not wish to give the names of their boarders because they feel that if they do their taxes might be raised, or something of that sort.

Mr. MACDOUGALL: They are possibly operating the boarding house without a license.

The WITNESS: The committee in 1951 studied that same problem which you have brought up, and they passed subsection (18) on page 24 of the Act. It was hoped that the provisions of subsection 18 would take care of problems such as that you have raised.

By Mr. Fraser (Peterborough):

Q. They are not doing anything to obstruct the enumerator in the performance of their duties. They are simply not giving the information.—
A. It may be held that they are obstructing the enumerator in his work by not giving the information.

Q. The person in the house does not know that that is in the Act.—A. But the enumerator does.

Q. They cannot go to the house and say, "Mrs. Smith, you know you are lying".—A. I do not know how you can get around that. If the information is not given by the person at the door, I do not know any way to compel them to give the information. It is a voluntary system. If an elector does not want to be on the list, or for the reasons you stated does not want to give the information, I do not know any practical way to extract the information from that person.

Mr. FRASER (*Peterborough*): I just wondered if there was any way in which you could get that information. Many people have been left off the list on that account.

The CHAIRMAN: Shall we go on to section 33?

By Mr. Leboe:

Q. Do they not leave cards at these places?—A. They leave an enumeration slip saying that John Doe has been enumerated and the elector is instructed on the slip to keep it until polling day. That is the means of notifying the electors that the enumerators have agreed to put them on the list.

Q. In some cases they leave a list if a man is not at home.—A. The enumeration is not done on a basis of questioning each individual elector. If it were it would take us six months to prepare a list. They get the information from the person who answers the door. If the person answering the door gives eight or nine names of people, the enumerators will ascertain if such persons are qualified as electors. If eight people are qualified to vote they will leave eight individual slips. If there is nobody in the apartment, they might go to the janitor and ask, "who lives in apartment No. 2?". "Mr. and Mrs. Smith". He asks if they are qualified to vote. From that information they are enumerated and slips are left in their letter boxes. It is very flexible, as far as collecting the information is concerned.

Section 32. No change.

The CHAIRMAN: Section 33.

Mr. HARRISON: With regard to section 33 (3), the rural elector must vote at his own poll. This is not always carried out in rural areas. Sometimes, usually by consent of the agents of the various parties, this is departed from. No matter how dry it is in Saskatchewan, it always rains very hard on election day. I know that in areas in my riding it may be possible for people to get into the nearest town because there is a main road into it, though it may be twenty miles away whilst their designated polling place may be three miles away on a road over which it is impossible to travel on that day. I know that there were places where people came into a main town from fifteen miles away and were able to vote. At other places they were not allowed to do that. I know that in the case of Meadow Lake, voters could get into Meadow Lake but could not get to their local poll even with a tractor. There they were denied the right to vote, whereas at other places they were allowed to vote. In regard to the matter of flexibility, I think that the D.R.O. should be given some discretion in a case of that kind. He, or at least the returning officer, would know the conditions there in the riding and how it should be conducted. I do not know what you think about that, Mr. Castonguay.

The WITNESS: Members of the committee might think that I am overly cautious, but I would not like to see electors allowed to vote in some other division than where they are normally entitled to vote. Once you make it flexible, you lose control. There might be a quite valid reason, but if there is general legislation leaving it to the deputy officer's discretion to allow electors from another poll to vote in his poll because a bridge is washed out or a road is blocked. I think you would lose all control. At present the electors can vote only in a polling station at the locality where they normally reside and where their names appear on the list. The agents are there to see that only those people vote who are entitled to. If any flexibility is allowed, so as to permit people to come from another polling division to vote, for any reason, some of these reasons become valid for other motives. I would say that, by allowing this, you would lose control of the voting.

Mr. MACDONALD: Would it not be an invitation to impersonation?

The WITNESS: Yes to impersonation, and also you could take truckloads of people there. This condition does not happen weeks ahead of time. The problem you raised is one that happens on the day before or on the day of polling.

Mr. HARRISON: That is right.

The WITNESS: If you give someone the power to allow a group of electors to move from one division to another to vote, it would have to be brought to the attention of candidates and I fail to see how they could control it. I would suggest that that would be a very dangerous practice. I sympathize with the problem but on the over-all picture it might be found that a truckload of electors go from poll to poll. I am not saying that that would be done, but once you leave the door open to these practices, there may be some abuse.

By Mr. Churchill:

Q. I have one further question. Is it the returning officer who selects these polling stations?—A. Yes, it is his responsibility.

Q. How is he persuaded to change? Some places are easier to approach by way of the gravelled road than by the ungravelled road. The polling station might be very close via the ungravelled road and further away via the gravelled road. How would you get the returning officers to change the polling station? Whose responsibility is it to suggest that to him?—A. The Act places on the returning officer exclusively the responsibility for selection of the polling station. I do not know where he gets his recommendations, but he is guided by this principle of trying to establish a polling station in premises which are convenient to the electors. Again, as I pointed out at a previous meeting, a great deal depends on the question of availability. There may be some valid reason why some places are not available. When a returning officer decides where a station is to be located, I presume he would consult the people in the division who are affected.

Q. If people want the polling stations changed, do they submit a letter to the returning officer?—A. I would say that that would be the normal procedure for those people to follow.

The CHAIRMAN: Section 33?

No change.

The CHAIRMAN: At this point, Mr. Robinson, do you have a notice of motion which you wish to present?

Mr. ROBINSON (*Bruce*): Yes, Mr. Chairman. I have typed copies of the notice here:

Whereas there are many people in Canada, who, on account of the type of work in which they are engaged, cannot conveniently vote at either the advance poll or at the regular poll. Therefore this Committee endorses the principle of voting by proxy for mariners and other persons who cannot attend a poll and do hereby recommend such an amendment to the Canada Elections Act.

I may say that this is not anything new—it has been taken up before the committee in 1948—excepting that the resolution does include all people and is not restricted to mariners.

The CHAIRMAN: That will be dealt with under section 45 when we come to it. Does the committee wish to adjourn at the call of the chair?

Agreed.

(The committee adjourned.)

PRE

HOUSE OF COMMONS
Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 7

MONDAY, MARCH 28, 1955

CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson J. Castonguay, Chief Electoral Officer.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955.

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWilliam, Esq., and
Messrs.

Bourque
Bryson
Cardin
Cavers
Churchill
Dechene
Dickey
Ellis
Fraser (*Peterborough*)
Hansell

Harrison
Hallingworth
Leboe
Lefrançois
MacDougall
MacKenzie
McWilliam
Meunier
Nowlan
Pallett

Perron
Pouliot
Power (*St. John's West*)
Richard (*Ottawa East*)
Robinson (*Bruce*)
Viau
Vincent
White (*Waterloo South*)
Zaplitny

Members, 29.

Quorum, 10.

Antoine Chassé,
Clerk of the Committee.

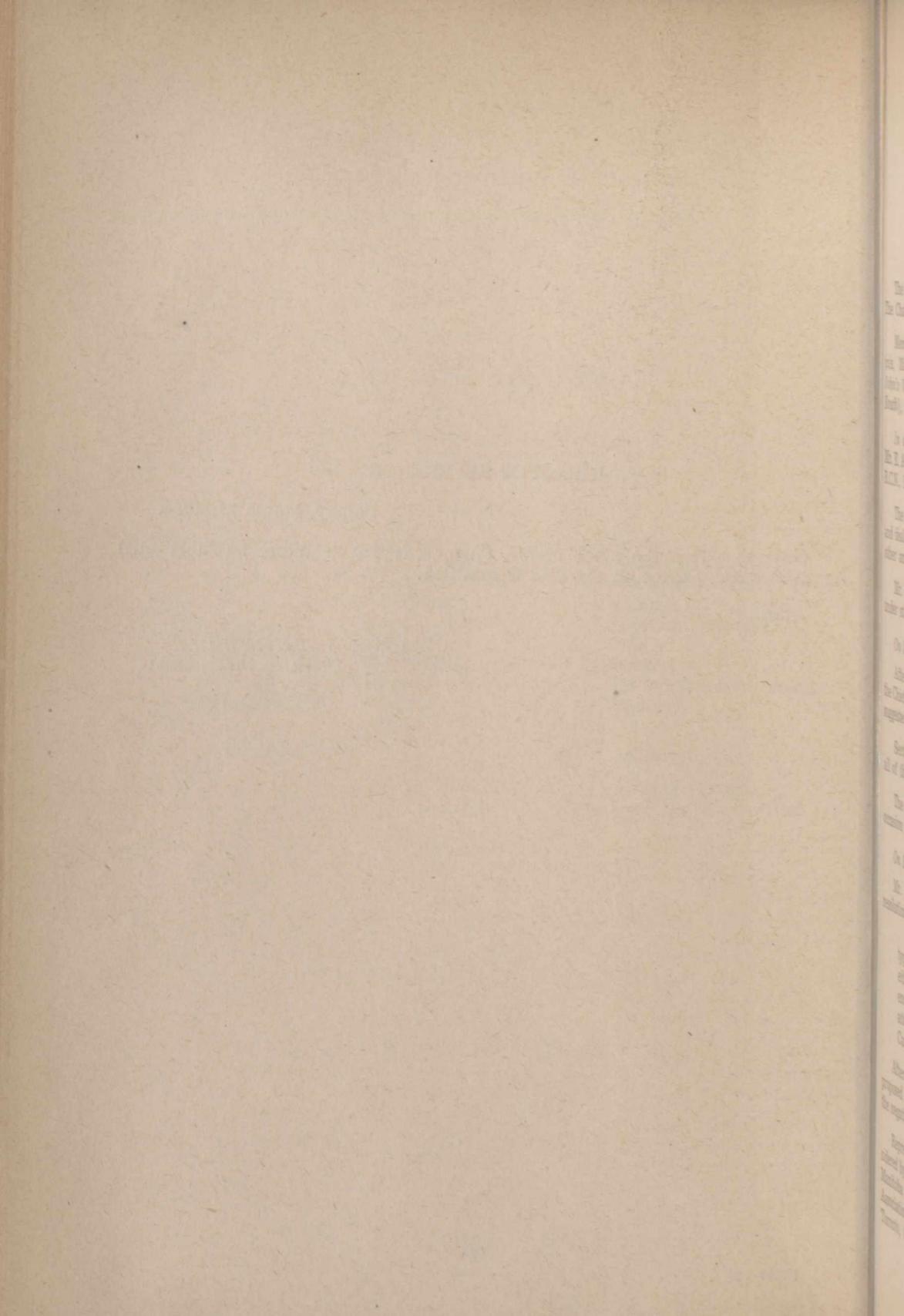
ORDER OF REFERENCE

FRIDAY, March 25, 1955.

Ordered,—That the name of Mr. Power (*St. John's West*) be substituted for that of Mr. Carter on the said Committee.

Attest.

LEON J. RAYMOND,
Clerk of the House.



MINUTES OF PROCEEDINGS

House of Commons, Room Sixteen,

MONDAY, March 28, 1955.

The Standing Committee on Privileges and Election met at 3.30 o'clock p.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Dickey, Ellis, Hansell, Harrison, Leboe, Lefrançois, MacDougall, MacKenzie, McWilliam, Nowlan, Pouliot, Power (*St. John's West*), Richard (*Ottawa East*), Robinson (*Bruce*), White (*Waterloo South*), and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; Captain J. P. Dennis, R.C.N., Deputy Judge Advocate general.

The Committee resumed the section by section study of the Elections Act, and dealt with the amendments suggested by the Chief Electoral Officer and other amendments, also, representations made from various sources.

Mr. Castonguay was called and was questioned on the various sections under study.

On Section 34

After some discussion thereon, the said section was stood over to allow the Chief Electoral Officer to prepare an amendment to Subsection (4) thereof, suggested by Mr. Nowlan.

Sections 35 to 44 inclusive were severally studied and it was agreed that all of them remain unchanged.

The Chairman extended the Committee's greetings to Mr. Pouliot on the occasion of the latter's birthday for which Mr. Pouliot expressed his thanks.

On Section 45

Mr. Robinson (*Bruce*) moved, seconded by Mr. Nowlan, the following resolution:

Whereas there are many people in Canada, who, on account of the type of work in which they are engaged, cannot conveniently vote at either the advance poll or at the regular poll, therefore, this Committee endorses the principle of voting by proxy for mariners who cannot attend a poll and do hereby recommend such an amendment to the Canada Elections Act.

After some debate thereon, and the question having been put on the said proposed resolution of Mr. Robinson, it was, on a show of hands, resolved in the negative on the following division: Yeas, 4; Nays, 7.

Representations in respect to Section 45 from the following were considered by the Committee, namely: Mr. Egan Chambers, Mount Royal, Quebec; Manitoba Summer School, University of Manitoba; Summer Session Students' Association of the University of British Columbia; His Honour Judge Forsyth, Toronto, Ontario; Mr. Maurice C. Punshon, Toronto, Ontario; His Honour

Judge Morley, Owen Sound, Ontario; Mr. T. C. Anderson, Canadian National Steamships; United-Automobile-Aircraft-Agricultural Implement Workers of America, (UAW-CIO) Local 439, Toronto, Ontario; Provincial Normal School, Tuxedo, Manitoba; Mr. F. H. Tanner, East Gore, N.S.; Mr. Graham P. Smith, Calgary, Alberta; Mr. A. A. Meadows, Guelph, Ontario; CCL Political Action Committee, Toronto, Ont.; J. P. Doherty, Provost, Alta.

It was agreed that the said section remain unchanged.

Mr. Zaplitny gave notice that when Section 94 of the said Act is reached he would move the following resolution:

That the privilege of voting at an advance poll be extended to include any qualified voter who completes a declaration to the effect that he will be unable to vote on polling day in the polling division in which he ordinarily resides.

Sections 46, 47 and 48 were under study and it was agreed that they remain unchanged.

On Section 49

A letter from Mr. J. P. Doherty of Provost, Alberta, was under consideration by the Committee.

Some discussion took place on the said section.

Whereafter, on motion of Mr. Ellis,

Resolved,—That the Committee recommend that Section 49 be amended by deleting the word "eight", where it appears in the 4th and last lines of subsection (4) thereof, and substituting therefor the word "two".

It was agreed that the said section otherwise remain unchanged.

On Section 50

A letter from Judge Forsyth, in part dealing with the said section, was considered by the Committee.

And the discussion continuing thereon, study of the said section was postponed to the next sitting.

At 5.30 o'clock p.m., the Committee adjourned to meet again at 10.30 o'clock a.m. on the following day.

Antoine Chassé,
Clerk of the Committee.

EVIDENCE

MARCH 28, 1955
3.30 p.m.

The CHAIRMAN: Gentlemen, we have a quorum, and we will proceed.

Mr. Nelson J. Castonguay, Chief Electoral Officer, recalled.

The CHAIRMAN: Section 34, "Agents at the Polls".

Mr. HANSELL: Mr. Chairman, I am sorry that I was unable to be here at the last few meetings, but I should like to speak on this section, "Agents at the Polls". I do not know if my remarks are particularly pertinent to this section, as I only heard the title of it, but I may as well say what I have to say here. I am wondering if the instructions are sufficiently clear to the deputy returning officers with respect to the availability of the ballots to be seen by the agents at the poll while they are being counted. I think the intention of the instructions is that the agents at the poll are in reality scrutineers and should be able to examine to their satisfaction what is going on. Now, I am told that in some places the deputy returning officer does not open the ballot and place it before the agents where they can see it. I am wondering if Mr. Castonguay could tell us about that?

The WITNESS: Paragraph 45 of the instructions for deputy returning officers deals with this matter. You have not a copy of this but I shall read it to you, and I think you will find it is sufficiently clear. It reads:

45. Counting the Votes.—The procedure for counting the votes should be as follows:—

(1) The ballot box will be opened and its contents placed on a table.

(2) The ballot papers will be unfolded successively by the deputy returning officer, who will examine each and verify his initials on the back. He will call out the name of the candidate for whom each ballot paper has been marked so as to permit any person present to keep his own score on the tally sheet (Form 74). The poll clerk will keep the score whether or not the others do so. The examination of the ballot papers must be so conducted as to permit every person present, if he so desires, to see both the mark on the face of the ballot papers and the initials of the deputy returning officer on the back. During the counting of the votes, the ballot papers must be handled exclusively by the deputy returning officer. The ballot papers marked for each candidate will be kept apart.

There is more, if you wish me to read it.

Mr. HANSELL: It appears that the reading of the instructions should be quite clear, but I have been told from more than one source and one of my own agents complained—it did not make any difference in the long run as I won that poll, but he did complain—that he did not actually see the ballots as they were placed in the various piles under the names of the candidates and that when he attempted to look at them he was brushed aside and a little argument ensued. The deputy returning officer said that when he was counting them it was not necessary that he should see them. Now, as you read the instructions there I think it might indicate that a scrutineer or an agent, as he is called, might be required to say, "Would you mind if I should see that particular one?"

Now, agents do not do that. They do not look at a particular one. It seems to me that they should be spread out so that all can see them.

Mr. ZAPLITNY: Is there any particular reason why that provision is in there, that they only handle the ballots at the time of the counting? I am thinking of the physical difficulty of everyone present being able to see the ballots. For example, if there were, say, five candidates running, each one having a poll agent, plus the clerk, plus the D.R.O., the seating arrangements would be more difficult. It would be difficult to have a seating arrangement under which everyone could see the document. If it were permissible for the D.R.O. to pass the ballot around, then that would overcome the difficulty.

The WITNESS: I do not see how you can take the responsibility for custody of the ballot papers away from the deputy returning officer. If there are five candidates, and there are as many piles of ballots, it is very hard for a deputy returning officer to keep track of what ballot papers have gone out and which ones have been returned.

Mr. MACDOUGALL: Hear, hear!

The WITNESS: It would seem to me that at the count, when he does examine these ballot papers, everybody can examine them and he puts them in the pile for whoever it is marked and he can show it to each agent as he unfolds each one. I think that is the most orderly way to do it. Then they count the ballots afterwards. First he counts the spoilt ballot papers and then the number of unused ballot papers he has. The total of those two, plus what he finds in the ballot box, must add up to the number of ballot papers supplied to him. The unused ballot papers, the spoiled ballot papers, and the ballot papers in the box, must correspond to the number of ballot papers supplied to him. There is a good deal of accounting to do. When he empties the box on the table he shows each ballot to all the candidates' agents present, rather than pass them all around. If there are five candidates there, there may be ten agents, and I do not see how he could possibly control the ballot papers if everyone was able to handle them.

Mr. LEFRANÇOIS: Are we discussing article 34?

The CHAIRMAN: Yes, section 34, "Agents at the Polls".

Mr. HANSELL: Are we in order?

The CHAIRMAN: It could be discussed under section 50, "Counting and Reporting the Votes". I think that Mr. Hansell brought this up in regard to the agents at the polls.

Mr. HANSELL: I did not have a chance to look through this. If we discuss it now we shall not discuss it later. So, as far as time is concerned it may not make much difference. I do not quite agree with Mr. Zaplitny there, for another reason, that you cannot have more than the deputy returning officer actually handling the ballot.

Mr. MACDOUGALL: Hear, hear!

Mr. HANSELL: Because the more you handle the ballots, the more marks it gets on it, and it is conceivable that ballots might be spoiled in the handling. It might have an effect should there be a recount before a judge. Personally I do not think that there is anything wrong with the regulations, but perhaps all agents are not of the same mental calibre and do not read things, and neither are all deputy returning officers. But it is very easy for a deputy returning officer to pull out a ballot and say, "Smith", when it is Jones, and "Smith" when it is something else, if the agents do not see it. If there were perhaps another little sentence put in there—

The WITNESS: There are about six or seven paragraphs dealing with the actual counting; if you would like me to read them all, I will. No one can infer from any of the instructions in these paragraphs that an agent cannot examine ballot papers.

Mr. HANSELL: I understand that they could insist on looking at one which they thought was dubious and they might be able to press the point.

By Mr. Nowlan:

Q. It all depends on the calibre of the agent. I know one man who has been a deputy returning officer since the year one. He might say to Mr. Hansell's agent, "You sit there", and to my agent, "You sit there", and to somebody else's agent, "You sit there", and they do sit there. But, of course, when it comes to the counting of the ballots, they cannot see them and one of them has to be definite enough to look over his shoulder. If the D.R.O. tells him to sit down, he can tell him to jump in the lake. That is the only way it can be done. In that connection, at the last meeting the electoral officer gave us the reason for sub-section 4. I am not particularly complaining about it. It says that an agent may absent himself, and return to the polling station at any time before one hour previous to the close of the poll. You were speaking of central polling officers. You may have ten in one big room. I know of one place where there are eight polls in one building, and we can have one good agent who is there all day, but if the polls close at six o'clock you have to have two agents, one to check the count and one to look at the poll. I would think it would be perfectly reasonable to amend that section so that the second agent should arrive prior to the closing of the polls. As this reads, he may get there at five minutes after five. The presiding officer, if he wishes, will say that he will not accept his credentials and that he has no right there, and he has to stay around for fifty-five minutes before the poll closes. His only purpose there is to help to count the polls. I would suggest that that one hour is a rather unnecessary restriction. Perhaps it could be amended. If the D.R.O. is perfectly honest, there is no reason for having two sitting there until it come to the checking. At the last election the presiding officer refused to accept the credentials of an agent because he came in at a quarter to six to help check the polls, and he would not let him see them. I would suggest that consideration be given to taking out that hour.—A. I agree with Mr. Nowlan on this matter. At the last general election many problems arose from the interpretation of this section, because many candidates were able to arrange for agents to be at the polls after working hours but they were not able to act, because they were not able to be there an hour before the close of the poll. This sub-section 4, I think, gives us more trouble than any I know of. I did not want to recommend anything there because it did not come within my province to do so. From what I gather from the number of rulings I had to give on this subsection, agents are not as easy to get as they were in the past.

Q. You are telling us?—A. Candidates seem able to arrange to have somebody come to work after working hours. I am in the hands of the committee as to this matter, but I would say that this subsection should be amended.

By Mr. Power (St. John's West):

Q. Apparently a brand new agent can come half an hour before the polls close, but a man who has gone out cannot come back?—A. That is the difficulty, because my predecessors gave rulings that a new agent might not come into the poll after 5 p.m. He is appointed to be there on that day. He is appointed from the time that the polls open at 8.00 a.m. until 6.00 p.m., and my predecessors have interpreted this subsection to mean that a new agent arriving

after five o'clock cannot be allowed in the poll. That is the interpretation that has been placed on the subsection, and it has given rise to a great deal of difficulty.

Q. Though it is capable of the other interpretation?—A. It is capable of the other interpretation.

An Hon. MEMBER: Would the Chief Electoral Officer recommend the elimination of subsection (4)?

The CHAIRMAN: I think that maybe the committee ought to do that.

The WITNESS: It is in the hands of the committee, but I think it should be amended.

Mr. LEFRANÇOIS: There is always a rush on the last hour.

Mr. NOWLAN: I think it was put in there because there is a rush after six. There is nothing to prevent him coming in just at six, and after the poll is closed he could file his paper. He cannot be interfering with the polling officer at the rush hour, but as long as he comes in at six o'clock—

Mr. ELLIS: They might be busy at the poll at five o'clock. The rush is from four o'clock to six o'clock, and you might find that a deputy returning officer is as busy at five o'clock as he is at five-thirty or a quarter to six. So I don't think that consideration should be allowed to stand in the way of repealing this subsection.

Mr. NOWLAN: We had a discussion the other day about discussing matters before they are moved. So I would move that the words, "before one hour" in subsection (4) be struck out. That would enable the agent to leave if he wanted to. He may have to go to the bank or do something else. If we struck out the whole section, he would not be able to leave. I suppose that that would still not provide for a new one coming in?

The WITNESS: As long as he is in the poll before six.

Mr. MACDOUGALL: Would this overcome the objection? Possibly this is what Mr. Nowlan had in mind—if he changed it to read that the candidates may absent themselves from and return to the polling station at any time, and omit "before one hour previous to the close of the poll". Would that meet your objection?

The WITNESS: There is one objection which I have to that. What happens to the agent who comes in the poll at five minutes or two minutes after six o'clock, for instance? I have a suggestion to make. Why not insert, "during the hours of polling"? Then he may absent himself at any time during the hours of polling, but he must be present at six, because you would run into all kinds of problems if a new agent should be permitted to enter the poll after six o'clock.

Mr. NOWLAN: He cannot come in after six, that is certain. Once the door is locked, he cannot come in.

The CHAIRMAN: Would the committee agree that we have the Chief Electoral Officer draft something to take care of that.

Mr. NOWLAN: I would move that the Chief Electoral Officer draft an amendment to subsection (4) to meet the objections expressed this afternoon.

The CHAIRMAN: Is that agreed?

Agreed.

Section 34. Is there no change except the amendment suggested?

Agreed.

Section 35.

No change.

Section 36, "Proceedings at the Poll".

No change.

Mr. NOWLAN: Is that carried out? It refers again to the instructions to which Mr. Hansell referred a moment ago. I think that we have all had experience with D.R.O.'s who probably initial some ballots in the morning and then run out of them. When a voter comes in, the D.R.O. proceeds to put his initials on a ballot and hands it to him, and the voter says, "This D.R.O. is marking that vote so that he will recognize my ballot when it comes." It scares the wits out of him. My experience is that D.R.O.'s do not mark sufficient ballots before the opening of a poll. Certainly a voter is not going to be happy to see the D.R.O. scribbling his initials on it.

The CHAIRMAN: I shall ask Mr. Castonguay to read the instructions. I think that this is due to the D.R.O.'s not reading the instructions.

The WITNESS: Paragraph 14 of Instructions for Deputy Returning Officers at Ordinary Polls reads as follows:

14. Initialling Ballot Papers.—Before the opening of the poll, on polling day, the deputy returning officer will, at the polling station and in full view of such of the candidates or their agents or the electors representing candidates as are present, affix uniformly his initials in the space provided for that purpose on the back of every ballot paper supplied to him by the returning officer. The initials of the deputy returning officer will be affixed with a black lead pencil. For the purpose of such initialling, the ballot papers will not be detached from the books in which such ballot papers have been bound or stitched. During the hours of voting, special care must be taken by the deputy returning officer to see that no ballot paper is handed to an elector unless it has been duly initialled.

Mr. NOWLAN: I suggest then that those instructions have been disregarded in that respect. Perhaps we could make it more emphatic another time.

Mr. MACKENZIE: We might run out of ballots. That occasionally happens.

Mr. NOWLAN: The Act says that he should initial all of them.

Mr. MACKENZIE: But supposing he has to initial them after he came.

The CHAIRMAN: Section 37? "Who may vote and where".

No change.

By Mr. Ellis:

Q. Have there been many complaints received from urban constituencies regarding the opening of closed lists? I realize that there is provision for those who are not at home when the enumerator calls; but there have been a number of instances reported to me of people who, through circumstances of their being out of town working—perhaps not being too well known in the district—find themselves arriving back in town a day or so before the election and not being able to exercise their franchise?—A. I am afraid I cannot answer you authoritatively in so far as the number of complaints that have been received. Returning officers probably have received more than I have. Certainly we received some during the general election, complaints from electors either over the phone or through letters, saying that their names had been omitted from the list. But I would say that with 50 per cent of the complaints it was a question of the electors not taking steps themselves to see that their names were on the list. They may offer as an excuse that time did not permit them to take such steps and appear before the revising officer. But they do not have to do it themselves. They can get an agent to do it for them.

I did not receive many complaints, and I do not think that the ones I did receive would amount to more than 100 letters. Returning officers, I am sure, in the enumeration, in collecting $8\frac{1}{2}$ million names in six days, enumerators are bound to omit some names. But that is a general question on which I cannot give you any authoritative information.

Q. I found that at the average poll there were a number of people who would have normally been entitled to vote at provincial elections, who arrived at the poll and through their lack of knowledge of procedure found that they were not on the list and were not entitled to vote. The difficulty was due to the fact that in provincial elections they can be sworn and can vote within a city. But in federal elections, when they arrive at a polling station and they find that they are not able to vote, it is because their names are not on the list.

I can understand the reason for the closed list in the rural constituencies; but I wonder if it is necessary to that extent. Many people are entitled to vote under the closed list system. On the other hand they feel that they should be able to vote under the open system, that is, being able to be sworn in at the poll and to vote, if they are otherwise entitled to vote. I thought the chief electoral officer might have received some communications from his returning officers throughout the country, as to just how frequently complaints were received on that score.—A. I have never received a request to have an open list in a city, from a returning officer, a candidate, or anyone else, and I do not think that my predecessor ever has received one either.

The CHAIRMAN: Section 37? "Who may vote and where."

No change.

Mr. HANSELL: That does not affect the fact that anybody is deprived of his franchise. He can be voted in?

The CHAIRMAN: Section 37. "Who may vote and where.?"

No change.

I would like at this stage, on behalf of the committee, to extend to Mr. Pouliot our greetings since this is his birthday.

Mr. POULIOT: Thank you very much, Mr. Chairman and gentlemen.

The CHAIRMAN: Section 38. "Penalty for wrongfully inducing person to vote.?"

No change.

Section 39. "Oath of Elector"?

No change.

Section 40. "Improper varying of oath"?

No change.

Section 41. "Name, address and occupation corresponding closely in another.?"

No change.

Section 42. "Entries in poll book"?

No change.

Section 43. "Issue of transfer certificates to agents of candidates.?"

No change.

Section 44. "Secrecy during and after poll.?"

No change.

Section 45. "Delivery of ballot paper to elector.?"

First of all, we have received several letters which you can see in the Appendix to No. 1 printed report of the proceedings of the committee.

The WITNESS: Not all but most letters advocate the adoption of a form of absentee voting, or some method to permit people to vote who, for valid reasons, are unable to be in their polling division on polling day and consequently are not able to cast their vote.

They nearly all recommend absentee voting; there are two requests for proxy voting, and all the rest are for absentee voting. They suggest that some method should be devised to take the vote of persons who are absent on voting day.

By Mr. Pouliot:

Q. Proxy voting? There is no proxy voting at the present time.—A. Merely for prisoners of war.

Q. Prisoners of war only. I am not strong for that. There are three dates allowed to permit commercial travellers, sailors, and railway men to vote at advanced polls. There are three days for that, besides the provision for prisoners of war. There are no others. But at the present time the prisoners of war must be very few. Do you know how many there are?—A. At the last general election, eighteen voted.

Q. Well, there must be very few at the present time. They have all been returned. That section regarding proxy voting is not in operation now.—A. No.

Q. Because it is spent; in legal language, it is spent. Therefore although there was provision made for prisoners of war at the last election, that provision is practically non-existent now. It is only theoretical.—A. Yes, theoretical.

Q. Why should we start to give proxy voting? I cannot understand it. The members of the committee are free to decide as they wish, but I think it is a bad method of voting. For me there should be a poll which was organized as an advance poll to permit electors to vote in this country. I was not on the committee when proxy voting was passed. My attention was not brought to it. There are so many things to do, it was impossible; but I am definitely opposed to proxy voting. That is the opinion of one member. The other members are free to decide on what they wish.

The CHAIRMAN: Mr. Robinson gave notice of motion at our last meeting.

Mr. ROBINSON (*Bruce*): Mr. Chairman, once more I wish to express many happy returns to the member from Temiscouata.

Mr. POULIOT: Thank you.

Mr. ROBINSON (*Bruce*): I also would like to say that he has had great experience in elections, but we are never too old to pick up a few odds and ends. For instance, he mentioned advanced polls on three days. Apparently he neglected to remember the mariner who is not able to take advantage of them because he may be away. They usually leave home in March and probably do not return until December in ninety per cent of cases unless they take a chance to run home on some Sunday to meet their wives.

I have had a notice of motion distributed. I have struck out three words of the motion which I intend to move. Those three words are on the third last line, and the first one. I have done so for two reasons, the first being that I have had no solicitation from people other than mariners asking for advanced voting. Consequently I quite realize that it would make the motion more complicated. Therefore, to further the discussion of this motion I would like to move, seconded by Mr. Nowlan, that;

Whereas there are many people in Canada, who, on account of the type of work in which they are engaged, cannot conveniently vote at either the advance poll or at the regular poll, therefore, this committee

endorses the principle of voting by proxy for mariners who cannot attend a poll and do hereby recommend such an amendment to the Canada Elections Act.

I might say, Mr. Chairman, that this is a very live issue up in our district. As I stated the other day, it is nothing new and at provincial elections it was not new either.

I would like to refer you to page 23 of our minutes of proceedings number 1, dated March 8. There is a letter there from Judge G. W. Morley from the vicinity of my district, and he explains the results they had with proxy voting at a certain election in that district.

There is probably a feeling against having something new in the Elections Act, but my interpretation of the Elections Act is to try to entitle people to exercise their franchise. I think we should lean over backwards to give people a chance to vote and not to pull them away from doing so. I cannot enlarge on what I have said.

The province of Ontario has a proxy vote. What percentage of votes is cast thereby I do not know; but I would not be surprised if the percentage is as large as that of the general voting, because the general voting is not in any way near to one hundred per cent. I take much pleasure in moving that motion.

The CHAIRMAN: Is the committee ready for the question: All those in favour will please raise their right hand?—4.

The CHAIRMAN: All those contrary, those against?—7.

The CHAIRMAN: I declare the motion lost.

Now, with respect to these letters which are referred to under section 45 having to do with absentee voting—

Mr. HANSELL: What page are the letters on?

The CHAIRMAN: They are items 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 27 of Appendix "A" to No. 1 of the printed report of proceedings.

Mr. HANSELL: What does the Chief Electoral Officer think of them? I think there is some merit in them. I notice that one of them comes from a school teacher. It is an aggravating situation when a school teacher goes away in the summer holidays and finds that an election is held. I would like to make a suggestion later in respect to advance polls for rural areas. It appears to me that they could be extended a little bit.

By Mr. Pouliot:

Q. If you will permit me, Mr. Hansell, what is the date before the beginning of the election and the election itself, and the issuance of the writ?—A. A period of approximately 60 days.

Q. And those who live in an electoral district 60 days prior to the issuance of the writ have the right to be on the list? The issuance of the writ establishes the residence of the elector. That is it?—A. That is it. The elector is entitled to vote in the electoral district in which he resides on the date of the issue of the writ.

Q. In order to be on the list it is unnecessary to make personal application. The parents may make that application for their children. They would know where they are, if they are at school, or enjoying holidays, or if they are not enjoying holidays or are not at school 60 days after the issuance of the writ which is publicized in all papers?—A. I think those letters are not complaints from people who are on holidays. I think they are from people who, after the writ issues, have to attend summer schools and leave their place of ordinary residence, let us say, to go to Winnipeg to attend summer school; or people

who because of their occupation have to leave the constituency and may, let us say, go to Halifax or some place like that on business. That is the nature of most of the representations.

But if I might be permitted, I would suggest that the committee cannot consider the adoption of absentee voting unless the committee consider first the adoption of a permanent list.

Wherever there is an absentee voting system in the Commonwealth, there is a permanent list to provide normal safeguards to ensure that the ballots which come back to the constituency from outside the constituency are cast by bona fide electors of the said constituency.

I return again to the point that the check which is made is of the signature of the elector on his original application to have his name entered on the permanent list against the signature on the postal envelope. It may be safely said that in six days it will be impossible for our enumerators to collect 8½ million signatures of electors. The way the enumeration is done now, the enumerators get information from the best sources available. They do not have to sight or interview each elector. If they did, they could not possibly perform the enumeration in six days. If the enumerators are required to collect the signature of each elector, I would submit that the enumeration would require a period of more than sixty days instead of the present six days. These signatures would be necessary to enable the returning officer to check the signature on the postal envelope against the signature on the elector's original application for registration. I do not know of any other practical method by which you can provide adequate and normal safeguards to prevent votes from coming into a constituency which have no reason to be cast in such a constituency. Every system that I have studied in the Commonwealth which has postal or absentee voting facilities is tied in with a permanent list. You cannot get away from it if you want to provide the normal safeguards. Allowing somebody to vote without normal safeguards leaves the door open to many abuses. I am not saying that there would be abuses, but I would leave that to the members' judgment. I would put it simply this way. If on official addition of the vote the candidates arrive in the returning officer's office and found 1,500 postal or absentee ballots on his desk still to be counted, I am sure that every candidate in that room would want to know whether those absentee or postal votes come from electors who are qualified to vote in the constituency. There is no means of knowing that unless you have something to check the signature on the postal envelope against the signature of the elector that is made on his original application for registration. That may not be an adequate safeguard in itself, but it is accepted as such in countries where they have postal and absentee voting systems. But the difficulty in our obtaining signatures is that we are only given a period of sixty days between the issue of the writ and polling day, and I submit that it would be a physical impossibility to obtain eight and a half million signatures in that period. At the next election it would be necessary to obtain nine million elector's signatures. It would not only be necessary to obtain them but to process them afterwards and have the list printed in a period of sixty days. I would submit that even if the time were six or seven weeks for enumeration only we would never get all the signatures of the electors so that you would have no basis to provide all such facilities. I do not see how you can get away from the permanent list if you are to provide facilities for people who are absent from their polling division and also provide proper safeguards.

Mr. POULIOT: What is very helpful is that most electors are well-known in the county of their residence. It does not apply to absentee voters, but newcomers are very little known in the places where they live. I hope that you understand me. If an elector has been in constituency A and goes to

constituency Z he is not as well known in constituency Z as he is known in his own constituency, and therefore it is much easier to have somebody else vote in his stead. That is my understanding. I may be wrong.

By Mr. Hansell:

Q. The particular point which I had in mind, referring to these letters, was that in the rural areas we do not have any advance polls unless the particular situation requires it, where there may be a town of, say, three or four thousand people.—A. Five hundred. An incorporated city, town or village of five hundred population.

Q. There must be more than that in mine.—A. Representations must be made to me for the establishment of an advance poll, and I am permitted by the law to authorize the establishment of an advance poll upon representation, in any incorporated town or city or village of five hundred population or more.

Q. That is part of my problem. Here is the problem. Say that there is a community with a teaching staff of twenty-five teachers. As soon as school is out, twenty of them go away. There is an election held after they go away. Although their names conceivably could be on the list, those twenty teachers are unable to vote. Is there a way by which a situation of that kind may be remedied? That is not just one community; it is all over the country. If an election should happen to be called, and the polling day occurs on a holiday.—A. I trust that the members of the committee will not feel that I have a one-track mind on this subject, but the basis for providing these facilities is in my opinion a permanent list. I do not know of any other method which can provide such facilities with normal safeguards. The facilities can be provided without safeguards under our Act, but I should not like to administer it if this were done.

Mr. HANSELL: That is true. The only solution, then, is that there be more advance polls.

Mr. ZAPLITNY: I have a motion which I should like to make, with regard to advance polls. As I read the Act it would require amendments to sections 94 and 95, and possibly 96 and 97. We will not reach them for a while. If the committee will agree, I should like to give notice of this motion now. I shall have typed copies circulated among the members, and we can take it up at another meeting.

The CHAIRMAN: That is agreeable.

Mr. ZAPLITNY: With the permission of the chair, then, my motion will be as follows—this may not be the exact wording:

“That the privilege of voting at an advance poll be extended to include any qualified voter who completes a declaration to the effect that he will be unable to vote on polling day in the polling division in which he ordinarily resides”. In effect that admittedly would not meet all of the problems which we have just been discussing with regard to absentee voting, but it would allow a much larger number of persons to vote than at present is the case at advance polls. I am not going to argue the motion now. I just want to explain it. If the principle were adopted and the necessary amendments made to the section, I would believe that it would have a beneficial effect. I shall leave it at that and circulate the wording of my motion at a later meeting.

Mr. MACDOUGALL: Would it be permissible now to comment on the notice of motion?

The CHAIRMAN: I think that we had better take it up when we come to section 94 and 95. I think that we should finish with absentee voting now. Has any other member any comments to make on absentee voting?

By Mr. Power (St. John's West):

Q. Would the Chief Electoral Officer be able to tell us whether any provinces have at the present time absentee voting and the safeguards which they have?—A. The provinces of British Columbia and Saskatchewan have absentee voting. The Province of British Columbia has a permanent list and the normal safeguards which I mentioned. The Province of Saskatchewan has not a permanent list. Generally speaking, they compile the list in the same manner as we do, and I believe that the provisions of the Act leaves the onus mostly on the candidate to prove that these absentee votes are not from qualified electors. There is no check on signatures. They merely check the names on the list, and the candidate may object to the absentee ballots received. I have the Saskatchewan Act here if you would like me to read these absentee voting provisions.

Q. In the Saskatchewan case, if somebody writes in to the returning officer and says, "I am Mr. So and So, of Such and Such a Street, and I am marking my ballot for Mr. X", as long as that name is on the list, there is no other requirement?—A. There is a short provision here, if I may read it to the committee:

83. Power of absentee voter to vote.

(1) A voter who is absent on polling day from the constituency in which he is entitled to vote may vote for a candidate in the said constituency by casting his ballot in the constituency where he is on the polling day:

Provided that this subsection shall not apply in the case of a by-election or a deferred election.

(2) A voter who is absent on polling day from the polling division in which he is entitled to vote may cast his ballot in another polling division in the same constituency:

Provided that if the polling division in which he is entitled to vote is in a city or town he shall not be entitled to cast his ballot in another polling division within the city or town unless he is a deputy returning officer, a poll clerk or an agent of a candidate and is employed in a polling division other than the polling division in which he is entitled to vote.

That is from the Saskatchewan Election Act. The counting comes under section 89:—

5. A voter who seeks to vote under the authority of subsection (1) of section 83 shall be given a special absentee ballot paper (form 12), initialed and numbered in the manner mentioned in section 86, and he shall forthwith proceed into the room or compartment provided for the purpose and, with the black lead pencil provided, mark his ballot paper by writing in the space provided the name or names or the political affiliation of the candidate or candidates, as the case may require, for whom he intends to vote, and the manner in which he designates the candidate or candidates shall be immaterial if the intention of the voter is clearly indicated. The voter shall then deal with his ballot paper in the same manner as is provided by section 87 with respect to an ordinary ballot paper, and upon receiving the ballot paper the deputy returning officer shall proceed in accordance with paragraph 6 of this section;

Now, with regard to the counting, it says that the returning officer shall:

1. Open the parcel containing the absentee voters' ballot envelopes received from other returning officers and, with respect to each ballot

envelope and before opening the same, examine the oath taken and subscribed thereon, examine the poll book, the voters' list and other election documents used at the polling place at which the voter alleged in his oath he was qualified to vote and if, from such examination and any representations made to him by the candidates or their representatives, he is satisfied that the voter was entitled to vote in the constituency and that no person has in fact voted as such voter at the said polling place, he shall open the ballot envelope, remove therefrom the folded ballot and, without unfolding the ballot, deposit it in a special ballot box supplied for that purpose. If not so satisfied he shall not open the ballot envelope but shall write in ink on the back thereof the words 'unopened, subject to review on recount';

So the main requirement is that the elector take an oath and there is a check of the voters' list and the poll book, but there is no foolproof way of checking whether that envelope was really cast by the elector concerned.

By Mr. Ellis:

Q. With regard to what you said about the lack of a safeguard, is it not correct to say that the election is carried off without any great deal of difficulty?—A. I did not mean to imply that. I just meant to say that there are not all the normal safeguards for absentee votes that are normally provided. Normally a declaration would be made on the back of the envelope with the voter's signature, and they would check that with the signature on the elector's original application to be on the permanent list. As I pointed out, that may not be a conclusive proof, because it could be forged, but it still is an accepted safeguard which is used in all Commonwealth countries where they have absentee voting. There is a check of the signature on a postal ballot against the signature made by the elector on his original application for registration.

Q. We want to make it possible for as great a number of Canadian citizens as possible to vote, but while the absentee ballot might not have the safeguards that we might wish it to have, still we have to weigh one against the other. If we feel that the franchise should be extended to these people, I think that the committee should give it their earnest consideration, notwithstanding the fact that the Chief Electoral Officer has suggested that without a permanent list there are going to be possibilities of abuse, and perhaps they have been borne out by the experience in those areas where they have that system.—A. If I might add this comment, that this system may be capable of satisfactory application in the province of Saskatchewan where there are no large cities. I am not implying that these things happen in Montreal, Toronto or Vancouver and other large centres, but it is in these large centres where there may be difficulty with these absentee ballots if normal safeguards are not provided. The province of Saskatchewan has not one centre as large as any of these places, where you may have difficulty in applying the absentee voting without normal safeguards.

The CHAIRMAN: Section 45—Any change?

No change.

The CHAIRMAN: Section 46.

No change.

Section 47.

No change.

Section 48.

No change.

Section 49.

A letter has been received in connection with section 49 from Mr. J. B. Doherty. It is on page 29 of the minutes of proceedings. Do any members have any comments?

Mr. ZAPLITNY: I am wondering to what restrictions that refers?

The CHAIRMAN: Subsection 3 of section 49, which is found on page 72.

Mr. NOWLAN: I never saw the force of subsection 4. It may have had some in the old days when the barrel of rum was opened at the poll. It might have been dangerous then to wear badges and so on, but I do not think that there would be any harm in wearing a badge and coming to the poll now. Eight days is quite a long period. People place stickers on cars and so on, and some narrow-minded individual lays information about them. I have always thought it was rather a childish provision, to tell you the truth. I happen to know two or three people who were prosecuted for having a banner on their car, which they were carrying within the eight day period. The magistrate told off the informant, but there was nothing to do but convict them for it.

Mr. POULIOT: I appreciate that the purpose of that provision was to prevent prize fighting.

Mr. NOWLAN: That went on when they had the old barrel of rum, but that day has gone now.

Mr. POULIOT: Even without liquor some people are enthusiastic, and they might be eager to punch somebody's nose.

Mr. NOWLAN: That might help to create enthusiasm. Perhaps if we permitted a few fights it might add to the interest of the thing.

Mr. ELLIS: I fail to see why the eight day provision is in the Act. I can perhaps understand the reason for not having the emblems on election day or perhaps the day before, but in the interest of keeping up activity and arousing interest in the election itself, certainly the last week of the campaign should give all parties their final opportunity to get the idea across to the electors that there is an election. If the interest has not been aroused by the day before the election, no display of banners on election day is going to alter that. But I think that the eight day provision is foolish, simply because it is probably incapable of being enforced. A law that is just ignored by all and sundry is not good law.

The CHAIRMAN: You would prefer twenty-four hours?

Mr. ELLIS: On election day or the day before.

The CHAIRMAN: I think that there is a regulation under the Elections Act for forty-eight hours.

Mr. LEBOE: I think that is a good idea, to make it conform with the C.B.C. regulation.

The CHAIRMAN: It is not a C.B.C. regulation, it is under the Elections Act.

Mr. HANSELL: You could word it in the same way as subsection (3), concerning the loud speakers: "on the day immediately preceding the day of the election, and before the closing of the polls on the day of the election".

The CHAIRMAN: What is the pleasure of the committee on that? Does the committee wish to change that?

Mr. ELLIS: Mr. Chairman, I would move that the Chief Electoral Officer be asked to re-draft that subsection with a view to changing that.

The CHAIRMAN: It would not take very much time. The Chief Electoral Officer is quite ready now, so maybe we could do it right now.

Mr. ELLIS: I would strike out the words "or within eight days before such day", on line 4 of subsection 4.

Mr. POULIOT: And replace eight by two?

Mr. ELLIS: Yes, that would be alright.

The CHAIRMAN: Is the committee ready for the question; Mr. Ellis moves that section 49 be amended by striking out the word "eight" where it appears in the fourth and last lines of subsection (4) thereof and substituting therefor the word "two"?

All agreed?

Section 49? "Strangers not to enter polling districts armed." Agreed to with recommended amendment to subsection (4) thereof.

Mr. HANSELL: Excuse me, Mr. Chairman, but I would like to refer to section 49, clause 5 "liquor not to be sold or given on polling day." I would like to say what happened in one of my polls. I know that this is the wording of the paragraph:

5. No spirituous or fermented liquors or strong drinks shall be sold or given at any hotel, tavern, shop, or other place within the limits of any polling division, during the whole of the polling day at an election.

Now you will laugh at this, but in one of my polls it was a pretty hot day. They had taken their lunch with them, and the agents had been there all day. About four o'clock in the afternoon one of the agents went out and brought in a case of soft drinks. It caused quite a little furor in that poll. One of the candidates complained seriously that this man was treating favourites with soft drinks; but the soft drinks were not distributed to any voter. They were distributed to those who were working there and who were thirsty.

The CHAIRMAN: Did he object to the soft drinks? What did he want, hard liquor?

Mr. HANSELL: I do not think he wanted hard liquor. I think he was acting just "ornery".

Mr. POULIOT: Have you any suggestion to make?

Mr. HANSELL: I wondered if there was any section which just mentioned the word "drinks"? This chap said "that is drinks; that is drinks!"

Mr. MACDOUGALL: It says "strong drinks". That does not mean butter-milk.

Mr. NOWLAN: It says "or other place within the limits of any polling division, during the whole of the polling day at an election." That would cover any one who wanted to have a drink that night in order to console himself against the results of the day.

The CHAIRMAN: I think that "the whole of the polling day at an election" would end with the closing of the polls.

Mr. NOWLAN: I suppose it would.

Mr. HANSELL: Isn't there some other section which deals with treats?

Mr. ZAPLITNY: It comes under the bribery section.

Mr. ELLIS: Is there any point in having that read "or strong drinks"?

The CHAIRMAN: I am not a lawyer.

Mr. HANSELL: It would govern them serving coffee in the cafeteria.

The CHAIRMAN: Section 49 "Strangers not to enter polling districts armed"? Is it agreed to with the recommended amendment to sub-section (4)?

Mr. ZAPLITNY: There is one particular problem that I got into in my constituency. Perhaps some of you with more experience can answer it, because I have not been able to do so.

The CHAIRMAN: Under what subsection is that?

Mr. ZAPLITNY: It would come under subsection 4 having to do with "flags, ribbons, or favours, not to be furnished or worn".

The problem which arose was this: I have been unable to find any prohibition against the placing of pictures of candidates on a building where the polling is to take place, or near the entrance. As a result, we found that there have been protests about that—not from any one particular party, but from all of othem. We have found that large posters and pictures of candidates or leaders of particular parties are put on the walls right close to the entrance to the polling place where people come in to vote. Those who object claim that they are being influenced unduly by having the position of these posters right at the entrance of the polling booth.

I found that it was not done deliberately, but rather it was done accidentally. For example, if the polling place happened to be in a community hall, or a school in which a meeting had been held, perhaps ten days earlier, and posters were placed there and not taken off on election day, they would find those posters staring them in the face. Is there any prohibition against placing such posters on the premises on which voting is being held on polling day?

The WITNESS: There is no prohibition, but where complaints reach me that those posters are up in premises which we have rented for polling facilities, I have them removed. We received some complaints about that matter at the last election. I remember that at 7:30 o'clock in the morning I got a telephone call from a city, and I was told that was happening within 20 feet of a certain poll.

There is no prohibition in the Act. But where those signs, posters, or pamphlets appear on a place we have rented for polling facilities, and when a complaint is made to me or to the returning officer, we have them removed.

By Mr. Zaplitny:

Q. The returning officer at the present time would have the authority to have them removed?—A. If we rent premises for polling purposes, we have them removed.

Mr. POULIOT: A candidate cannot hypnotize any elector. You know that very well.

By Mr. Hansell:

Q. Is there not a particular section which says "within so many feet"?—A. Not in our Act.

Q. May be it is in the provincial Act. I think Mr. Zaplitny has a point there.

The CHAIRMAN: Section 49 "Strangers not to enter polling districts armed"?

Mr. HANSELL: I do not think we should leave that. I think it would be fair to all candidates if there was some regulation covering the placing of posters within a certain distance of the polling booth.

By Mr. MacKenzie:

Q. The way it stands now, it is prohibited to have posters in the polling booths.—A. Not by the law, but by the mere fact that we rent the premises for polling places. If we rent a building for a polling place, we feel that we have some control over the part of the building we are renting, and we have them removed, when we receive complaints about it, or when it is brought to the attention of the returning officers the necessary action is taken.

Mr. ZAPLITNY: I think it would be preferable if it were possible so to word the Act to bring it into conformity with what is now in effect in most of the provinces. I say "most of the provinces" but I only happen to know about our own province. In our own provincial election Act there is a specific regulation dealing with it; and I believe that in our province it says that within one hundred feet of the polling place there shall be no posters or other material urging the voter to vote for a certain candidate. It would be a safeguard which I think would meet with the wishes of every one concerned. Certainly it would make it a lot easier for the returning officer, because he would then have a specific authority under which to do away with these posters. If he is requested to remove them by one of the candidates or by his agent, another candidate may say: "where do you find the authority for that?" It has happened in my constituency. It will be difficult for the returning officer, because he may not be able to answer the question. Neither can the candidate.

So, in order to bring into the letter of the law the spirit of the law which is now being observed where possible, I would suggest that such a regulation be drawn up; and I believe personally, that without even amending the Act, the regulations themselves could instruct the returning officers to carry that out under the authority given in subsection 4 of section 49.

The CHAIRMAN: Yes.

Mr. HANSELL: I think maybe it should be in the Act.

The WITNESS: Subsection 4 of section 49 does not give to the returning officer any power. But look at subsection 6. There you will see that somebody has to lay an information.

Mr. ZAPLITNY: In that event, Mr. Chairman, it would require an amendment. Therefore, I propose that an amendment be made. I am not prepared to give the necessary wording of it, but if the committee agrees with me, we can ask the Chief Electoral Officer to draw one up.

Mr. MACDOUGALL: Is it not possible, no matter what safeguards may be written into the Elections Act, with human nature being as it is, that you are going to have certain cases where the spirit as well as the letter of the law is going to be violated? It seems to me that we can make this thing entirely too complicated. As far as my experience in elections is concerned, ever since the first world war, I have never seen any malicious contravention with respect either to posters or the peddling of soft drinks or strong drinks or what have you.

In British Columbia—I think I am correct when I say that under the provincial Act—I cannot vouch for this—I think that no posters can be posted closer than ninety feet. Someone said it was a hundred feet in Manitoba. That is close enough. Let us say it is 90 or 100 feet. You cannot, in my opinion, prevent a bunch of hooligans or zoot-suiters from going around on the street immediately in front of a polling booth and writing in chalk certain slogans which they may want.

I know that in the second to the last federal election that was done before several of the polling booths in my riding. What was done there was that one of the "joe-boys" in the poll came out and washed off the things by sluicing them with water. By and large you cannot cover everything in the Act. That is a human impossibility.

I do not think there is any particular need or requirement for putting a whole flock of additional safeguarding amendments into these various sections. Up to the present time, with all our past experience, we have not encountered anything of a particularly malicious nature in this regard. Therefore, I suggest that we do not become too technical in this matter. What has served us reasonably well in the past, I think, will continue to serve us reasonably well in the future.

By Mr. Zaplitny:

Q. I agree to a certain extent with Dr. MacDougall. I am not asking for any rigid provision to be placed in the Act. I am suggesting that the returning officer be given specific authority to act where he believes that undue influence is being used by a method of plastering posters right around the door of the polling booth.

At the present time I fail to find where such authority lies. I am informed by the Chief Electoral Officer that if a complaint is brought to his attention, then he orders that the thing be removed. But the difficulty is that such complaints are not likely to come to him until election day and I am sure that the Chief Electoral Officer will have plenty to do on election day besides listening to complaints. The returning officer could have the authority to act on his own behalf and to have such posters removed, or any signs which he believes are put up for the purpose of being an undue influence.—A. I would not like to see that power rest with the returning officer because on polling day he has already many duties to perform. If there is an amendment to be proposed, I suggest that it be put in the same way as it is in section 49. The returning officer might feel that he was duty-bound to travel around to see that there were no signs posted up in a polling place. The responsibility should not be placed upon him, and I do not think that the returning officer on that day, with all the many duties he has to perform, should have to go around all the buildings in which polls are established to see if there are any signs in the polls. It would make it awfully hard for him to perform his other duties.

Q. I am not suggesting that the returning officer be made responsible personally. Surely he could delegate that authority to his deputy returning officers who are in charge of the polling booths.

Mr. POWER (*St. John's West*): I agree with Mr. Zaplitny. I see the practical difficulty of this prohibition in the Act. Is there not punishment provided for people who do things which are forbidden? If we have such a provision, then posters should not be allowed, and a person who puts them up could be punished after trial. But here you are adding a new duty to those of the election officials, no matter who they are, be it the returning officer, the deputy returning officer, the poll clerk, or anybody else. This might be the sort of thing where someone would paint one of those offensive things on the sidewalk and it would be physically impossible for the deputy returning officer to remove it. It would have a chain reaction and other people would be doing the same thing all over the place. You see a lot of that anyway.

I have had occasions where somebody puts a poster on a telephone poll and somebody else puts an opposing poster over it, and then you have people climbing the poll right up to the top in order to get their candidate at the top. I do not think we should add to the duties which these election officials already have.

Mr. ELLIS: There should not be too much difficulty on that score because, when the poll opens in the morning, the agents of the various parties are certainly going to be on the lookout for any infractions of the regulations. I know what the situation has been in our provincial elections. Posters are not permitted. There is a natural confusion in the minds of many people between federal and provincial regulations. So, when the polls open, some of the agents are naturally concerned about certain posters being just a few yards from the entrance to the poll. Under the Act at the present time they have no authority for the removing of the offending posters. Changing this subsection of the Act would give authority to the returning officer and naturally

this would be known to the deputy returning officer, and if there is any complaint from candidates' agents when the polls open in the morning it would be a simple matter to take the offending poster down. I think that if it were made perfectly clear that it was an offence, the parties would clear up the posters. I think that the situation would be taken care of itself once the authority is provided.

Mr. MACDOUGALL: In that regard, may I add this? I am not particularly opposed to the suggestion of the hon. member for Dauphin, but I am quite sure that in my riding the candidates from the party of my good friends to the left, and also the C.C.F. and Conservatives, the candidates or the agents, make rounds in possibly all ridings. They might not cover each and every one. They go around the polls and if they see something with respect to the advertising of the opposition candidate that is contrary to the Act, they are certainly going to make sure that something is done about it, and I do not feel that it is very necessary for us to make this a part of the written instructions for deputy returning officers. Your candidates, together with their managers, or their business agents, know it is their business to be around there and I am quite sure that the opposition or government candidates, if it should be an opposition candidate, with the government's official agent or his manager or assistant manager would immediately see to it that whatever was offensive so far as the Act was concerned was removed by themselves without on this day of all days, saddling additional responsibility upon the returning officer of the constituency and also upon each and every deputy within the confines of that constituency. I am quite sure that it is not necessary. I have no fight with it, but I do not believe that the thing is necessary at this time.

Mr. ZAPLITNY: That is exactly the point. Mr. MacDougall states that it is up to the agents or the candidates to see that such posters as may be considered offensive are removed, but the point is simply this, that the D.R.O. under present regulations is not authorized to do so and cannot authorize anyone else to do so. I shall give you a personal experience. It happened in my constituency. They called at a poll on election day and an agent of a candidate opposing me is the one who complained about a poster. It so happened that it was one of my posters with my picture on it which was left up at the community hall where the voting was being taken. He complained to the D.R.O., and the D.R.O. told him that he had no authority to remove it. Finally it was brought to my attention, and I personally took it away in order to settle the dispute. But one cannot be at every poll to do that. Somebody should have the authority to settle the dispute by saying, "I authorize you to take that down". At the present time the D.R.O. cannot say that. He has no authority to authorize anyone to remove that poster, and it is open to dispute. I think it is quite unnecessary. It is merely necessary to authorize the returning officer, who may delegate his authority to the D.R.O., who may adjudicate the dispute.

Mr. LEBOE: I think that Mr. Zaplitny's remark is to the point, with regard to the whole of subsection (4) of section 49. It says: "No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent . . .". That is an impossible situation. Nobody could prove that. It is absolutely impossible to prove that it was supplied with intent. That is a ridiculous situation. I think that the proposition mentioned by Mr. Zaplitny is far more important than the whole of subsection (4) because nobody could ever get a conviction under subsection (4), and that renders it useless.

Mr. HARRISON: I do not think that this is a major point, and there is not much difference of opinion on it. In actuality, I think that the present set-up has not worked too much to the disadvantage of anybody. Ridings are alike anywhere. Where there are not too many placards of one kind or another to deal with, when the election day comes around, they are removed from

wherever they are. In order to obviate that very situation, anybody who puts up placards for me is supplied with a long ladder so that anyone who wants to take those placards down must have the same equipment. Further, from the standpoint of experience, I do not think that this present system has worked to anybody's hardship or to anybody's advantage. I recall one poll in my riding a few elections ago where it was completely covered with posters and pictures of the hon. member for Biggar, and I do not recall him doing very well in that particular poll. This situation might quite possibly be the reverse somewhere else. I think it is a very small point as to whether we have posters there on election day or not. As far as I am concerned, anybody can paper the floor with all the posters in the riding. I do not think it will make a difference of one vote in the whole election.

The CHAIRMAN: Is section 49 agreed, except for the amendment to subsection (4), changing the period of eight days to two days?

Agreed.

Section 50: "Counting and reporting the votes."

I have a letter in connection with this section. This is item No. 8 on page 17 of the printed report of proceedings. It deals with section 50 (2) (d). Are there any comments?

Mr. ZAPLITNY: I note that this letter deals with several sections, including section 54. I have a matter I wish to raise under section 54.

Mr. DICKEY: We are on section 50.

Mr. ZAPLITNY: Do you wish to deal only with section 50 at the present time?

The CHAIRMAN: Yes.

Mr. NOWLAN: With regard to subsection (2) (d), it states that certain ballot papers shall be rejected, except that no ballot papers shall be rejected on account of any writing, number or mark placed thereon by any deputy returning officer. Of course, it is understood that marks are occasionally put on accidentally, and they should not be rejected for that. It does leave it open to an unscrupulous D.R.O.—and there are still occasional ones of that vintage—to make a mark deliberately on the ballot which serves as an identification. I think that it should specify an accidental mark. I think the Chief Electoral Officer should consider the wording of that, because it is wide open at the moment. I know of one presiding officer who puts a piece of lead underneath his thumb and when certain people come in and he wants to know how they vote, he slips that thumb across the paper and there is a mark on it. It says that no mark shall be placed thereon or it shall be rejected. It is a wide open invitation to do that. I think that the Chief Electoral Officer should tighten that up. We know what the intent is, and I have no quarrel with that intent, but I think it may be abused.

The WITNESS: The suggestion by Judge Forsyth is a little more confining in nature. His suggestion is in connection with section 50 (2) (d) which reads as follows:

This subsection gives rise to much dispute. I think it should provide that "any ballot not marked in accordance with the provisions of this Act should be rejected".

Mr. NOWLAN: If it contained a mark other than in accordance with the Act it should be rejected.

Mr. DICKEY: I think that that would open the way to a very much more serious possibility of unfairness in that it would be within the capability of

the returning officer to disfranchise anybody he wished, by surreptitiously making a mark on the ballot paper; then it would not be counted.

Mr. NOWLAN: He does the same thing now. If he puts a mark on it, it could be rejected in the first place because it contains a mark. You cannot say afterwards that the deputy returning officer put a mark on it. I know that this is done occasionally. I did not realize that that was as specific as it is. I think it should be limited to marks such as initials, for instance.

Subsection (2)(d) says that the deputy returning officer shall reject all ballot papers, but no ballot papers shall be rejected on account of any writing, number, or mark placed thereon by any deputy returning officer. I think that that is fairly loose. I think it falls to the side of the elector on this basis. "In counting the votes the deputy returning officer shall reject all ballot papers (a)... (b)... (c)... (d) upon which there is any writing or mark by which the elector could be identified, but no ballot paper shall be rejected on account of any writing, number, or mark placed thereon by any deputy returning officer."

Mr. NOWLAN: That is an exception. If there is any mark by which he can be identified—it does not apply to a mark made by the deputy returning officer.

Mr. ELLIS: Who can determine who made it?

Mr. MACDOUGALL: In that regard are we not drawing a pretty fine line of demarcation? As Mr. Nowlan mentioned, an unscrupulous deputy returning officer may put a piece of lead underneath his thumb-nail and mark the ballot. I guess that happens only in Nova Scotia.

Mr. NOWLAN: It happens in Halifax.

Mr. MACDOUGALL: Should the elector not carry the responsibility as well? When the elector goes up to get his ballot and he says that there is some type of marking on there—

Mr. NOWLAN: The elector does not see it. As he slips it in the box, the deputy returning officer puts a mark on it.

Mr. DICKEY: Mr. Nowlan is giving expert evidence.

Mr. NOWLAN: It has worked against me.

Mr. ELLIS: It is a very important matter which we are discussing now. In my own constituency there was a fuss about having little marks on the ballots. It was of very vital concern at that time, but I find it difficult to understand how one can distinguish as to whether the mark was placed on the ballot by the elector or by the D.R.O., and the mark may be so light that it might go unnoticed by the elector going into the polling booth. I think that the committee should give very close attention to this particular matter, because it may be very decisive.

Mr. NOWLAN: Could we not eliminate that last clause, which says: "upon which there is any writing or mark by which the elector could be identified"? The judge could identify that, and if the judge says it is accidental then it would not be an identification mark. It seems to me that that is a very wide interpretation to be made of any mark. It says, "any writing." Nobody would put writing or a number on the ballot paper.

The WITNESS: The judge at a recount has the same powers as a D.R.O. at the count.

Mr. NOWLAN: No matter how clear an identification it was, I suggest that, the way that section reads, it shall not be rejected if the mark was put on there. The D.R.O. could put a big X on it deliberately and it could not be rejected. Even if he had the nerve to come in after and say, "what will you do about it?", it would not affect the ballot at that moment.

Mr. MACDOUGALL: With respect to this mysterious mark on which Mr. Nowlan spoke, I think that you realize that certain electors go into the polling booth, and maybe they have and maybe they have not made up their minds—as to just what name they are going to put the “X” opposite. In that event, while they are pondering this important question, they themselves might make doodles on the ballot which are identifiable. The returning officer has no jurisdiction over that unless he does it himself.

Except that he may reject it; but it is not one of the employees of the deputy returning officer who has put that mark on there at all. And I would say, having no figures on it at all, that in all probability you will get as many marks on the part of the electors as you will have those of any unscrupulous official at the poll.

Mr. NOWLAN: Under the Act it would be automatically rejected, because that is what the section says. If you go in and doodle on it and your agent says that there is an identification mark and the deputy returning officer says yes, then you have lost your ballot. There is no doubt that is the way it is with the law as it stands now. It does not happen if the deputy returning officer does it himself; but it would, if you do it. So I say the situation is unfair.

Mr. DICKEY: It would be much more unfair if the deputy returning officer could disenfranchise a lot of people by surreptitiously making some mark on the ballot.

Mr. NOWLAN: Let us leave it as it is now. That is the way the law is now.

Mr. DICKEY: No, no.

Mr. NOWLAN: Yes, it is. The deputy returning officer can reject a ballot if there is any mark on it which is identifiable.

Mr. POWER (*St. John's West*): The mark on the ballot paper must be put there by the voter or by one of the officials. If the voter puts it there, it is so that it could be identified, and it is properly rejected. But in country places, the deputy returning officer knows pretty well how every voter in the place intends to vote. He does in my place, anyway.

Mr. NOWLAN: The chief electoral officer might consider this to see if he could suggest any amendment which would help.

The WITNESS: If you strike out the words which you suggest, there would not be any element of doubt if there was any kind of mark on it, whereas at least now it might favour the elector to a certain extent because the deputy returning officer has a certain amount of discretion and may give him the benefit of any doubt that may exist; he cannot remember out of 150 ballots whether or not he put a mark there; and the decision is more likely to be in favour of the elector. I suggest if you remove those words, “any writing or mark”, then the ballot paper will be automatically rejected.

Mr. NOWLAN: It should be. That is the whole intent of the Act.

The WITNESS: Judge Forsyth suggests that any ballot paper which is marked not in accordance with the provisions of this Act should be rejected. That is what he suggests.

Mr. NOWLAN: That is the intention of the Act.

Mr. DICKEY: The intention of the Act as now drawn is to go as far as possible to prevent the identification of any voter and to preserve the secrecy of the ballot. I think it also tries to protect the voter from losing his vote unnecessarily, either through carelessness on the part of the deputy returning officer or, as Mr. Nowlan has said, with his wide background in such matters, with the suggestion of intent.

Mr. POWER (*St. John's West*): Or by ignorance.

Mr. NOWLAN: I learned my lesson in a very good school, as Mr. Dickey will remember. I was exposed to these matters; and I suggest there is just as much if not more danger of the voter losing his right of franchise because of that than in any other way. I think at least you could say that the mark was authorized by this Act.

The WITNESS: It would follow in line with the suggestion made by Judge Forsyth, that "any ballot not marked in accordance with the provisions of this Act should be rejected."

Mr. LEBOE: That is too dangerous. I would not want to see it.

Mr. POWER (*St. John's West*): The Newfoundland Election Act has that provision, and if a ballot is improperly marked, it must be rejected.

In one very close provincial election an ignorant deputy returning officer numbered the ballot as well as the counterfoils, and he did so through ignorance.

In the outcome those ballot were properly rejected, but the rejection meant that the person or candidate who would have been elected was declared defeated; and it certainly is not right. Primarily every voter should have his vote counted if he himself has dealt with it properly. The secrecy consideration is secondary. I think that the primary consideration is that if a man votes in accordance with the Act, and his ballot is not marked improperly, then his vote should be counted even though the election officer has dealt with it in such a way that the voter could be identified. I contend that the primary consideration should be that when a man votes, his vote should count.

Mr. MACDOUGALL: There was a federal election. I cannot recall the exact year; but the late Viscount Bennett was a candidate and so also was an old friend of mine named Joe Shaw. It was in Calgary. Maybe Mr. Hansell would recall it.

Upon inspecting the ballots, there were, I think, twenty-nine perfectly clearly defined "X's" opposite the name of Joe Shaw; but they were not marked with a black lead pencil. They were marked with pen and ink. The person voting simply went into the box, took out his fountain pen, and marked his ballot in that way.

It was a very close election, and on the official count those ballots were thrown out. But when it came to the judicial count, the judge declared that the intent was perfectly clear and he allowed the twenty-nine ballots, despite the fact that they were marked in pen and ink, rather than with a black lead pencil.

I think the reason the presiding judge at the recount made that decision was because the specific intent of the elector was as plain as ABC. Even though they did not completely conform with the instructions of the returning officer, those ballots were allowed by him. I agree with what Mr. Power said, that the intent of the elector is of equal importance, I think, with the secrecy element.

Mr. NOWLAN: This Act says so specifically.

Mr. ELLIS: That was the reason I expressed some concern. I do feel that we should make every effort to count the ballots which are marked by electors, where it is perfectly obvious that they are voting for a particular candidate. I am a little concerned about ballots being rejected because of a mark which may have been placed there by the elector himself or by the deputy returning officer. I recognize that, as the Chief Electoral Officer pointed out, it is better to have the present provision where, if the deputy returning officer is prepared to admit that he himself is responsible for the mark, then the ballot will be counted. That is better than having all the ballots thrown out. I think we

should be going in the other direction, as Mr. Power pointed out, and that the secrecy provision is secondary to the intent of the voter to prefer his particular candidate. That is why I raised the question.

I feel that we should be going in the direction of leniency with regard to these voters. A great many ballots are now thrown aside when it is perfectly obvious that the voter expresses a preference for a particular candidate. I believe we should make every effort to count those ballots in dealing with them.

Mr. HANSELL: Was Judge Forsyth called in on a recount?

The WITNESS: Yes.

Mr. HANSELL: Is this letter the result of a recount?

The WITNESS: He was judge for a recount at the York-Humber election.

Mr. HANSELL: I can understand why he looks at this from the standpoint of responsibility in a recount. It is much easier to throw everything out and not to have to make a decision. But I agree that the provision should conform with the Election Act, and that we should give the elector a vote if possible.

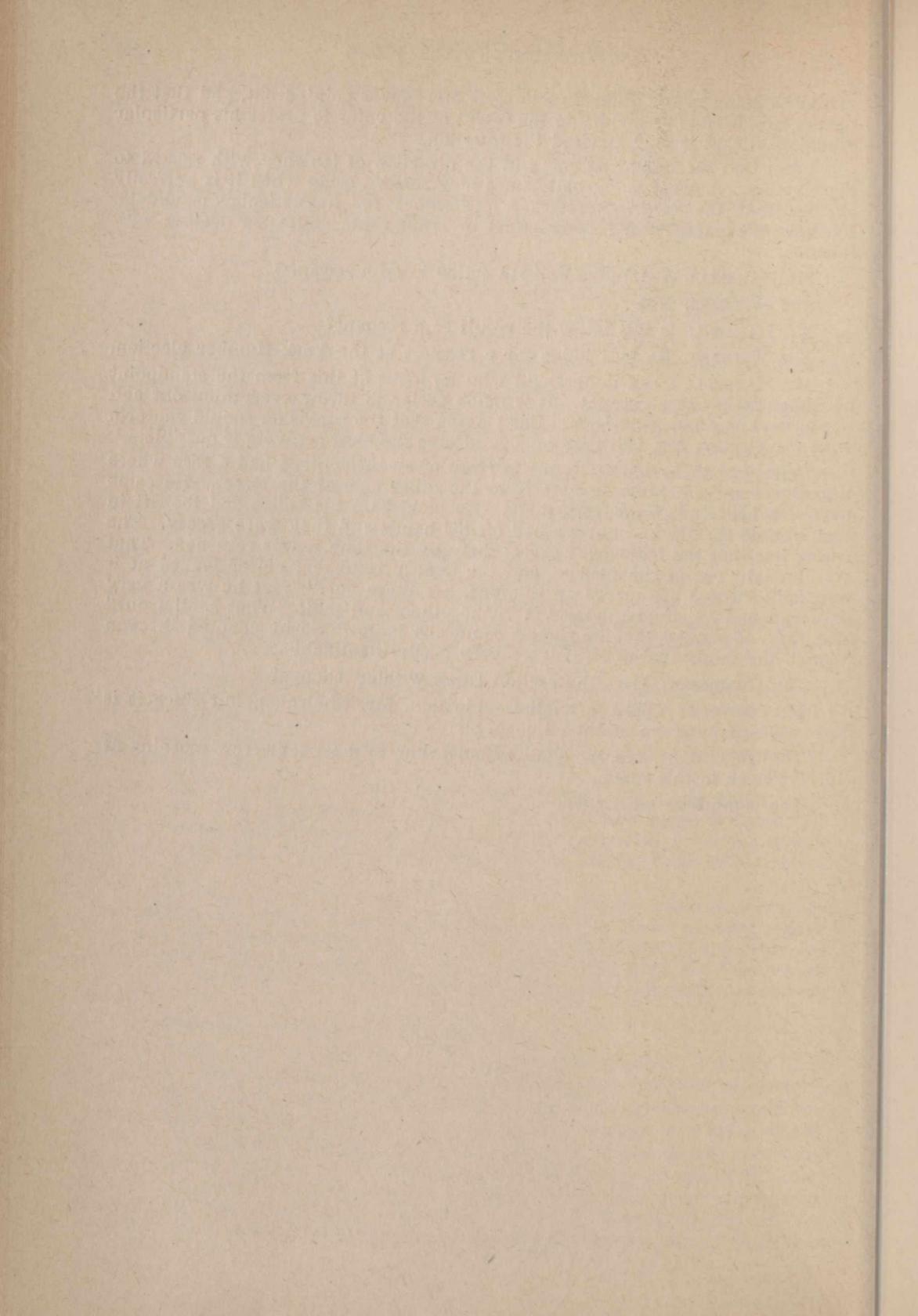
Regarding these marks, let me tell you of an incident. I had a case where a garage man came over to vote from the other side of the street. He came over and his hands were very dirty. He picked up his ballot and took it in and marked it. He had not washed off his hands and they were greasy. The result was that the ballot was pretty dirty by the time it was returned. That was brought out at the recount and the deputy returning officer looked at it and said: "There are marks on this one, are there not?" But he was a very fair man and he simply showed it to the others and said: "What shall I do?" and they all agreed that he should count the ballot. So he counted it, even though the finger-marks on it were very easily identifiable.

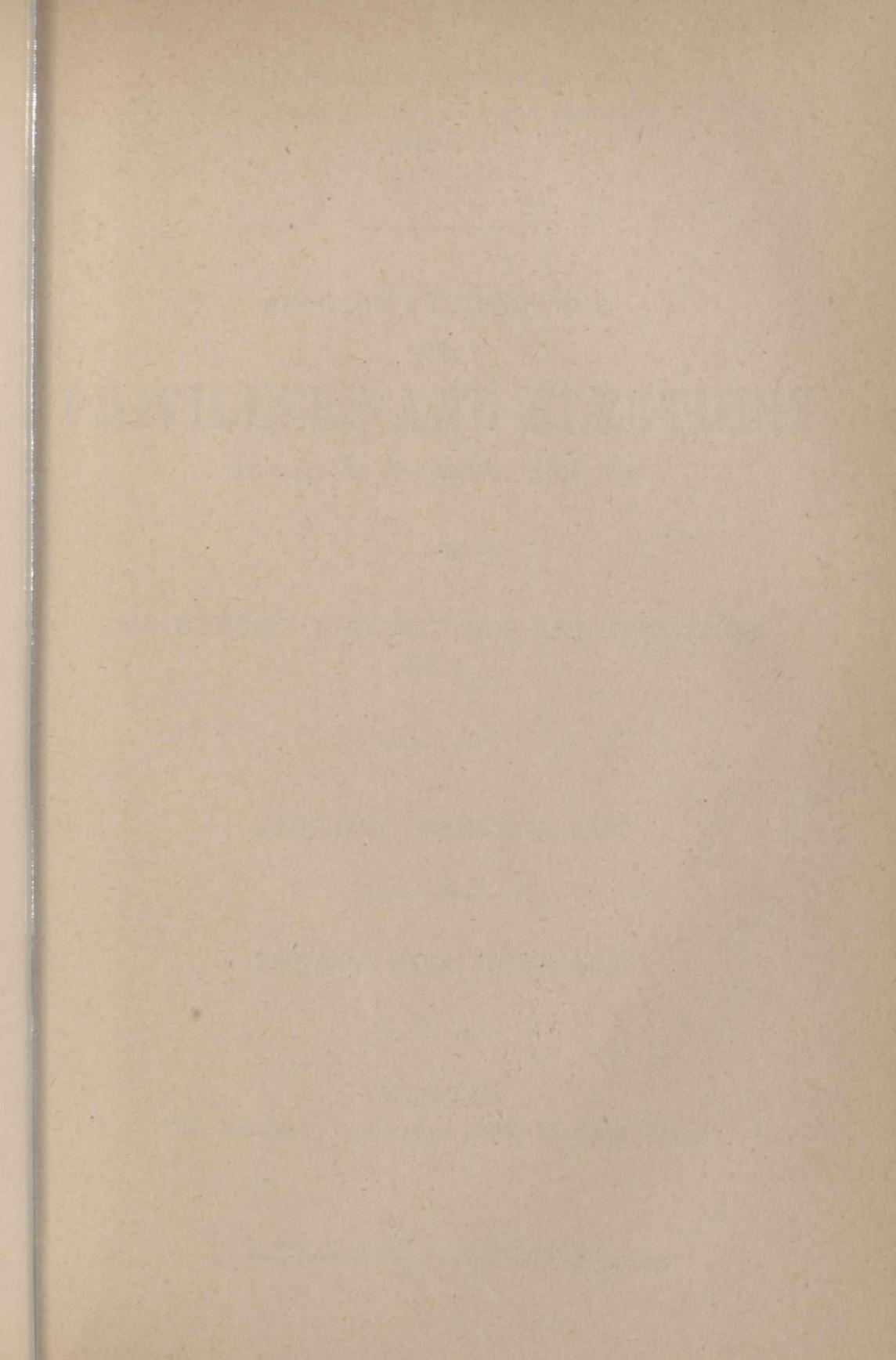
The CHAIRMAN: Does the section carry without change?

Mr. NOWLAN: There is another objection, Mr. Chairman, but since it is now 5:30 perhaps we might adjourn.

The CHAIRMAN: Yes, we shall adjourn now to meet tomorrow morning at 10:30 o'clock in this room.

The committee adjourned.





PR

HOUSE OF COMMONS
Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 8

TUESDAY, MARCH 29, 1955

CANADA ELECTIONS ACT

WITNESS:

Mr. Nelson J. Castonguay, Chief Electoral Officer.

MINUTES OF PROCEEDINGS

House of Commons, Room Sixteen,
TUESDAY, March 29, 1955.

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Cardin, Cavers, Dechene, Harrison, Hollingworth, Leboe, MacDougall, MacKenzie, McWilliam, Nowlan, Pouliot, Richard (*Ottawa East*), Robinson (*Bruce*), White (*Waterloo South*), and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; Captain J. P. Dewis, R.C.N., Deputy Judge Advocate General, representing the Department of National Defence.

The Committee resumed its section by section study of the Canada Elections Act, together with the amendments thereto, suggested by the Chief Electoral Officer and other sources. Representations dealing with the Act were also considered by the Committee.

Mr. Nelson J. Castonguay, Chief Electoral Officer, was recalled.

The Committee reverted to Section 34 of the Act.

On motion of Mr. MacDougall,

Resolved,—

That the Committee recommend that Subsection (4) of Section 34 of the said Act be repealed and the following substituted therefor:

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

With the exception of the amendment to Subsection (4) thereof, it was agreed that the said section remain otherwise unchanged.

On Section 50

Representations made to the Committee by His Honour Judge Robert Forsyth were considered.

On motion of Mr. MacDougall,

Resolved,—

That the Committee recommend to the House that Subsection (10) of said Section 50 of the said Act be repealed and the following substituted therefor:

“(10) The deputy returning officer shall, with the ballot box, transmit or deliver to the returning officer in the envelope provided for that purpose

(a) the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer, and

(b) the polling station account filled in and signed by the deputy returning officer”.

It was agreed that Section 50 otherwise remain unchanged.

Sections 51, 52 and 53 were severally considered and the Committee agreed that they remain unchanged.

On Section 54

Consideration was given by the Committee to representations by His Honour Judge Robert Forsyth in connection with Subsections (1) and (2) of the said Section.

On motion of Mr. MacDougall,
Resolved,—

That the Committee recommend to the House that subsection (2) of Section 54 of the Canada Elections Act be repealed and the following substituted therefor:

“(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection (15) of section 2 within whose judicial district is situated the place where the official addition of the votes was held or the judge acting for such judge pursuant to paragraph (f) of that subsection or a judge designated by the Minister of Justice under that paragraph, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.”

It was agreed that Section 54 otherwise remain unchanged.

Sections 55, 56, 57 and 58 were severally studied and it was agreed that the said Sections remain unchanged.

On Section 59

On motion of Mr. MacDougall,
Resolved,—

That the Committee recommend to the House that the said Section be amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

“(2a) Where a Superior Court or a judge thereof has ordered the production of any election documents or election papers, the Chief Electoral Officer need not, unless the court or judge otherwise orders, appear personally to produce such documents or papers, but it is sufficient if the Chief Electoral Officer certifies such documents or papers and transmits them by registered mail to the clerk or registrar of the court, who shall, when such documents have served the purposes of the court or judge, return them by registered mail to the Chief Electoral Officer; any such documents or papers purporting to be certified by the Chief Electoral Officer are receivable in evidence without further proof thereof.”

It was agreed that Section 59 otherwise remain unchanged.

After study thereon it was agreed that Sections 60 and 61 of the Act remain unchanged.

On Section 62

On motion of Mr. Harrison,
Resolved,—

That the Committee recommend that the said section be amended as follows:

(a) that the words “one thousand dollars” appearing in Paragraph (a) of Subsection (4) thereof be deleted and that the words “two thousand dollars” be substituted therefor;

(b) by deleting the words "one thousand dollars" where they appear in subsection (15) thereof and substituting therefor the words "two thousand dollars".

It was agreed that Section 62 otherwise remain unchanged.

Sections 63 to 67 inclusive were severally studied and the Committee agreed that the said sections remain unchanged.

On Section 68

Representations made by Mr. Egan Chambers, Mount Royal, Quebec, were considered by the Committee. However, it was agreed that the provisions of the said Section remain unchanged.

Sections 69 to 93 inclusive were severally studied and the Committee agreed that the said sections remain unchanged.

At this stage, the Committee reverted to Section 87 and it was agreed that the Chief Electoral Officer review the provisions of the said Section with officials of the Department of Justice.

At the suggestion of Mr. Harrison, it was agreed that the Committee proceed with the study of Section 100 of the Act.

On motion of Mr. MacKenzie,
Resolved,—

That the Committee recommend to the House the following amendments:

(1) Paragraph (c) of subsection (1) of section 100 of the said Act is repealed and the following substituted therefor:

(c) members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Council of the Northwest Territories or the Yukon Territory;

(2) Paragraph (e) of subsection (1) of section 100 of the said Act is repealed and the following substituted therefor:

(e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory and the Northwest Territories, police magistrates;

(3) Subsection (2) shall come into force on the day the *Northwest Territories Act*, chapter 331 of the Revised Statutes of Canada, 1952, comes into force.

Mr. Harrison also moved that Paragraph (d) of Subsection (1) of Section 100 be deleted. After discussion, the suggestion was made that the provisions of the said Paragraph might be made to not apply to the electoral districts listed in Schedule Four of the Act.

It was finally agreed that the Chief Electoral Officer would submit the appropriate amendment at a later date.

At the request of Mr. Zaplitny, Sections 94, 95, 96 and 97 were stood over.

Sections 98, 99, and 101 to 108 inclusive, were severally considered and the Committee agreed that the said Sections remain unchanged.

On Section 109.

On motion of Mr. Hollingworth,

Resolved,—That the Committee recommend to the House the following amendment:

Subsection (1) of section 109 of the said Act is amended by adding the word "and" at the end of paragraph (a) thereof, by repealing paragraphs (b), (c), and (d) thereof and substituting the following therefor:

(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, and, subject to Rule (36) of Schedule A to section 17, Tuesday, the sixth day before polling day.

It was agreed that Section 109 otherwise remain unchanged.

Sections 110 to 113 inclusive, were severally studied and the Committee agreed that the said sections remain unchanged.

On Section 114.

On motion of Mr. White (*Waterloo South*),

Resolved,—That the Committee recommend to the House the following amendment:

Section 114 of the said Act is amended by adding thereto the following subsection:

(4) The qualifications for electors for Northwest Territories elections shall be those established pursuant to section 9 of the *Northwest Territories Act* and in force six months prior to the polling day for such elections.

On motion of Mr. Richard (*Ottawa East*),

Resolved,—That the Canada Elections Act be amended as follows:

1. (1) The said Act is further amended by adding thereto the following section:

115. (1) Elections of members to the Council of the Yukon Territory (in this section called "Yukon Territory elections") shall be conducted in accordance with the provisions of this Act subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Yukon Territory, directs as being necessary by reason of conditions existing in the Yukon Territory to conduct effectually Yukon Territory elections.

(2) The procedure prescribed by section 109 shall be followed in the preparation, revision and distribution of the list of electors for Yukon Territory elections.

(3) Sections 14, 16, 19 and 20 do not apply to Yukon Territory elections.

(4) The qualifications of electors for Yukon Territory elections shall be those established pursuant to section 14 of the *Yukon Act* and in force six months prior to the polling day for such election.

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

2. The said Act is further amended by adding thereto the following section:

116. (1) In this section, "election material" includes instructions, forms, record books, index books, ballot papers, poll books and copies of Acts or regulations or portions thereof, and any other supplies.

(2) Any election material authorized or required for the purposes of or in relation to by-elections, Northwest Territories elections or Yukon Territory elections by any Act providing for the election of members of the House of Commons may, in lieu of the election material authorized or required by any revision of such Act, be used for the purposes of or in relation to by-elections, Northwest Territories elections or Yukon Territory elections held before the first general election next after the coming into force of such revised Act; and references in election material so used to any Act, regulation, rule, schedule or form or any part or provision thereof shall be construed as a reference to the corresponding Act, regulation, rule, schedule, form, part or provision thereof in force upon the coming into force of such revised Act.

The Committee then proceeded to the study of Schedule One of the Act. With the exception of such of the recommended amended forms which appear hereunder, it was agreed that the said Schedule otherwise remain unchanged.

On motion of Mr. White (*Waterloo South*),
Resolved,—

That Forms Nos. 5 and 6 of Schedule One to the said Act were repealed and the following substituted therefor:

"FORM No. 5.

APPOINTMENT OF ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 1.)

To (*insert name of enumerator*), whose address is (*insert address*).

Know you that, in pursuance to the *Canada Elections Act*, I, the undersigned, in my capacity of returning officer for the electoral district of, do hereby appoint you enumerator for polling division No..... of the said electoral district to prepare a list of the electors qualified to vote at the pending election in such polling division.

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

.....
Returning Officer.

FORM No. 6.

OATH OF OFFICE OF ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 3.)

I, the undersigned, appointed enumerator for polling division No..... of the electoral district of do swear (or solemnly affirm) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection. So help me God.

..... Enumerator.

CERTIFICATE OF THE ENUMERATOR HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, do hereby certify that on the..... day of....., 19....., the enumerator above named 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)."

On motion of Mr. Richard (Ottawa East), Resolved,—

That Form No. 14 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM No. 14.

NOTICE OF REVISION.

(Sec. 17, Sched. A, Rule 23.)

Electoral district of.....

PUBLIC NOTICE IS HEREBY GIVEN THAT sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held on each of the following three days, namely: Thursday, Friday and Saturday, the and days of....., 19....., (Insert the dates of the 18th, 17th and 16th days before polling day) when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF.....

FOR REVISAL DISTRICT No. 1, comprising polling divisions Nos..... of the above mentioned electoral district, the sittings for revision will be held at (*Insert exact location of the revisal office*) before (*Insert full name of revising officer*) who has been appointed revising officer.

(*Proceed as above in respect of any other revisal district.*)

NOTICE IS FURTHER GIVEN THAT, during the sittings for revision on the Thursday and Friday aforesaid, any qualified elector in one of the above mentioned revisal districts may, before the revising officer for such revisal district, subscribe to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

THAT, during the sittings for revision on the Thursday, Friday and Saturday aforesaid, the revising officer shall dispose of the following applications:

- (a) personal applications for registration made verbally, without previous notice, by electors whose names were omitted from the preliminary lists of electors, pursuant to Rule (32) of Schedule A to section 17 of the *Canada Elections Act*;
- (b) sworn applications made by agents on Forms Nos. 17 and 18 of the said Act, on behalf of persons claiming the right to have their names included in the official lists of electors, pursuant to Rule (33) of Schedule A to section 17 of the said Act; and
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors, made, without previous notice, pursuant to Rule (35) of Schedule A to section 17 of the said Act.

THAT each of the sittings for revision will open at ten o'clock in the forenoon and will continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of.

THAT, moreover, on the above mentioned Thursday, Friday and Saturday fixed for the sittings for revision, each revising officer will sit in his revisal office from seven o'clock until 10 o'clock in the evening of each of these days.

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours in my office at (*Insert location of office of returning officer*).

NOTICE IS FURTHER GIVEN THAT, if any qualified elector in one of the above mentioned revisal districts has, before the revising officer for such revisal district, subscribed to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district, further sittings for revision will be held on Tuesday, the day of, 19...., (*Insert the date of the thirteenth day before polling day*) at the same place and times as the sittings for revision on the Thursday, Friday and Saturday aforesaid, and that during the sittings for revision on the Tuesday aforesaid, the revising officer shall dispose of the objections made on affidavits in

Form No. 15 of the said Act to the retention of names on the preliminary lists of electors, of which the revising officer has given notice in Form No. 16 of the said Act to the persons concerned pursuant to Rule (28) of Schedule A to section 17 of the said Act.

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

(Print name of returning officer)
Returning Officer"

On motion of Mr. Cardin, Resolved,—That forms Nos. 16 and 17 of Schedule One to the said Act are repealed and the following substituted therefor:

"FORM No. 16.

NOTICE TO PERSON OBJECTED TO.

(Sec. 17, Sched. A, Rule 28.)

Electoral district of
Revisal district No.

To (set out name, address and occupation of the person objected to as these appear on the preliminary list of electors, also addressing a copy of the notice and affidavit to another address, if any, given in paragraph 3 of the attached Affidavit of Objection).

Take notice that the attached Affidavit of Objection to the retention of your name on the preliminary list of electors for one of the urban polling divisions comprised in the above mentioned revisal district has been subscribed before me and that this affidavit of objection will be dealt with during my sittings for revision which will be held at No.....street, in the City (or Town) of.....on Tuesday, the..... day of, 19...., (Insert the date of the 13th day before polling day) where I may be found from ten o'clock until eleven o'clock in the forenoon and from seven o'clock until ten o'clock in the evening.

Take notice also that you may appear before me in person or by representative during any of the above mentioned sittings for revision to sustain your right, if any, to have your name retained on such preliminary list.

This notice is given pursuant to Rule (28) of Schedule A to section 17 of the Canada Elections Act.

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

Revising Officer.

FORM No. 17.

SWORN APPLICATION TO BE MADE BY THE AGENT OF AN ELECTOR.

(Sec. 17, Sched. A, Rule 33.)

Electoral district of.....
To the Revising Officer for Revisal district No.comprised in the above mentioned electoral district.

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

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

2. That pursuant to the provisions of Rule (33) of Schedule A to section 17 of the *Canada Elections Act*, I hereby apply for the registration of the name of (*insert full name, address and occupation, in capital letters, with family name first, of the person on whose behalf the application is made*) on the official list of electors for urban polling division No..... comprised in the above mentioned revisal district.

3. That the name, address and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 18, are, to the best of my knowledge and belief, correctly stated.

4. That the said annexed application in Form No. 18 is signed in the handwriting of the person on whose behalf this application is made (or, owing to his temporary absence from the place of his ordinary residence, the alternative application printed on the back of the said Form No. 18 has been duly sworn (*or affirmed*) by a relative by blood or marriage or the employer of such person).

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

On motion of Mr. White (*Waterloo South*) Resolved:—that form No. 19 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 19.

REVISING OFFICER’S STATEMENT OF CHANGES AND ADDITIONS MADE IN AN URBAN PRELIMINARY LIST OF ELECTORS.

(Sec. 17, Sched. A, Rule 40.)

Electoral District of
Polling Division No.
Revisal District No.

The following names have been added to the urban preliminary list of electors:

Name of Street (or as the case may be)	Street No.	Apartment No.	Name of Elector (Family name first)	Occupation	Remarks

The following entries in the urban preliminary list of electors have been corrected so as to appear as follows:

Name of Street (or as the case may be)	Street No.	Apartment No.	Name of Elector (Family name first)	Occupation	Consecutive number of elector on list of electors

The following names appearing in the urban preliminary list of electors have been struck out:

Name of Street (or as the case may be)	Street No.	Apartment No.	Name of Elector (Family name first)	Occupation	Consecutive number of elector on list of electors

CERTIFICATE.

I hereby certify that the foregoing is a correct statement of all the changes and additions that have been made in the urban preliminary list of electors for the above mentioned polling division in the course of the revision.

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

.....
Revising Officer."

On motion of Mr. Pouliot,
Resolved,—

That form No. 22 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 22.

NOTICE OF RURAL ENUMERATION.

(Sec. 17, Sched. B, Rule 3.)

Electoral District of.....

Rural Polling Division No.....
(insert name, if any)

Comprising:

(In the above space, the rural enumerator will insert in full the description of the boundaries of his polling division.)

Notice is hereby given that the undersigned has been appointed enumerator for the above mentioned rural polling division, that he is about to prepare a preliminary list of the electors who are qualified to vote therein at the pending general election and that he will complete the said preliminary list on Saturday, the.....day of....., 19.....
(insert the date of Saturday, the forty-fourth day before polling day)

And that during the hours between ten o'clock in the forenoon and ten o'clock in the evening of Thursday, the.....
(insert the date of Thursday, the day of....., 19....., he will eighteenth day before polling day)
attend and remain at.....
(insert description of the place where the enumerator intends to remain)

so that he may be found by any person who desires to direct attention to any error in any entry appearing on the said preliminary list or to represent that such list does not contain the name of an elector who is qualified to vote in the above mentioned rural polling division at the pending general election or does contain the name of any person who is not so qualified to vote.

And that in order that the said preliminary list shall be available for inspection by interested persons, a copy thereof will, forthwith after its completion, be posted up at the place above described and will remain so posted up until all proper changes have been made on the said list.

And that after ten o'clock in the evening of the Thursday above mentioned, no further changes will be made, and a copy of the said preliminary list together with a copy of the statement of changes and additions will constitute the official list of electors to be used for the taking of the votes at the pending general election in the rural polling division aforsaid.

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

.....
Rural Enumerator.”

On motion of Mr. Mackenzie,
Resolved,—

That form No. 31 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 31.

APPOINTMENT OF DEPUTY RETURNING OFFICER. (Sec. 26.)

To (insert name of D.R.O.) whose address is (insert address).

Know you that I, in my capacity of returning officer for the electoral district of.....do hereby appoint you to be deputy returning officer for polling station No. of the said electoral district which has been established at (describe location of polling station);

That you are authorized and required to open the poll at the said polling station on the.....day of....., 19...., at eight o'clock in the forenoon and to keep the said poll open until six o'clock in the afternoon of the same day, and there to take by ballot the votes of the qualified electors at the said polling station according to the procedure set forth in the Instructions for Deputy Returning Officers issued by the Chief Electoral Officer;

And that, after having counted the votes cast for the various candidates and performed all the other necessary duties, you are required to transmit to me forthwith the ballot box, sealed with a special metal seal, enclosing only two envelopes, one containing the official statement of the poll and the other containing the poll book, the ballot papers—unused, spoiled, rejected and counted for each candidate—each lot in its proper envelope, together with the official list of electors and the other documents used at the taking of the votes.

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

.....
Returning Officer.”

On motion of Mr. Richard (*Ottawa East*),
 Resolved,—That Form No. 40 of Schedule One to the said Act is repealed
 and the following substituted therefor:

“FORM No. 40.

POLL BOOK. (Sec. 36 (6).)

Consecutive number given each elector as he applies for a ballot paper	Particulars of elector			Consecutive number of elector on official list
	Name of elector (Family name first)	Occupation (No occupation will be inserted in the case of a woman who is not designated with an occupation on the official list)	Post office address	

Form numbers of oaths, if any, the elector is required to swear	Record that oaths sworn or refused (If sworn, insert “Sworn” or “Affirmed”; if refused, insert “Refused to be sworn” or “Refused to Affirm” or “Refused to Answer”)	Particulars of person vouching, in a rural polling division only, under section 46, for an elector whose name is not on the official list.		
		Name	Consecutive number of vouching elector on official list	Record that oath (Form No. 50) sworn (when sworn insert “Sworn”)

Record that elector has voted (When ballot paper put into ballot box, insert “Voted”)	Remarks

On motion of Mr. MacKenzie,

Resolved,—That forms Nos. 56 and 57 of Schedule One to the said Act are repealed and the following substituted therefor:

“FORM No. 56.

OATH OF DEPUTY RETURNING OFFICER AT THE CLOSE OF THE POLL.

(Sec. 50(7).)

I, the undersigned, appointed deputy returning officer for polling station No..... of the electoral district of do swear (or solemnly affirm) that, to the best of my knowledge and belief, the poll book used at the said polling station has been kept correctly; that I have faithfully counted the votes cast for each candidate; that I have faithfully performed all my other duties as deputy returning officer; and that the official statement of the poll, poll book, ballot papers, and other necessary documents will be correctly prepared and placed in the ballot box, to the end that the said ballot box, being first locked and sealed with a special metal seal, may be regularly transmitted to the returning officer for the above mentioned electoral district. So help me God.

.....
Deputy Returning Officer.

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

.....
Poll Clerk (or as the case may be).

FORM No. 57.

OATH OF POLL CLERK AT THE CLOSE OF THE POLL.

(Sec. 50(7).)

I, the undersigned, appointed poll clerk for polling station No..... of the electoral district of, do swear (or solemnly affirm) that the poll book used at the said polling station has been kept to the best of my ability; that the total number of electors registered therein as having voted at this election is; that the said poll book contains a true and exact record of the taking of the votes at the said polling station; and that I have faithfully performed all my other duties as poll clerk. So help me God.

.....
Poll Clerk.

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

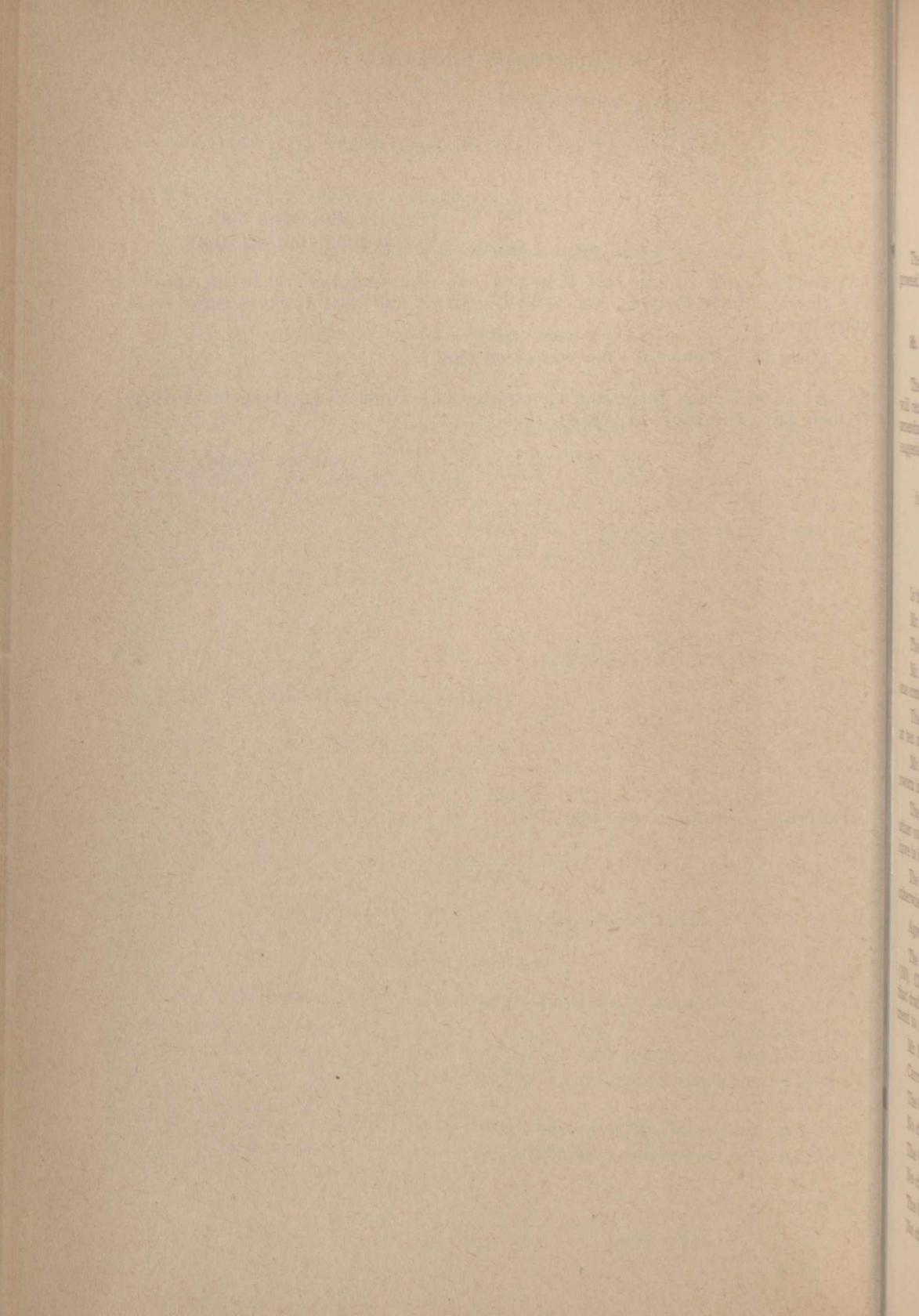
.....
*Deputy Returning Officer
(or as the case may be)."*

During study of the said Schedule one representation made thereon by His Honour Judge Forsyth, Mr. Egan Chambers and Miss Leonora Starr were considered.

Form 66 in Schedule One was stood over.

At 12.00 o'clock noon, the Committee adjourned to meet again at 10.30 o'clock a.m., Thursday, March 31, 1955.

Antoine Chassé,
Clerk of the Committee.



EVIDENCE

MARCH 29, 1955
10.30 a.m.

The CHAIRMAN: Gentlemen, I see that we have a quorum and we will proceed.

Mr. Nelson J. Castonguay, Chief Electoral Officer, recalled.

The CHAIRMAN: Firstly if it is agreeable we will revert to section 34. You will recall that yesterday we asked the Chief Electoral Officer to suggest an amendment to sub-section (4) thereof. You all have a copy of Mr. Castonguay's suggested amendment before you this morning. It is as follows:

Subsection (4) of section 34 of the said Act is repealed and the following substituted therefor:

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

Is that agreeable to the committee?

Mr. MACDOUGALL: I so move.

The CHAIRMAN: Is it agreed?

Mr. NOWLAN: This enables an agent to come and go, but suppose that a new one comes. What is the opinion of the Chief Electoral Officer on that?

The WITNESS: The agent may arrive at any time. Therefore, if he arrives at ten minutes to six, he is sworn in.

Mr. ROBINSON (*Bruce*): I understood that the Act says that he must be sworn in before the poll opens?

The WITNESS: Not necessarily. In order to examine the ballot papers and other voting supplies, he must be there before the poll opens, but he does not have to be sworn in before the poll opens.

The CHAIRMAN: Section 34, except to amendment to subsection (4) thereof, otherwise remains unchanged?

Agreed.

The CHAIRMAN: There is a suggested amendment to section 50, sub-section (10). Clause 11, which is found on page 8 of the draft amendment. We carried that draft amendment at a preceding sitting. Does section 50, with the amendment to subsection (10) thereof, carry?

Mr. MACDOUGALL: I so move.

Carried.

The CHAIRMAN: Section 51?

No change.

The CHAIRMAN: Section 52?

No change.

The CHAIRMAN: Section 53?

No change.

The CHAIRMAN: Section 54, "Recount by Judge". A draft amendment to section 54 (2) was carried at a previous meeting. That is clause 12 of the draft amendment, found on page 8. Shall section 54 as amended carry?

Carried.

The CHAIRMAN: Section 55?

No change.

The CHAIRMAN: Section 56, "Election Return".

By Mr. Nowlan:

Q. I should like to ask the Chief Electoral Officer about section 56 (1) (i), which says "returns from the various polling stations enclosed in sealed envelopes" and so forth. I believe that at one time some question arose with respect to that, as to just what were included in those documents. You get your list under the service voting regulations, and the ruling of the Chief Electoral Officer at that time was that those were under the control of the Department of National Defence, and there were no lists or anything else available. Now, under the new services voting regulations, they are supposed to have a list. I am wondering if that was included in the return. It was not at one time.—A. I think that you were referring to the outer envelope which was sent with the ballots.

Q. We have since amended the service voting regulations, and so presumably a list is prepared of the voters qualified to vote. That was not in force at that particular time.—A. No, the list was not in force. It was provided in 1951 that a list be supplied of the Canadian forces electors, with their names and places of ordinary residence.

Q. Will that list be included among the returns, or is that under the Department of National Defence? Is there any machinery whereby you get the list?—A. Yes, in paragraph 81 of the Canadian Forces Voting Regulations. Certain documents are enumerated therein that are to be sent to me, but I do not think that these lists were at any time the property of the Department of National Defence. I think that you are referring to a recount in 1949. It was the outer envelope that raised the problem. That was considered to be an election document and could not be produced at the recount, but the judge allowed the envelope to be examined anyway. In regard to this other matter of the list of electors in a unit, it was remedied in 1951 by an amendment which was made at that time.

Q. What about the outer envelope now?—A. They are still considered an election document in the same manner as a poll book. They are election documents and are not producible at a recount. Only the ballots are producible. At a recount the judge can examine the ballots and no other documents.

The CHAIRMAN: Section 56?

No change.

The CHAIRMAN: Section 57?

No change.

The CHAIRMAN: Section 58?

No change.

The CHAIRMAN: Section 59. There is an amendment to be found on page 9 of the draft amendments, clause (13), which was carried at the second meeting of the committee. Shall the amendment to section 59 carry?

Carried.

The CHAIRMAN: Section 60?

No change.

The CHAIRMAN: Section 61.

No change.

The CHAIRMAN: Section 62.

Mr. LEBOE: Is not section 62 (4) (b) exactly the same as section 64(15) in regard to the \$1,000? What is the reason for having the two?

Mr. RICHARD (*Ottawa East*): The candidate is entitled to spend \$1,000 for personal expenses.

The WITNESS: Yes. Anything over \$1,000 has to be paid by the official agent.

The CHAIRMAN: Is that clear?

Mr. NOWLAN: What is the reason for subsection (8)? I think it is unjust, and I am quite sure that it is not complied with too often. It says that after thirty days a man cannot recover. For instance, in regard to printing, I have a friend who has a local newspaper and he may be printing for me during the election. Unless he sends a bill within thirty days after the election, I could say to him, if I wanted to, that he did not send the bill on time and that he was going to lose the money. I suppose that with election expenses they usually get them in as fast as they can anyway. But it seems to be an invitation to defraud someone of a legitimate bill for printing or something if the person is a little careless in sending in his bill.

The WITNESS: A candidate is required to file his election expenses within sixty days after the candidate has been finally declared elected. It may be preferable that all the bills be paid so that the candidate will be able to comply more readily with section 63 (1).

Mr. NOWLAN: I am sure that they do not all send them in within sixty days. It seems to me that there is an invitation to defraud there.

Mr. MacDOUGALL: They are cleaned up within forty-eight hours in my riding.

Mr. NOWLAN: You are in a very fortunate position. They are not cleaned up in mine in forty-eight hours.

Mr. HARRISON: With regard to section 62 (4) (a) about the date—

Mr. LEBOE: That is what I meant. I was referring to (a) and not (b).

Mr. HARRISON: Are we not on section 62?

The CHAIRMAN: That is right.

Mr. HARRISON: With regard to section 62 (4) (a), it says a member has to spend \$1,000 on his own account. I do not know how this works out in other areas, but in mine the \$1,000 does not go very far for travel expenses. To carry an official agent with you would double the expenses. When you have to fly over a large area, such as mine, it costs more than that.

The WITNESS: A candidate may spend on his own \$1,000 for personal expenses, and if he exceeds that his official agent must pay for any expenses over that amount.

Mr. HARRISON: You may not have your official agent with you. At the last election I ran into this very thing. I have to go through Alberta to get into the Athabasca area by T.C.A. By the time I am in Edmonton I have already taken up my \$1,000, and I have to spend \$125 to go by T.C.A. to Uranium city. My official agent is five or six hundred miles away, and I cannot carry him with me on the trip. That is the situation which you find arises. I do not think that \$1,000 is sufficient in those northern areas. It is sufficient

if you are close to the official agent, in the cities, or where you can get hold of him, but up there you cannot very well carry him with you. In urban areas you do not have to do any flying.

The CHAIRMAN: The official agent could purchase your return ticket before you leave.

Mr. HARRISON: What is the sense? To give you a perspective of the thing; suppose that your official agent is here in Ottawa and you are flying from Windsor, how are you going to do business with your official agent when he is here and you are in Windsor? That is the whole problem. Distances there are a matter of four hundred or five hundred miles.

The CHAIRMAN: It is up to the committee. If it feels that it is too small, it could raise the "ante".

Mr. HARRISON: It may not occur in many ridings, but there may be four or five across the country where that situation exists. I do not doubt that it applies in the Northwest Territory. If they have to do any flying, the flying expenses are considerably higher than mine. It is not always possible to have your official agent handy. If you take him with you and pay double on this, you are going to run into more expense still.

Mr. RICHARD (*Ottawa East*): I think that we would have to amend subsection (15) before we amend that, if the committee wishes to do so. Subsection (15) declares what the amount is. Is that not right?

The WITNESS: Yes, it is.

The CHAIRMAN: Yes, it sets it at \$1,000.

Mr. RICHARD (*Ottawa East*): Subsection (15) is the one that declares it.

Mr. NOWLAN: I think that is a reasonable suggestion and we should amend that. Speaking without prejudice, I do not think that there is a single candidate here, at least in rural areas, who does not spend over \$1,000 in personal expenses. I am willing to admit that I have to travel hundreds of miles. I do not have to fly, but I have to charter two different motor boats to go to two different islands. You cannot carry your agent around with you to pay your out-of-pocket expenses, and it is usually hard enough for a man who is elected official agent. He does not want to do that. I do not know for how long that section has been in, but I suspect that it has been quite a while. The cost of living has been doubled in the past few years, and I would prefer to see sections in here which are enforceable rather than have something like the old prohibition laws which would be held in contempt. I would say that this is held in contempt by at least every candidate of whom I know. I do not know of any candidate who did not have to pay more than \$1,000. Perhaps it is reasonable in the city, but not for people like Mr. Harrison and perhaps for yourself, Mr. Chairman. I suspect that you would look slightly askance at the section. I suggest that it be at least doubled.

The CHAIRMAN: Would somebody like to suggest an amendment and make a motion?

Mr. HARRISON: I would move that the words "one thousand dollars" be taken out of section 62 (4) (a), and "two thousand dollars" substituted therefor.

Mr. MACDOUGALL: You have to amend subsection (15).

Mr. HARRISON: Subsection (15) would have to be amended likewise, taking out "one thousand dollars" and substituting therefor "two thousand dollars".

The CHAIRMAN: Are you ready for the question? Is it agreed?
Agreed.

Shall the suggested amendment of Mr. Harrison to section 62 carry?

Carried.

Mr. LEBOE: Will you have to amend that part where it says: "by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding one thousand dollars"?

The CHAIRMAN: Mr. Harrison moved that, for subsections (4) (a) and (15).

Shall section 62, except for the adopted proposed amendment otherwise remain unchanged?

Agreed.

The CHAIRMAN: Section 63?

No change.

The CHAIRMAN: Section 64?

No change.

The CHAIRMAN: Section 65, "Bribery, Treating, Undue Influence and Personation"?

Mr. LEBOE: Under section 65, I should like the Chief Electoral Officer to comment on the phrase, "on his behalf". There is nothing about his consent. Maybe I am grabbing at straws, but that phrase, "on his behalf" could be worked against you. This section 65, under (a) or (b) or (c) has nothing about the consent of the individual. It says: "on his behalf". I do not know how important it is.

Mr. RICHARD (*Ottawa East*): "On his behalf" means "with his consent".

The CHAIRMAN: I think that the law officers who drafted that must have been aware of that.

The CHAIRMAN: Section 65?

No change.

The CHAIRMAN: Section 66?

No change.

The CHAIRMAN: Section 67?

No change.

The CHAIRMAN: Section 68?

No change.

The CHAIRMAN: Section 69?

No change.

The CHAIRMAN: Section 70?

No change.

The CHAIRMAN: Section 71?

No change.

The CHAIRMAN: Section 72?

No change.

The CHAIRMAN: Section 73?

No change.

The CHAIRMAN: Section 74?

No change.

The CHAIRMAN: Section 75?

No change.

The CHAIRMAN: Section 76?

No change.

The CHAIRMAN: Section 77?

No change.

The CHAIRMAN: Section 78?

No change.

The CHAIRMAN: Section 79? "Fines, etc., for non-indictable offences". No change?

Agreed.

The CHAIRMAN: Section 80? "Disqualification for corrupt act". No change?

Agreed.

The CHAIRMAN: Section 81? "Corrupt or illegal practices". No change?

Agreed.

The CHAIRMAN: Section 82. "Candidate not to be convicted unless corrupt practice done by himself, agent, or with his knowledge". No change?

Agreed.

The CHAIRMAN: Section 83. "Election not voided unless illegal practices by candidate or agent". No change?

Mr. NOWLAN: Is there any conflict there?

The WITNESS: I do not think so. I only have a passing interest in these sections.

The CHAIRMAN: Agreed?

Agreed.

The CHAIRMAN: Section 84. "Non-compliance with Act not to invalidate election unless it affected result." No change?

Agreed.

The CHAIRMAN: Section 85. "Removal of disqualification procured by perjury". No change?

Agreed.

The CHAIRMAN: Section 86. "Recovery of penalties and forfeitures". No change?

Agreed.

The CHAIRMAN: Section 87. "No privileges from answering questions". No change?

Mr. NOWLAN: There was a little mixup over that section, as the Chief Electoral Officer stated.

The WITNESS: I think it had to do with the change made in the Act in 1938, and it was dealt with by that committee. I have only a passing interest in these particular provisions.

Agreed to no change.

The CHAIRMAN: Section 88. "Production of writ of election, etc., not required in suits".

Mr. MACDOUGALL: There is no change.

Agreed.

The CHAIRMAN: Section 89. "Criminal court may allow costs to prosecutor".
No change?

Agreed.

The CHAIRMAN: Section 90. "In a suit for criminal corrupt practice, what allegation sufficient".

Mr. MACDOUGALL: There is no change. That only gives work to the lawyers.

The CHAIRMAN: No change?

Agreed.

The CHAIRMAN: Section 91. "Person liable summoned to court". No change?

Agreed.

The CHAIRMAN: Section 92. "Limitation of time for prosecutions and suits".
No change?

Agreed.

The CHAIRMAN: Section 93. "Quarter or general sessions court incompetent". No change?

Agreed.

Mr. NOWLAN: Mr. Chairman, I would like to go back to section 87 for a moment. I am not interested one way or the other, but I think we should understand what the situation is there. That deals with the privilege. It says:

No persons shall be excused from answering any question put to him in any action, suit or other proceeding, in any court, or before any judge, commissioner or other tribunal touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, except that no elector shall be obliged to state for whom he voted at any election; but no answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

I think that is a pretty clear statement. He shall not be obliged to "state". But there was another section in the Act which was taken out in 1938 and that section said that no elector could be asked for whom he voted. And that was taken out. But in the meantime, the Supreme Court of Canada have ruled on several election cases that, that you could not ask the question. So there have not been any cases since that section was removed in 1938, where the court has ruled that you cannot ask the man that question. They based their ruling on a former section which has been repealed, and I think this makes it pretty clear.

If you want to say that he should be allowed to say, I would like to see the section amended, so that any electors, while he shall not be obliged to state for whom he voted in any election, might do so if he wishes, or something to that effect. It would clear up the law. The other section was repealed and the court does not recognize that repeal; and when you look at that section on the face of it, I think, no elector shall be obliged to "state". I know a case where there were a dozen electors who were prepared to go on the witness stand and say that they voted for a certain person. Yet the court held that they could not be asked that question. I think if they want to—while they should not be compelled to—but if a man wants to say for whom he voted, then he should be allowed to say it.

Mr. WHITE (Waterloo South): Is it not implied in that?

Mr. NOWLAN: I am sure it is implied, but the court, unfortunately—where the ruling was given—the Chief Justice cited the section on which he established the decision—this was before the Supreme Court in Nova Scotia, and they said they would like to do it, but they felt they were bound by the Supreme Court of Canada, and that this matter should be clarified by the House of Commons.

The CHAIRMAN: Is that based on the secrecy of the vote?

Mr. NOWLAN: That was the section which was taken out in 1938.

The CHAIRMAN: Does anybody else wish to comment?

Mr. NOWLAN: I suggest that the Chief Electoral Officer have a look at it and make such suggestions as he may care to.

The WITNESS: It may be because in the Act there are restrictions or penalties provided for people who divulge how they voted. You cannot tell anyone how you voted at the polls. It may be that this principle is being carried on for the purpose of any court action. It may be that the change was made to continue to protect the secrecy in any further proceedings which may be taken after the polling has taken place.

Mr. NOWLAN: I know that the courts have commented on it and it seems a silly thing.

The CHAIRMAN: What are the views of the committee in this regard?

Mr. RICHARD (*Ottawa East*): I think the section is very clear; if he is not obliged to say for whom he voted, he does not have to, although he may if he wishes.

Mr. NOWLAN: I agree with you completely. That is my feeling; but the Supreme Court of Canada says that he cannot. We have that judgment of the Supreme Court of Canada.

Mr. RICHARD (*Ottawa East*): Under the old section.

Mr. NOWLAN: Yes.

Mr. RICHARD (*Ottawa East*): But it would not be the same then.

Mr. NOWLAN: The court said he could not do it. There were two cases of which I know of. Neither of them was reported. But in both cases, in the province of Nova Scotia the Supreme Court said that they believed the question should be answered, but they felt bound by the decision of the Supreme Court of Canada which says that a man cannot be asked. So he could not do it.

Mr. HOLLINGWORTH: Are you saying that there were two cases on this particular phrase?

Mr. NOWLAN: Yes. Perhaps the Chief Electoral Officer might review the law about it and speak to the committee before we are through.

The WITNESS: I can take it up with the Department of Justice.

The CHAIRMAN: Is that agreed?

Agreed.

Mr. HARRISON: I wonder if the committee would care to study section 100 right now because they are looking for me on the committee on railways and shipping. There is something I wanted to take up in connection with section 100, particularly with respect to subsection 1 (d) which says:

“Ministers, priests or ecclesiastics of any religious faith or worship;”

The CHAIRMAN: Does Mr. Harrison have agreement on this matter?

Agreed.

Mr. HARRISON: I would like to propose that Section 100, subsection 1, paragraph (d) be deleted and for this reason: in northern areas we have Metis, and fishing communities which are made up of Metis Indians and others, and there is nobody in the area capable of running a poll, or even reading or writing except the local missionaries, to whatever faith they may belong. I know in my own riding it is impossible for a returning officer to observe that section. He cannot observe it to the letter. The only thing he can do is to get the local minister or priest, or whatever it might be, at least to guide somebody and do all his writing for him. Somebody else may have his name on the forms that he is the election officer, whereas in fact he is not. The local minister has to do the work. I think that provision should be deleted and that it should be left to the returning officer of the riding to use his own judgment.

The CHAIRMAN: Do you so move?

Mr. HARRISON: I so move. Possibly Mr. Castonguay would support me in that.

The WITNESS: We do run into those difficulties in northern constituencies which are sparsely settled, and we run into circumstances where the only people who can read and write in such areas are priests, ministers, or ecclesiastics of any religious faith. I agree wholeheartedly with Mr. Harrison. I think that many times the person appointed as deputy returning officer is really just there in name only, and that it is the minister, priest, or ecclesiastic of any religious faith who actually helps him with his duties. I would certainly support Mr. Harrison on that matter. We have that difficulty in these remote areas.

The CHAIRMAN: Are you ready for the question?

Mr. ZAPLITNY: No doubt this subsection has been in the Act for a long time. Can someone in the committee who has been here longer than I tell us why it was put in there in the first place?

The WITNESS: It has been there as long as there has been an Election Act. My guess would be as good as that of any member of the committee as to why it is there. There are certain reasons, but my guess would only be a personal one and not based on facts.

Mr. WHITE (*Waterloo South*): Could you not leave this section as it is and add the words "except with the special permission of the Chief Electoral Officer"?

Mr. RICHARD (*Ottawa East*): That is the idea.

The CHAIRMAN: Would you be willing to change your motion to that effect?

Mr. HARRISON: That will be satisfactory to me.

The WITNESS: This suggestion would present other difficulties; it is very difficult to obtain my permission because you have the returning officer flying around in those remote areas. He will try to find somebody to be deputy returning officer and if he should need my consent he has no means of communicating with me, he would be in that remote area and probably have chartered a plane to go there. How could he possibly get my consent? It would mean that he would have to fly back in order to get my consent and then make another trip back. There is your problem. I think that my prior permission is not a good idea. I would rather see it left to the discretion of the returning officer. Moreover, I do not think that ministers and priests would normally be too anxious to act as deputy returning officers. In those remote areas it is only in cases of necessity that they do agree to assist. From my own experience I would say that they were not anxious to take such positions, but they are willing to help out where necessary.

The returning officer, I am sure, would continue to appoint election officers from the same sources as in the past. I do not imagine he would be appointing persons mentioned in this clause. I would rather see the discretion left solely with the returning officer. From a practical point of view I do not see how this permission could be obtained from me in remote areas. Every constituency which borders upon the Northwest Territories, Hudson's bay and James bay has that problem to some extent. He might have gone there six months before and found persons other than ecclesiastics to act as election officers in a particular poll. But after the writ issues when he comes back, he may find that the trader has gone, and there is only the priest or the minister there. The returning officer can only appoint election officers after the writ issues, after which he travels in his district with the election supplies to appoint his election officers. There is very little time then for him to get consent from me if this situation arises. I am not saying that the difficulty exists throughout these areas, but it does happen in places where you have Eskimos and Indians, and at places which are remote. In very remote places you are bound to run into those difficulties. I think it would hinder the returning officer if he required my prior approval. I feel that the returning officer in heavily populated areas would not try to choose the persons mentioned in clause (d) to act as election officers, as I do not think such persons would be too anxious to take such positions.

Mr. HARRISON: I thought that it might be left to the returning officer within the riding. That would not be too bad. He should have some flexibility in the northern areas as to whom he may appoint.

You are doing just exactly what my amendment asks for. You are employing these ecclesiastics up there because they are the only people who can read and write. The name may read "Mrs. Sandy Point" on the form, but it does not mean anything. It means that the local priest or minister is actually doing the work. That happens in several polls in my riding, and it cannot be otherwise regardless of how it is run. In some cases people have to be taken in by plane or thirty or forty miles by canoe, in order to man the polls because there is nobody there who can read or write and can run the polls.

The WITNESS: If this clause was repealed it would put me in the good graces of the Auditor General. I appointed a scrutineer in the Maritimes who was a retired clergyman. I thought that the provisions of this subsection would not apply to a retired clergyman; but the Auditor General raised the doubt whether a retired clergyman is not barred by the provisions of this subsection to act as scrutineer.

The CHAIRMAN: Mr. Harrison's motion is that paragraph (d) of subsection 1 of section 100 be deleted. Are you ready for the question?

Mr. NOWLAN: We all know the principle which is back of this. It is one which I think we all want to extend. It seems to me that there should be some limitation put on it however. If it could be restricted to the Northern Territories, then well and good. But I do not think we should violate the whole principle.

The WITNESS: We could confine it to the constituencies which are mentioned in Schedule four.

Mr. MACDOUGALL: A few years ago I think we passed an amendment naming certain northern ridings. Would it be agreeable to you if those ridings were designated in there?

Mr. NOWLAN: That is what I had in mind.

The WITNESS: It is found at page 231 of the Act and it is schedule 4 of the Act. The names of the constituencies are all listed in that schedule. There is now a period of twenty-eight days between nomination day and polling

day in these electoral districts. This would apply in most of those constituencies. If the committee wishes me to prepare an amendment along those lines, linking it up with schedule 4, I would be glad to do so.

The CHAIRMAN: I am going to put the motion now. Mr. Harrison's amendment is to the effect that with the exception of the constituencies mentioned in schedule 4—or should we have the Chief Electoral Officer prepare an amendment? Would that be agreeable to the committee?

The WITNESS: It would be that the restrictions of clause (d) do not apply to the electoral districts mentioned in schedule 4 to the Act.

The CHAIRMAN: Is it agreed that the Chief Electoral Officer will bring in an amendment?

Mr. MACDOUGALL: Before we pass on the whole section, could I ask about subsection (c), which is just above, where it says: "Members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Yukon Territorial Council". Can I be assured that that applies also to the Mackenzie river area?

The WITNESS: We have an amendment for that, sir, which was carried at a previous meeting. It is clause 15 on page 9 of my book of suggested amendments.

The CHAIRMAN: Now we shall revert to section 94.

Mr. ZAPLITNY: Will you permit sections 94, 95 and 96 to stand? I am not prepared to go on with the motion of which I gave notice. It is in process of being typed at the present time.

The CHAIRMAN: Is it agreed that these sections stand?
Agreed.

The CHAIRMAN: Would that be sections 94, 95, 96 and 97?

Mr. ZAPLITNY: I am not too sure whether it affects section 97.

The CHAIRMAN: We had better stand it over in case it does.

Section 98.

No change.

Section 99.

No change.

Section 101, "Political broadcasts", on page 117.

No change.

Section 102.

No change.

Section 103.

No change.

Section 104.

No change.

Section 105.

No change.

Section 106.

No change.

Section 107.

No change.

Section 108.

No change.

Section 109.

There is an amendment to section 109, which is to be found in clause (16) on page 10 of the draft amendment. It was carried at our second meeting.

Moved by Mr. Hollingworth.

Shall section 109 as amended carry?

Carried.

Section 110.

No change.

Section 111.

No change.

Section 112.

No change.

Section 113.

No change.

Section 114.

There is an amendment which you will find in clause 17 on page 10 of the draft bill. It was carried at our second meeting.

Mr. WHITE (*Waterloo South*): I so move.

The CHAIRMAN: Mr. White moves that the suggested amendment to section 114 carry.

Carried.

Mr. ZAPLITNY: We have reached the end of the sections. Before we go to the schedules—

The CHAIRMAN: We have an amendment here in respect to the Yukon territory elections. You have copies of this proposed amendment which were delivered to the members some time ago, with regard to the conduct of the election in the Yukon territory.

The WITNESS: That was an amendment to implement the taking of the votes for the Yukon territorial council under the Canada Elections Act. It is basically the same as section 114 on page 122, but instead of the Northwest Territorial Council, it is the Yukon territorial council.

The CHAIRMAN: Is it agreed?

Agreed.

The CHAIRMAN: The draft bill, on page 115, was carried, I think, at our second meeting. It is just a change in the number of the clause.

Mr. WHITE (*Waterloo South*): I so move.

The CHAIRMAN: Carried.

Mr. CARDIN: I wonder if I may ask a question on section 101. I just wondered whether that section also includes broadcasts on television.

The WITNESS: Yes, it was amended in 1951 to include television by the definition in subsection (2). That definition includes broadcasts by television.

Mr. CARDIN: Thank you.

The CHAIRMAN: Schedule One, on page 123.

Mr. ZAPLITNY: Before we go to the schedules, I apologize for not being here on time when section 54 was being considered. I understand that no amendment was made to section 54. I was just wanting to draw attention to the

last three lines of that section, which has given rise to confusion in the past. That is section 54 (1) on page 79 of the Act, dealing with the recount by the judge. The last three lines of subsection (1) say: "the said judge shall appoint a time within four days after the receipt of the said affidavit to recount the said votes". There was a case in point at a recent election where there were two different interpretations of that section. It could mean that a judge shall appoint a time for a recount within four days, that is, that the recount must be held within four days; or that the time shall be set within four days as to when the recount is to be held at some future time. In my particular constituency it did come to a dispute. It was felt that the wrong interpretation was made by the judge, and it stuck. In order to avoid that confusion in the future, I wondered if it could not be clarified. I would take it to mean that the judge shall appoint a time within four days. It was taken to mean that he will set a time within four days, that he shall pick a time, and that time is not necessarily a time within four days but it can be at some future time. It can also be taken to mean that the judge can appoint a time within four days for the recount; in other words, that the recount shall be held within four days. I think it lends itself to two interpretations. If it could be clarified, it would only take a few words to make it clear as to what is meant in that sentence.

The WITNESS: What is meant, is that the judge will hold the recount within four days after the receipt of the affidavit. I am familiar with the case which you have mentioned, but I might add that there are at least ten recounts at each general election since this section has been in the Act, and this is the first judge who has ever interpreted it in that manner. When the recount came up, the judge acting at the recount threw out the recount because it was not held within the proper time. The original judge had set a date for the recount about five weeks after the receipt of the affidavit. There have been at least ten recounts at every general election, at general elections held in the last 30 years, and this is the first judge who has interpreted the provisions of that section in that manner. Possibly it needs clarification.

The WITNESS: That the recount be held within four days after the receipt of the affidavit. It has to be; otherwise he may set a date six months after the affidavit, and then the successful candidate could not take his seat, if the judge were so disposed until six or seven months after polling day. At every recount which I have experienced personally or heard of, the interpretation has been that the recount shall be held within four days after the receipt of the affidavit, in order to allow the proper function of declaring the candidate elected and allowing him to take his seat in the House of Commons. This is the first time to my knowledge that a judge has ever put such an interpretation on this section.

By Mr. Zaplitny:

Q. Would it not be clearer if it were stated that the day of the recount shall be not more than four days after, or exactly four days after, the date of the receipt of the affidavit, so as to pinpoint the date?—A. I think it is pinpointed.

Q. It says that the judge shall appoint a time within four days. Does that refer to the appointing of the time or the recount?—A. It has given rise to confusion on one occasion.

Q. It could do to others?—A. It says: "The said judge shall appoint a time within four days after the receipt of the said affidavit to recount the said votes". I do not know if it would need clarification.

Q. It is ambiguous to this extent that the words, "shall appoint a time"—
—A. To recount the votes.

Q. No, it does not say that. It says, "Shall appoint a time within four days". The question is whether he is being asked to set a date within four days, that is to make his decision within four days as to when the date shall be, or whether he is asked to make a recount within four days.

The CHAIRMAN: Does the committee wish the Chief Electoral Officer to redraft that in order to clarify and pinpoint it?

Mr. NOWLAN: If one judge went astray on it, there must be come misapprehension. I think that should be done.

The CHAIRMAN: Is it agreed that the Chief Electoral Officer should redraft that?

Mr. NOWLAN: That the recount will begin within four days? It must not be finished within four days?

The WITNESS: No, begin.

The CHAIRMAN: Is it agreed?

Agreed.

The CHAIRMAN: Schedule One, Form No. 1.

The WITNESS: The amendments for all the forms in Schedule One in my draft bill are for clarification or consequential to amendments that have been already passed by the committee.

The CHAIRMAN: Form No. 1?

No change.

Form No. 2?

No change.

Form No. 3?

No change.

Form No. 4?

No change.

Form No. 5. Refer to page 11 of the draft bill.

The WITNESS: The only change is in the words which are underlined. It is for clarification.

Mr. WHITE (*Waterloo South*): I so move.

The CHAIRMAN: Mr. White moves that form No. 5 as amended shall carry. Carried.

The CHAIRMAN: Form No. 6?

That is also to be found on page 11 of the suggested amendments.

Mr. WHITE (*Waterloo South*): I so move.

The CHAIRMAN: This is for clarification only. Mr. White moves that amendment to form No. 6 carry.

Carried.

The CHAIRMAN: Form No. 7?

No change.

Form No. 8.

Mr. NOWLAN: Somebody has written a rather pathetic letter complaining about the fact that she is called a spinster. Although I have no great brief for her, I presume that the printers will naturally follow the example set here that every unmarried girl is referred to as a spinster. This letter states that in this day and age when women follow various occupations, she should be called housewife or nurse, or something of the kind, rather than spinster.

The CHAIRMAN: In Northumberland we call them unclaimed treasures.

Mr. ROBINSON (*Bruce*): That would be a very fitting description.

Mr. POULIOT: The definition of the word spinster is "unmarried woman". There is a difference between a spinster and an old maid.

Mr. NOWLAN: Not in popular usage in English.

Mr. POULIOT: According to the dictionary.

Mr. NOWLAN: I think that any girl under forty-five years of age objects to being called a spinster, or perhaps under fifty-five.

Mr. POULIOT: Because they do not know the meaning of the word.

Mr. NOWLAN: That may be true, but there is a popular usage as well as the dictionary meaning. I am not arguing with it, but I think that the term is not necessary. In the case of a married woman, I presume that she is called a housewife.

The WITNESS: When the wife appears under the husband's name, no occupation is given. I do not know of a better word than "spinster", but I am in the hands of the committee in this matter.

Mr. WHITE (*Waterloo South*): If they have an occupation—

Mr. NOWLAN: If a girl is a stenographer or bookkeeper or nurse, I do not know why she should have to be called a spinster.

The WITNESS: Where the person gives an occupation, it is put down exactly as given.

Mr. NOWLAN: They give it in the urban places, but certainly not in the rural.

The WITNESS: But where an occupation is given it is put down as given. When there is no known occupation, I suppose that the enumerator puts "spinster".

Mr. NOWLAN: I am not arguing with that.

The CHAIRMAN: Form No. 8?

No change.

Mr. NOWLAN: I think it would be better if we amended that example. A printer might think that it is mandatory.

The WITNESS: The enumerator has a specimen list, and the original list is prepared in the same manner as this specimen.

Mr. NOWLAN: I would suggest that on the next list instead of saying "Miss Lily Moffatt, spinster", it would be better to say "nurse".

An Hon. MEMBER: She might not be a nurse.

The CHAIRMAN: Form No. 8.

No change.

The CHAIRMAN: Form No. 9?

No change.

Form No. 10?

Mr. NOWLAN: Is there any affidavit which the printers have to take with respect to printing election material? Is this just with reference to the printing of the list?

The WITNESS: Form No. 10 pertains to printing of lists. Then there is one about ballots form 36.

Mr. NOWLAN: That is what I was thinking of. That is right.

The CHAIRMAN: Form No. 10?

No change.

Form No. 11?

No change.

Form No. 12?

No change.

Form No. 13?

No change.

Form No. 14?

There is a draft amendment which will be found on page 12.

Mr. RICHARD (*Ottawa East*): I so move.

The CHAIRMAN: Mr. Richard moves that Form No. 14 as amended be carried.

Carried.

The CHAIRMAN: Form No. 15?

No change.

Form No. 16.

There is an amendment to that, which will be found on page 14 of the draft amendments.

Mr. NOWLAN: What is the change there?

The WITNESS: That is the change of the days for revision.

Mr. CARDIN: I so move.

The CHAIRMAN: Mr. Cardin moves that Form No. 16 as amended carry. Shall it carry?

Carried.

The CHAIRMAN: Form No. 17.

That will also be found on page 15 of the draft amendments.

Mr. CARDIN: I so move.

The CHAIRMAN: Mr. Cardin moves that Form No. 17 as amended carry.

Carried.

The CHAIRMAN: Form No. 18?

No change.

Form No. 19.

There is an amendment to that, which will be found on page 16 of the draft amendments.

Mr. WHITE (*Waterloo South*): I so move.

The CHAIRMAN: Mr. White moves that Form No. 19 as amended carry.

Carried.

The CHAIRMAN: Form No. 20?

No change.

Form No. 21?

No change.

Form No. 22?

That is on page 17 of the draft amendments.

Moved by Mr. Pouliot that Form No. 22 as amended be carried.

Carried.

The CHAIRMAN: Form No. 23?

No change.

Form No. 24?

No change.

Form No. 25?

No change.

Form No. 26?

No change.

Form No. 27?

No change.

Form No. 28?

No change.

Form No. 29?

No change.

Form No. 30?

No change.

Form No. 31?

There is a suggested amendment, to be found on page 18 of the draft amendments.

Mr. NOWLAN: What is that for?

The WITNESS: A change in terminology and an improvement in the form.

Mr. MACKENZIE: I so move.

The CHAIRMAN: Mr. MacKenzie moved that Form No. 31 as amended carry.

Carried.

The CHAIRMAN: Form No. 32?

No change.

Form No. 33?

No change.

Form No. 34?

No change.

Form No. 35?

No change.

Form No. 36?

By Mr. Nowlan:

Q. In regard to Form No. 36, Mr. Chairman, I do not know what change you would want in that form. This is a situation that happens quite often. The printer who is printing the ballot paper will at the same time be printing specimen ballots to be used by one or other of the various political parties. Sometimes, by some strange inadvertence, the specimen ballot which has been produced is an exact replica of the official ballot. A great deal of confusion, to express it mildly, has sometimes ensued from that. Somebody hands that specimen ballot which in every way is an exact replica of the official ballot, except that it has an X on it. It has caused a great deal of confusion, and it has been the subject of some judicial comment and so forth. I was wondering if the official affidavit should be altered so that the printer would swear that he has printed no ballots similar to those delivered to the returning officer. Sometimes you find a political party getting an exact replica of the ballot

except that it has not the stamp of the returning officer on the back of it. I have known these to be inserted in ballot boxes. They slip in very easily. It is something which I think should be corrected.—A. We had printed for the deputy returning officer a sketch showing him how to handle the ballot paper. We also provide him with a specimen ballot, and we have the word "specimen" printed across the face of it.

Q. No, it is not that, Mr. Chairman. Every political party, of course, does have specimen ballots printed, usually so that the canvassers can go around and say to people, "We would like you to put your X there". I have seen some specimens, and I would not say that they were printed off the same paper, because that would suggest that somebody got some of the paper cheaply, but certainly the paper on which the specimen was printed looked remarkably like the official ballot paper and in every way, shape and form the specimen was the same. It is run off by the same printer at the same time, or right after. Sometimes the X is marked in after with a pencil, because the printer did not put an X on with the machine. I think that the affidavit should be tightened up so that the printer has to swear that he has not printed ballots of any kind except for the returning officers.—A. There would be practical difficulties. That would prevent the printer who is printing ballot papers from doing that, but what about other printers? When a printer signs this affidavit, he cannot very well legally use the same paper. Every sheet is accounted for. We supply them with ballot paper in this form. I am not saying that it may not have happened, but I do not see how he can possibly use this paper after taking that affidavit.

The CHAIRMAN: The printer has to account for all ballot paper sent to him, whether it is printed on or not.

The WITNESS: This is a sheet which we supply to the printer. We know that if there are two candidates he can make sixteen ballots out of this sheet. After the printer takes that affidavit, I do not see how he could legally use this paper. He has to return any unused ballot paper. I do not see how he can legally use this paper and print specimen ballots for candidates.

Mr. NOWLAN: I am not saying that he uses that paper, but paper so close to it that the layman cannot tell the difference. Whether you have a special paper—

The WITNESS: This is a special paper, which has special identification marks known only to the Queen's Printer and myself. It is a watermarked paper and bonded paper and it cannot be duplicated very easily.

Mr. WHITE (*Waterloo South*): The only way in which you could correct that would be by having an instruction sent out to all printers that they could not print any sample ballots unless they were marked "specimen".

Mr. NOWLAN: Perhaps there should be a section in the Act to the effect that any specimen ballot used should be stamped across the face: "specimen". That would clear up the situation very easily.

Mr. RICHARD (*Ottawa East*): It is hardly a specimen ballot. It is not on the same paper. It is an imitation of another ballot.

Mr. NOWLAN: The subsection I had in mind was on the imitation of a ballot.

Mr. RICHARD (*Ottawa East*): It comes under corrupt practices under the Act.

Mr. NOWLAN: I do not think it does. I was suggesting that perhaps we might have another section to the effect that a specimen ballot should be marked "Specimen".

The WITNESS: Section 29 on page 53 provides for the offences in connection with the printing of ballots.

Mr. NOWLAN: Those deal with official ballot papers.

The WITNESS: No.

The CHAIRMAN: That deals with other papers. Subsection (d) on page 53.

The WITNESS: Clause (h) might cover that.

Mr. NOWLAN: That might cover it.

Mr. LEBOE: It is very hard to prove the intent.

The CHAIRMAN: Form No. 36?

No change.

The CHAIRMAN: Form No. 37?

No change.

Form No. 38?

No change.

Form No. 39?

No change.

Form No. 40?

You will find that on page 19 of the draft amendments.

Mr. RICHARD (*Ottawa East*): I so move.

The CHAIRMAN: Mr. Richard moves that Form No. 40 as amended carry. Carried.

The CHAIRMAN: Form No. 41?

No change.

Form No. 42?

The WITNESS: An affidavit of qualification is used only in urban polling divisions.

Mr. NOWLAN: The voter is required to swear to each one of those?

The WITNESS: Yes.

The CHAIRMAN: Is it agreed that there be no change in Form 42?

No change.

Form No. 43?

No change.

Form No. 44?

No change.

Form No. 45?

No change.

Form No. 46?

No change.

Form No. 47?

No change.

Form No. 48?

No change.

Form No. 49?

No change.

Form No. 50?

No change.

Form No. 51?

No change.

Form No. 52?

No change.

Form No. 53?

No change.

Form No. 54?

No change.

Form No. 55?

No change.

Form No. 56?

There is an amendment on page 20 of the draft amendments.

Mr. MacKENZIE: I so move.

Moved by Mr. MacKenzie that Form No. 56 as amended carry.

Carried.

The CHAIRMAN: Form No. 57.

That will be found on page 20 of the draft amendments.

Moved by Mr. MacKenzie that Form No. 57 as amended carry.

Carried.

The CHAIRMAN: Form No. 58.

No change.

Form No. 59?

No change.

Form No. 60?

Mr. NOWLAN: Do we have to make a change in that because of the change which we made this morning with regard to the \$1,000?

The WITNESS: That does not affect this form.

The CHAIRMAN: Form No. 60?

No change.

Form No. 61?

No change.

Form No. 62?

No change.

Form No. 63?

No change.

Form No. 64?

No change.

Forms Nos. 65 and Form No. 66 should stand, on account of Mr. Zaplitny's request in connection with section 94, until Mr. Zaplitny brings in his amendment.

Schedule Two to the Act also stands.

Schedule Three.

Mr. NOWLAN: We have a number of amendments in Schedule Three. I think that we should spend a day on that alone and clear up the matter of services voters rather than trying to deal with it piecemeal now. I think we could save time by postponing it rather than beginning to deal with it now.

The CHAIRMAN: I think that is a very fair and good suggestion. I think that the members of the committee will agree with that.

Mr. NOWLAN: We will have one day to work on that, and we have also Mr. Zaplitny's amendment to deal with, and I think that is all.

Mr. RICHARD (*Ottawa East*): Is there much else that we have not covered, besides the forces' vote and any possible amendment to the advance polls?

The CHAIRMAN: Sections 14, 16 and 21 dealing with the qualifications of electors and rules of residence, were stood over.

By Mr. Richard (Ottawa East):

Q. Who stood that, and why?

The WITNESS: There are consequential amendments with regard to the forces' in these sections. Some members wanted to speak on the question of the franchise of Indians, and the clause with regard to Doukhobors which you may want to repeal.

Q. Are there any other matters standing?—A. Not that I know of.

Q. Maybe we could finish everything at the next sitting. I move that we adjourn.

The CHAIRMAN: We will meet on Thursday morning. We will see how we get along, and maybe we will have to meet again in the afternoon of that day. The committee will adjourn.

The committee adjourned.

PRIN

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Mr. Nelson
Judge
Admiral

HOUSE OF COMMONS
Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE
No. 9

THURSDAY, MARCH 31, 1955

CANADA ELECTIONS ACT

WITNESSES:

Mr. Nelson J. Castonguay, Chief Electoral Officer; Brigadier J. W. Lawson,
Judge Advocate General; Captain J. P. Dewis, RCN, deputy Judge
Advocate General.

MINUTES OF PROCEEDINGS

House of Commons, Room 497,
THURSDAY, March 31, 1955.

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Cardin, Dechene, Dickey, Fraser (*Peterborough*), Hansell, Lefrancois, MacDougall, MacKenzie, McWilliam, Meunier, Nowlan, Pallett, Perron, Pouliot, Richard (*Ottawa East*), Vincent, and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, and Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; Brigadier J. W. Lawson, Judge Advocate General, and Captain J. P. Dewis, R.C.N., Deputy Judge Advocate General, representing the Department of National Defence.

The Committee resumed its section by section study of the Canada Elections Act and of the proposed amendments thereto suggested by the Chief Electoral Officer, the Department of National Defence and other sources.

Mr. Nelson J. Castonguay, Chief Electoral Officer, was recalled.

It was agreed that the Committee revert to Section 54 of the Act.

On motion of Mr. Richard (*Ottawa East*),

Resolved,—That the following amendment to the said section be recommended:

Subsection (1) of section 54 is repealed and the following substituted therefor:

54. (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada as security for the costs of the candidate who has obtained the largest number of votes, such judge shall appoint a time to recount the said votes, which time shall, subject to subsection (3), be within four days after the receipt of the said affidavit.

It was agreed that the said section otherwise remain unchanged.

The Committee again agreed to revert to Section 87 of the Act.

In this connection, Mr. Castonguay read extracts from the reasons for judgment by the Honourable Justices Strong and Taschereau, of the Supreme Court of Canada, in the case of Haldimand, 1888.

On motion of Mr. MacDougall,
Resolved,—That the following amendment to the said section be recommended:

Section 87 is repealed and the following substituted therefor:

87. (1) Subject to this section, no person shall be excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, commissioner or other tribunal touching or concerning any election or the conduct of any person thereat or in relation thereto on the ground of any privilege.

(2) The evidence of an elector to show for whom he voted at an election is not admissible in evidence in any suit, action, or other proceeding in any court or before any judge, commissioner or any tribunal touching or concerning any election, on the conduct of any person thereat, or in relation thereto.

(3) No answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

In accordance with its decision taken at its next preceding sitting the Committee dealt with Section 100 of the Act.

On motion of Mr. MacDougall,
Resolved,—That the following amendment to the said section be recommended:

(1) All that portion of subsection (1) of section 100 preceding paragraph (a) thereof is repealed and the following substituted therefor:

100. (1) Subject to this section, none of the following persons shall be appointed as election officers, that is to say:

(2) Section 100 of the said Act is further amended by adding thereto the following subsection:

(3) Paragraph (d) of subsection (1) does not apply in the electoral districts mentioned in Schedule Four, and paragraph (e) of that subsection shall not be construed to prohibit or prevent a judge from exercising the power conferred upon him by this Act.

The Committee then proceeded to a study of Schedule Three of the Act, dealing with the Canadian Forces Voting Regulations.

Brigadier Lawson and Captain Dewis were recalled and, with Mr. Castonguay remaining the chief witness, were questioned on the various amendments proposed to the said Schedule Three.

On the preamble to the *Canadian Forces Voting Regulations*.

On motion of Mr. MacDougall,
Resolved,—That the following amendment to the said preamble be recommended:

The preamble to *The Canadian Forces Voting Regulations* in Schedule Three to the said Act is repealed and the following substituted therefor:

To enable Canadian Forces electors, and Veteran electors receiving treatment or domiciliary care in certain hospitals or institutions, to exercise their franchise at a general election.

On Paragraph 12 of the Regulations,
On motion of Mr. Dickey,
Resolved.—That the following amendment to the said paragraph be recommended:

Clauses (e) and (f) of paragraph 12 is repealed and the following substituted therefor:

(e) secure from the various liaison officers a list, provided for in paragraph 26, of

(i) the names, ranks, numbers and places of ordinary residence of Canadian Forces electors, as defined in paragraph 20, and

(ii) the names of Canadian Forces electors, as defined in paragraph 20A, and the names, ranks, numbers and places of ordinary residence of their husbands;

(f) secure, through the liaison officers, a list of the name, rank and number of every deputy returning officer designated by each commanding officer to take the votes of Canadian Forces electors as provided by paragraph 30;

On Paragraph 15 of the Regulations,
On motion of Mr. MacDougall,
Resolved.—That the following amendment to the said paragraph be recommended:

Paragraph 15 is repealed and the following substituted therefor:

15. As soon as possible after the nominations of candidates at the general election have closed on the twenty-first day before polling day, the Chief Electoral Officer shall transmit a sufficient number of copies of a printed list of the names and surnames of the candidates officially nominated in each electoral district to every special returning officer; upon such list shall be inserted after the names and surname of each candidate the designating letters currently used to indicate his political affiliations; such designating letters shall be ascertained from the best sources of information available to the Chief Electoral Officer.

Mr. Castonguay explained that, as a sequence to the adoption by the Committee of the amendment to paragraph 15 of the Canadian Forces Voting Regulations, Sections 21 and 23 of the Canada Elections Act required to be amended.

Whereupon, on motion of Mr. Dickey, it was agreed that the following amendments to the said Sections 21 and 23 be recommended.

(1) Subsection (3) of section 21 is repealed and the following substituted therefor:

(3) The day for the close of nominations (in this Act referred to as nomination day) in the electoral districts specified in Schedule Four shall be Monday, the twenty-eighth day before polling day, and in all other electoral districts shall be Monday, the twenty-first day before polling day.

(2) Subsection (2) of section 23 is repealed and the following substituted therefor:

(2) Notice of the new day fixed for the nomination of candidates, which shall not be more than one month from the death of the candidate whose death is the cause for fixing such new day nor less than twenty days from the issue of the notice, shall be given by a

further proclamation distributed and posted up as specified in section 18, and there shall also be named by such proclamation a new day for polling, which shall, in the electoral districts specified in Schedule Four, be Monday the twenty-eighth day after the new day fixed for the nomination of candidates, and, in all other electoral districts, be Monday, the twenty-first day after the new day fixed for the nomination of candidates.

On Paragraph 17 of the Regulations,

On motion of Mr. Dickey,

Resolved,—That the following amendment to the said paragraph be recommended:

Paragraph 17 is repealed and the following substituted therefor:

17. The books of key maps referred to in paragraph 14 shall be used by Canadian Forces electors and Veteran electors entitled to vote in large centres in Canada to enable them to ascertain the correct electoral district in which they are qualified to vote at the general election, and the books of excerpts from the Canadian Postal Guide shall be used for the same purpose by Canadian Forces electors and Veteran electors entitled to vote in other places in Canada.

On motion of Mr. Dickey,

Resolved,—That the following amendment to the regulations be recommended:

The said Regulations are further amended by adding thereto immediately after paragraph 20 thereof the following paragraphs:

20A. The wife of a Canadian Forces elector, as defined in paragraph 20, who

- (a) is of the full age of twenty-one years,
- (b) is a Canadian citizen or other British subject,
- (c) is residing with her husband when he is serving outside Canada, and

(d) is not a Canadian Forces elector, as defined in paragraph 20, shall be deemed to be a Canadian Forces elector and is entitled to vote at a general election under the procedure set forth in these Regulations.

20B. Notwithstanding anything in these Regulations, a Canadian Forces elector who is undergoing punishment as an inmate in a service prison, detention barrack or any other penal institution for the commission of any offence or who is subject to any disqualification set out in section 14 of the Canada Elections Act, is disqualified from voting under the procedure set forth in these Regulations.

On Paragraph 21 of the Regulations,

On motion of Mr. MacDougall,

Resolved,—That the following amendment to the said paragraph be recommended:

Paragraph 21 is repealed and the following substituted therefor:

21. (1) Notwithstanding paragraph 20, a Canadian Forces elector, as defined in that paragraph, is not entitled to vote under the procedure set forth in these Regulations, unless he or she

- (a) completes a statement of ordinary residence as provided in paragraph 22 or subparagraph (1) of paragraph 33, and

(b) specifies in a declaration in Form No. 7 the name of the place of his or her ordinary residence in Canada as shown by the elector on the statement referred to in clause (a).

(2) Notwithstanding paragraph 20A, a Canadian Forces elector, as defined in that paragraph, is not entitled to vote under the procedure set forth in these Regulations, unless

(a) her husband has completed a statement of ordinary residence as provided in paragraph 22 or subparagraph (1) of paragraph 33, and

(b) she specifies in a declaration in Form No. 7A the name of the place of ordinary residence of her husband as shown by him on the statement referred to in clause (a).

(3) A Canadian Forces elector, as defined in paragraph 20, shall apply his or her vote only to the electoral district in which is situated his or her place of ordinary residence as shown on the statement made by such elector under paragraph 22 or subparagraph (1) of paragraph 33, and a Canadian Forces elector, as defined in paragraph 20A, shall apply her vote only to the electoral district in which is situated the place of ordinary residence of her husband as shown by him on such statement.

On Paragraph 22 of the Regulations,

On motion of Mr. MacKenzie,

Resolved,—That the Committee recommend thereto the following amendment:

(1) Subparagraph (1) of paragraph 22 is repealed.

(2) Subparagraph (3) to (7) of paragraph 22 of the said Regulations are repealed and the following substituted therefor:

(3) After the 21st day of December 1951,

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

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

(4) A member of the regular forces may, during the month of December in any year and at no other time,

(a) except when he or she is also a member of the active service forces of the Canadian Forces, change his or her place of ordinary residence to the city, town, village or other place in Canada referred to in clause (a), (b) or (c) of subparagraph (2) by completing, in duplicate, before a commissioned officer a statement of change of ordinary residence, in Form No. 17, and

(b) if he or she has failed to complete a statement of ordinary residence mentioned in subparagraph (2) or (3), complete such statement of ordinary residence either in Form No. 15 or Form No. 16.

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

(6) Every member of the reserve forces of the Canadian Forces who is placed on active service and who during a current period of full-time training or service has not completed a statement of ordinary residence pursuant to subparagraph (5) shall complete, in duplicate, before a commissioned officer a statement of ordinary residence in Form No. 18, in which will be stated

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

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

On Paragraph 23 of the Regulations,

On motion of Mr. Dechene,

Resolved,—That the Committee recommend thereto the following amendment:

Paragraph 23 is repealed and the following substituted therefor:

23. Every Canadian Forces elector, as defined in paragraph 20 is entitled to vote at a general election only according to the procedure set forth in these Regulations, unless such elector is, on polling day, at the place of his or her ordinary residence as shown on the statement made by the elector under paragraph 22, in which case the Canadian Forces elector may vote as a civilian elector, subject to the limitation set out in paragraph 39.

On Paragraph 24 of the Regulations,

On motion of Mr. MacDougall,

Resolved,—That the Committee recommend thereto the following amendment:

Subparagraph (3) of paragraph 24 is repealed and the following substituted therefor:

(3) The liaison officer designated in each of the respective Forces shall, immediately upon receiving notice of his appointment, communicate with the commanding officer of every unit stationed in the voting territory, stating all necessary particulars not included

in these Regulations relating to the taking of the votes of Canadian Forces electors at the general election; during the period between the issue of the writs ordering the general election and polling day thereat, the liaison officer shall cooperate with the special returning officer, the various commanding officers and deputy returning officers designated pursuant to paragraph 29 in the taking of the votes of Canadian Forces electors.

It was agreed that the said Paragraph otherwise remain unchanged.

On Paragraph 25 of the Regulations,

On motion of Mr. Dickey,

Resolved,—That the Committee recommend thereto the following amendment:

(1) Subparagraph (1) of paragraph 25 is repealed and the following substituted therefor:

25. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer that a general election has been ordered in Canada, publish as part of Daily Order a notice in Form No. 5 informing all Canadian Forces elector under his command that a general election has been ordered in Canada and shall therein state the date fixed for polling day; it shall also be stated in such notice that every Canadian Forces elector may cast his vote before any deputy returning officer designated by the commanding officer for that purpose during such hours as may be fixed by the commanding officer, not less than three each day, of the six days from Monday the seventh day before polling day to the Saturday immediately preceding polling day, both inclusive; the commanding officer shall afford all necessary facilities to Canadian Forces electors attached to his unit, and to the wives of such electors who are Canadian Forces electors, as defined in paragraph 20A, to cast their votes in the manner prescribed in these Regulations.

(2) All that portion of subparagraph (2) of paragraph 25 preceding clause (a) thereof is repealed and the following substituted therefor:

(2) On at least three days before the period fixed for voting by Canadian Forces electors as provided in subparagraph (1) and on every day on which such voting takes place, every commanding officer shall publish in Daily Orders, with the necessary modifications, a notice stating

On Paragraph 26 of the Regulations,

On motion of Mr. Dickey,

Resolved,—That the following amendment to the said paragraph be recommended:

Paragraph 26 is repealed and the following substituted therefor:

26. Within two weeks after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of

(a) the names, ranks, numbers and places of ordinary residence, as shown on the statements made under paragraph 22, of Canadian Forces electors, as defined in paragraph 20, attached to his unit, and

- (b) the names of Canadian Forces electors, as defined in paragraph 20A, who are married to Canadian Forces electors described in clause (a), and the names, ranks, numbers and places of ordinary residence, as shown on the statements made under paragraph 22, of their husbands;

the commanding officer shall also furnish to the deputy returning officer a copy of such list for the taking of the votes of the Canadian Forces electors described in clauses (a) and (b); at any reasonable time during an election, such list and the statements referred to in paragraph 22 shall be open to inspection by any officially nominated candidate or his accredited representative and such persons shall be permitted to make extracts therefrom.

On Paragraph 27 of the Regulations,

On motion of Mr. MacDougall,

Resolved,—That the Committee recommend that the said Paragraph be amended as follows:

Paragraph 27 is repealed and the following substituted therefor:

27. (1) Every Canadian Forces elector, as defined in paragraph 20, undergoing treatment in a Service hospital or convalescent institution during the period prescribed in subparagraph (1) of paragraph 25 for the taking of the votes of Canadian Forces electors at a general election shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution, and a Canadian Forces elector, as defined in paragraph 20A, whose husband is in such hospital or institution may vote at the place where her husband may vote or at the place where he could have voted before he went in such hospital or institution.

(2) Whenever deemed advisable by the deputy returning officer who is authorized under these Regulations to take the votes at a Service hospital or convalescent institution, he shall, with the approval of the officer commanding such hospital or institution, go from room to room to take the votes of the bed-ridden Canadian Forces electors.

(3) If a deputy returning officer is not appointed specifically for a Service hospital or convalescent institution, the deputy returning officer appointed for the unit to which such hospital or institution belongs may take the votes of Canadian Forces electors confined in such hospital or institution.

On Paragraph 28 of the Regulations

On motion of Mr. MacKenzie,

Resolved,—That the Committee recommend that the said Paragraph be amended as follows:

Paragraph 28 is repealed and the following substituted therefor:

28. Forthwith upon receiving the supplies mentioned in paragraph 19, the commanding officer shall distribute such supplies in sufficient quantities to every deputy returning officer designated by him to take the votes of Canadian Forces electors; the commanding officer shall also cause copies of the printed list of names and surnames of candidates to be posted up on the bulletin boards of his unit and in other conspicuous places.

On Paragraph 29 of the Regulations

On motion of Mr. Dickey,

Resolved,—That an amendment thereto be recommended as follows:

Paragraph 29 is repealed and the following substituted therefor:

29. The vote of every Canadian Forces elector shall be cast before a Canadian Forces elector, as defined in paragraph 20, who has been designated by a commanding officer to act as a deputy returning officer.

On Paragraph 32 of the Regulations

On motion of Mr. Dickey,

Resolved,—That the following amendment to Sub-paragraph (1) thereof be recommended:

Subparagraphs (1) and (2) of paragraph 32 are repealed and the following substituted therefor:

32. (1) Any Canadian citizen, other than a member of the Canadian Forces, may upon delivering to the deputy returning officer who is taking the votes of Canadian Forces electors a declaration, in Form No. 10, completed and signed by a candidate at a general election, act as a representative of the political group to which the candidate belongs at the taking of such votes.

It was agreed that the said Paragraph otherwise remain unchanged.

On Paragraph 33 of the Regulations

On motion of Mr. Dechene,

Resolved,—That the Committee recommend that the said Paragraph be amended as follows:

(1) Subparagraph (1) of paragraph 33 is repealed and the following substituted therefor:

33. (1) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 20, the deputy returning officer before whom the vote is to be cast shall require such elector to make a declaration, in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state such Canadian Forces elector's name, rank and number, that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph (2) of paragraph 20), that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as shown on the statement made by him under paragraph 22, or, if no such statement appears to have been made, he shall subscribe to a statement, in Form No. 16, if he is a member of the regular forces, or in Form No. 18, if he is a member of the reserve forces, before a commissioned officer or a deputy returning officer, and the place of ordinary residence to be declared in Form No. 7 shall be the place of ordinary residence shown on Form No. 16 or Form No. 18; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration in Form No. 7; the deputy returning officer shall cause such Canadian Forces elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the deputy returning officer.

(1a) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 20A, the deputy returning officer before whom the vote is to be cast shall require such elector to make a declaration, in Form No. 7A, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state such Canadian Forces elector's name and the name, rank and number of her husband, that she is a Canadian citizen or other British subject, that she has attained the full age of twenty-one years, that she has not previously voted at the general election, and the name of the place in Canada, with a street address, if any, of the ordinary residence of her husband as shown on the statement made by him under paragraph 22 or subparagraph (1) of this paragraph; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration in Form No. 7A; the deputy returning officer shall cause such Canadian Forces elector to affix her signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the deputy returning officer.

(2) Subparagraph (6) of paragraph 33 is repealed and the following substituted therefor:

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

It was agreed that the said Paragraph otherwise remain unchanged.

On Paragraph 34 of the Regulations

On motion of Mr. MacKenzie,

Resolved,—That the following amendment to the said Paragraph be recommended:

Paragraph 34 is repealed and the following substituted therefor:

34. After a Canadian Forces elector has completed and signed a declaration in Form No. 7 or Form No. 7A and the deputy returning officer has completed and signed the certificate printed thereunder, as prescribed in subparagraphs (1) and (1a) of paragraph 33, the deputy returning officer shall hand a ballot paper to such elector, who shall cast his vote secretly by writing thereon, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice; the ballot paper shall then be folded by the Canadian Forces elector; when this has been done, the deputy returning officer shall hand an inner envelope to the Canadian Forces elector, who shall place the ballot paper so folded in the inner envelope, seal such inner envelope and hand it to the deputy returning officer, who shall, in full view of the Canadian Forces elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the Canadian Forces elector.

On Paragraph 35 of the Regulations

On motion of Mr. Lafrancois,

Resolved,—That the following amendments to the said Paragraph be recommended:

(1) Subparagraph (1) of paragraph 35 is repealed and the following substituted therefor:

35. (1) When, under paragraph 34, the deputy returning officer before whom the vote of a Canadian Forces elector has been cast hands the outer envelope containing the ballot paper to the Canadian Forces elector, the Canadian Forces elector shall forthwith despatch it by ordinary mail or by such other facilities as may be available and expeditious to the special returning officer whose name and address has been printed on the face of the outer envelope.

(2) Subparagraph (4) of paragraph 35 of the said Regulations is repealed and the following substituted therefor:

(4) Every commanding officer shall, whenever possible, provide that the voting place established for taking the votes of Canadian Forces electors shall be located in close proximity to a post office, mail box or other receptacle provided for mail; the deputy returning officer before whom a Canadian Forces elector has cast his vote shall direct such elector to the nearest post office, mail box or other receptacle provided for mail from which outer envelopes may be despatched to the special returning officer.

It was agreed that the said Paragraph otherwise remain unchanged.

On Paragraph 39 of the Regulations

On motion of Mr. Dickey,

Resolved,—That the following amendments to the said Paragraph be recommended:

(1) Subparagraphs (1) and (2) of paragraph 39 are repealed and the following substituted therefor:

39. (1) A member of the Canadian Forces who

(a) has completed a statement of ordinary residence as provided in paragraph 22, and

(b) has not voted under the procedure set forth in these Regulations, may cast his vote at the place of his ordinary residence as shown on such statement in the manner prescribed in the *Canada Elections Act* for civilian electors; but nothing in this subparagraph shall be deemed to entitle a Canadian Forces elector to vote in an urban polling division unless his name appears on the official list of electors used at the poll.

(2) A Canadian Forces elector, as defined in paragraph 20, who is absent from his unit, on duty, leave or on furlough, during the voting period prescribed in subparagraph (1) of paragraph 25, may, on production of documentary proof that he is on duty, leave or on furlough, cast his vote elsewhere before any deputy returning officer, when such person is actually engaged in the taking of such votes, and a Canadian Forces elector, as defined in paragraph 20A, who is accompanying her husband during such absence may on producing documentary proof of her identity cast her vote at the same place as her husband.

On Paragraph 41 of the Regulations

On motion of Mr. Lafrancois,

Resolved,—That the following amendment to the said Paragraph be recommended:

The heading preceding paragraph 41 is repealed and the following substituted therefor:

Procedure for taking the votes at a general election of veterans of the war 1914-1918 and the war that began on the 10th day of September, 1939, and of veterans who served on active service subsequent to the 9th day of September, 1950, who are receiving treatment or domiciliary care in certain hospitals or institutions.

It was agreed that the said Paragraph otherwise remain unchanged.

On Paragraph 65 of the Regulations

On motion of Mr. Lafrancois,

Resolved,—That the following amendment to the said Paragraph be recommended:

Paragraph 65 is repealed and the following substituted therefor:

65. Paragraphs 20 to 40 and Forms Nos. 5, 7, 9, 10 and 14 to 18 do not apply to the taking of the votes of Veteran electors.

On Paragraph 84 of the Regulations

On motion of Mr. Dickey,

Resolved,—That the following amendments to the said Paragraph be recommended:

Clauses (d) and (e) of paragraph 84 are repealed and the following substituted therefor:

- (d) makes any untrue statement in the declaration in Form No. 7 or Form No. 7A signed by him or her before a deputy returning officer or, in the case of a Veteran elector in Form No. 12 signed by him before two deputy special returning officers; or
- (e) makes any untrue declaration in the statement of ordinary residence completed pursuant to paragraph 22 or subparagraph (1) of paragraph 33;

It was agreed that the said Paragraph otherwise remain unchanged.

On Paragraph 87 of the Regulations

On motion of Mr. Dickey,

Resolved,—That the following amendment to the said Paragraph be recommended:

Paragraph 87 is repealed and the following substituted therefor:

87. Where a candidate withdraws during the period between nomination day and three days before polling day, the Chief Electoral Officer shall, by the most expeditious means, notify every special returning officer of such withdrawal; the special returning officer shall forthwith so notify every commanding officer stationed in his voting territory and every deputy special returning officer who has been appointed to take the votes of Veteran electors in such voting territory; the commanding officer shall, as much as possible, notify every deputy returning officer designated by him to take the votes of Canadian Forces electors of such

withdrawal, and such deputy returning officer or the deputy special returning officers shall inform the Canadian Forces electors or Veteran electors concerned as to the name of the candidate who has withdrawn when such electors are applying to vote; any votes cast by Canadian Forces electors or Veteran electors for a candidate who has withdrawn are null and void.

On Form No. 5 of the said Regulations,

On motion of Mr. Lafrançois,

Resolved,—That the following amendment to the said Form be recommended:

Form No. 5 is repealed and the following substituted therefor:

“FORM No. 5

Notice to Canadian Forces Electors that a General Election has been ordered in Canada. (Par. 25)

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

Notice is further given that, pursuant to The Canadian Forces Voting Regulations, all Canadian Forces electors, as defined in paragraph 20 of the said Regulations, * and the wives of such Canadian Forces electors residing with their husbands outside Canada * are entitled to vote at such general election upon application to any deputy returning officer designated for the purpose of taking such votes.

*NOTE: Strike out the words between astericks when the unit is stationed in Canada.

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

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

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

.....
Commanding officer

On Form No. 7 of the said Regulations,
On motion of Mr. Dickey,
Resolved,—That the following amendments to the said Form be recommended:

- (1) Form No. 7 is amended by striking out the heading

“FORM No. 7

Declaration to be made by a Canadian Forces elector before being allowed to vote. (Par. 33)”

and substituting therefor the heading

“FORM No. 7

Declaration to be made by a Canadian Forces elector, as defined in paragraph 20 of the Canadian Forces Voting Regulations, before being allowed to vote. (Par. 33)”

- (2) Paragraph 7 of Form No. 7 is repealed and the following substituted therefor:

7. That the place of my ordinary residence in Canada, as shown on the statement made by me under paragraph 22 or subparagraph (1) of paragraph 33 of The Canadian Forces Voting Regulations, is

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

.....
other place in Canada, with street address, if any)

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

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

On motion of Mr. Dickey,

Resolved,—That the following amendment to the said Regulations be recommended:

The said Regulations are further amended by adding thereto immediately after Form No. 7 thereto the following form:

“FORM No. 7A

Declaration to be made by a Canadian Forces elector, as defined in paragraph 20A of the Canadian Forces Voting Regulations, before being allowed to vote. (Par. 33)

I hereby declare

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

- 2. That my husband's name is.....
(Insert full name of husband, surname last)
- 3. That his rank is.....
- 4. That his number is.....
- 5. That I am a Canadian citizen or other British subject.
- 6. That I have attained the full age of twenty-one years.
- 7. That I have not previously voted as a Canadian Forces elector at the pending general election.
- 8. That the place of my husband's ordinary residence in Canada as shown by him on the statement made under paragraph 22 or subparagraph (1) of paragraph 33 of The Canadian Forces Voting Regulations is.....
(Here

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

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

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

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

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

.....19....

.....
Signature of wife of Canadian Forces elector

Certificate of Deputy Returning Officer

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

.....
Signature of deputy returning officer

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

On Form 9 to the Regulations.
On motion of Mr. Dickey.

Resolved—That the following amendments to the said Form be recommended:

(1) Paragraph 1 of Form No. 9 is repealed and the following substituted therefor:

- 1. A Canadian Forces elector, *including the wife of a Canadian Forces elector residing with her husband outside Canada,* is entitled to vote for the candidate of his choice, officially nominated in the electoral

district in which is situated the place of his ordinary residence as shown on the statement made by him under paragraph 22 of subparagraph (1) of paragraph 33 of The Canadian Forces Voting Regulations.

*Strike out the words between asterisks where the unit is stationed in Canada.

(2) Paragraph 11 of Form No. 9 is repealed and the following substituted therefor:

11. The Canadian Forces elector shall then mail the completed outer envelope in the nearest post office, mail box, or by such other facilities as may be available and expeditious.

On Form No. 10 to the Regulations.

On motion of Mr. Dickey.

Resolved—That the following amendment to the said Form be recommended:

Form No. 10 is repealed and the following substituted therefor:

“FORM No. 10

DECLARATION NOMINATING REPRESENTATIVE OF POLITICAL GROUP. (Par. 32)

To the deputy returning officer designated to take the votes of Canadian Forces electors at

Pursuant to the provisions of paragraph 32 of The Canadian Forces Voting Regulations, I hereby declare that is nominated to represent the interests of political party during the taking of the votes of Canadian Forces electors in the above mentioned voting place.

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

.....
Candidate in the Electoral District of

On Form Nos. 14 to 18 of the Regulations.

On motion of Mr. Dickey.

Resolved—That the following amendment to the said Forms be recommended:

Forms Nos. 14 to 18 are repealed and the following substituted therefor:

“FORM No. 18

AFFIDAVIT OF QUALIFICATION. (Par. 33(3))

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

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

*2. That my husband's name is.....
(Insert full name of husband, surname last)

3. That my (his) rank is.....

4. That my (his) number is.....

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

†6. That I have attained the full age of twenty-one years.

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

8. That the place of my (husband's) ordinary residence in Canada, as shown on the statement made by me (him) under paragraph 22 or subparagraph (1) of paragraph 33 of The Canadian Forces Voting Regulations,

is
(Here insert name of the city, town, village or other place in Canada, with street address, if any)

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

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

SWORN (or affirmed) before
me at
this day of
19.....

.....
Signature of Canadian Forces elector.

Deputy returning officer.

[*Strike out this line except in the case of Canadian Forces elector, as defined in paragraph 20A.

†Strike out this line if it is not applicable pursuant to paragraph 20(2) of The Canadian Forces Voting Regulations.

"FORM No. 15.

STATEMENT OF ORDINARY RESIDENCE. (Par. 22 (2), (3) (b), (4) (b).)

(Only applicable to members of the regular forces enrolled on or prior to June 21, 1952.)

I HEREBY DECLARE

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

THAT the place of my ordinary residence in Canada, as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, is

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

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

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

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

CERTIFICATE OF COMMISSIONED OFFICER.

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

.....
Signature of commissioned officer.

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

FORM No. 16.

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT.

(Par. 22 (3) (a), (4) (b) and (7) and par. 33 (1).)

(Applicable to regular force members on enrolment subsequent to June 21, 1952, to persons on enrolment in the active service forces and to persons required to complete this Form pursuant to paragraph 33 (1).)

I HEREBY DECLARE

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

THAT my place of ordinary residence in Canada immediately prior to the date of my enrolment, as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, was

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

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

Dated at, this day
of, 19
Signature of member of the regular forces or active service forces.

CERTIFICATE OF COMMISSIONED OFFICER OR OF DEPUTY RETURNING OFFICER.

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

.....
Signature of commissioned officer or of deputy returning officer.

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

FORM No. 17.

STATEMENT OF CHANGE OF ORDINARY RESIDENCE. (Par. 22 (4) (a).)

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

I HEREBY DECLARE

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

THAT the place of my ordinary residence in Canada, as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, is now

.....
(Insert name of city, town, village or other place in Canada,

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

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

Dated at, this day
of, 19

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

CERTIFICATE OF COMMISSIONED OFFICER.

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

.....
Signature of commissioned officer.

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

FORM No. 18

STATEMENT OF ORDINARY RESIDENCE. (Par. 22 (5) and (6) and par. 33 (1).)
(Applicable to members of the reserve forces on full-time training or service not on active service during period commencing on date of ordering of general election, or on being placed on active service, and to persons required to complete this Form pursuant to paragraph 33 (1).)

I HEREBY DECLARE

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

THAT my place or ordinary residence in Canada immediately prior to:

the commencement of my current continuous period of full-time training or service/and active service

OR

being placed on active service not immediately preceded by a period of full-time training or service,
as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, is

.....
(Insert name of city, town, village or other place in Canada,

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

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

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

.....
Signature of member of reserve forces.

CERTIFICATE OF COMMISSIONED OFFICER OR OF DEPUTY RETURNING OFFICER.

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

.....
Signature of commissioned officer or of deputy returning officer.

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

The Committee then reverted to Paragraph 4 of the said Regulations.

On motion of Mr. Lefrançois,

Resolved,—That the following amendment to the said Paragraph be recommended:

1. Clause (j) of paragraph 4 is repealed and the following substituted therefor:

(j) "outer envelope" means the envelope provided for the transmission by mail of the ballot paper (after such ballot paper has been marked and enclosed in the inner envelope) of a Canadian Forces elector or a Veteran elector to the appropriate special returning officer, which envelope has been printed as follows: on the face with the full name and post office address of such special returning officer, and on the back with a blank declaration in Form No. 7, Form No. 7A or Form No. 12;

It was agreed that the said paragraph otherwise remain unchanged.

At 12.30 o'clock p.m., the Committee adjourned to the call of the Chair.

ANTOINE CHASSÉ,
Clerk of the Committee.

EVIDENCE

MARCH 31, 1955.
10.30 a.m.

The CHAIRMAN: Gentlemen we have a quorum and we will proceed. We shall take up section 54 (1) which was stood over. You all have a copy of the proposed amendments there. I will ask the chief electoral officer to comment on them.

Mr. Nelson J. Castonguay, Chief Electoral Officer, Called:

The WITNESS: I was asked to clarify the provisions of subsection (1) of section 54 so that no judge will interpret it in such a manner that he will only set the time for a recount within the four days after he receives an affidavit for the recount. It was pointed out at our last meeting there were two different interpretations of that section—it could mean that a judge was obliged to appoint a time for a recount within four days, that is, that the recount must be commenced within four days, or that the time should be set within the four days as to when the recount was to be held at some future time. The proposed amendment reads as follows:

54. (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada as security for the costs of the candidate who has obtained the largest number of votes, such judge shall appoint a time to recount the said votes, which time shall, subject to subsection (3), be within four days after the receipt of the said affidavit.

Mr. HANSELL: Is it felt that the four days are sufficient?

The WITNESS: It is sufficient. He does not have to complete the recount in the four days. He must commence it in those four days.

Mr. FRASER (*Peterborough*): I notice it says here "or in the bills of any chartered bank doing business in Canada". They have all been called in. There are no bills now.

The CHAIRMAN: It says "all".

Mr. FRASER (*Peterborough*): Yes, but there are no bills now. You never see one.

The CHAIRMAN: What if someone produces some bills out of an old sock?

Mr. NOWLAN: I had an old fellow die last year who had a large sum of Bank Bills in an old sock.

The CHAIRMAN: Shall section 54, subsection (1) as amended carry?
Carried.

The CHAIRMAN: Moved by Mr. Richard.

Turning to section 87, on page 107. The chief electoral officer was asked to review the law in connection with this section.

The WITNESS: From 1874 until 1934 there was a section in the Act with the following provision:

"Any person who has voted at an election shall not in any legal proceeding be required to state for whom he voted." From 1874 to 1900 there was a similar provision in the Canada Election Act to the present section 87. The only exception was that the words in the sixth line "except that no elector shall be obliged to state for whom he voted in any election" were not included. In 1900 those words were included and this section 87 has been the same since 1900. However, in 1934 in the consolidation of the Act the separate provision which I read was dropped, and section 87 reads as follows:

No person shall be excused from answering any question put to him in any action, suit or other proceeding, in any court, or before any judge, commissioner or other tribunal touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, except that no elector shall be obliged to state for whom he voted at any election; but no answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

Mr. Nowlan, the other day, referred to the Haldimand case and I have a judgment here which the committee may wish me to read. The judgment is by Judge Strong of the Supreme Court of Canada and it reads as follows:

Another case is charge No. 6 in the notice of appeal, viz.:

The charge that the deputy returning officer at polling sub-division No. 2 in the township of Oneida, improperly marked ballots received by him at the said election, from electors before depositing the said ballots in the ballot box, and thereby prevented the said ballots from being counted at the said election, and the ruling of the learned judge, rejecting the evidence on behalf of the petitioner which was tendered by him at the trial in support of the said charge.

Nothing could be made of this charge without admitting the evidence of voters to show how they voted. This I hold cannot be done. To do so would, in my opinion, be a direct violation of the act which requires secrecy. Sec. 7, of the Dominion Elections Act, enacts:

No person who has voted at an election shall, in any legal proceeding questioning the election or return, be required to state for whom he voted.

It is no answer to this to say that secrecy is imposed for the benefit of the voter and that he can waive it, for I hold secrecy to be imposed as an absolute rule of public policy, and that it cannot be waived. The whole purview of the law is different from the English act and from the Ontario act. I am of opinion, therefore, that the learned judge rightly rejected the evidence though I may not be able to agree with the grounds he put it upon.

Judge Taschereau on the same matter gave the following judgment:

The evidence of thirty-six voters to show that they had voted for Colter at polling division, No. 2, Oneida, was properly held not admissible by the learned judge at the trial.

Had the learned judge permitted the enquiry to have been prosecuted as the petitioner desired, it would have in effect disclosed not merely how those willing to tell had voted, but practically how every man at the poll had voted, because if out of one hundred votes fifty are found to have voted for A and fifty for B and the fifty who voted for A. are called and expressing their willingness to tell, do tell that they voted for him, it at once becomes known who the fifty were who voted for B., although they may be most unwilling that that fact should be disclosed. It would be interfering, therefore, with the overriding principle prevailing throughout the Ballot Act, and which embodies a great public policy, had the learned judge permitted the evidence to be given.

The evidence tendered by the petitioner to prove that a certain number of farmers' sons who had voted had no right to vote was also properly declared inadmissible.

I think this is the judgment which Mr. Nowlan referred to, and I understand that Mr. Nowlan wished to have this section clarified either so that the elector, if he so wished, may be able to state, before the court, for whom he voted, or, to the extent that the words should be put into this section, to say that this evidence is not admissible.

Mr. NOWLAN: The matter was very confusing, Mr. Chairman, and I thought that the statute should make it clear, one way or the other, and it seems now he will not be obliged to answer. At least two judges suggested that the next time this Act came up for consideration I should bring it before the committee. I have no views on it one way or the other. If that came up in a court today, the Section of the Act would mean that a man could say for whom he voted if he wanted to whereas the court has said he could not. As I say, at least two judges have suggested I should bring this matter up, but I have no views on it one way or the other.

The WITNESS: I have prepared an amendment if the committee would like to consider it. The amendment is made in such a manner that the evidence is not admissible in evidence.

Section 87 of the said Act is repealed and the following substituted therefor:

87. (1) Subject to this section, no person shall be excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, commissioner or other tribunal touching or concerning any election or the conduct of any person thereat or in relation thereto on the ground of any privilege.

(2) The evidence of an elector to show for whom he voted at an election is not admissible in evidence in any suit, action, or other proceeding in any court or before any judge, commissioner or any tribunal touching or concerning any election, on the conduct of any person thereat, or in relation thereto.

(3) No answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal.

The CHAIRMAN: We shall distribute copies of the proposed amendment.

Mr. NOWLAN: I take it this will clarify the situation. I want the matter settled one way or the other.

The WITNESS: The key amendment is subsection (2) of section 87 subsection (1) and subsection (3) are substantially the same. The amendment has been made in subsection (2) of section 87.

Mr. NOWLAN: And that makes it clear?

The CHAIRMAN: Have all members got a copy of this proposed amendment?

Mr. NOWLAN: That embodies the common law the way it was laid down in the Supreme Court of Canada.

Mr. MACDOUGALL: I move the amendment be accepted.

The CHAIRMAN: Moved that 87 as amended carry.

Carried.

The CHAIRMAN: Section 100.

The WITNESS: I was asked by the committee to prepare an amendment to enable ministers, priests or ecclesiastics of any faith to act as election officers in electoral districts mentioned in schedule 4 of the Act. The amendment before you will achieve that.

(1) All that portion of subsection (1) of section 100 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

100. (1) *Subject to this section*, none of the following persons shall be appointed as election officers, that is to say:

(2) Section 100 of the said Act is further amended by adding thereto the following subsection:

(3) Paragraph (d) of subsection (1) does not apply in the electoral districts mentioned in Schedule Four, and paragraph (e) of that subsection shall not be construed to prohibit or prevent a judge from exercising the power conferred upon him by this Act.

The Chairman:

Shall section 100 as amended carry?

Moved by Mr. MacDougall that the section as amended carry.

Carried.

The CHAIRMAN: Sections 94, 95, 96 and 97 are stood over to await Mr. Zaplitny's amendment. He is not here this morning. If it is agreeable to the committee we will proceed with the draft amendment to the forces voting regulations. You all have copies of the draft amendments? There is a mimeographed draft, and also draft amendments here in the printed form. I think all members have a copy of each.

The WITNESS: This mimeographed draft is submitted by the Department of National Defence and the pertinent amendments in the printed draft are incorporated therein. There are some amendments in the draft amendments submitted by the Department of National Defence which do not appear in my draft amendments.

The CHAIRMAN: To explain any points which may arise, we have Brigadier Lawson and Captain Dewis from the Department of National Defence. Do you wish to make a statement now, Captain Dewis?

Captain DEWIS: Brigadier Lawson made a lengthy statement last week, and I do not think I have anything to add to it.

The CHAIRMAN: Shall we turn to page 23 of the printed draft amendments?

Mr. NOWLAN: Before we start, I take it that the regulations which appear now in the Act differ in some respects from the new copy of the regulations?

The WITNESS: Yes, as the revised statutes came into force on September 15, 1953, and the copy you have was printed before and is now obsolete.

The CHAIRMAN: Clause 28.

Mr. MACDOUGALL: Can you make it clear what section we are dealing with, and where it is on the draft?

The CHAIRMAN: It is among the printed draft amendments. One is printed. The other is mimeographed. Page 23, clause 28.

The WITNESS: This is an amendment to restore it to its former form.

The CHAIRMAN: Has everybody found the page in the printed amendments?

Moved by Mr. MacDougall that the said Clause 28 dealing with the preamble be adopted.

Carried.

The WITNESS: Clause 29. An amendment is necessary in this clause—subclause (e) of 29, because we wish to include the words “and place of ordinary residence.” And also in clause 26 of the statute. The only change in clause 29 are the words underlined. In sub-paragraph (f) the commanding officer supplies to the returning officer the names, ranks, numbers and “places of ordinary residence” and the words “deputy returning officer” are substituted for commissioned officers.

By Mr. Nowlan:

Q. Is there any machinery by which you can make lists available to the candidates? Is there the operative machinery to do that as it works now?—A. There is no statutory operative machinery. I understand at the last election lists were made available to the scrutineers in the office of the special returning officer, and in turn the scrutineers made it available to the parties they represented. The Department of National Defence did that of their own volition. The list may be examined by the candidates, if there happens to be a military establishment in a candidate's electoral district. The list is then available because you are able to put an agent into the service voting place.

Q. At the moment he would not be able to check the list.—A. He would have to have somebody in Halifax check the list for him in the office of the special returning officer. The arrangement made last time was that additional copies of the lists were run off and supplied to the scrutineers. There are 6 of them in each voting territory, two nominated by the leader of the opposition, one nominated by each political group in the House having a membership of ten members and two nominated by the leader of the Government. These lists were supplied to the scrutineers for transmission to the candidates who were interested in them.

The CHAIRMAN: Shall the clause carry?

Carried.

Mr. PALLETT: I would like to ask what is the position of soldiers in places like Camp Borden where a military camp is their ordinary residence. Is their ordinary residence considered to be in the constituency in which Camp Borden is situated?

The WITNESS: The whole basis for residence of a member of the Forces is the statement which he files on enrolment and in which he indicates his

place of ordinary residence for voting purposes. If he is in Camp Borden, he can only apply his vote to the place of his ordinary residence which is indicated on his statement when he enrolled.

Mr. PALLETT: Or he can change it once a year.

The WITNESS: In December of any year. If he has moved from Camp Borden to, say, Vancouver with his family he can change his place of ordinary residence to the place where he has moved.

Mr. FRASER (*Peterborough*): May I ask a question? In the case of a local regiment in training at the time of an election, is a candidate entitled to have the names of those men?

The WITNESS: In a local election a candidate has the right to send an agent to the voting place in the service voting unit to represent him there. He can scrutinize the list. Normally a list is supplied to the deputy returning officer by the commanding officer of all members of the Canadian forces who are entitled to vote in the voting place for the unit.

Mr. FRASER (*Peterborough*): The candidate does not get the list until voting takes place?

The WITNESS: A week before ordinary polling day.

Mr. FRASER (*Peterborough*): He is entitled to a list at that time?

The WITNESS: He is not entitled to a list. He is entitled to examine the list. If there is a military establishment in your district, and a list is supplied by the scrutineer in the offices of the special returning officers to your party organization, it will be up to them to forward these lists to the interested candidates.

Mr. FRASER (*Peterborough*): In the case of a local unit, a voluntary unit—

The CHAIRMAN: You are speaking now of a reserve army unit, during the two weeks training period?

The WITNESS: That is a different matter. When a writ is issued ordering a general election and a reserve unit goes into summer camp each member must file a statement giving their place of ordinary residence for voting purposes. They are then permitted to vote through the service facilities and have their votes applied to their particular electoral district if they are in camp during the period of service voting. I understand that reserve units going to training camp usually leave home on Saturday or Sunday to be at the camp on the following Monday. There is no opportunity for them to vote at the service unit or return home and vote through the ordinary poll on that week-end. They leave their constituency on Saturday or Sunday to start their training on a Monday.

Mr. FRASER (*Peterborough*): If they were leaving on a Saturday would they not have an advanced poll?

The WITNESS: They could vote at an advance if there was an advance poll in their respective electoral district.

Mr. FRASER (*Peterborough*): Let us take as an illustration a training school in a certain locality which might have anywhere from 500 to 1,000 air force men in training. Is there a poll set apart in that station, and is there an enumeration which takes place beforehand?

The WITNESS: Do you mean a civilian or a service poll?

Mr. FRASER (*Peterborough*): What I am getting at is this: there may be comparatively few men in that station whose residence is in that constituency. Is it possible that the majority of them could register as being in that constituency. Is there an enumeration taken with respect to their place of residence? To take another angle, their wives, are also, perhaps, with them, and possibly living in quarters provided for them right on the air training station or perhaps in an adjoining community.

The WITNESS: There are two methods of taking a vote in a military unit. One is through service voting places established under the Canadian forces voting regulations, and in the case you mentioned the member of the Canadian forces can only apply his vote to one of the candidates of the electoral district which he has indicated on the statement of ordinary residence as his place of ordinary residence for voting purposes. If he happens to be in training at Halifax, he cannot vote at Halifax unless an address in Halifax appears on his statement of ordinary residence. As far as the wives and dependents are concerned, they fall under the ordinary qualifications of electors and the ordinary rules of residence for civilians would apply. If the wives and dependents were in residence there on the date of the writ, they are entitled to vote at the civilian poll established to take the votes of the wives and dependents who may be entitled to vote in that constituency if they have the ordinary qualifications of electors. It could conceivably be that their husbands would not be entitled to vote in that constituency because they had declared some other place of ordinary residence for voting purposes. The commanding officer of the military establishment has a list of the members of the Canadian forces of that military establishment prepared in accordance with the statements which they have completed and the members of the forces who have not shown on their statements of ordinary residence a place situated in the same electoral district in which the military establishment is also situated, cannot vote in the civilian polls established in the same electoral district. Now, it could be in an air force base where there are, let us say, one thousand members of the air force, there might be only two hundred airmen entitled to be enumerated on the civilian list of that poll. They also could vote either through the service facilities a week ahead of polling day, or on polling day itself in the civilian poll. They have a choice. The other 800 airmen could only vote through the mechanics of the regulations.

If a member of the Canadian forces happens to be physically present in the electoral district that he has declared as his place of ordinary residence for voting purposes he can choose whether to vote through the service facilities, during the week previous to polling day, or, at a civilian poll where his name appears on the list, but he cannot vote twice.

By Mr. Hansell:

Q. That explains a lot. The list is made up by the commanding officer, and it is done before enumeration.—A. No. The list is not made until after they issue the writ, whether it be a civilian or a service list. The commanding officer makes up that list and he wants to have as complete a list as possible. He will make it up before the service unit starts to vote, about a week or so before, in order that it will be more complete for the deputy returning officer of the service poll. In fact, it may be made up a week or ten days before the ordinary polling day. Service people may vote during a period of six days from Monday to Saturday, and on the following Monday you have ordinary polling day for civilian polls.

Q. Take the example of the enumerator going into an air force station, let us say, to enumerate for an election. Is it likely that he would get quite a number—perhaps nearly all of the air force personnel on his enumeration?—A. The enumeration takes place on the forty-ninth day before polling day; and during that period the enumerator would obtain from the commanding officer the names of the persons who are entitled to vote as civilians in that constituency in accordance with the statements which they have completed. Those statements are with the servicemen's documents.

Q. Before the enumerator goes in?—A. At the same time as the enumeration takes place, at any other place, between the forty-ninth and the forty-

fourth day before polling day, which is the period of enumeration. So he must obtain that information, whether for civilian or for service electors, between the forty-ninth and the forty-fourth day.

He would obtain during that period the names of the members of the Canadian forces who, in accordance with their statements, are entitled to vote as civilians in the electoral district in which that military establishment is situated.

Q. When I read the evidence perhaps I will then be able to get it all right.

The CHAIRMAN: Carried. Now will you please turn to your mimeographed sheets, page 1.

The WITNESS: It is the same clause.

The CHAIRMAN: You will see under paragraph number 2, clause (e) of paragraph 12 of the Regulations which says: "...said regulations is repealed and the following substituted therefore:..."

The WITNESS: You will notice in my draft bill that I have a clause (e) in order to implement the principle accepted by the committee of giving the wives the privilege to vote under the Canadian Forces Regulations. So there is a clause (e) which is an amendment for that purpose, and which incorporates my amendment which is in the draft bill. The committee would have to approve the one in the mimeographed bill in so far as clause (e) is concerned, but in my draft bill I have a clause (f) which I would also like to have approved.

Mr. DICKEY: Mr. Chairman, should I move as an amendment to clause 29 of the printed amendments that clause (e) be amended in accordance with paragraph 2 in the mimeographed amendments as submitted by the department of National Defence?

The CHAIRMAN: I think that is in order.

Mr. DICKEY: That does not affect clause (f)?

The CHAIRMAN: Mr. Dickey moves that clause (e) in the mimeographed bill be substituted for clause 2 (e) in the printed draft amendments. Are you ready for the question?

Carried.

Mr. NOWLAN: Clause (e) is submitted by the Chief Electoral Officer. It says: "the names, ranks, numbers and places of ordinary residents of Canadian forces electors..."; yet the draft amendment submitted by the department of National Defence simply says: "names, ranks, and numbers..."

The CHAIRMAN: No. That is under paragraph (e), Mr. Nowlan; two (e).

Mr. NOWLAN: I am sorry, I was looking at the explanatory notes.

The CHAIRMAN: Does the clause carry?

Carried.

The CHAIRMAN: Clause (f).

Mr. DICKEY: Mr. Chairman, I move passage of the clause as amended.

The CHAIRMAN: It has been moved by Mr. Dickey that the clause as amended carry?

Carried.

We will continue on page 1 of the mimeographed bill with paragraph number 3: "The said regulations are further amended by adding thereto immediately after paragraph 20 thereof the following paragraphs:..."

The WITNESS: We have clause 30 in the draft bill. I am sorry.

The CHAIRMAN: Clause 30? No change.

The WITNESS: I have some explanation to give. Under the provisions of paragraph 15 I am required to supply to the special returning officers a list of all the candidates in each constituency in Canada and their political affiliations. Now, the members of the committee know that nomination day in most electoral districts takes place on the fourteenth day before polling day, and that voting for the service begins on the following Monday which is the seventh day before polling day.

I ran into a problem at the last election—the same problem which my predecessor ran into to a lesser extent as there was no voting overseas in 1949—proving that insufficient time is now provided to gather that information.

We receive telegrams from each returning officer giving the names of the candidates and their political affiliations. From those telegrams I have to print this pamphlet. It contains the names of nine hundred different candidates. Telegrams began to arrive in my office about five p.m. on Monday, and the information contained therein is set up for the printer by 1.00 o'clock the following morning. That is at one A.M. Tuesday morning; we stay at the Printing Bureau in order to get the proofs, and we manage to have them printed by about 5:00 a.m. Then these are sent out—these pamphlets—to the three special returning officers in Canada and are distributed by the special returning officers to the various units in their voting territories in order to assist the electors in voting.

Mr. MACDOUGALL: Did you say three special returning officers?

The WITNESS: Yes, for the three voting territories for the service vote. The problem is that overseas I have to send a cable to Korea and one to London, because that list must be available at the same time to the units in Japan, the United Kingdom, and in northwestern Europe. I sent a cable to Japan and in its transmission there were several mistakes, in the actual cable, such things as mistakes in names of candidates, and their political affiliations; some constituencies were dropped and did not appear at all.

I had sent to the special returning officers in Korea and in the United Kingdom lists about two weeks before nomination day a master list I had compiled from every source of information available to me, newspapers and everything else containing the names and political affiliations of all candidates then nominated. If it had not been for that master list, there would have been some very serious mistakes because the special returning officer in Korea had to telephone to me about several serious mistakes which he discovered when comparing the cable with the master list.

There was not enough time permitted to get out the lists. In Japan, one district was left out entirely in the cable, and two names of candidates were completely left out. Forty-five names of candidates were spelled wrongly, and in the printed list also in Japan there were some 50 mistakes. In Japan there were 64 mistakes in the political affiliations of the candidates.

In the United Kingdom and in northwestern Europe there were 377 mistakes in the cable, with respect to names, political affiliations, etc.; and in the printing,—there were 78 mistakes on the list, some serious and some not. It is not wholly the fault of the telegraph companies. Here is the Korean cable and it was sent about 1:00 a.m. on Tuesday after nomination day. When the special returning officer received it he had to get it printed and distributed before the following Monday and that hardly gave him any time to have it done correctly. The same problems arose in the U.K. and Northwest Europe voting territory and also in Canada. Members may be interested in knowing the cost of these cables. The first pamphlet, printed in Canada, costs \$244.75. and was done by the Queen's Printer.

To send the cable to Japan and Korea the cost was \$1,600.78; and the cable to London cost \$1,100.34. So you see, they were rather expensive cables;

and the mistakes are such that a member of the Canadian forces may be placed in a position of voting for a candidate he did not intend to vote for, or he may not be in a position to vote for them at all because the names of the constituencies and candidates do not appear there at all. At the last general election this did not happen because of the precautions I took but I submit that a longer period should be provided for the Chief Electoral Officer to have these lists of candidates printed in Ottawa. I think we can control it if we have another week which would mean an extension of the period between nomination day and polling day from fourteen to twenty-one days.

There has been serious objection raised in the past to any extension of the period between nomination day and polling day on the ground that it would reduce the time for political groups in the country to choose candidates.

The election occupies a period of sixty days, and if you make nomination day the twenty-first day before polling day, you are cutting into the time of the political organizations and groups to choose candidates. That is the objection which has been raised in the past.

In 1945 there was a period of 28 days permitted in all electoral districts between nomination day and polling day and it seemed to work out satisfactorily. I do not recall hearing any serious objection about it. However, I would point out that this was the main objection which was raised to any such extension.

It is not possible for me to prepare and to gather information from returning officers, print these pamphlets, have them checked carefully and then have them distributed to the three special returning officers in Canada and for them to distribute them in turn to the voting units all in a period of six days. We have done it, but it has been so hurried that there have been mistakes. Therefore, I would submit that in order to have it done properly especially to the Forces overseas, and in order to provide proper information to the members of the Canadian forces, it would require a period of 21 days between nominations day and polling day.

This is the pamphlet which was printed in Ottawa and there are in it two or three mistakes, because we did not have the time to check it.

By Mr. Nowlan:

Q. You do not propose that the Act be changed?—A. Yes, but I am bringing this matter up under this clause because the problem arises in this clause; and if the committee will give me the time—here in clause 30 there is the paragraph of regulations dealing with it, and an amendment of the other sections of the Act would be consequential upon the approval of the committee to an extension in order to meet this problem. You would have to put 21 days in clause 30.

Q. We have already gone through the bill and we have not changed that in the bill itself.—A. The pertinent sections of the Act were allowed to stand until the matter had been given consideration in clause 30. I do not know of any other way to overcome this difficulty. Members will appreciate the fact that we receive 263 telegrams after nominations close; that is after two o'clock. They are not sent out until three o'clock, as candidates may make changes to their names on nomination day up until three o'clock. So the telegrams cannot leave until three o'clock.

According to the experience I personally had at the last three general elections, we have never been able to have the copy ready for the Queen's Printer much before one o'clock in the morning on the Tuesday following nomination day, and it has been a real dog fight to get it done. We have to telephone to some of the returning officers in the country to see if the information was correct in their telegrams; and all kinds of other problems arose. I am surprised that there have not been more mistakes in the lists of candidates.

By Mr. MacDougall:

Q. There should be no objection to the suggestion of the Chief Electoral Officer with respect to changing the time from the fourteenth day to the twenty-first day. In 1945 we had twenty-eight days and there were no complaints.

—A. Not that I am aware of; but at the last committee, in 1951, the committee approved the principle of providing twenty-eight days for certain remote northern constituencies. I recall that objections were raised by members in Committee and the House, to the effect that any extension in the period between nomination day and polling day would cut into the time of the political groups in the country to get candidates into the field.

How serious the objection is I am not in a position to assess. That is the one objection which I have heard, and I felt it to be my duty to bring it to the attention of the committee.

Q. It seems to me that the Chief Electoral Officer is definitely behind the eight ball as it is now, and if the committee wishes, we should try to get him out from behind the eighth ball. I think his suggestion is a very reasonable one, and I do not think that within Canada there is any great difficulty in changing it from fourteen to twenty-one days.—A. There is another problem, but one not related to this. At the last general election there were at least ten electoral districts where I had to have the ballot papers reprinted because of errors with respect to the spelling of the names of candidates, wrong addresses and occupations of the candidates. In some cases, the names, addresses and occupations of candidates did not appear on the ballot in the same manner as they were given in the nomination papers and consequently it was necessary to order the reprinting of these ballot papers. If a period of 21 days is allowed, I would feel less anxious with regard to any mistakes which might be discovered in the printing of the ballots. There would be more time in which to rectify those mistakes, and have the ballots reprinted. In one case which I recollect a mistake was discovered four days before polling day. It was an honest mistake, and we managed to get the ballot papers completely reprinted. If we had 21 days we would have a little more leeway in getting such mistakes rectified in connection with the printing of the civilian ballot papers. That is probably not directly relevant to this matter, but these problems do occur. It is very uncomfortable to hear on the Thursday before polling day that the ballot papers have not been properly printed.

Mr. FRASER (*Peterborough*): Are you sent a copy of these ballot papers? How do you find out that the mistake has been made?

The WITNESS: No. On that occasion it was discovered, I think, by the returning officer when he got the ballots back from the printer. In one case the error was discovered after the returning officer had delivered his ballot box and the deputy returning officer found it in examining the contents of the box. This proves that some deputy returning officers actually look at their papers. Errors have also been discovered by candidates who found their names were printed wrongly.

Mr. FRASER (*Peterborough*): Has the candidate the right then to look at the ballot papers ahead of time?

The WITNESS: I do not see any objection to it. There is nothing in the Act which prevents him from doing so.

Mr. FRASER (*Peterborough*): I know. There is nothing in the Act about it.

The WITNESS: I have also had the experience of a newspaper in this country telephoning me and asking me whether the principle of alphabetical order with respect to the names of candidates had been changed in any way, and I said that it had not. As a result of this telephone call, I discovered that

the returning officer had inadvertently placed the names of the candidates on the ballot so that they were not in proper alphabetical order. We were able to have that mistake rectified.

Mr. FRASER (*Peterborough*): Then the returning officer let the newspaper reporter see the ballot papers.

The WITNESS: The newspaper in that case was printing the ballots.

Mr. DICKEY: I think there is no objection to this. I was just wondering whether by amending this regulation one we would have to go back and amend the Act, too.

The WITNESS: If this clause is carried we would have to refer back to clauses 8 and 9 of the draft bill.

The CHAIRMAN: Will clause 30 as amended carry?

Moved by Mr. MacDougall that the clause as amended carry.

Carried.

The CHAIRMAN: Now we come back to page 7 of the printed draft bill.

The WITNESS: The amendments on page 7 in clause 8 and clause 9 are consequential to the amendment carried to clause 30 which would not change the period of 28 days in the electoral districts now provided in schedule 4 of the Act, but where now a period of 14 days is provided it will be extended to 21 days.

Mr. DICKEY: I move that this be carried.

The CHAIRMAN: Shall this be carried?

Carried.

The CHAIRMAN: Is clause 31 as proposed by Mr. Dickey carried?

Carried.

Mr. DICKEY: I would like to move the amendments which are in paragraph 3, page 1 of the mimeographed amendments put forward by the Department of National Defence which would insert immediately after paragraph 20 a new paragraph 20(a) and immediately following that a new paragraph 20(b) which was set out in the mimeographed form. The explanation is simply that these amendments are required in order to bring into effect the extension of the voting privileges to the wives of servicemen.

Mr. NOWLAN: Just a moment. We have a copy of the regulations, we have two different sets of draft amendments and I cannot conceive of any more unsatisfactory way of doing this. We want to have time to read them, at least.

Mr. FRASER (*Peterborough*): In 20(b) on page 1 of the mimeographed draft it mentions here "Serving terms of imprisonment, detention and so on". On this 20(b), supposing a soldier is in prison would his wife be allowed to vote?

The WITNESS: I would say yes. This only applies to the service man himself.

Mr. FRASER (*Peterborough*): I thought I would bring that up because perhaps some of the officers overseas would say: "He is out, therefore she is out."

The WITNESS: I do not see how they could arrive at that conclusion.

Mr. FRASER (*Peterborough*): I could imagine something of that kind could happen.

Mr. DICKEY: This is clearly only intended to apply to service electors. The same disqualifications from voting as applies to the civilian electors under section 14 of the Elections Act, which of course does not affect the right to

vote of the wife or any other dependent. It simply makes sure that a service elector who is personally in the same position as an ordinary Canadian undergoing, for example, penal servitude, is not entitled to vote.

Mr. PALLETT: What is the purpose of this sub-paragraph (b)?

Mr. DICKEY: That, as I understand it, in case the wife of a service man is also a member of the services and entitled to vote in her right.

Captain DEWIS: What Mr. Dickey says explains the situation. It is possible for the wife to be herself a member of the forces.

Mr. DICKEY: If an R.C.A.F. officer had his wife with him and she was, for instance, a nursing sister, she would be entitled to vote in her own right as a service elector, and this is to prevent her from voting twice. I do not see why it should be there at all. You are going to give some electoral officer a problem of interpretation. I think the situation is covered in 20.

Captain DEWIS: As was indicated previously, these formulae were all prepared by the Department of Justice, and have been approved by them and they considered they should have this provision inserted in order that the wife of a service man would retain her right to vote under 20.

Mr. PALLETT: I do not accept that because this has been prepared in the Department of Justice that it is necessarily the best draftsmanship.

Mr. FRASER: They make mistakes, just as we all make mistakes.

Mr. PALLETT: I suggest to the committee that the provision is completely covered by the provisions of the Electoral Act which lay down that a person must not vote twice, and that this will cause some confusion because, of simple reading, it appears to disqualify. On the face of it it is a form of disqualification, and there may possibly be some confusion.

Captain DEWIS: I suggest if you take that out then the wife would fall under 20(a), and also under 20. If she falls under 20(a) she must complete form 79. If she falls under 20, she completes form 20, and they are entirely different statements. In the case of 20(a) is the place of ordinary residence by herself or by her husband.

Mr. PALLETT: Would not any person in the services have the same right, whether a man or a woman? She is in the services because she happens to be somebody's wife, you take that right away from her.

Captain DEWIS: If you take out subparagraph (d) she is a person described in 20(a). Also a person described in 20. Which category is she going to fall into if she is already in the forces and an elector in her own right.

Mr. PALLETT: Conceivably she could be a 1,000 miles away from her husband, too. So she should have election under 20(c) or (a).

Mr. DICKEY: The effect of this is to prevent this wife having two elections. It does not take anything away from her if she is entitled under section 20 as a Canadian forces elector then her rights are quite unaffected by the proposed amendment. But if subsection (d) were not in section 20(a) she would theoretically have a choice to register either under section 20 or under section 20(a), and that, I think, would certainly create confusion.

The CHAIRMAN: Is the proposed amendment carried?

Carried.

Mr. DICKEY: I think that in connection with page 24 of the printed draft amendment, clause 32, paragraph 4, page 2 of the National Defence Amendments is relevant to that, and I think should receive consideration along with the clause suggested by the chief electoral officer.

Mr. NOWLAN: What is the difference between the two clauses—the one on the mimeographed draft and the one on page 24?

The WITNESS: With regard to page 24. During the last general election it was held that a member of the Canadian forces who had not filed a statement and had not voted through a service unit, could vote in the electoral district as a civilian elector where the military establishment was situated. The whole basis of these regulations was to prevent a whole military establishment to vote in one electoral district and the Department of Justice gave a ruling that if a member of the Canadian forces had not completed the statement of ordinary residence and had not voted in the service voting place, he could then vote in the electoral district in which he was serving provided of course he was qualified as a civilian elector in that district.

This amendment which I am proposing would clearly state that the place of ordinary residence of a member of the Canadian forces is that shown on his statement of ordinary residence, and that he could not vote in an electoral district in a civilian poll unless his place of ordinary residence as shown on the statement was situated in that electoral district. This should clarify the whole situation. I had instructed returning officers at the 1953 general election that these persons should not be enumerated unless they have filed their statement of ordinary residence.

Mr. NOWLAN: What is the difference between your suggested 32 and the suggested four.

The WITNESS: This would take in their wives. That would be the only difference.

The CHAIRMAN: Shall clause 32 as amended carry?

Moved by Mr. MacDougall that the amendment carry.

Carried.

The CHAIRMAN: Clause 4 of the mimeographed draft is carried. And now we are back on the printed draft, clause 33 on page 24.

The WITNESS: The only changes in that one is put in the words "commissioned officer" in place of the words "deputy returning officer". The deputy returning officer is only appointed after the writ is issued, and the member of the Canadian forces can complete his statement before a commissioned officer. That was an error of the statutory revision committee.

The reason for the amendment to subsection 4 is to enable a member of the Canadian forces who has not completed a statement of ordinary residence on enrolment or at any other time, to complete that statement in December of any year. There are some members of the forces who for some reason or another, have not filed a statement of ordinary residence on enrolment. This would enable them to complete and file such a statement in December of any year.

The CHAIRMAN: Is clause 33 as amended carried?

Carried.

Mr. NOWLAN: This 4(b)—if it is not filed it can be filed in December. 4(a). It allows him that opportunity. Has there been any change, and if so what are the circumstances?

The WITNESS: There have been no changes.

Mr. NOWLAN: There has to be a physical change of residence.

The WITNESS: Yes. A physical change of ordinary residence.

Mr. NOWLAN: It does not say so. But if ruled to that effect that is satisfactory. In the former regulations it says "During the month of December in any one year, and at no other time." Why have those words "at no other time" been dropped out?

The WITNESS: It is in the drafting. I do not know why. We could restore them.

Mr. NOWLAN: Those words were in the old regulations. The regulations read at the moment: "A member of the regular forces may during the month of December and December of any one year and at no other time—" et cetera, and those words "at no other time" have apparently been dropped.

The WITNESS: It was said they were not necessary. It says "in the month of December in any year".

Mr. NOWLAN: That raises somewhat the same point as was mentioned earlier. These words are being left out, and perhaps they are not being left out intentionally, but a court would say that parliament had left them out for some reason, and might take the view that the provision in the form in which it is now proposed was declaratory rather than mandatory. I would suggest that the words be put back in.

Mr. DICKEY: I would think, Mr. Chairman, that saying that during the month of December of any year a certain thing can be done surely means that it can only be done during the month of December.

Mr. NOWLAN: That may be.

The CHAIRMAN: You have got the word "may" there. Perhaps it should be must.

Mr. NOWLAN: Various constructions have been placed on the word "may". The fact remains that the section was different.

Mr. DICKEY: I think the reason is that they are using words which are exclusive of any other party.

Mr. NOWLAN: It says here "may". That has been held to be mandatory at times, and at other times it has been held not to be. We may be back again to the same position as we were before where a court will say "If he does not register, too bad. He can vote wherever he likes." This could be interpreted in the same way especially, as I said, where we have changed it, even though we may have changed it inadvertently. I move that the words "at any other time" be inserted in that section. That is on page 24.

Mr. DICKEY: I think it should be "at any other time during the same year".

The CHAIRMAN: Are you agreeable to doing that?

Mr. NOWLAN: I suggest that the chief electoral officer should consider the matter.

The WITNESS: I have no objection to it being restored to its former state. The addition of the words "At no other time" would seem to be sufficient to restore it.

Mr. DICKEY: You would not want to amend it in such a way that there would be no possibility of a member of the regular forces, having once changed his direction, because of a change in residence, being prevented forever from changing again.

The WITNESS: But it says "In any year".

Mr. DICKEY: It says "At no other time".

The CHAIRMAN: Is that agreeable?

Agreed.

The WITNESS: In 33 it will read now, as amended "at no other time". That is all we are doing in that amendment.

Mr. NOWLAN: This is subsection 4. You have "In any year" in that now. We are restoring it to what it was.

The CHAIRMAN: Clause 34. Voting by Canadian forces electors.

The WITNESS: That is consequential to the amendment to 21. "As shown on the statement made by the elector before it was as defined in paragraph 2," We say, in this second amendment, "As shown on the statement."

The CHAIRMAN: That is quite clear, is it not?

Mr. FRASER (*Peterborough*): The service man has to have a special permit to vote?

The WITNESS: He must complete a statemnet. The statement is completed on enrolment. It is completed in duplicate, and one copy is kept at headquarters in Ottawa, and the other is put with his service documents. The service documents follow a member of the Canadian forces, and the commanding officer of the unit prepares a list of electors from that statement. That is the residence he must show on that list.

Mr. FRASER (*Peterborough*): Supposing he comes home on leave, and an election comes up. What proof has he got that he can vote in a riding where he is not enumerated?

The WITNESS: He does not have to produce proof. That is where there is a calculated risk in allowing a service man to vote, either as a civilian elector or through the armed forces which the committee has in the past accepted. If he is home for a sufficient time before the election, and continues to be there on polling day, he can be enumerated. If he is not enumerated, and he is at his place of residence, and he happens to live in a rural poll, all he has to do is to go through the vouching procedure. In an urban poll he must be on the list. Of course his family can put him on the list if they know he is coming home.

Mr. FRASER (*Peterborough*): That is why I mentioned this matter. In the last election some of the mothers telephoned me and said "John will be home on leave. Will you have him put on the list."

The WITNESS: In the case of a single man I think it would be safe to put him on the list. He would give on his statement the residence of his parents in most cases.

Mr. NOWLAN: He could still vote in the service poll if he were on leave.

The WITNESS: That risk has been accepted by committees in the past.

Mr. NOWLAN: It is clear from the Department of National Defence regulations that anybody on leave who provides satisfactory evidence that he is on leave can vote anywhere in Canada, which I think is very good.

The CHAIRMAN: Is Clause 34 carried?

Mr. NOWLAN: There is no record in any way at these service polls of the men who have voted except when a political party has an agent there. I am thinking to use a concrete example to illustrate my point. For instance at Greenwood polling would take place for six days, and John Jones, a sergeant in the air force there, living in Hamilton votes in the service poll sometime during those six days. There is no record of John Jones having voted there other than the envelope put into the mail, and sent back to Halifax.

The WITNESS: Yes, the outer envelope serves the purpose of a poll book.

The CHAIRMAN: Is clause 34 carried?

Carried.

The CHAIRMAN: Clause 35, duties of liaison officer. This is on page 26 of the printed draft amendments.

The WITNESS: The only change there is to permit the liaison officer to deal with the deputy returning officer in addition to the commanding officer.

Mr. NOWLAN: That is the only change.

The WITNESS: Of substance.

Mr. NOWLAN: The word "immediately" was used before.

The WITNESS: It is now in the second line.

Mr. NOWLAN: The word "immediately" is a very loose word. I have known an interval of two weeks to occur between the issue of a writ and a valification coming out.

Mr. MACDOUGALL: There must be some skullduggery done in your district. I move that the clause be carried.

The CHAIRMAN: Moved by Mr. MacDougall that clause 35 carry.

Clause 35 carried.

The CHAIRMAN: Now we go to page 2 of the mimeographed draft amendments and clause 36 of the printed draft amendments.

The WITNESS: Paragraph 25 (1) of the printed amendments have been incorporated in 25 (1) of the defence amendments.

Mr. DICKEY: Perhaps the simplest way for me to do this would be to move clause 36 in the printed draft be amended by inserting after the word "unit" in line 34 thereof the words: "And to the wives of such electors who are Canadian forces electors as defined in paragraph 20 (a)." Those words are taken right out of the mimeographed amendment.

The CHAIRMAN: Mr. Dickey, there is a suggestion on the other hand that 25 (1) of the mimeographed draft be substituted for 25 (1) in the printed draft.

Mr. DICKEY: That is satisfactory to me.

The CHAIRMAN: Is that agreed.

Agreed.

Mr. DICKEY: That is consequential on bringing the wives in.

The CHAIRMAN: Is that carried?

Carried.

Mr. DICKEY: Perhaps the chief electoral officer may say something about the requirements under the change of the qualifications.

The WITNESS: I have nothing to add to what is stated in the explanatory note.

Mr. DICKEY: I move that clause 36 as amended carry.

The CHAIRMAN: We turn now to page 3 of the mimeographed brief.

Mr. NOWLAN: There is no question, Mr. Chairman, that all these amendments only apply to the wives who actually reside outside Canada?

The WITNESS: If you turn to page 1—clause (c) of 20 (a)—"Is residing with her husband when he is serving outside Canada". So only those are qualified to vote under these regulations.

Mr. NOWLAN: I know that is the intention. As long as that is clearly understood and you are going to enforce it, I am satisfied. "When residing outside the country"—that is a qualification which once having been established may continue and perhaps should be more specifically limited only to residence abroad. Is there any comment on that Captain Dewis?

The CHAIRMAN: Now we turn to page 3 of the mimeographed draft amendments. Clause 6, paragraph 26 of the regulations is repealed, and the following is substituted therefor.

The WITNESS: That is for wives only, and it is to implement the provisions with regard to wives of servicemen.

Mr. DICKEY: I see. It is consequential on the extension of the voting privilege to wives. I so move.

The CHAIRMAN: Is that amendment carried?

Carried.

The CHAIRMAN: Follow down the same page on the mimeographed sheet to clause 7. Paragraph 27 of the regulations is repealed, and the following substituted therefore, dealing with Canadian forces electors in hospitals. I have an amendment at page 27 in the printed bill. Will someone move that the amendment at clause 7 of the mimeographed bill be substituted.

Mr. MACDOUGALL: I move to that effect.

The CHAIRMAN: Moved by Mr. MacDougall that clause 7 of the mimeographed sheet be submitted for clause 37 in the printed draft amendment. Is that agreed?

Carried.

The CHAIRMAN: Clause 38 in the printed draft amendment, page 27 in the printed draft amendment. Distribution of supplies by commanding officer. Shall we carry this now?

Carried.

The CHAIRMAN: Clause 8 of the mimeographed draft on page 3.

Mr. MACDOUGALL: This clause would provide that only a member of the Canadian forces who is a Canadian forces elector could act as a deputy returning officer for the taking of the votes of Canadian forces electors. Was there not at one time or another some objection to that? How are you going to get over the difficulty which would arise if there were no qualified elector present other than a member of the armed forces?

The WITNESS: I think the last time the committee dealt with this the only person who could act as a deputy returning officer in a services voting place was a commissioned officer, and in 1951 it was changed so that any member of the Canadian forces would be qualified.

Mr. DICKEY: The only purpose of this amendment is to make it impossible for the wives of Canadian forces electors to act.

The CHAIRMAN: Is this agreed to?

Agreed.

The CHAIRMAN: Clause 39 is carried.

Clause 8.

Clause 9.

The CHAIRMAN: Turn to page 4 in your mimeographed sheet.

Mr. NOWLAN: What is the effect of that?

Captain DEWIS: As the regulations presently stand, any person who is qualified to vote at a civilian election in Canada, can act as a scrutineer for a political group in a service voting place. That includes service men. As Mr. Castonguay pointed out before, if a service man happens to be in the place of his ordinary residence, he is qualified to vote as a civilian elector, and that would mean he could act as a scrutineer. From the point of view of national defence, it has always been considered desirable that service personnel should engage in political activities other, of course, than voting. Anyone who wants to act as a scrutineer merely signs a declaration himself stating he desires to act as a scrutineer. He hands this declaration to the returning officer, and that is it. He may not in fact be representing any political group, and we have no way of checking to find out whether he is or not. Under this bill he would be required to have a certificate signed by an official candidate in an electoral district saying he was authorized to act as a scrutineer at the poll on behalf of a particular political group.

Another change we are making is this. Previously a scrutineer, in order to be able to act as a scrutineer had to be on a list in Canada. In the case of polling in the United Kingdom or in some place outside Canada, even in the

United States, a Canadian citizen might not be working there. He would still be a Canadian citizen, but he would not be on a polling list. Under this amendment he can act as a scrutineer at a service voting place.

Mr. DICKEY: At the written request of a candidate.

The WITNESS: That is right, and I think it would be possible for the wife of a service man also to act as a scrutineer provided that she was not a member of the forces herself.

Mr. NOWLAN: I think the amendment is perfectly proper. I do not think it is advisable to get service personnel to act as political scrutineers. I see this is limited to "Any Canadian citizens". I would prefer to see "Any person other than a member of the armed forces" because I have in my own constituency for instance—you may not approve of it, but there it is—people who have been living there for many years who are American citizens, but for one reason or another they do not want to take out Canadian citizenship. If a party wanted to be represented in a poll in Great Britain, a services poll, it might be difficult to find a Canadian citizen to represent them, and I would think if the words "any person" rather than "any Canadian" were inserted it would meet the requirements of the department and might save some trouble. To give another example, there are people who have gone to the United States and become naturalized and then returned. They might still be interested in one political party or another, and they might be asked to act as scrutineers.

Captain DEWIS: I do not think the Department of National Defence will have any objection to that. We put in "Canadian citizens" because we thought it would be desirable to limit this to someone who has some connection with Canada.

Mr. NOWLAN: I was just wondering if something could be done to meet the circumstances which I have mentioned.

Captain DEWIS: We put in "Canadian citizens" advisedly, but I feel sure the Department of National Defence has no objection if the committee feels that "any person" would be an improvement.

Mr. DICKEY: I think we are extending this to some extent now, Mr. Chairman, by making it "Any Canadian citizen" rather than requiring such a citizen to be on the voter's list for a particular election in Canada, and perhaps we should let this go and see how it works. If the experience of its operation indicates that it would be desirable, we could put it in at a later date.

Mr. NOWLAN: That is satisfactory to me.

The CHAIRMAN: Can we carry this now?

Captain DEWIS: You know we have in here "political party". I believe that should be "political group" because in paragraphs 9 and 49 of the present regulations, political groups are referred to rather than political parties. I think the different electoral officers want to use the word "group" rather than the word "party".

The CHAIRMAN: Is that agreed?

Agreed.

Mr. DICKEY: I move that as an amendment.

The CHAIRMAN: Page 27 of the printed draft amendment at page 4 of the mimeographed draft. Clause 39. Clause 10 of the mimeographed sheet.

Mr. NOWLAN: What is the difference between the two?

The WITNESS: I have an explanatory note on page 27. The reason given for my recommendation is set out there.

The CHAIRMAN: That is on page 27, under explanatory notes.

Mr. NOWLAN: What was the difference between the printed copy and that of the Department of National Defence?

Captain DEWIS: In view of the fact that we have got a new clause 20(a) we are merely providing the same voting procedure in the services voting places for the wives as for the husbands.

Mr. NOWLAN: Otherwise your draft is the same as Mr. Castonguay's?

Captain DEWIS: That is right.

Mr. NOWLAN: What about that provision toward the bottom of the page, that the Canadian forces elector shall be required to make a declaration containing "the name of the place in Canada with street address if any of his ordinary residence as shown on the statement made by him and paragraph 22, or if no such statement appears to have been made, he shall subscribe to a statement." Does that not leave it wide open for him to complete the statement on election day?

The WITNESS: This amendment was passed before the last general election because there were many members of the Canadian forces at that time who had not filed statements of ordinary residence, and an amendment was passed in the Defence Act, I believe, permitting members of the Canadian forces who had not completed statements of ordinary residence to complete them within a certain time after this Act came into force or to complete those statements before voting. But they could only indicate on their statements of ordinary residence their place of ordinary residence prior to enlistment. That was why that was passed in 1953.

Mr. NOWLAN: We are familiar with that problem. Those members who were not on the committee before are not familiar with it, but those who were members when we spent two years working on this problem will know that we established a "cut-off" date for the completion of these forms. It was found that just prior to last election, for various reasons, a large number of service men had not completed these forms, and we had a special amendment in order to correct that situation. A substantial number of people, about 20,000 I believe, were involved. Since then all the forms have been completed and it seems rather ridiculous to put in a "cut-off" date and say it can be done every December and yet leave the thing wide open, and say that they can complete these forms on election day. I do not think those words should be there now. That was a special situation and it was certainly the intention at that time, and it was understood that it was to apply only to the last election in 1953. That was the definite understanding we had. I know because Hon. Mr. Campney, Hon. Mr. Harris and myself were on the committee, and we worked out this amendment to deal with that general election.

The WITNESS: If the member of the Canadian forces had not completed a statement before the writ was issued, or in December, he would not be able to vote if those words were removed.

Mr. NOWLAN: It is the same way as no one else can vote if his name is not on an urban list. It is the same situation.

Captain DEWIS: The other provision made in this refers to the place of residence. In completing that statement they had a choice of three places of ordinary residence—where they were then serving or residing at that time, or that of any relation or next of kin. The regulation now provides under 33 that if he has not completed a statement he has only one place of ordinary residence, that is to say the place where he was residing immediately before enlistment, and this specifies that.

Mr. NOWLAN: It means that he has only one place of ordinary residence. He has not got a choice.

Mr. DEWIS: We have administrative provisions that a statement should be completed on enrolment, and everybody is supposed to do that, but we have recently made a check and we find that about 10 per cent of the new entrants for some reason or another do not complete these statements which would be that a fairly substantial number of prospective Canadian electors would not be able to vote at a general election.

Mr. NOWLAN: What means are available in the voting booth to determine whether a service man is filling out the form properly.

Captain DEWIS: The unit, of course, has documents. It would be possible to get a pretty fair idea, going through the documents, of where a service man comes from. You might not be able to get absolute proof, but there is provision of course for his being challenged if there is any doubt about that being his ordinary place of residence. He could be required to state under oath that that is his place of ordinary residence, and if he makes that statement under oath he is entitled to get a balance.

Mr. NOWLAN: That puts an additional load on whoever is acting as deputy returning officer.

Captain DEWIS: Yes, it does. There will have to be another stack of papers to complete, but we have not had any objection from the services, and it seems they can handle it.

Mr. NOWLAN: I think they were well run last time.

Captain DEWIS: Thank you.

The CHAIRMAN: Mr. Dechene moves that clause 10 of the mimeographed draft be substituted for clause 39.

Mr. NOWLAN: Would this not be possible from an administrative standpoint? Under the regulations the commanding officer is supposed to prepare a list as we have seen this morning, setting forth the names and the addresses and places of ordinary residence of the personnel serving under his command, and that list is made available to the candidates in certain circumstances. But that list would not contain the names of perhaps 10 per cent who have not completed that form. Would it not be possible to have the commanding officer prepare that list so that it would not only show the names and numbers and place of ordinary residence of all those who have completed the form and also to show the names of those who have not filled them in so that we would know whether there was likely to be 10, 20 or perhaps 500 coming in on election day and who would need this special form. It would seem to be a simple thing to make up the whole list in that way.

Captain DEWIS: I do not see any reason why that could not be done. These lists I am talking about are not accurate by any means. They are prepared up to three weeks before the actual vote is taken, and if there is any draft of men in or out they are not on the list and there is no way of covering them. But I do not see any reason why the list should not be prepared along the lines suggested. They have to go through every man's documents to see if he has a form.

Mr. NOWLAN: Would it be fair to ask Captain Dewis to consider an amendment to that section, and bring in the amendment later to provide for this?

The CHAIRMAN: I think that is acceptable to the committee. Those in favour?

Agreed.

The CHAIRMAN: Clause 39 in the printed draft amendment subsection 2 on page 28. Is that carried?

Carried.

The CHAIRMAN: We are on page 28 of the printed draft amendments, clause 40.

Mr. NOWLAN: What is the difference there?

The WITNESS: I think at the last election the section read "postal facilities" and the person in charge of the postal services of the armed forces insisted that outer envelopes had to be sent by mail in order to comply with the statute. We had a situation in France during the strike in 1953 when 200 envelopes had to be sent by mail, when they could have been flown to London. These 200 envelopes were delayed in the mail due to the French strike because they had to be sent by postal facilities according to the regulations. This would mean they could be sent by any other method.

The CHAIRMAN: Can clause 40 be carried?

Carried.

Mr. DICKEY: Did we deal with paragraph 11?

The CHAIRMAN: No. We are going to revert to that. Now we are on page 5 of the mimeographed draft.

Mr. NOWLAN: What is the difference here?

Captain DEWIS: 34. Paragraph 34. This incorporates the new form 7(a) which is applicable to the wives. It is mostly consequential.

The CHAIRMAN: Is that clause carried?

Carried.

The CHAIRMAN: Clause 41. We are back on the printed draft bill at page 28. I also refer members of the committee to page 5 of the mimeographed draft, clause 12. Voting by Canadian forces electors on duty, leave or furlough.

Mr. NOWLAN: What is the change in that?

The WITNESS: To tie his residence down to his statements that he will only be able to vote as a civilian elector at such place of ordinary residence. It also brings in the wives.

Mr. DICKEY: How does it affect or fit in with that clause 41 of the printed bill.

The CHAIRMAN: You can move the adoption of both if you wish.

Mr. DICKEY: I so move.

The CHAIRMAN: Moved by Mr. Dickey, the adoption of 12 in the printed sheet and 41 in the mimeographed draft.

Mr. NOWLAN: They are identical?

Captain DEWIS: As far as the National Defence amendment is concerned, in clause 12, on page 5 it merely permits the wife who is a Canadian forces elector to vote where he (her husband?) can vote.

The CHAIRMAN: Clause 42. This is on page 29 of the printed draft.

Is clause 42 carried?

Carried.

Clause 43. The application of certain paragraphs and forms.

Clauses 14 and 18 only deal with members of the Canadian forces, so we had to amend it.

The CHAIRMAN: Turn to page 5 of the mimeographed draft. Clause 17.

Captain DEWIS: That merely makes reference to the form in respect to the statement of ordinary residence in respect to the wife.

The CHAIRMAN: You will also find in your printed draft amendments clause 44 which also applies here, and which should be dealt with on the same motion.

Mr. DICKEY: I move that both be carried.

Carried.

The CHAIRMAN: Clause 45 of the printed draft amendment.

The WITNESS: This is to make the change from "deputy returning officer" to "commissioned officer".

The CHAIRMAN: Is 45 carried?
Carried.

The CHAIRMAN: On page 5 of the mimeographed bill. Form number 5.

Mr. NOWLAN: That is simply to include the wives?

Captain DEWIS: It merely makes reference to the fact that wives of Canadian forces electors residing with their husbands outside Canada may vote. If he was inside Canada, those words would be struck out.

The CHAIRMAN: Mr. Lefrancois moves. Is this agreed?
Agreed.

The CHAIRMAN: Turn to page 6 of the mimeographed sheet. Form number 7.

Captain DEWIS: This makes it clear that form number 7 is only applicable to a member of the forces who is a Canadian forces elector. We have the wives and husbands completing the same form.

Mr. DICKEY: I move the adoption of clause 15 in the mimeographed amendments, and also clause 45 on page 30 of the printed amendments.

The CHAIRMAN: Is that agreed?
Agreed.

Mr. DICKEY: I also move the adoption of clause 16 of the mimeographed amendment which creates the new form 7(a) required in order to deal with the wives of service men.

The CHAIRMAN: The next item is clause 7 of the mimeographed draft.

Mr. DICKEY: I move that clause 17 as contained in the mimeographed amendments be substituted for subclause 1 of clause 47 in the printed amendments.

The CHAIRMAN: Are you ready for the question?
Agreed.

Mr. DICKEY: I now move that clause 47 as amended carry?
Carried.

The CHAIRMAN: We come now to form number 10 found on the mimeographed draft on page 7.

Captain DEWIS: Mr. Chairman, if I may suggest this on that amendment—you notice "political party" is in the heading. I suggest we use the word "group" in order to be uniform with the rest of the regulation. At the end of the form we also have the word "candidate". I would suggest that there, too, he should identify himself as to the electoral district where he is running.

Mr. DICKEY: I move clause 16 of the mimeographed bill be amended to substitute the word "group" for the words "political party" where it appears in the heading, and that it be further amended by putting after the word "candidate" in the last line, the words "for the electoral district of".

Captain DEWIS: I notice that "party" appears again in the middle of the form. Mr. Dickey limited his amendment to the heading.

Mr. DICKEY: It appears in the heading and again in the form. I move the clause be further amended by deleting the word "party" in paragraph 2 of the form and substituting the word "group".

The CHAIRMAN: Are we agreed?
Agreed.

Mr. DICKEY: I move that the clause be adopted as amended.

The CHAIRMAN: Is that carried?

Carried.

The CHAIRMAN: On page 8 of the mimeographed draft. Form number 14.

Mr. NOWLAN: Is there any comment on this?

Captain DEWIS: If a voter is challenged by a scrutineer or deputy returning officer, he is required to make an affidavit under oath that that is his place of ordinary residence.

Mr. DICKEY: I move the adoption of clause 14.

The CHAIRMAN: Moved by Mr. Dickey that that be adopted, is that agreed? Agreed.

The CHAIRMAN: Clause 49, page 32 of the printed draft.

The WITNESS: The amendments on forms 15, 16, 17 and 18 are all remedial. The statute revision committee has put in the words "deputy returning officer" when the words should have been "commissioned officer".

Mr. DICKEY: And there is also added the words "and province".

Mr. DICKEY: I move that forms 15, 16, 17 and 18 be agreed to.

The CHAIRMAN: Are you ready for the question?

Agreed.

Mr. DICKEY: My impression is that we did not deal with clause 1 of the mimeographed bill. It simply applies to the outer envelope.

The CHAIRMAN: That is right. That is on page one of the mimeographed draft amendment, dealing with outer envelopes.

Mr. DICKEY: It simply brings in form 7(a) which already has been adopted.

The CHAIRMAN: Has Captain Dewis anything more to say on that?

Captain DEWIS: No, I don't think so.

Mr. PALLETT: Possibly some consideration came up here, as in some other returns, of transmission by mail or otherwise.

The WITNESS: That is not where the operative part of that comes in. It comes in in the actual voting under 35(1). That is just the definition of the outer envelope. In this case subsection J.

The CHAIRMAN: Mr. Lefrancois moves the adoption of this amendment. Is that agreed to?

Agreed.

The CHAIRMAN: Members of the committee know that we have a meeting slated for this afternoon, but due to the extreme shortage of reporters, we have to cancel our meeting. If it is agreeable to the committee we shall meet tomorrow at 10.30.

Mr. NOWLAN: What will we deal with then?

The CHAIRMAN: Sections 14 and 16. Is that agreeable to the committee?

Mr. NOWLAN: When do we meet tomorrow.

The CHAIRMAN: I gather there may be some difficulty in securing quarters. How about leaving it to the call of the chair.

Hon. MEMBERS: To the call of the chair.

The CHAIRMAN: Is that agreed?

Agreed.

The committee adjourned.

HOUSE OF COMMONS

Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE

ON

PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 10

TUESDAY, APRIL 5, 1955

CANADA ELECTIONS ACT

WITNESSES:

Mr. Nelson J. Castonguay, Chief Electoral Officer;
Captain J. P. Dewis, RCN, Deputy Judge Advocate General.

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWilliam, Esq., and
Messrs.

Bourque	Hansell	Pouliot
Bryson	Hollingworth	Power (<i>St. John's West</i>)
Buchanan	Leboe	Richard (<i>Ottawa East</i>)
Cardin	Lefrançois	Robichaud
Cavers	MacKenzie	Robinson (<i>Bruce</i>)
Churchill	Meunier	Vincent
Dechene	Nowlan	Weaver
Dickey	Pallett	White (<i>Waterloo South</i>)
Ellis	Perron	Zaplitny
Fraser (<i>Peterborough</i>)		

Members, 29.

Quorum, 10.

Antoine Chassé,
Clerk of the Committee.

ORDER OF REFERENCE

MONDAY, April 4, 1955.

Ordered,—That the name of Mr. Weaver be substituted for that of Mr. MacDougall; and

That the name of Mr. Robichaud be substituted for that of Mr. Viau; and

That the name of Mr. Buchanan be substituted for that of Mr. Harrison on the said Committee.

Attest.

LEON J. RAYMOND,
Clerk of the House.

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MINUTES OF PROCEEDINGS

House of Commons, Room 497,
TUESDAY, April 5, 1955.

The Standing Committee on Privileges and Elections met at 10.30 o'clock a.m. The Chairman, Mr. G. Roy McWilliam, presided.

Members present: Messrs. Bourque, Buchanan, Bryson, Cardin, Cavers, Dechêne, Dickey, Ellis, Fraser (*Peterborough*), Hansell, Hollingworth, Lefrançois, McWilliam, Meunier, Nowlan, Pouliot, Power (*St. John's West*), Richard (*Ottawa East*), Robinson (*Bruce*), Robichaud, Vincent, Weaver, White (*Waterloo South*), and Zaplitny.

In attendance: Mr. Nelson J. Castonguay, Chief Electoral Officer, Mr. E. A. Anglin, Q.C., Assistant Chief Electoral Officer; also, Captain J. P. Dewis, RCN, Deputy Judge Advocate General.

The Committee resumed the section by section study and the various schedules thereto of the Canada Elections Act and considered amendments suggested in turn by the Chief Electoral Officer, Department of National Defence and other suggestions of individual members of the Committee.

Mr. Castonguay was recalled.

It was agreed that the Committee revert to the study of the Canadian Forces Voting Regulations contained in Schedule Three to the Canada Elections Act, and during study of the next three amendments, Captain Dewis was questioned on certain aspects thereof.

On paragraph 4 of the said Regulations,
On motion of Mr. Dechêne,

Resolved,—That sub-paragraph (j) of Paragraph 4 be further amended by striking out the words "by mail", where they appear in the second line of the said sub-paragraph.

On Paragraph 12 of the said Regulations,
On motion of Mr. Dechêne,

Resolved,—That the amendment to sub-paragraph (e) of Paragraph 12, as adopted by the Committee at its next preceding sitting on March 31st, be deleted and the following substituted therefor:

"(e) secure from the various liaison officers the lists provided for in paragraph 26;"

On Paragraph 26 of the said Regulations,
On motion of Mr. Dechêne,

Resolved,—That sub-paragraphs (a) and (b) appearing in the amendment to Paragraph 26, as adopted by the Committee at its next preceding meeting on March 31st, be deleted and the following substituted therefor:

(a) the names, ranks, numbers and, in the case of those who completed statements under paragraph 22, places of ordinary residence as shown on such statements of Canadian Forces electors, as defined in paragraph 20, attached to his unit, and

(b) the names of Canadian Forces electors, as defined in paragraph 20A, who are married to Canadian Forces electors described in clause (a), and the names, ranks, numbers and, in the case of those whose husbands completed statements under paragraph 22, places of ordinary residence as shown on such statements of their husbands;

On Section 14 of the Act

On motion of Mr. Hollingworth,

Resolved,—That the following amendment to the said Section be recommended:

Subsection (6) of section 14 of the said Act is repealed and the following substituted therefor:

(6) A Canadian Forces elector, as defined in paragraph 20 of *The Canadian Forces Voting Regulations*, is entitled to vote

(a) at a by-election only at the place of his ordinary residence as shown on the statement made by him under paragraph 22 of those Regulations, and

(b) at a general election only under the procedure set forth in those Regulations, or, if he has not voted under that procedure, at the place of his ordinary residence as shown on the statement made by him under paragraph 22 of those Regulations.

On motion of Mr. Vincent,

Resolved,—That a further amendment to the said section be recommended:

That paragraph (h) of subsection (2) of Section 14 of the said Act be repealed and that paragraph (i) thereof be relettered (h).

It was agreed that the said Section otherwise remain unchanged.

On Section 16

On motion of Mr. White (*Waterloo South*),

Resolved,—That the following amendment to the said Section be recommended:

Subsection (5) of section 16 of the said Act is repealed and the following substituted therefor:

(5) A Canadian Forces elector, as defined in paragraph 20 of *The Canadian Forces Voting Regulations*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as shown on the statement made by him under paragraph 22 of those Regulations.

On motion of Mr. Dechêne, it was agreed that Schedule Four of the Act remain unchanged.

On motion of Mr. Robichaud, it was agreed that Schedule Five of the Act remain unchanged.

On Section 100 of the said Act

On motion of Mr. Hollingworth,

Resolved,—That the 3rd paragraph of the amendment to the said Section, adopted by the Committee on March 29th, be rescinded.

On Section 94 of the said Act,

Mr. Zaplitny moved the following resolution:

That the privilege of voting at an advance poll be extended to include any qualified voter who completes a declaration to the effect that he will be unable to vote on polling day in the polling division in which he ordinarily resides.

After debate thereon and the question having been put on the said proposed resolution of Mr. Zaplitzny it was, on a show of hands, resolved in the negative, on the following division: *Yeas*, 7; *Nays*, 15.

On motion then of Mr. White (*Waterloo South*),
Resolved,—That the following amendment to the said Section be recommended:

Paragraph (b) of subsection (3) of section 94 of the said Act is repealed and the following substituted therefor:

(b) if he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any city, town, township, village or municipality having a population of five hundred or more as determined by the last census taken pursuant to sections 16 and 17 of the *Statistics Act*, he may add the name of such place.

It was agreed that the said Section otherwise remain unchanged.

On Sections 95, 96 and 97,

It was, after lengthy discussion thereon, agreed that the said Sections remain unchanged.

The Committee considered Form 65 contained in Schedule One and it was agreed that the said Form remain unchanged.

On Form 66 in Schedule One of the said Act

On motion of Mr. Lefrancois,

Resolved,—That the following amendment to the said Form be recommended:

Form No. 66 of Schedule One to the said Act is repealed and the following substituted therefor:

“Form No. 66

ADVANCE POLL CERTIFICATE AND STATEMENT OF IDENTIFICATION
 (Sec. 96)

CERTIFICATE

I hereby certify that (*insert full name of applicant elector*), whose occupation as given on the official list of electors is (*insert occupation*), whose address as given thereon is (*insert address*) and whose signature appears hereunder above mine has personally appeared before me and has satisfied me:

(1) That he is now employed.....
 (*insert*: “by the.....Railway Company in the capacity of.....” or “on the vessel known as thein the capacity of.....” or “by as a commercial traveller”, or “as a fisherman”,
 (*or as the case may be*), and

(2) That by reason of the nature of his said employment and in the course thereof he is necessarily absent from time to time from the place of his ordinary residence, and

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

of duties or training in such forces, he has reason to believe that he will be necessarily absent on such polling day from, and that he is likely to be unable to vote on that day in, the undermentioned polling division on the list of electors for which his name appears, and

(4) That he is the person intended to be described by the entry of the name, occupation and address above set out on the official list of electors entitled to vote at the pending election in polling division No. in the electoral district of.....

And I accordingly certify that he is a person entitled to vote at any advance poll established in the said electoral district on the conditions prescribed in the Canada Elections Act and in the instructions for deputy returning officers issued by the chief electoral officer.

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

(Signature of applicant elector).

.....
Returning Officer (or as the case may be).

STATEMENT OF IDENTIFICATION AND DECLARATION

I hereby declare that I am the person described in the above certificate, that all the facts therein stated with respect to my employment and anticipated absence from the place of my ordinary residence on the ordinary polling day are correct, and that I verily believe myself to be the person intended to be referred to by the entry on the official list of electors, the particulars of which are transcribed in the above certificate.

I am aware that, having presented this certificate at an advance poll, I am not entitled to vote at an ordinary polling station on the ordinary polling day.

.....
(Signature of Applicant elector).

PARTICULARS TO BE RECORDED BY POLL CLERK IN THE ADVANCE POLLING STATION

Consecutive number given to the elector as he applies for a ballot paper	FORM NUMBER OF ORAL OATH OR AFFIDAVIT, IF ANY, THE ELECTOR IS REQUIRED TO SWEAR	RECORD THAT OATH SWORN OR REFUSED (If sworn, insert "Sworn" or "Affirmed"; if refused, insert "Refused to be Sworn" or "Refused to Affirm" or "Refused to Answer")	RECORD THAT ELECTOR HAS VOTED When ballot paper put into ballot box, insert "Voted"	REMARKS

The Committee reviewed Schedule Two of the Act and it was agreed that the said Schedule remain unchanged.

The Committee reverted to Section 2 of the Act and it was agreed that, except for the amendments thereto, adopted on the 15th March, the said Section remain unchanged.

The Committee having completed its study of the Canada Elections Act, the question of a report thereon to the House was considered, whereupon,

On motion of Mr. Hollingworth,

Ordered,—That a report be presented to the House in the form of a draft bill in which shall be embodied in true substance the various amendments to the Canada Elections Act suggested to and adopted by this Committee in its study of the said Act, with a recommendation that the Government at the earliest possible date consider the opportunity of introducing the necessary legislation to give effect to the said proposed amendments to the said Act.

At 12.00 o'clock noon, on motion of Mr. Lefrançois, the Committee adjourned at the call of the Chair.

ANTOINE CHASSÉ,

Clerk of the Committee.

EVIDENCE

April 5, 1955
10.30 a.m.

The CHAIRMAN: We have a quorum, and we will proceed. You all have copies of the new draft amendments to the Canadian Forces voting regulations now proposed by National Defence. At our previous meeting Mr. Pallett and Mr. Nowlan brought up two points in that regard. Do you wish to say something in that regard, Captain Dewis?

Captain J. P. DEWIS, R.C.N., (*Deputy Judge Advocate General*): Possibly, if there are any questions, I could answer them.

The CHAIRMAN: The explanations are outlined in copies which the members have received this morning. Two members are coming in, and we shall give them a chance to look that over. For the benefit of the gentlemen who were late, we are now going to deal with the draft amendments to the Canadian Forces voting regulations (Schedule Three to the Canada Elections Act). You have a mimeographed copy before you now.

Mr. FRASER (*Peterborough*): There is one question that I should like to ask. Previously they were sent by mail, which was really a guarantee that they would get there. Under this, "by other means", you would have to make sure, I suppose, that it was an authorized person who was doing the job of delivering.

Captain DEWIS: If I might say a few words on that, we found that in isolated units up north it was not practicable to get these envelopes back to Edmonton in time to be counted by the special returning officer by mail. However we have R.C.A.F. aircraft flying to different places and we collect the envelopes in boxes at the various voting places and we put them in a bag, and the aircraft would deliver them to the post office and mail them to Edmonton, in which case they would get there in time. That was also done in Korea and Japan, and also as far as Europe was concerned. I believe that Mr. Castonguay mentioned one or two meetings ago that we had some difficulty in getting the ballots from Paris to the U.K. I think that there was a strike on at the time. If we could have loaded them into an R.C.A.F. aircraft, they could have been mailed in London. That is the reason for the provision which Mr. Castonguay has in his paragraph 35, clause 40 "By ordinary mail or by such other facilities as may be available and expeditious . . ." We could not put them in an R.C.A.F. aircraft because that is not an official posting facility.

Mr. FRASER (*Peterborough*): May I ask another question? You would have R.C.A.F. planes wherever the voting would be anyhow, would you not, or would it perhaps have to be some other method?

Captain DEWIS: It would depend on the distance involved, and whether the R.C.A.F. had an aircraft available and how many voters were involved. They might make a special trip for the purpose of picking up the ballots; we would not do it on all occasions, but it could be done, and in fact it has been done on occasions. The present paragraph 35 of the regulations has this provision: "By such other facilities". When that was put in, the amendment proposed in clause one should have been made at the same time, because 35 (1) provided for ballots going also by other than postal facilities. That was amended two or three years ago, and this "by mail" should have been struck out in the definition; it was an oversight.

The CHAIRMAN: Is that clear? Shall the amendment to clause one carry?

Moved by Mr. Dechêne.

Carried.

Clause two.

Captain DEWIS: Might I say a word on that? Clause two arises out of clause three. Mr. Nowlan suggested that the voting list of Canadian Forces electors should include every member who is a member of the regular forces, irrespective of whether he completes a statement of ordinary residence. The effect of clause number three on this mimeographed sheet is to make sure that this list of electors prepared by commanding officers will contain the names of not only those who complete the statement but those of all Canadian forces electors of the unit, whether they have completed the statement or not.

With regard to clause number two, on the printed mimeographed sheet, there is a long list of things which the returning officer is supposed to do. One is to secure from the various liaison officers a list, provided for in paragraph 26 and refers to the names of Canadian Forces electors, as defined in paragraph 20A, and the names of wives and places of ordinary residence of service of their husbands.

If you are going to amend number three, you have to make a similar amendment to 12 (e) and to make it clear that you wish to include those who have not completed statements of ordinary residence. It is more simple to strike out the reference to the contents of the list in 12 (e), but leave the reference securing the lists provided for in paragraph 26, where we have as a result of the proposed amendment lists which will contain all Canadian forces electors.

The CHAIRMAN: We can deal with both of those together.

Moved by Mr. Dechêne that the amendments in clauses two and three carry.

Carried.

Will members please turn to page 2 of the printed draft bill? This amendment to clause three is consequential. Will somebody make a motion that the amendments carry?

Mr. Hollingworth moves that clause three, on page 2 of the printed draft bill carry.

Carried.

At this point I should like to ask the Chief Electoral Officer to express his views on the question of Doukhobors.

Mr. Nelson J. Castonguay, Chief Electoral Officer, recalled:

The WITNESS: Mr. Chairman, may I refer members of the committee to section 14 of the Act, subsection (2) (h), on page 13. This provision is now spent, because it has no effect in any province in Canada. The only province where this had any effect was in the province of British Columbia. In 1953 the provincial legislature removed the disqualification for voting against Doukhobors. The previous committee in 1951 studied this question, and recommended that no action be taken by the federal parliament until such time as the commission making a study of the Doukhobor problem in British Columbia had made its report. I presume that it was in view of this report that the provincial legislature removed the disqualification against Doukhobors and consequently clause (h) is now spent and has no effect. It may be that members of this committee may wish to have this clause (h) repealed in view of this action.

The CHAIRMAN: Shall the amendment to Section 14 (2) (h) carry? It is moved by Mr. Vincent.

Mr. DICKEY: I should think, Mr. Chairman, that we might have it moved that paragraph (h) be repealed and that paragraph (i) be relettered (h).

The CHAIRMAN: Correct.

Mr. FRASER (*Peterborough*): While we are on that page, Mr. Chairman, 14 (3) would be eliminated also, would it not?

The WITNESS: That would not be eliminated, because there still may be members of the Canadian forces under twenty-one who served in Korea and who have been discharged from the services. This would permit them to vote. If this was not provided, members of the Forces still under twenty-one who served in Korea and who have been discharged from the services could not vote. This now permits them to vote.

Mr. FRASER (*Peterborough*): In this case, then, it would allow a service man of sixteen to vote?

The WITNESS: If he had been in the Forces while they were on active service.

Mr. FRASER (*Peterborough*): While on active service.

Mr. VINCENT: Even after he is discharged from the service he can vote, if he is under twenty-one?

The WITNESS: If he has been a member of the regular forces on active service and he is still under twenty-one, after discharge he can vote.

Mr. FRASER (*Peterborough*): In the 1953 election there were some who voted at the age of sixteen.

The WITNESS: I think you are referring to apprentices. They were taken into the regular forces and were members of the regular forces, and they were seventeen years of age. They were entitled to vote because they were on active service and because of the provisions of subparagraph (2) of paragraph 20 of the Regulations.

Mr. FRASER (*Peterborough*): Yes, but they had not seen action.

The WITNESS: But all forces were on active service then.

The CHAIRMAN: Shall Section 14 as amended carry?

Carried.

The CHAIRMAN: Section 16, on page 15. Also page three of the printed draft bill, clause 5. There is nothing controversial to this clause. It is consequential.

Mr. WHITE (*Waterloo South*): I shall so move.

The CHAIRMAN: Shall the clause carry?

Carried.

The CHAIRMAN: Turn to page 231 of the Act, Schedule Four. It gives the list of electoral districts in which nomination day is the twenty-eighth day before polling day.

Mr. Dechêne moves that schedule Four carry.

Carried.

The CHAIRMAN: Turn to page 232, schedule Five. Mr. Robichaud moves that Schedule Five remain unchanged.

Carried.

The CHAIRMAN: Turn to page 9 of the printed draft bill, clause 15 (3).

The WITNESS: Chapter 331 of the Revised Statutes of Canada, 1952, has come into force on April first, which means that this is now spent. I suggest that it be deleted.

The CHAIRMAN: Moved by Mr. Hollingworth that subclause (3) of clause 15 be withdrawn.

Agreed.

The CHAIRMAN: Now, gentlemen, as you know, Mr. Zaplitny gave notice of motion of a resolution. You all have copies of Mr. Zaplitny's proposed resolution. Do you wish to speak to that, Mr. Zaplitny?

Mr. ZAPLITNY: Yes, I shall move it now. As everybody has a copy, I do not need to read the resolution, but in speaking to it, Mr. Chairman, I should like to draw attention to the fact that the principles contained in this, has been endorsed by the Canadian Chamber of Commerce, and more recently by the individual chambers of commerce. I am not in a position to say that every local chamber of commerce has endorsed it, but in the annual convention in Manitoba in 1953, a resolution was passed, and I think I should read that resolution. It is almost the same as mine. There is only one slight change. The resolution passed by the Manitoba Chambers of Commerce in 1953 reads as follows:

The Chamber believes that any qualified voter who signed a sworn statement to the effect that he or she would be unable to vote on polling day at the ordinary polling station due to absence for cause should be able to vote at an advanced poll, and that advance polling stations should be opened sufficiently far in advance of election day to accommodate those who would make use of them.

The Chamber, therefore, urges the Federal Government to provide for the greatly extended use of advance polls in federal elections.

You will note that my motion is a little simpler than that. I have left out the provision referring to a sworn statement, because I would leave it to the Chief Electoral Officer as to the best form of declaration to be used. It might not necessarily be a sworn statement. The other provisions, dealing with the establishment of sufficient polling stations, is dealt with in another part of the Act and is subject to certain dates and provisions, depending on when the writ is issued. Therefore I have made the motion simply read that we deal in principle with the extending of the voting privilege in advance to all persons who make the necessary declaration to the effect that they will be unable to vote on the regular election day, due to absence from polls. The purpose behind this is, of course, the same purpose as, I believe, has been the objective of the committee throughout its sittings this year, that is to provide everything possible to give voting facilities to every Canadian for whom it is physically possible to do so. That is what I am seeking to gain by this motion. I may also point this out. There may be a difference of opinion on this, but I believe that the adoption of this principle would simplify the question of advance polling. As the Act now reads, there are five main categories in which we could divide the persons who are entitled to vote at advance polls. First, there are commercial travellers.

Mr. HOLLINGWORTH: Excuse me; what section is this?

Mr. ZAPLITNY: Section 95, on page 111 of the Act. First there are the commercial travellers. Then there are the fishermen, as defined in subsection (12). Thirdly there are the persons employed upon railways, vessels, airships, or other means or modes of transportation. The fourth group would be the members of the reserve forces of the Canadian forces, and the fifth the Royal Canadian Mounted Police. The difficulty which arises is that quite often there is a difference of opinion as to the interpretation of those categories. I think that probably what causes the most headaches is the term "commercial traveller." One can easily define a member of the Royal Canadian Mounted

Police, for example, or an employee of a railway, but the term "commercial travellers" takes in more territory and gives rise to various interpretations, and quite often there are disputes about it. If the privilege of voting at an advance poll were based on the idea that the person is asking for it because he will not be able to vote on the regular election day, then we have only one principle to deal with. There are no definitions required; every qualified voter who is otherwise qualified is then eligible to vote in an advance poll for cause. Now the declaration would be the crux of the whole thing. I realize that there are some people who might say, "What would happen if we had a whole flood of electors wanting to vote at advance polls? We would have two election days instead of one." As a matter of fact, I see no reason why any ordinary elector who has good reason to believe that he will be at home and able to vote would go to the bother of making a certificate simply for the purpose of voting a few days earlier. It would be of no advantage whatever to him and would be merely a nuisance to him, and for that reason alone I can see no great rush of people to the advance polls. But it would overcome the difficulty of so many persons who lose their right of franchise simply because of reasons beyond their control and who are unable to be at their polling divisions on the date of the poll. I also want to submit that this does not solve the problem of absentee polling. This has nothing to do with persons who are not in the particular constituency where they are ordinarily resident on the day when the writ issues. This has to do only with persons who would otherwise be qualified to vote, whose names are on the list, but who for one reason or another are not going to be able to vote on election day.

I can see no objection to it personally; it has many advantages. The only disadvantage I can think of is that it would appear that some might think it would add extra work to the officials who are in charge of the polls, in their having to handle the declarations or issue the certificate. But even if it does add a little more extra work, I think that the disadvantage is more than compensated for, and I would propose that the committee accept this suggestion.

By Mr. Pouliot:

Q. Will the Chief Electoral Officer please tell us what total amount of salary is paid to the returning officers, and their staff on enumeration day roughly?—A. It is very difficult to estimate the cost of one day. The average returning officer would normally get, over a period of ten weeks, between \$90 and \$100 a week. Clerical assistance would depend on the size of the constituency. On the average he would have clerical assistance allowances amounting to \$500 or \$600.

Q. And what about the deputy returning officer?—A. He is now paid on the basis of \$12; the poll clerk is paid \$8; and the rental is \$10.

Q. And the clerk?—A. He gets \$8.

Q. So, what is the average cost on election day?—A. You mean the average cost per poll?

Q. For returning officer, the deputy returning officer, the clerk and the rent.—A. About thirty two or thirty-three dollars.

Q. How many do you have?—A. We have about 45,000.

Q. You say you have about 45,000 polls?—A. At the last election we had a total of 40,836 polling stations.

Q. Will you please multiply that by \$33, just to know what it is.—A. I think it would be around \$1¼ million.

Q. You say around \$1¼ million?—A. So election day actually costs around \$1¼ million and if we had three election days, it would be \$3 and three quarter million.

Q. What do you think of having three election days instead of one?—

A. The members of the committee may be interested in the number of advance

polls at the last election. There were 102 electoral districts which did not have an advance poll. 131 had one advance poll; and the other 30 had more than one. If the privilege of voting at an advance poll was extended to all electors, it goes without saying that we would have to provide more facilities. We would not have to provide them to the same extent as you would do for ordinary polling day. However, no one could say actually just how many we would have to have, but I presume we would have to have at least one to about every fifteen polling divisions. That is, we would have to have fifteen advance polling stations where we now would have one, for example, in an urban constituency.

On the basis that we would have one advance poll per 15 polling divisions of electors in an electoral district, that is a ratio of 1 to 15, we would have to provide this number in each electoral district. But that is purely an arbitrary figure. I do not think anyone could tell exactly how many electors there would be who would want to make use of an advance poll if that privilege were to be extended to everybody; that is, how many would want to vote at an advance poll on Thursday, Friday or Saturday. We would have to start off with the yardstick of one advance poll per 15 polling divisions.

An advance poll costs in the neighbourhood of one hundred dollars, and on the basis of ten advance polls per electoral district—the minimum would be ten—that would mean an expenditure of some \$250,000 of additional expenses; that would be for the additional advance polls required to take care of additional traffic which may result if the privilege were extended to all electors. Yet I would not be too sure that even one advance poll per fifteen polling divisions would be sufficient to handle such traffic.

There are no statistics we can go by to estimate such traffic, but we would have to start off with a bare minimum which I figure would be one advance poll to fifteen polling divisions. That is simply for the wholly urban constituencies, because there I think that one could work on a ratio of 1 to 15. But when you tackle the wholly rural constituencies, we would have to provide the same conveniences for them. We would have to reduce the ratio to one advance poll per four or five polling divisions, because if we did not, the electors in rural areas might have to go twenty to thirty miles in order to vote at an advance poll, whereas in the city they do not have to go more than one quarter of a mile.

I presume the members of the committee would be interested in providing the same facilities for the rural as well as the urban voters. I submit that it is not only a question of extending the privilege which is involved, but also a question of providing adequate and additional facilities to permit the electors to avail themselves of this privilege.

With respect to the vote at the advance poll under our present provisions, at the last general election 10,559 electors voted at 243 advance polls. This number of voters has remained pretty well the same since advance polls were established. Since 1921, it has never been higher than 11,200, or lower than 6,947.

The CHAIRMAN: Does anybody else wish to speak to this motion?

Mr. HANSELL: Mr. Chairman, I am all in favour of getting everyone out who has a vote, and I think that is true of all of us. I would like to support this if it were not for some doubt in my mind.

My doubt is whether a thing of this kind would not be taken undue advantage of. Is there any way you could protect a person's vote? For instance, we do know that a good many votes are stolen. In other words, a person goes in to vote at noon or in the afternoon, only to find that somebody has voted in his place, has stolen his name, has impersonated him. That is done and there is nothing that you can do about it.

A person comes in to vote and finds that his name is gone. No one knows where he came from. Now, how could voters be protected under this. I visualize for instance a city where there is a bit of skulduggery done, and we would say that at a couple of hundred polls three, or four, or half a dozen in each poll have voted previously on a declaration such as might be described in this resolution, and then we find that those declarations were spurious. A person comes along on election day only to find that he cannot vote because some one else has already voted and made this declaration. He says: "I did not make it."

What can be done about that? That is the difficulty which I see here. I would like to support it, but I do not want anything like that to happen.

The WITNESS: Mr. Chairman, as members of the committee know, the advance poll takes place on the Thursday, Friday, and Saturday immediately preceding the ordinary polling day. At present, in view of the limited nature of the provisions of Section 95 of the Act, it is possible for the returning officer to send a duplicate of the certificate which he issues to the person who has applied for it, to the poll where that person would normally vote, and therefore prevent double voting.

Because of the limited nature of the section there would not be more than 30 or 40 voters, generally speaking, who, in practice, would vote at an advance poll. Therefore, it is only a question on the Saturday night before Monday the ordinary polling day of having 30 or 40 certificates delivered to the various deputy returning officers concerned.

I submit that if this privilege was extended to everyone, let us say that 5 per cent of the electorate used these facilities, out of 40,000 electors it would mean that 2,000 certificates would have to be delivered from Saturday night to the following Monday to prevent doubling voting.

I know of no way to prevent what Mr. Hansell has mentioned. I think that the only way you can prevent double voting is to notify the deputy returning officer in the ordinary poll that someone has voted at an advance poll. And by advancing the poll to the week previous, the eleventh, tenth, and ninth day before the ordinary polling day, we would have an interval of eight days between the last day of voting at the advance poll and ordinary polling day in order to enable the returning officer to strike off the names on his list of the electors who have voted at the advance poll.

Mr. POULIOT: Hear, hear!

The WITNESS: That is the only way it could be done. In the cities I would say that the ballot boxes would not normally have been delivered to the deputy returning officers before the eighth day before polling day, therefore the returning officer could possibly strike off the list any names of electors who voted at an advance poll. However, he might also strike off the name of an elector who had been impersonated. I do not know of any way to prevent it except by persons at the poll who represent the candidates, challenging these electors, because they would probably know the electors. I know of no way if the privilege is extended to prevent an elector from attempting to vote twice except by putting a larger period between the advance poll and the ordinary polling day to permit the returning officer to take the necessary steps to notify the deputy returning officers concerned. If such a period were provided there would be two to three thousand ballot boxes in the custody of the deputy returning officers for a period of a week or eight days, and this was not desirable. The problem is more difficult in some rural areas because the ballot boxes ordinarily are sent a week before polling day by registered mail, and the deputy returning officers in some cases would receive them three weeks before polling day. Therefore some means would have to be devised

in rural polling places to notify the deputy returning officer that an elector has voted at an advance poll, and that should he present himself to vote at the ordinary poll, he should be challenged or not be permitted to vote.

Mr. DICKEY: I think we all agree that we should extend the privilege of voting to as many Canadians as practical and possible. At the same time I think that a good many members of the committee will agree with Mr. Hansell's view that that has to be weighed against the possibility of abuses and unfairness. It seems to me that one of the main protections against impersonation, people voting improperly under the name of somebody else, is the fact that our system is based on the local polling division. The various candidates select from within that polling division, normally, agents to be in the poll those who have a reasonable opportunity of knowing a number, at least, of the individuals who will be voting. Thus they are in a position to have some reasonable chance of recognizing an impersonator and of preventing that person from voting improperly.

But if you are going to have an advanced poll on a wider basis than, let us say, one to 15 polling divisions, it is going to be an impossible job for the agents to have any real chance of controlling impersonation. I think that it might open the door to a very much wider avoidance of the Election Act and to some real injustice. I would be very much afraid of it from that point of view.

Mr. ZAPLITNY: If what Mr. Dickey says is so, on the question of impersonation, then is it not a fact that with the few people voting at the advance poll that there is now—where in some constituencies there is only one advance poll in the whole constituency—then, according to Mr. Dickey's argument the chances of impersonation would be much greater because you will have voters coming in from greater distance. You cannot have it both ways.

Mr. DICKEY: Take the advance poll now. It averages 50 or 60 votes. If you enlarge the method you will get one thousand people voting in the advance poll.

The CHAIRMAN: Are you ready for the question?

Mr. ELLIS: Mr. Chairman, there is a danger of these people creeping in. Under the existing set-up, and under the normal vote, our scrutineers are constantly on watch for any contravention of the Election Act. I think there is a great deal of merit in the Chief Electoral Officer's suggestion of moving the date ahead by a week or so. If the advance poll is held a week ahead of election day it would be much more effective than if held just a few days before that day.

The Chief Electoral Officer has said that in the last federal election he found that some people had left their homes before the election. In other words, if the advance poll was held a week before voting day, it would enable more people to vote who would ordinarily be absent from their homes on election day.

I think the objection raised here could be met. I think the greatest danger of impersonation occurs in the larger cities. In rural areas the average voter is known. Everybody knows everyone else. So it is in the larger city polls where you have a situation where your scrutineers might not know more than a mere fraction of the voters.

The Chief Electoral Officer pointed out that if the advance poll was set eight days ahead, certainly in the larger cities at least that is as far as we can go. Right now we have an advance poll and we have a certain group permitted to use it, such as commercial travellers, railroad employees, and so on. But there are a great many others who are called upon to leave their

homes on voting day, such as construction workers, who are doing work outside their cities on election day. I know of quite a number who were called on to vote outside their own districts.

Mr. HOLLINGWORTH: Protection is given them under "commercial travellers".

Mr. ELLIS: I do not think that people whose normal occupation is not that of a commercial traveller or railroad employee would be allowed to vote.

The CHAIRMAN: Pardon me. Look at page 1 of the Act. The thing is defined there in clause 2 under "interpretation", subsection 4, commercial travellers and so on. That is where you will find the interpretation of the Act.

Mr. ELLIS: It says right here:

(4) 'Commercial traveller' means a person employed on salary or on commission by a manufacturer or wholesale merchant to travel from place to place selling goods to, or taking orders for goods from, jobbers and retailers;

Certainly I would suggest there are a great many other groups who are obliged to leave their homes on election day in the course of their jobs, who do not qualify to vote at the advance poll. Why draw the line there? These days that have been suggested exist in the limited voting facilities we have now. Why not go as far as it is possible to go? I realize that in rural constituencies there may be many great difficulties in delivering the ballot boxes and getting the services, but let us go as far as we can go. Within the limits of practicability, why not extend this principle as much as possible?

Mr. HOLLINGWORTH: Mr. Chairman, it seems to me that this problem has probably come up because we had the last election in August. In my riding many of the employees from the A. V. Roe Company were on vacation for two weeks. I think it can be stated that it was an extraordinary circumstance that we had an election in August, because of the Coronation. The chances are that we will never have an August general election, because fewer people can vote. I think that in August not only construction workers are away, but also people on vacation. I do not think that this is going to happen when you have an election in June, and that is generally when we have an election. I should like to ask Mr. Castonguay if he has had any complaints from people in certain occupations about not being able to vote?

The WITNESS: All the representations I received are in the minutes of the first meeting. They are all listed there.

Mr. FRASER (*Peterborough*): Summer schools.

Mr. HOLLINGWORTH: I think much has to be said for Mr. Hansell's argument and Mr. Dickey's argument that, particularly with an increased population from people coming in from Europe, there is a chance that this privilege will be abused if it is extended too far. I am more concerned about that than the additional cost.

Mr. FRASER (*Peterborough*): I know of half a dozen men who are inspectors or service men in industry who do not come under "commercial travellers". They would lose their vote entirely. While they are not commercial travellers, they have to go out of their riding and are away on election day. I have also had commercial travellers say to me, "We are not at home on the Thursday, Friday or Saturday before the elections; we might be home the week before; sometimes we are home on those Thursdays, Fridays and Saturdays before the election, but perhaps at the following election we are not there, and it is the week before, when we are at home on our weekly

trip." I know that many commercial travellers do not vote, and I think that is the reason why our advance poll does not pick up the votes it should pick up.

The CHAIRMAN: Are you ready for the question?

Mr. HANSELL: Before the question is put, may I say this? The other day I asked how the advance poll was established, and the Chief Electoral Officer indicated, I think, that any town or village that is incorporated with a population of over five hundred could apply. I should like to ask this: is the application made through the municipal authorities? Could I make it, for instance?

The WITNESS: Yes, the procedure is set out in section 94, subsection (3), of the Act:

The Chief Electoral Officer may from time to time amend Schedule Two by striking therefrom the name of any place or by adding thereto the name of any other place, and, so amended, such schedule has effect as if incorporated into this Act; but he shall amend under the following circumstances only:

- (b) If he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any incorporated village, town or city having a population of five hundred or more as determined by the last census taken pursuant to sections 16 and 17 of the Statistics Act, he may add the name of such place.

Having approved the establishment of advance poll, the notice of the establishment must be published in the *Canada Gazette* for a period of sixty days. However, if a writ is issued in that period the advance poll cannot be established for that election. Representations are received from the members, from the returning officers, etc., and all they have to do is satisfy me that fifteen votes will be cast, and then I will authorize its establishment.

Mr. BOURQUE: You told us that it costs \$250,000 for 11,200 maximum votes. Is that right?

The WITNESS: No. That would be if the privilege were extended to all electors; I feel it may be necessary for me to establish about ten advance polls per constituency. That would represent about 2,600 advance polls. An advance poll costs about \$100, and therefore the minimum cost of extending the privilege to everyone would be in the neighbourhood of \$250,000. Now we have 243 advance polls at \$100, and the votes were 10,559 at the last election. So it would roughly cost \$24,000 for 10,559 votes.

Mr. ZAPLITNY: I should like to refer the committee to item number 23 in the first minutes of proceedings of the committee, in which there is a letter from the Canadian Chamber of Commerce to the previous Secretary of State. As hon. members know, the Chambers of Commerce throughout Canada are in very close touch with a great number of people, and certainly, if the Canadian Chambers of Commerce thought it important enough to pass a resolution at their annual convention and to send their representations to the Secretary of State, that indicates, I think, that it is based on a heavy demand throughout the country. This is not something they have dreamed up; it is based on the wish of thousands of members. I submit that that is reason enough for us to give it consideration. I should like to say a word now in connection with this question of how many people would take advantage of it. I think we would be wrong in basing our estimate on the figures of how many people did not vote at a previous election. We know there are a large number of people in every election who do not vote, and their reason for not voting is not the lack of facilities. A large number of electors simply do not vote, for personal or

other reasons; they do not care to make a choice or for some other reason they do not vote. This is an attempt to provide an opportunity for those who do want an opportunity to vote. My understanding was at the very beginning of the sittings of this committee that that was the chief objective of the committee this year. It was stated by the Secretary of State at the opening meeting that it was our desire to extend every possible means for those who wished to exercise the franchise.

I would suggest this to the committee. If they have some misgivings about going into this on a large scale, why as an experiment can the Act not be amended and then tried out to see if it is practicable? Why not establish a reasonable number of advance polls, not sufficient to be convenient for everyone, but a reasonable number, something between what would be required to provide reasonable facilities, and what we have now, which is far from satisfactory? On the basis of that experience in an election, the committee would have something on which to base its opinion. As the Chief Electoral Officer said, we have no experience on which to base an opinion. We do not know how many people would take advantage of it. We do not know what difficulties would arise. This question of impersonation, of course, arises on any election day, but there are provisions in the Act to take care of it. It is illegal to impersonate. No one can stop people from breaking the law but we can punish them if they do so. I would say that it would be an experiment well worth trying in an election. If it is found to be unsatisfactory, then the hands of this or any other committee or parliament are not bound. The Act can be changed again. Certainly, with the demand across the country for extension of this privilege, we would be well advised to try that as an experiment, to give everybody an opportunity which it is physically possible to give. Based on that experience at a future time we would be able to revise the Act further as it should be.

The CHAIRMAN: Those in favour of Mr. Zaplitny's resolution will please raise their right hands? 7; Against? 15.

I declare the resolution lost.

Section 94, on page 110. It is also on page 9 of the printed draft amendment, clause 14. Moved by Mr. White (*Waterloo South*).

The WITNESS: As I explained at a previous meeting, this amendment will enable me to establish an advance poll in an electoral district such as Esquimalt-Saanich where there is no incorporated town, city or village within its boundaries. Representations were received to establish an advance poll there, and I was unable to establish one.

The CHAIRMAN: Does Section 94 as amended carry?

Carried.

Mr. NOWLAN: I have a question concerning section 95. I think there is much merit in what has been said this morning about the limitations for railwaymen and commercial travellers. It seems rather unfair that a man in one type of work gets a vote and his next-door neighbour does not. The world has moved a great deal since this definition was drafted. For instance, you have insurance salesmen, you have insurance inspectors and I can think of a whole group of people who might lose a vote because of the nature of their employment. I wonder if it would be possible for the Chief Electoral Officer or the committee, if it saw fit, to eliminate these terms, "Commercial travellers", "railroad men" and "fishermen", and include anyone who because of the ordinary nature of his employment is absent, if he makes a declaration to that effect. That would take in quite a number of people who today are deprived of a vote. It would not be subject to abuse, and yet the person's name and his occupation would appear in the list, and it would be only those people who would have that privilege. There are many such groups of people.

There are people who are engaged in different types of services who do not come within the definition of commercial traveller, and I think that in this modern world we could consider that instead of restricting them because of their type of business, we could include all these people by saying: "because of the ordinary nature of their employment would be absent on election day".

The CHAIRMAN: I think that that takes us right back to Mr. Zaplitny's motion.

Mr. NOWLAN: No, Mr. Zaplitny's motion includes people who cannot vote because they are on vacation and people who find that they have to go away for employment or for some other reason.

Mr. FRASER (*Peterborough*): There is a definition of who can vote.

Mr. NOWLAN: It would involve dropping the term "commercial traveller" and so on and putting, "because of the nature of their regular employment".

The WITNESS: The more you broaden the classes of persons who would have the privilege of voting at advance polls, the more facilities you would necessarily have to provide. But generally speaking, we establish advance polls now in railway centres where there is a fairly reasonable well-known number of railway employees who would avail themselves of that privilege. However, if you broaden this to the extent that for reasons of any employment a person could be entitled to vote at an advance poll, I would submit that that would have to be accompanied by the furnishing of equal facilities. There are one hundred and two constituencies with no advance polls, and there are one hundred and thirty-one with only one. I submit that in a rural area, for every polling division we would not have to establish an advance poll. We may be able to group four or five polling divisions into one advance polling district, but I submit that the more you extend this privilege the more facilities you would have to provide. I would hate to face this committee after the next general election, after not having provided the proper facilities for voting at advance polls, and I would feel in duty bound to provide the facilities to all electors who are entitled to the privileges.

Mr. NOWLAN: It would not mean doubling the poll.

The WITNESS: No. If it were made "for reasons of employment", in a wholly urban constituency, I would still use the yardstick of fifteen urban polling divisions per advance poll because fifteen urban polling divisions represents roughly three thousand electors and three hundred electors per poll is all it could handle per day. The Act recognizes this. Three hundred electors is the most a poll can satisfactorily handle. I would have to provide facilities per group of fifteen polling divisions of one advance poll so that on the first day or any day thereafter the maximum number of electors could be handled on each day. If there are three thousand electors in an advance polling district, one advance poll could handle the maximum of, say, ten per cent, namely three hundred electors. If that went to 20 per cent, we have to divide that advance poll district in two and establish another advance poll, but I would have to do it when the voting takes place and that would not be too satisfactory. There is no means for me to find exactly how many people at any given time would want to use those facilities. However, I would be duty bound to provide adequate facilities, and I would not like to face this committee if an insufficient number of advance polls had not been provided to handle the voting at a general election. I do not think that that makes for efficiency in the conduct of elections.

By Mr. Ellis:

Q. Is it not true that the vote at the advanced poll is quite low?—A. Very low, with 243 advance polls.

Q. If the Act were changed to include in addition to commercial travellers and railroad employees, persons who in the normal course of their work are called to go on the road—I do not know how it should be worded—I think it might double the number of voters who would be qualified to vote. Under those circumstances, if you could double or triple the number, you would still have a comparatively low vote.

Another point I feel about this matter is that you will find generally that the people who would be included under a broadening of this provision are located, generally speaking, in the localities where the advanced polls presently exist. In a provincial capital for instance you will find a great many civil servants and inspectors who are out on the road from Monday morning until Saturday. In order to vote they may find it necessary to stay off the job a whole day.

There are bank inspectors and other business people who are not selling goods and therefore do not come under the Act, and you are going to find that where these people are presently residing there are already advanced polls. So the question is: shall we extend the privilege of voting to people in those areas? That to my mind is the issue here. I ask the Chief Electoral Officer to comment.

A. I do not think that I explained myself quite clearly.

Advance polls are now established for certain classes of people. It has been proven over the years that the facilities which are now provided are sufficient to handle the votes of commercial travellers, transportation employees, and so on. If you extend the privilege to all persons who for reason of employment cannot be in their home polling division on polling day, we will have to provide more facilities, because it is not possible for anyone to estimate the number of electors who would avail themselves of these facilities. Now it is possible to estimate the number of persons who will use such facilities as it is restricted to commercial travellers, fishermen, the R.C.M.P., transportation employees and members of the reserve forces.

There has never been more than three hundred electors who voted at an advance poll. With 243 advance polls, only ten thousand have voted. But if it is extended for reasons of employment, then only one advance poll in a wholly urban constituency would not be sufficient. In a wholly rural constituency, you might find from 100 to 200 such electors in small towns and villages situated in the constituency. There may be only one advance poll in that rural electoral district and it would not be conveniently situated to take the votes of all electors as now it is established at a railway junction for railway employees. If you extend this for reasons of employment, then the electors in the other villages or towns in the constituency would want the same facilities. Therefore I would have to establish advance polls at such villages and towns. It may be possible to establish one advance poll per each group of four or five polling divisions. However, where now one advance poll is sufficient in a rural district, it would require at least 20 advance polls to provide adequate facilities. If one village has one, and another village which is 40 miles away has not one, it will want to have one, too, as the electors there will not want to drive 40 miles in order to vote at an advance poll. Therefore, if you have one established at a railroad junction in a wholly rural constituency, I submit it would not be sufficient to provide the facilities for all the electors who might, for reasons of employment, want to vote at an advance poll in that constituency.

We have given you the figures for a wholly urban constituency. It has never been more than an average of 50 votes per advance poll. Therefore, we feel that one in an urban constituency is reasonably sufficient to take the votes of electors now entitled to vote at an advance poll.

10,559 votes were cast at advance polls at the 1953 election. It used to be that only the electors, for example, in Maniwaki who were on the list of electors at Maniwaki were entitled to vote at the advance poll there. No one else who had the privilege in the constituency of Gatineau could come and vote at the advance poll there because he was not on the list of any polling division in Maniwaki. That rule was changed for the 1953 election and any elector of Gatineau who was given the privilege of voting by section 95 of the Act could vote at the advance poll at Maniwaki. But it takes care of commercial travellers and railroad transportation employees who go to Maniwaki. A limit was put on me, so that I could not establish an advance poll unless it was in an incorporated city, town or village of 500 population.

Mr. ELLIS: Would you say that it is because of increased expenditure that this privilege should not be extended for strictly rural constituencies, that is, beyond the limit of those persons who must be away from their homes on election day? We already have certain facilities for advance polls set up. But under the present circumstances I am certain that in a great many rural constituencies the people who would normally be able to vote at an advance poll cannot do so because there is no advance poll which is handy to them.

Therefore since that situation already exists I submit there will be no unfairness in extending the privilege in existing advance polls to those who in the normal course of their jobs are required to be away from their homes on election day. And I would go that far because with the situation as it stands now there are people who are denied. There are small towns where there is only one train-crew in that particular locality; perhaps some small center where there are only two or three commercial travellers, and where there may not be an advance poll. Therefore, the system is not perfect right now, so why not make the privilege of having an advance poll available to a greater number of people by extending it to include those who are not commercial travellers, fishermen, R.C.M.P. or railroad employees.

Mr. DECHÊNE: Mr. Chairman, have we a motion?

The CHAIRMAN: No, there is no motion.

Mr. RICHARD (*Ottawa East*): We have dispensed with the motion. I understand we are talking now about people who normally would be away. That is much like the motion which we had before. But I think we have talked this over before. It is a definition of the type of people who should be entitled to vote because their occupation entitles them to do so, that is, because of their occupation they must be away from home. I think we are getting out of order.

By Mr. Hansell:

Q. I would like to approach this matter from another angle. I am concerned about the people who perhaps should have voted at an advance poll but have not done so, and those who want to vote at a poll where they are not located at the time of election day. If I am not in order, please tell me and I will wait until we get to that point. To me it is a very important matter.

Let me give you an illustration: at one place in my own constituency there was a project going on. The contractor for the project called in a number of workers, perhaps about a hundred of them. Those workers had come from various parts outside my constituency altogether. It was a type of work where the contractor brings in his own employees.

On election day they had quite an argument at the poll because about 30 of these men arrived and wanted to vote. Their actual place of residence was not in that locality at all. Their names were not on the list, I think. They claimed they had been there the required length of time. They were

missed from the list because they were not known. The argument was whether or not they were entitled to vote there when their homes actually were in some other part of the country.—A. They would be entitled to vote under the provisions of section 16, subsection 10, if they met the conditions which are set out in that subsection; if they were there on the date of the issue of the writ, even though they were temporarily resident there, while temporarily employed in the pursuit of their ordinary gainful occupation, they would be entitled to vote in that constituency. If they met these conditions, they would be entitled to vote.

Mr. DICKEY: This covers men on construction work, not just the ones who are there on a temporary basis. Most real construction workers come under this.

The WITNESS: Yes, they do.

By Mr. Hansell:

Q. I believe the same thing could happen at a summer resort where there may be an influx of workers, such as at our national parks, for instance, where there is an influx of workers and students as waitresses and that kind of thing, at the large hotels. They may come from all parts of the country and remain only for the summer months, perhaps three or four months, because they are working there. And on election day, when they come to vote, the argument is: "Do you live here?" "Well, I do not. My home is not here. A. They are taken care of under the provisions of subsection 12 of section 16 I am here now for a little while, although I shall be going back home later."—which reads as follows:

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

That would apply to persons who are working there in their ordinary gainful occupations, such as bell boys, porters, housemen, and chambermaids. Provided they are there on the date of the issue of the Writ and continue to be there on polling day, they are entitled to vote.

Q. Even though their names are not on the list?—A. They can be "voted" under the procedure set out in section 46 of the Act.

The CHAIRMAN: Clause 95 "Who may vote at advance polls." No change.

Clause 96 "Conditions for voting at advance polls." No change.

Clause 97 "Examining and sealing ballot box." No change.

Form 65, on page 177 of the Act. No change.

Carried.

The CHAIRMAN: Form 66, on page 21 of the printed draft amendment, "Advance poll certificates and statement of identification." Amendment moved by Mr. Lefrancois.

Carried.

The CHAIRMAN: Schedule 2 on page 180 of the Act?

Carried.

The CHAIRMAN: Section 2 of the Act on the first page of the Act "Interpretation"?

Carried.

The CHAIRMAN: Section 2 as amended?

Carried.

Mr. HOLLINGWORTH: I move:

That a report be presented to the House in the form of a draft bill in which shall be embodied in true substance the various amendments to the Canada Elections Act suggested to and adopted by this committee in its study of the said Act, with a recommendation that the Government at the earliest possible date consider the opportunity of introducing the necessary legislation to give effect to the said proposed amendments to the said Act.

The CHAIRMAN: You have heard the motion moved by Mr. Hollingworth. All those in favour? Contrary?

Carried.

The CHAIRMAN: That finishes the first phase of our work. I am not going to make any forecast as to the second phase of our terms of reference. Will somebody move that we adjourn at the call of the chair?

Mr. LEFRANCOIS: I move that we adjourn to the call of the chair.

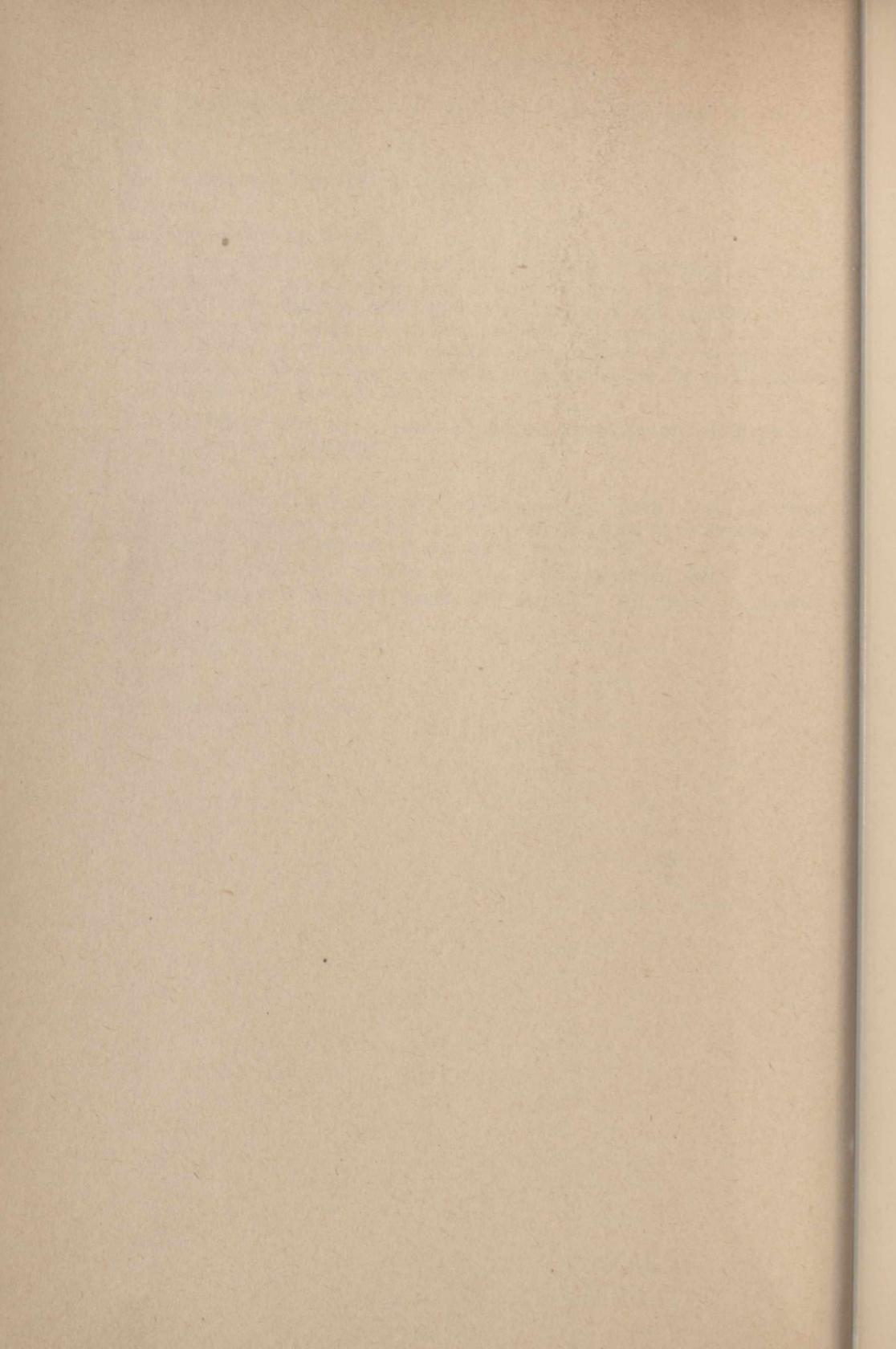
The CHAIRMAN: You have heard the motion? All those in favour? Contrary?

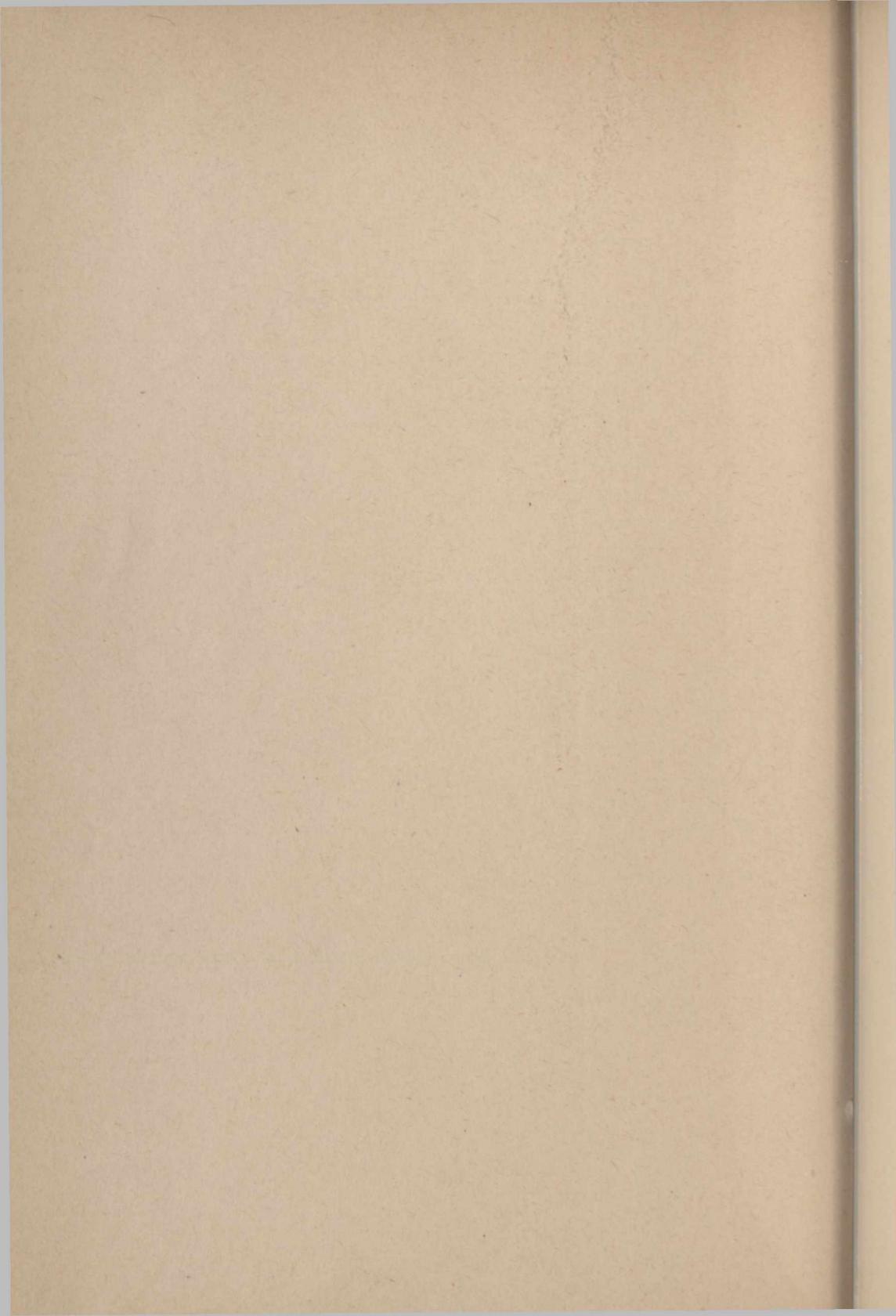
Carried.

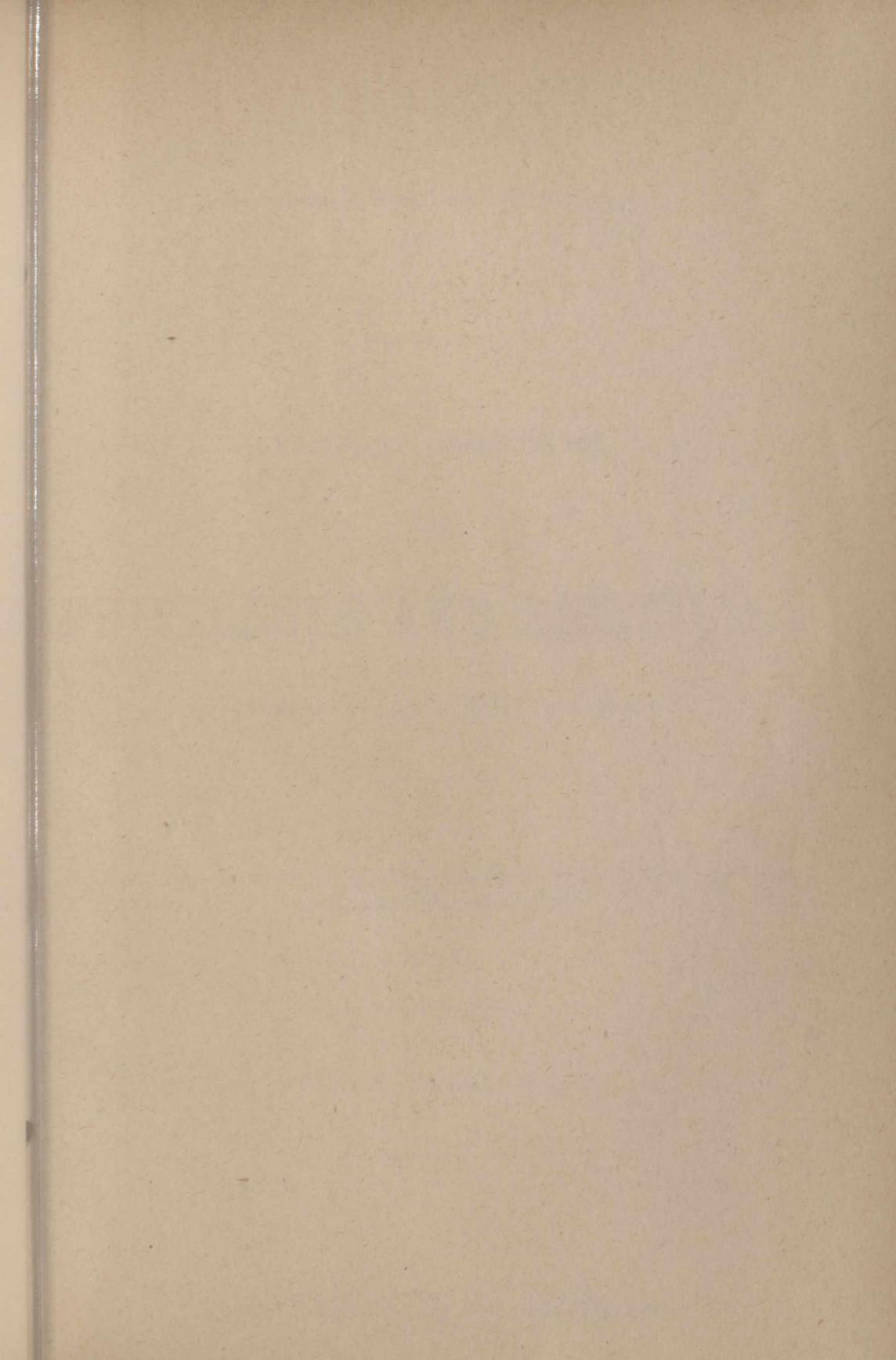
Carried.

The committee adjourned.

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HOUSE OF COMMONS

Second Session—Twenty-second Parliament

1955

STANDING COMMITTEE

ON

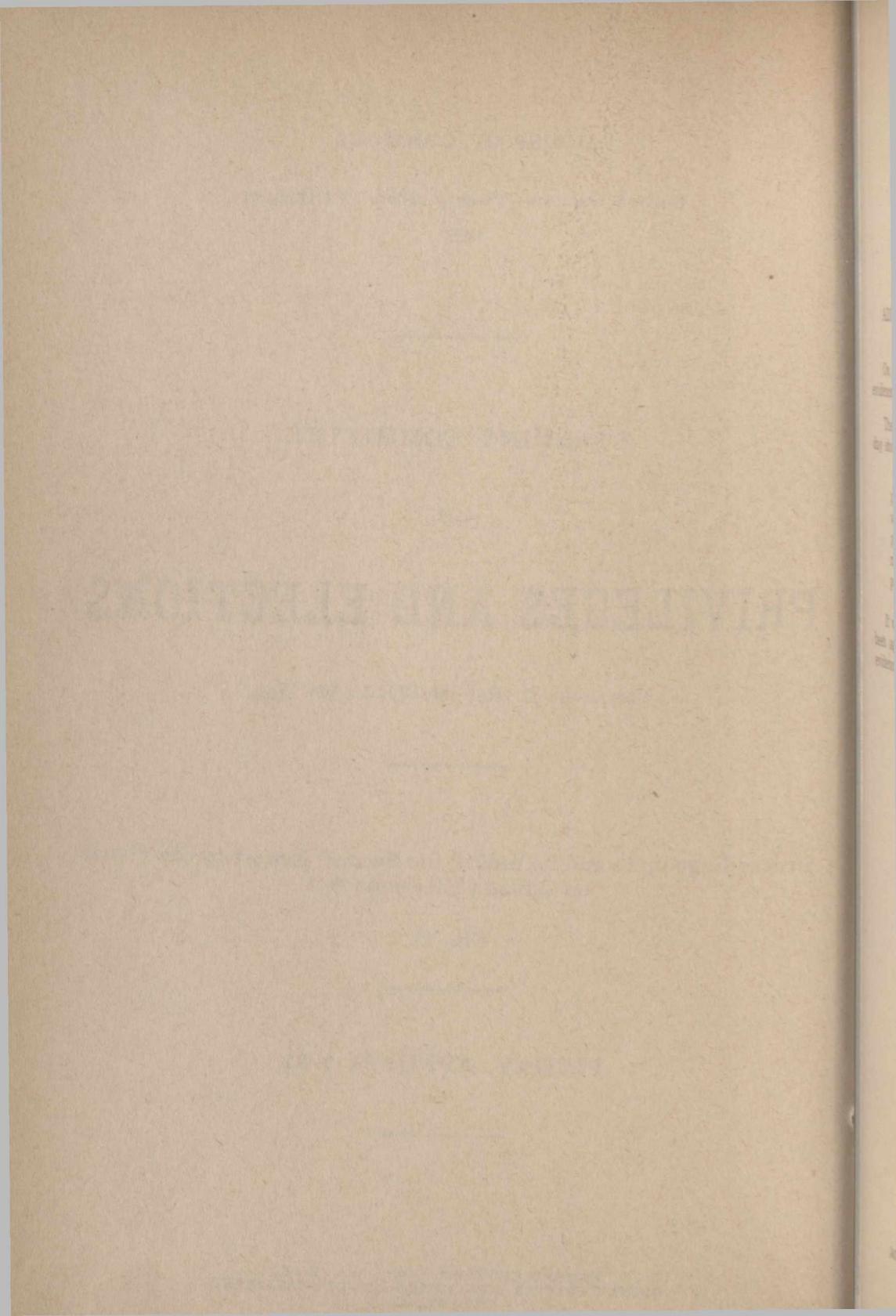
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

Proceedings up to and including the Second Report to the House
on Canada Elections Act

No. 11

FRIDAY, APRIL 29, 1955



ADDENDUM TO MINUTES OF PROCEEDINGS OF THURSDAY,
MARCH 24, 1955

On Section 31—(See page 158 of the printed record of proceedings and evidence.)

The resolution moved by Mr. Viau and adopted by the Committee on that day should be corrected by adding thereto the following subsection:

(7) Whenever the returning officer is unable to secure suitable premises to be used as a polling station within a polling division, he may, with the prior permission of the Chief Electoral Officer, establish such polling station in an adjacent polling division, and upon the establishment of such polling station all provisions of this Act apply as if such polling station were within the polling division to which it appertains.

It will be noted that the aforesaid subsection had, on March 10th, already been agreed to. (See page 69 of the printed record of proceedings and evidence.)

Antoine Chassé,
Clerk of the Committee.

ORDERS OF REFERENCE

WEDNESDAY, April 20, 1955.

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

WEDNESDAY, April 27, 1955.

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

Attest.

Leon J. Raymond,
Clerk of the House.

REPORT TO THE HOUSE

FRIDAY, 29th April, 1955.

The Standing Committee on Privileges and Elections begs leave to present the following as a

SECOND REPORT

Pursuant to the Order of Reference of Friday, 25th February, 1955, insofar as it relates to the Canada Elections Act, your Committee has given careful study to the said Act and to the amendments thereto suggested by the Chief Electoral Officer and the Department of National Defence. It has also considered representations from the Department of External Affairs, the Department of Northern Affairs and National Resources and from various other sources, as may be seen by a reading of the evidence adduced by the Committee.

The conclusions reached by the Committee are embodied in the attached draft bill, the provisions of which are recommended for adoption and to that end your Committee further recommends that the Government give at the earliest possible date consideration to the advisability of introducing the necessary legislation to give effect to the provisions contained in the said draft bill.

A printed copy of the evidence relating to the above matter is tabled herewith.

All of which is respectfully submitted.

G. ROY McWILLIAM,
Chairman.

DRAFT BILL

An Act to amend the Canada Elections Act.

R.S., cc. 23,
306, 334, ss.
8, 9; 1952-53,
c. 24, s. 7.

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

1. (1) Subsection (14) of section 2 of the French version of the *Canada Elections Act*, chapter 23 of the Revised Statutes of Canada, 1952, is repealed and the following substituted therefor: 5

"Heures
du jour."

"(14) "heures du jour" et toutes les autres mentions de l'heure dans la présente loi ont trait à l'heure solaire;"

(2) Paragraph (b) of subsection (15) of section 2 of the said Act is repealed and the following substituted therefor: 10

"(b) in relation to any place or territory within a judicial district, other than the judicial district of Quebec or Montreal, in the Province of Quebec for which a judge of the Superior Court has been appointed, the judge so appointed, or where there is more than one such judge, the senior of them;" 15

(3) Subsection (15) of section 2 of the said Act is further amended by deleting the word "and" at the end of paragraph (d) thereof and all the words following paragraph (e) thereof, by adding the word "and" at the end of paragraph (e) thereof and by adding thereto the following paragraph: 20

R.S., cc. 23,
334, s. 9.

"(f) in relation to any place or territory in Canada where there is no judge as defined in paragraphs (a) to (e) or a vacancy exists or arises in the office of any such judge or where such judge is unable to act by reason of illness or absence from his judicial district, the judge exercising the jurisdiction of such judge, and if there is more than one judge exercising such jurisdiction, the senior of them, and if no judge is exercising such jurisdiction, any judge designated for the purpose by the Minister of Justice." 25 30

The various amendments contained in this Draft Bill have been recommended by the Standing Committee on Privileges and Elections in their second report dated 29th April, 1955.

EXPLANATORY NOTES.

Clause 1. To clarify the French version of the present section 2 (14) which reads as follows:

“(14) “heures du jour” et toutes les autres mentions de l’heure dans la présente loi ont trait à l’heure normale;”

(2) To provide that the judge appointed for any judicial district in the Province of Quebec, other than the judicial districts of Quebec and Montreal, will be the judge as therein defined. The present paragraph (b) of section 2 (15) reads as follows:

“(b) in relation to any place or territory within the judicial districts of St. Francis and Three Rivers, in the Province of Quebec, the resident judge of the Superior Court;”

(3) To provide a different mode of appointment of a substitute judge when the judge as defined in the preceding paragraphs of section 2 (15) is not available. The words appearing after paragraph (e) to be deleted are as follows:

“and if there is no such judge in any place or territory in Canada or the judge is unable to act, means the judge designated for the purpose by the Governor in Council;”

2. Subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

Revision of
boundaries of
polling
divisions.

"11. (1) The polling divisions shall be those established for the last general election, unless the returning officer considers that a revision of the boundaries thereof is necessary and, in such case, he shall give due consideration to the polling divisions established by municipal and provincial authorities, and to geographical and all other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division, or as prescribed in subsection (6) or (7) of section 31; in the event of such revision being necessary, it is the duty of the returning officer, when instructed by the Chief Electoral Officer, and subject to the foregoing provisions, to reallocate and define the boundaries of the polling divisions of his electoral district so that each polling division shall whenever practicable contain approximately three hundred and fifty electors." 5 10 15

Repeal and
relettering.

3. (1) Subsection (2) of section 14 of the said Act is amended by adding the word "and" at the end of paragraph (g) thereof, by repealing paragraph (h) thereof and by relettering paragraph (i) thereof as paragraph (h).

(2) Subsection (6) of section 14 of the said Act is repealed and the following substituted therefor: 25

Residence
qualifications
of members of
the Canadian
Forces.

"(6) A Canadian Forces elector, as defined in paragraph 20 of *The Canadian Forces Voting Regulations*, is entitled to vote

- (a) at a by-election only at the place of his ordinary residence as shown on the statement made by him under paragraph 22 of those Regulations, and 30
- (b) at a general election only under the procedure set forth in those Regulations, or, if he has not voted under that procedure, at the place of his ordinary residence as shown on the statement made by him under paragraph 22 of those Regulations." 35

4. All that portion of subsection (3) of section 15 of the said Act following paragraph (c) thereof is repealed and the following substituted therefor:

"(d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind or as clerks, stenographers or messengers on behalf of a candidate, the total number of persons employed under this paragraph not to exceed one for each five hundred electors in the electoral district; the official agent shall communicate the name, address and occupation of every person employed under this paragraph, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station." 40 45 50

Clause 2. Consequential to the proposed amendment in Clause 10. The present section 11 (1) reads as follows:

"11. (1) The polling divisions shall be those established for the last general election, unless the returning officer considers that a revision of the boundaries thereof is necessary and, in such case, he shall give due consideration to the polling divisions established by municipal and provincial authorities, and to geographical and all other factors that may affect the convenience of the electors in casting their votes at the appropriate polling station, which shall be established by the returning officer at a convenient place in the polling division, or as prescribed in subsection (6) of section 31; in the event of such revision being necessary, it is the duty of the returning officer, when instructed by the Chief Electoral Officer, and subject to the foregoing provisions, to reallocate and define the boundaries of the polling divisions of his electoral district so that each polling division shall whenever practicable contain approximately three hundred and fifty electors."

Clause 3. (1) Paragraph (h) of subsection (2) of section 14 is repealed as the only province that had legislation of the kind mentioned therein has now repealed such legislation. Paragraph (h) of the present subsection (2) of section 14 now reads as follows:

"(h) in any province, every person exempted or entitled to claim exemption or who on production of any certificate might have become or would now be entitled to claim exemption from military service by reason of the Order in Council of December 6th, 1898, because the doctrines of his religion make him averse to bearing arms, and who is by the law of that province disqualified from voting at an election of a member of the legislative assembly of that province; and"

(2) Consequential to the proposed change in terminology in Clause 39. The present section 14 (6) reads as follows:

"(6) A Canadian Forces elector, as defined in paragraph 20 of The Canadian Forces Voting Regulations, is entitled to vote at a by-election only in the electoral district in which is situated the place of his ordinary residence as prescribed in paragraph 22 of the said Regulations."

Clause 4. The latter portion of subsection (3) of section 15 was so drafted that it was doubtful whether it applied to the persons mentioned in paragraphs (a) to (d) of subsection (3) or to those mentioned in paragraph (d) only. The Statute Revision Committee construed it as applying to the persons mentioned in paragraphs (a) to (d). This amendment makes it clear that that portion of subsection (3) applies only to the persons mentioned in paragraph (d). All that portion of section 15 (3) appearing after paragraph (c) thereof now reads as follows:

"(d) persons employed, whether casually or for the period of the election or part thereof, in advertising of any kind, or as clerks or stenographers or as messengers on behalf of a candidate, but the total number of persons employed under the provisions of this paragraph shall not exceed one for each five hundred electors in the electoral district; the name, address and occupation of every such person so employed shall be communicated, in writing, to the returning officer who shall, in turn, communicate such name, address and occupation to the deputy returning officer of the appropriate polling station."

5. Subsection (5) of section 16 of the said Act is repealed and the following substituted therefor:

Members of
the Canadian
Forces.

"(5) A Canadian Forces elector, as defined in paragraph 20 of *The Canadian Forces Voting Regulations*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as shown on the statement made by him under paragraph 22 of those Regulations." 5

6. (1) All that portion of subsection (5) of section 17 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor: 10

Printing of
preliminary
lists for urban
and rural
polling
divisions.

"(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day; the printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by the Chief Electoral Officer; the preliminary list of electors for every polling division printed by the returning officer shall bear the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be as follows:" 15 20 25

(2) Section 17 of the said Act is further amended by adding thereto immediately after subsection (5) thereof the following subsection:

Reproduction
of preliminary
lists where
returning
officer unable
to have them
printed.

"(5a) Where by reason of lack of printing facilities or of time or for any other reason, a returning officer is unable to cause the preliminary list of electors for any polling division to be printed in accordance with the requirements of this Act, he shall, wherever possible and with the prior approval of the Chief Electoral Officer, cause such list to be reproduced by any other means, and a preliminary list so reproduced shall, for the purposes of this Act, be deemed, except in subsections (6) to (8), to be printed; the preliminary list for every polling division reproduced by the returning officer under this subsection shall bear a certificate by the returning officer that such reproduction accurately sets out all the names, addresses and occupations of the electors as prepared by the enumerator or enumerators for the polling division to which such list relates; the arrangement of names on the lists shall be the same as is provided for printed preliminary lists by paragraphs (a) and (b) of subsection (5); where a preliminary list is reproduced in accordance with 30 35 40 45

Clause 5. Consequential to the proposed change in terminology in Clause 39. The present section 16 (5) reads as follows:

"(5) A Canadian Forces elector, as defined in paragraph 20 of *The Canadian Forces Voting Regulations*, shall be deemed to continue to ordinarily reside in the place of his ordinary residence as *prescribed* in paragraph 22 of the said Regulations."

Clause 6. (1) The words "upon its face" have been eliminated. The name and address of the printer and the certificate referred to cannot always appear on the face of the printed preliminary lists of electors. All that portion of section 17 (5) preceding paragraph (a) thereof now reads as follows:

"(5) The returning officer shall wherever possible cause the preliminary lists for both urban and rural polling divisions to be printed at a printing establishment situated in or near his electoral district, and shall have the printing thereof completed not later than Wednesday, the twenty-sixth day before polling day; the printing of the preliminary lists of electors shall be in accordance with the specimen forms supplied by the Chief Electoral Officer; the preliminary list of electors for every polling division printed by the returning officer shall bear *upon its face* the name and address of the printer and a certificate by the returning officer that such print accurately sets out all the names, addresses and occupations of the electors, as prepared by the enumerator or enumerators, for the polling division to which such list relates; the arrangement of names on the lists shall be as follows:"

(2) New. To provide alternative methods of producing preliminary lists of electors when, for the reasons set out, the returning officer is unable to have such lists printed.

this subsection, the returning officer shall furnish the Chief Electoral Officer and each candidate with two copies thereof."

(3) Rule (17) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor: 5

"*Rule (17)*. For every urban polling division, the judge as defined in subsection (15) of section 2 is the *ex officio* revising officer."

(4) Rule (20) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor: 10

"*Rule (20)*. The returning officer shall, when so instructed by the Chief Electoral Officer, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may 15 direct, and shall prepare descriptions of such revisal districts."

(5) Rules (23) and (24) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor: 20

"*Rule (23)*. Forthwith on receipt of the notification mentioned in Rule (22), the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14 listing the numbers of the polling divisions com- 25 prised in every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors and stating the days and times during which such revisal office 30 will be open; at least four days before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district; immediately after the printing of 35 the notice in Form No. 14, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so nominated 40 or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the notice mentioned in Rule (23) to be 45 posted up outside of and near to the revisal office where he will sit to revise the lists; the revising officer shall see

- (3) Consequential to the proposed amendment in Clause 1
(3). The present Rule (17) reads as follows:

"Rule (17). For every urban polling division, the judge as defined in subsection (15) of section 2 is the ex officio revising officer; in the event of there being or arising a vacancy in the office of ex officio revising officer, another judge for the same district, if any, shall thereupon become or be named ex officio revising officer, and if there is none or none is named, the Governor in Council may nominate a person to be substitute for the ex officio revising officer pending the appointment or nomination of a new judge."

- (4) To enable the Chief Electoral Officer to instruct returning officers to complete as much of the preliminary work as possible before the writ ordering an election issues. The present Rule (20) reads as follows:

"Rule (20). The returning officer shall, as soon as he conveniently can after the receipt by him of notice of the issue of a writ for an election in his electoral district, group together the urban polling divisions comprised in his electoral district into revisal districts, each containing such number of urban polling divisions as the Chief Electoral Officer may direct, and shall prepare descriptions of the boundaries of such revisal districts."

- (5) The proposed amendment to Rule (23) is to shorten the printed notice of revision by eliminating the descriptions of the boundaries of the revisal districts. The proposed amendment to Rule (24) is consequential to the proposed amendment in Clause 6 (6). The present Rules (23) and (24) read as follows:

"Rule (23). Forthwith on receipt of such notification the returning officer shall, not later than Thursday, the twenty-fifth day before polling day, cause to be printed a notice of revision in Form No. 14, describing the boundaries of every revisal district established by him, giving the name of the revising officer appointed for each thereof, setting out the revisal office at which such revising officer will attend for the revision of the lists of electors, and stating the day and time during which such revisal office will be open; it shall also be stated in the said notice the days and hours before the first day of sittings for revision, and the address at which each revising officer shall be in attendance to complete Affidavits of Objection in Form No. 15; at least four days before the first day fixed for the sittings for revision, the returning officer shall cause two copies of such notice to be posted up in conspicuous places in each urban polling division comprised in his electoral district. Immediately after the printing of the notice in Form No. 14, the returning officer shall transmit or deliver five copies thereof to every candidate officially nominated at the pending election in the electoral district, and, at the discretion of the returning officer, to every other person reasonably expected to be so officially nominated or to his representative.

Rule (24). Before ten o'clock in the forenoon of the day when the sittings for revision commence, the revising officer of each revisal district shall cause an additional five copies of the above mentioned notice to be posted up outside of and near to the revisal office where he will sit to revise the lists; the revising officer shall see that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the three days of sittings for revision."

that the latter copies are replaced as circumstances require in order that the specified number of copies may remain duly posted up during the days of sittings for revision."

(6) Rules (26) to (28) of Schedule A to section 17 of the said Act are repealed and the following substituted 5 therefor:

"*Rule (26)*. The sittings of the revising officers for the revision of the lists of electors shall be held on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and, subject to Rule (36), 10 on Tuesday, the thirteenth day before polling day; such sittings shall commence at ten o'clock in the forenoon on those days and shall continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of; moreover, on 15 each of those days, every revising officer shall sit at his revisal office for the revision of the lists of electors from seven o'clock to ten o'clock in the evening; if any of those days is a holiday as defined in the *Interpretation Act*, the day for the commencement or continuation of the sittings 20 for revision may be postponed accordingly.

Rule (27). At the sittings for revision on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, the revising officer shall have jurisdiction to and shall dispose of 25

- (a) personal applications made by electors whose names were omitted from the preliminary list;
- (b) sworn applications made by agents, on Forms Nos. 17 and 18, on behalf of persons claiming the right to have their names included in the official list of electors, 30 pursuant to Rule (33); and
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary list.

Rule (28). During the sittings for revision on Thursday 35 and Friday, the eighteenth and seventeenth days before polling day, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election for one of the polling divisions comprised in a given revisal district subscribes to an Affidavit of 40 Objection in Form No. 15 before the revising officer appointed for such revisal district alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than Friday, the seventeenth day before 45 polling day, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list

(6) The proposed amendment to Rule (26) is to provide urban electors and candidates more time to examine lists of electors before the sittings for revision for the purpose of filing sworn notices of objection. The proposed amendments to Rules (27) and (28) are consequential to the proposed amendment to Rule (26). The present Rules (26) to (28) read as follows:

"Rule (26). The sittings of the revising officers for the revision of the lists of electors shall commence at ten o'clock in the forenoon of Thursday, Friday, and Saturday, the eighteenth, seventeenth, and sixteenth days before polling day, and shall continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of, provided that, if any of such days is a holiday as defined in the Interpretation Act, the date for the commencement or continuation of the sittings for revision may be postponed accordingly; moreover, on each of the three days fixed for the sittings for revision, every revising officer shall sit continuously at his revisal office for the revision of the lists of electors from seven o'clock until ten o'clock in the evenings of these three days.

Rule (27). At the sittings for revision, the revising officer shall have jurisdiction to and shall dispose of

- (a) personal applications made by electors whose names were omitted from the preliminary list;*
- (b) sworn applications made by agents, on Forms Nos. 17 and 18, on behalf of persons claiming the right to have their names included in the list of electors, pursuant to Rule (33);*
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary list; and*
- (d) any objection made on oath, in Form No. 15, to the inclusion of any name on the preliminary lists of electors, of which he himself has given notice to the elector concerned, in Form No. 16, pursuant to Rule 28.*

Rule (28). During the three days immediately preceding the first day fixed for the sittings for revision, whenever an elector whose name appears on the preliminary list of electors prepared in connection with a pending election, for one of the polling divisions comprised in a given revisal district, subscribes to an Affidavit of Objection in Form No. 15, before the revising officer appointed for such revisal district, alleging the disqualification as an elector at the pending election of a person whose name appears on one of such preliminary lists, the revising officer shall, not later than the day immediately preceding the first day fixed for the sittings for revision, transmit, by registered mail, to the person, the appearance of whose name upon such preliminary list is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said revising officer, during his sittings for revision, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection; on each of the three days immediately preceding the first day fixed for the sittings for revision, the revising officer shall keep himself available during at least three hours in the afternoons or evenings of such days, at the address given in the Notice of Revision in Form No. 14, to complete, as required, Affidavits of Objection and Notices to Persons Objected to, and to despatch copies of such affidavits and notices to the persons concerned."

is objected to, at his address as given on such preliminary list and also at the other address, if any, mentioned in such affidavit, a Notice to Person Objected to, in Form No. 16, advising the person mentioned in such affidavit that he may appear personally or by representative before the said 5 revising officer during his sittings for revision on Tuesday, the thirteenth day before polling day, to establish his right, if any, to have his name retained on such preliminary list; with each copy of such notice, the revising officer shall transmit a copy of the relevant Affidavit of Objection." 10

(7) Rules (32) and (33) of Schedule A to section 17 of the said Act are repealed and the following substituted therefor:

"*Rule (32).* Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising 15 officer to have his name entered on the appropriate official list of electors at the sittings of the revising officer for such revisal district on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, and if such person answers to the satisfaction 20 of the revising officer all such relevant questions as the revising officer deems necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record sheets as an accepted application for registration in the official list 25 of electors of the polling division where such person ordinarily resides.

Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at the 30 sittings for revision held by him on Thursday, Friday and Saturday, the eighteenth, seventeenth and sixteenth days before polling day, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed 35 preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 17 exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elec- 40 tor; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the 45 application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on

(7) Consequential to the proposed amendment to Rule (26) in Clause 6 (6). The present Rules (32) and (33) read as follows:

“Rule (32). Any person claiming to be entitled to be registered as an elector in any revisal district may apply in person, without previous notice, before the revising officer to have his name entered on the appropriate list of electors at any sitting of the revising officer for such revisal district, and if such person answers to the satisfaction of the revising officer all such relevant questions as the revising officer shall deem necessary and proper to put to him, the revising officer shall insert the name and particulars of the applicant in the revising officer's record as an accepted application for registration in the list of electors of the polling division *wherein* such person resides.

Rule (33). In the absence of and as the equivalent of personal attendance before him of a person claiming to be registered as an elector, the revising officer may, at any sitting for revision held by him, accept, as an application for registration made by an agent, from any person appearing before him who is an elector and whose name appears on the printed preliminary list for one of the polling divisions comprised in the electoral district in which the revising officer's revisal district is situated, a sworn application of that elector in Form No. 17, exhibiting an application in Form No. 18, signed by the person who desires to be registered as an elector; if such person is then temporarily absent from the place of his ordinary residence, a sworn application may be made in the alternative Form No. 18 by a relative by blood or marriage, or by his employer, and in such event the revising officer may, if satisfied that the person on whose behalf the application is made is qualified as an elector, insert the name and particulars of that person in the revising officer's record sheets as an accepted application for registration on the official list of electors for the polling division *wherein* such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached.”

the official list of electors for the polling division where such person ordinarily resides; the two applications shall be printed on the same sheet and shall be kept attached."

(8) Rule (36) of Schedule A to section 17 of the said Act is repealed and the following substituted therefor: 5

"*Rule (36)*. Where under Rule (28) any objection has been made on oath in Form No. 15 to the retention of the name of any person on the preliminary list and the revising officer has given notice under that Rule to the person of such objection in Form No. 16, the revising officer shall 10 hold sittings for revision on Tuesday, the thirteenth day before polling day; during his sittings for revision on that day, the revising officer has jurisdiction to and shall determine and dispose of all such objections of which he has so given notice; if the revising officer has given no such 15 notice he shall not hold any sitting for revision on the Tuesday aforesaid."

7. Lines one and two of subsection (1) of section 18 of the said Act are repealed and the following substituted therefor: 20

Proclamation
by returning
officer.

"18. (1) Within two days after the receipt of the writ of election or within six days after he has been notified"

8. Subsection (3) of section 21 of the said Act is repealed and the following substituted therefor:

Nomination
day.

"(3) The day for the close of nominations (in this Act 25 referred to as nomination day) in the electoral districts specified in Schedule Four shall be Monday, the twenty-eighth day before polling day, and in all other electoral districts shall be Monday, the twenty-first day before polling day." 30

9. Subsection (2) of section 23 of the said Act is repealed and the following substituted therefor:

Notice and
proclamation
of new
nomination
and polling
days.

"(2) Notice of the new day fixed for the nomination of candidates, which shall not be more than one month from the death of the candidate whose death is the cause for 35 fixing such new day nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted up as specified in section 18, and there shall also be named by such proclamation a new day for polling, which shall, in the electoral districts specified 40 in Schedule Four, be Monday the twenty-eighth day after the new day fixed for the nomination of candidates, and, in all other electoral districts, be Monday, the twenty-first day after the new day fixed for the nomination of candidates." 45

(8) Consequential to the proposed amendment to Rule (26) in Clause 6 (6). The present Rule (36) reads as follows:

"Rule (36). During his sittings for revision the revising officer shall hear and determine all objections made upon oath before him under Rule (28) and of which notice has been properly given by him under the said rule."

Clause 7. To provide more time for the printing and the distribution of the proclamation. Lines one and two of the present section 18 (1) read as follows:

"18. (1) Within two days after the receipt of the writ of election or within two days after he has been notified"

Clause 8. Consequential to the proposed amendment in Clause 36. The present section 21 (3) reads as follows:

"(3) The day for the close of nominations (in this Act referred to as nomination day) in the electoral districts specified in Schedule Four shall be Monday, the twenty-eighth day before polling day, and in all other electoral districts shall be Monday, the fourteenth day before polling day."

Clause 9. Consequential to the proposed amendment in Clause 8. The present section 23 (2) reads as follows:

"(2) Notice of the new day fixed for the nomination of candidates, which shall not be more than one month from the death of such candidate nor less than twenty days from the issue of the notice, shall be given by a further proclamation distributed and posted up as specified in section 18, and there shall also be named by such proclamation a new day for polling, which shall, in the electoral districts specified in Schedule Four, be Monday the twenty-eighth day after the new day fixed for the nomination of candidates, and, in all other electoral districts, be Monday, the fourteenth day after the new day fixed for the nomination of candidates."

10. Subsection (6) of section 31 of the said Act is repealed and the following substituted therefor:

Central
polling place.

“(6) The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish a central polling place where the polling stations of all or any of the polling divisions of any locality may be centralized, but no central polling place so established shall comprise more than ten polling divisions unless it is the usual practice in a locality to establish a central polling place for civic, municipal or provincial elections and it is desirable in the opinion of the Chief Electoral Officer to follow that practice in an election under this Act, and upon the establishment of a central polling place under this subsection all provisions of this Act apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains.”

Polling
station in
adjacent
polling
division.

“(7) Whenever the returning officer is unable to secure suitable premises to be used as a polling station within a polling division, he may, with the prior permission of the Chief Electoral Officer, establish such polling station in an adjacent polling division, and upon the establishment of such polling station all provisions of this Act apply as if such polling station were within the polling division to which it appertains.”

11. Subsection (4) of section 34 of the said Act is repealed and the following substituted therefor:

Agents may
absent
themselves
from poll.

“(4) Agents of candidates or electors representing candidates may absent themselves from and return to the polling station at any time before the close of the poll.”

12. Subsection (4) of section 49 of the said Act is repealed and the following substituted therefor:

Flags,
ribbons or
favours
not to be
furnished
or worn.

“(4) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on the day of election or polling, or within two days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label, or other favour, as such badge, within any electoral district on the day of any such election or polling, or within two days before such day.”

Clause 10. The proposed amendment to section 31 (6) is to provide authority for the Chief Electoral Officer to grant permission, under certain conditions, for the establishment of central polling places in any locality. The present section 31 (6) reads as follows:

"(6) The returning officer may, with the prior permission, and shall upon the direction of the Chief Electoral Officer, establish in any city or town of not more than ten thousand population a central polling place whereat the polling stations of all or any of the polling divisions of such city or town may be centralized, and upon the establishment of such central polling place all provisions of this Act apply as if every polling station at such central polling place were within the polling division of the electoral district to which it appertains."

Section 31 (7) is new. The proposed amendment is to provide authority for the Chief Electoral Officer to grant permission for the establishment of a polling station outside the boundaries of the polling division for which it is established.

Clause 11. Agents of candidates could not return to a polling station unless they did so within one hour of the close of the poll. The proposed amendment is to allow them to return at any time before the close of the poll. The present section 34 (4) reads as follows:

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

Clause 12. The proposed amendment is to reduce to two days the period of eight days provided in this subsection. The present section 49 (4) reads as follows:

"(4) No person shall furnish or supply any flag, ribbon, label or like favour to or for any person with intent that it be worn or used by any person within any electoral district on the day of election or polling, or within eight days before such day, or during the continuance of such election, by any person, as a party badge to distinguish the wearer as the supporter of any candidate, or of the political or other opinions entertained or supposed to be entertained by such candidate; and no person shall use or wear any flag, ribbon, label, or other favour, as such badge, within any electoral district on the day of any such election or polling, or within eight days before such day."

13. Subsection (10) of section 50 of the said Act is repealed and the following substituted therefor:

Ballot box, preliminary statement of the poll and account to be delivered to returning officer.

“(10) The deputy returning officer shall, with the ballot box, transmit or deliver to the returning officer in the envelope provided for that purpose

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- (a) the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer, and
- (b) the polling station account filled in and signed by the deputy returning officer.”

14. Subsections (1) and (2) of section 54 of the said Act are repealed and the following substituted therefor:

Application to a judge for recount.

“**54.** (1) If, within four days after the date on which the returning officer has declared the name of the candidate who has obtained the largest number of votes, it is made to appear, on the affidavit of a credible witness, to the judge hereinafter described, that a deputy returning officer in counting the votes has improperly counted or improperly rejected any ballot papers or has made an incorrect statement of the number of votes cast for any candidate, or that the returning officer has improperly added up the votes, and if the applicant deposits within the said period with the clerk or prothonotary of the court to which such judge belongs the sum of one hundred dollars in legal tender or in the bills of any chartered bank doing business in Canada as security for the costs of the candidate who has obtained the largest number of votes, such judge shall appoint a time to recount the said votes, which time shall, subject to subsection (3), be within four days after the receipt of the said affidavit.

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Meaning of "judge".

(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection (15) of section 2 within whose judicial district is situated the place where the official addition of the votes was held or the judge acting for such judge pursuant to paragraph (f) of that subsection or a judge designated by the Minister of Justice under that paragraph, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district.”

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15. Section 59 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

Election documents or election papers receivable in evidence when certified by Chief Electoral Officer.

“(2a) Where a Superior Court or a judge thereof has ordered the production of any election documents or election papers, the Chief Electoral Officer need not, unless the court or judge otherwise orders, appear

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Clause 13. To make this subsection conform to subsection (9) of section 50 and to simplify procedure with regard to polling station accounts. The present section 50 (10) reads as follows:

"(10) The deputy returning officer shall, with the ballot box, transmit or deliver to the returning officer, in the envelope provided for that purpose, *the key of such ballot box*, the preliminary statement of the poll in the form prescribed by the Chief Electoral Officer and the polling station account *furnished him in blank by the returning officer, having first caused it to be filled in and signed by the officials of his polling station entitled to fees, and by the landlord thereof, if any, and if under subsection (11) the ballot box is returned to the returning officer post free, registered, the envelope containing the key thereof, the preliminary statement of the poll and the polling station account shall likewise be transmitted at the same time.*"

Clause 14. (1) Clarification. (2) Consequential to the proposed amendment in Clause 1 (3). The present subsections (1) and (2) of section 54 read as follows:

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

(2) The judge to whom applications under this section may be made shall be the judge as defined in subsection (15) of section 2 within whose judicial district is situated the place *whereat* the official addition of the votes was held, and any judge who is authorized to act by this section may act, to the extent so authorized, either within or without his judicial district."

Clause 15. New. To make it possible for election documents or election papers to be produced in court without the personal appearance of the Chief Electoral Officer.

personally to produce such documents or papers, but it is sufficient if the Chief Electoral Officer certifies such documents or papers and transmits them by registered mail to the clerk or registrar of the court, who shall, when such documents have served the purposes of the court or judge, 5
return them by registered mail to the Chief Electoral Officer; any such documents or papers purporting to be certified by the Chief Electoral Officer are receivable in evidence without further proof thereof."

16. (1) Paragraph (a) of subsection (4) of section 62 10
of the said Act is repealed and the following substituted therefor:

"(a) by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding two thousand dollars, or" 15

(2) Subsection (15) of section 62 of the said Act is repealed and the following substituted therefor:

Candidate's
personal
expenses up
to \$2,000.

"(15) The candidate may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding 20
two thousand dollars, but any further personal expenses so incurred by him shall be paid by his official agent."

17. Section 87 of the said Act is repealed and the following substituted therefor:

No privilege
from answer-
ing questions.

"**87.** (1) Subject to this section, no person shall be 25
excused from answering any question put to him in any action, suit or other proceeding in any court or before any judge, commissioner or other tribunal touching or concerning any election or the conduct of any person thereat or in relation thereto on the ground of any privilege. 30

Exception.

(2) The evidence of an elector to show for whom he voted at an election is not admissible in evidence in any action, suit or other proceeding in any court or before any judge, commissioner or any tribunal touching or concerning any election or the conduct of any person thereat or in 35
relation thereto.

Idem.

(3) No answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or presi- 40
dent of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal."

Clause 16. The proposed amendments are to increase from one thousand to two thousand dollars the amount which a candidate may pay personally.

(1) The present subsection (4) (a) of section 62 reads as follows:

"(a) by a candidate, out of his own money for his personal expenses to an aggregate amount not exceeding one thousand dollars, or"

(2) The present section 62 (15) reads as follows:

"(15) The candidate may pay any personal expenses incurred by him on account of or in connection with or incidental to such election to an amount not exceeding one thousand dollars, but any further personal expenses so incurred by him shall be paid by his official agent."

Clause 17. Clarification. The present section 87 reads as follows:

"87. No person shall be excused from answering any question put to him in any action, suit or other proceeding, in any court, or before any judge, commissioner or other tribunal touching or concerning any election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, except that no elector shall be obliged to state for whom he voted at any election; but no answer given by any person claiming to be excused on the ground of privilege shall be used in any criminal proceeding against such person other than an indictment for perjury, if the judge, commissioner or president of the tribunal gives to the witness a certificate that he claimed the right to be excused on such ground, and made full and true answers to the satisfaction of the judge, commissioner or tribunal."

18. Paragraph (b) of subsection (3) of section 94 of the said Act is repealed and the following substituted therefor:

“(b) if he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any city, town, township, village or municipality having a population of five hundred or more as determined by the last census taken pursuant to sections 16 and 17 of the *Statistics Act*, he may add the name of such place.”

19. (1) All that portion of subsection (1) of section 100 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Who shall not be appointed election officers.

“**100.** (1) Subject to this section, none of the following persons shall be appointed as election officers, that is to say:”

(2) Paragraph (c) of subsection (1) of section 100 of the said Act is repealed and the following substituted therefor:

“(c) members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Council of the Northwest Territories or the Yukon Territory;”

(3) Paragraph (e) of subsection (1) of section 100 of the said Act is repealed and the following substituted therefor:

“(e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory and the Northwest Territories, police magistrates;”

(4) Section 100 of the said Act is further amended by adding thereto the following subsection:

Exceptions.

“(3) Paragraph (d) of subsection (1) does not apply in the electoral districts mentioned in Schedule Four, and paragraph (e) of that subsection shall not be construed to prohibit or prevent a judge from exercising any power conferred upon him by this Act.”

20. Subsection (1) of section 109 of the said Act is amended by adding the word “and” at the end of paragraph (a) thereof, by repealing paragraphs (b), (c) and (d) thereof and substituting the following therefor:

“(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, and, subject to Rule (36) of Schedule A to section 17, Tuesday, the sixth day before polling day.”

Clause 18. To enable the Chief Electoral Officer to authorize the establishment of advance polls in places other than incorporated villages, towns or cities. Paragraph (b) of the present section 94 (3) reads as follows:

"(b) if he is advised and believes that a total of fifteen votes will be cast in case an advance poll is established in any *incorporated* village, town or city having a population of five hundred or more as determined by the last census taken pursuant to sections 16 and 17 of the *Statistics Act*, he may add the name of such place."

Clause 19. (1) and (4). To allow ministers, priests or ecclesiastics of any religious faith or worship to be appointed as election officers in the electoral districts mentioned in Schedule Four of the *Canada Elections Act*. The present provision reads as follows:

"100. (1) *Saving and excepting a judge upon whom this Act confers specific powers and his right to exercise such powers*, none of the following indicated persons shall be appointed as election officers, that is to say:"

(2) and (3). To provide that members of the Council of the Northwest Territories and police magistrates in the Northwest Territories shall not be appointed as election officers. Paragraphs (c) and (e) of the present section 100 (1) read as follows:

- "(c) members of the House of Commons, or of the Legislative Assembly of any province of Canada, or of the Yukon *Territorial Council*;
- (e) judges of the courts of superior, civil or criminal jurisdiction, judges of any county or district court, or bankruptcy or insolvency court, and any district judge of the Exchequer Court on its Admiralty side, and in the Yukon Territory, police magistrates;"

Clause 20. Consequential to the proposed amendment in Clause 6. Paragraphs (b), (c) and (d) of the present section 109 (1) read as follows:

- "(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 re-printed 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."

21. Section 114 of the said Act is amended by adding thereto the following subsection:

Qualifications
for electors.

"(4) The qualifications for electors for Northwest Territories elections shall be those established pursuant to section 9 of the *Northwest Territories Act* and in force six months prior to the polling day for such elections."

22. (1) The said Act is further amended by adding thereto the following section:

Yukon
Territory
elections to be
conducted in
accordance
with this Act.

"**115.** (1) Elections of members to the Council of the Yukon Territory (in this section called "Yukon Territory elections") shall be conducted in accordance with the provisions of this Act, subject to this section and to such adaptations and modifications as the Chief Electoral Officer, with the approval of the Commissioner of the Yukon Territory, directs as being necessary by reason of conditions existing in the Yukon Territory to conduct effectually Yukon Territory elections.

Procedure.

(2) The procedure prescribed by section 109 shall be followed in the preparation, revision and distribution of the list of electors for Yukon Territory elections.

Sections not
applicable.

(3) Sections 14, 16, 19 and 20 do not apply to Yukon Territory elections.

Qualifications
of electors.

(4) The qualifications of electors for Yukon Territory elections shall be those established pursuant to section 14 of the *Yukon Act* and in force six months prior to the polling day for such elections."

Coming into
force.

(2) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

23. The said Act is further amended by adding thereto the following section:

Definition
of "election
material".

"**116.** (1) In this section, "election material" includes instructions, forms, record books, index books, ballot papers, poll books and copies of Acts or regulations or portions thereof, and any other supplies.

Use of elec-
tion material
authorized by
an elections
Act for by-
elections,
N.W.T.
elections and
Yukon
Territory
elections held
after revision
of such Act.

(2) Any election material authorized or required for the purposes of or in relation to by-elections, Northwest Territories elections or Yukon Territory elections by any Act providing for the election of members of the House of Commons may, in lieu of the election material authorized or required by any revision of such Act, be used for the purposes of or in relation to by-elections, Northwest Territories elections or Yukon Territory elections held before the first general election next after the coming into force of such revised Act; and references in election material so used to any Act, regulation, rule, schedule or form or any part or provision thereof shall be construed as a reference to the corresponding Act, regulation, rule, schedule, form, part or provision thereof in force upon the coming into force of such revised Act."

Clause 21. Subsection (4) of section 114 was deleted from the Act as being spent. The qualifications for electors for Northwest Territories elections are to be governed in future by subsection (4) as it appears in the amendment.

Clause 22. New. To provide for elections of members to the Council of the Yukon Territory being conducted under the provisions of the *Canada Elections Act*.

Clause 23. New. To provide for the use of existing election material at a by-election, Northwest Territories or Yukon Territory elections that may be held after any re-enactment of the *Canada Elections Act* such as the revision of the Statutes of Canada.

24. Forms Nos. 5 and 6 of Schedule One to the said Act are repealed and the following substituted therefor:

“FORM No. 5.

APPOINTMENT OF ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 1.)

To (*insert name of enumerator*), whose address is (*insert address*).

Know you that, in pursuance of the *Canada Elections Act*, I, the undersigned, in my capacity of returning officer for the electoral district of....., do hereby appoint you enumerator for polling division No..... of the said electoral district to prepare a list of the electors qualified to vote at the pending election in such polling division.

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

.....
Returning Officer.

FORM No. 6.

OATH OF OFFICE OF ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 3.)

I, the undersigned, appointed enumerator for polling division No..... of the electoral district of....., do swear (*or solemnly affirm*) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection. So help me God.

.....
Enumerator.

CERTIFICATE OF THE ENUMERATOR HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, do hereby certify that on the..... day of....., 19...., the enumerator above named 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*).”

Clause 24. Change in terminology only. The present Forms Nos. 5 and 6 read as follows:

“FORM No. 5.

APPOINTMENT OF AN ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 1.)

To (*insert name of enumerator*), whose occupation is (*insert occupation*), and whose address is (*insert address*).

Know you that, in pursuance of the provisions of section 17 of the *Canada Elections Act*, I, the undersigned, in my capacity as returning officer for the electoral district of....., do hereby appoint you to be enumerator for polling division No..... in the said electoral district to prepare a list of electors qualified to vote in the said polling division, in accordance with the provisions of the said section 17 of the *Canada Elections Act*.

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

.....
Returning Officer.

FORM No. 6.

OATH OF AN ENUMERATOR.

(Sec. 17, Sched. A, Rule 1, and Sched. B, Rule 3.)

I, the undersigned (*insert name of enumerator*), appointed enumerator for polling division No....., in the electoral district of....., do solemnly swear (or affirm) that I will act faithfully in my said capacity of enumerator, without partiality, fear, favour or affection, and in every respect according to law. So help me God.

.....
Enumerator.

CERTIFICATE OF THE ENUMERATOR HAVING TAKEN THE OATH OF OFFICE.

I, the undersigned, do hereby certify that on the..... day of....., 19....., the enumerator above named *made and* subscribed before me the above set forth oath (or affirmation).

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

.....
Returning Officer (or as the case may be.)'

25. Form No. 14 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM NO. 14.

NOTICE OF REVISION.

(Sec. 17, Sched. A, Rule 23.)

Electoral district of

PUBLIC NOTICE IS HEREBY GIVEN THAT sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held on each of the following three days, namely: Thursday, Friday and Saturday, the, and days of, 19...., (*Insert the dates of the 18th, 17th and 16th days before polling day*) when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF

FOR REVISAL DISTRICT No. 1, comprising polling divisions Nos. of the above mentioned electoral district, the sittings for revision will be held at (*Insert exact location of the revisal office*) before (*Insert full name of revising officer*) who has been appointed revising officer.

(*Proceed as above in respect of any other revisal district.*)

NOTICE IS FURTHER GIVEN THAT, during the sittings for revision on the Thursday and Friday aforesaid, any qualified elector in one of the above mentioned revisal districts may, before the revising officer for such revisal district, subscribe to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

THAT, during the sittings for revision on the Thursday, Friday and Saturday aforesaid, the revising officer shall dispose of the following applications:

- (a) personal applications for registration made verbally, without previous notice, by electors whose names were omitted from the preliminary lists of electors, pursuant to Rule (32) of Schedule A to section 17 of the *Canada Elections Act*;

Clause 25. Consequential to the proposed amendments in Clause 6 (4), (5) and (6). The present Form No. 14 reads as follows:

“FORM No. 14.

NOTICE OF REVISION.

(Sec. 17, Sched. A, Rule 23.)

Electoral district of

PUBLIC NOTICE IS HEREBY GIVEN THAT the sittings for the revision of the preliminary lists of electors for the urban polling divisions comprised in the above mentioned electoral district will be held on each of the following three days, namely: Thursday, Friday, and Saturday, the days of, 19....., and days of, 19....., (*Insert the dates of the 18th, 17th, and 16th days before polling day*) when the preliminary lists of electors for the urban polling divisions comprised in each of the following revisal districts will be revised by the undermentioned revising officers at the places specified below:

CITY (OR TOWN) OF

FOR REVISAL DISTRICT NO. 1, comprising polling divisions Nos. of the above mentioned electoral district, *included within an area described as follows: (Insert description of area included in revisal district)*, the sittings for revision will be held at (*Insert exact location of the revisal office*) before (*Insert full name of revising officer*) who has been appointed revising officer and whose address is (*Insert address of revising officer*), where he will be found from o'clock until o'clock in the afternoons of Monday, Tuesday, and Wednesday, the, and days of, 19.....

(*Insert the dates of the three days immediately preceding the first day of sittings for revision*) to complete affidavits of objection in Form No. 15 of the Canada Elections Act.

(*Proceed as above in respect to any other revisal district.*)

NOTICE IS FURTHER GIVEN THAT, on the three days immediately preceding the first day fixed for the sittings for revision, as aforesaid, any qualified elector in one of the above mentioned revisal districts may, before the revising officer for such revisal district, subscribe to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district.

THAT at any of the sittings for revision aforesaid the revising officer shall dispose of the following applications and objections:

- (a) personal applications for registration made verbally, without previous notice, by electors whose names were omitted from the preliminary lists of electors, pursuant to Rule (32) of Schedule A to section 17 of the Canada Elections Act;

- (b) sworn applications made by agents on Forms Nos. 17 and 18 of the said Act, on behalf of persons claiming the right to have their names included in the official lists of electors, pursuant to Rule (33) of Schedule A to section 17 of the said Act; and
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors, made, without previous notice, pursuant to Rule (35) of Schedule A to section 17 of the said Act.

THAT each of the sittings for revision will open at ten o'clock in the forenoon and will continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of.

THAT, moreover, on the above mentioned Thursday, Friday and Saturday fixed for the sittings for revision, each revising officer will sit in his revisal office from seven o'clock until ten o'clock in the evening of each of these days.

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours in my office at (*Insert location of office of returning officer*).

NOTICE IS FURTHER GIVEN THAT, if any qualified elector in one of the above mentioned revisal districts has, before the revising officer for such revisal district, subscribed to an affidavit attacking the qualifications as elector of any other person whose name appears on the preliminary list of electors for one of the polling divisions comprised in such revisal district, further sittings for revision will be held on Tuesday, the day of....., 19...., (*Insert the date of the thirteenth day before polling day*) at the same place and times as the sittings for revision on the Thursday, Friday and Saturday aforesaid, and that during the sittings for revision on the Tuesday aforesaid, the revising officer shall dispose of the objections made on affidavits in Form No. 15 of the said Act to the retention of names on the preliminary lists of electors, of which the revising officer has given notice in Form No. 16 of the said Act to the persons concerned pursuant to Rule (28) of Schedule A to section 17 of the said Act.

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

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

- (b) sworn applications made by agents on Forms Nos. 17 and 18 of the said Act, on behalf of persons claiming the right to have their names included in the official lists of electors, pursuant to Rule (33) of Schedule A to section 17 of the said Act;
- (c) verbal applications for the correction of names or particulars of electors appearing on the preliminary lists of electors, made, without previous notice, pursuant to Rule (35) of Schedule A to section 17 of the said Act; and
- (d) objections made on affidavits, in Form No. 15 of the said Act, to the retention of names on the preliminary lists of electors, of which the revising officer has given notice, in Form No. 16 of the said Act, to the persons concerned, pursuant to Rule (28) of Schedule A to section 17 of the said Act.

THAT each of the sittings for revision will open at ten o'clock in the forenoon and will continue for at least one hour and during such time thereafter as may be necessary to deal with the business ready to be disposed of.

THAT, moreover, on the above mentioned Thursday, Friday, and Saturday fixed for the sittings for revision, each revising officer will sit continuously in his revisal office from seven o'clock until ten o'clock in the evening of each of these three days.

AND THAT the preliminary lists of electors prepared by urban enumerators, to be revised as aforesaid, may be examined during reasonable hours in my office at *(Insert location of office of returning officer.)*

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

(Print name of returning officer)
 Returning officer."

26. Forms Nos. 16 and 17 of Schedule One to the said Act are repealed and the following substituted therefor:

“FORM No. 16.

NOTICE TO PERSON OBJECTED TO.

(Sec. 17, Sched. A, Rule 28.)

Electoral district of

Revisal district No.....

To (set out name, address and occupation of the person objected to as these appear on the preliminary list of electors, also addressing a copy of the notice and affidavit to another address, if any, given in paragraph 3 of the attached Affidavit of Objection).

Take notice that the attached Affidavit of Objection to the retention of your name on the preliminary list of electors for one of the urban polling divisions comprised in the above mentioned revisal district has been subscribed before me and that this affidavit of objection will be dealt with during my sittings for revision which will be held at No.....street, in the City (or Town) of.....on Tuesday, the..... day of....., 19...., (Insert the date of the 13th day before polling day) where I may be found from ten o'clock until eleven o'clock in the forenoon and from seven o'clock until ten o'clock in the evening.

Take notice also that you may appear before me in person or by representative during any of the above mentioned sittings for revision to sustain your right, if any, to have your name retained on such preliminary list.

This notice is given pursuant to Rule (28) of Schedule A to section 17 of the *Canada Elections Act*.

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

.....
Revising Officer.

Clause 26. The proposed amendment to Form No. 16 is consequential to the proposed amendment in Clause 6 (6). The proposed amendment to Form No. 17 is to make it conform to Rule (33) of Schedule A to section 17. The present Forms Nos. 16 and 17 read as follows:

“FORM No. 16.

NOTICE TO PERSON OBJECTED TO.

(Sec. 17, Sched. A, Rule 28.)

Electoral district of.....

Revisal district No.....

To (set out name, address, and occupation of the person objected to, as these appear on the preliminary list of electors, also addressing a copy of the notice and affidavit to another address, if any, given in paragraph 3 of the attached Affidavit of Objection).

Take notice that the attached Affidavit of Objection to the retention of your name on the preliminary list of electors for one of the urban polling divisions comprised in the above mentioned revisal district, has been subscribed before me and that this affidavit of objection will be dealt with during my sittings for revision which will be held at No.....street, in the City (or Town) of..... on the.....,....., and..... days of....., 19....., where I may be found from ten o'clock until eleven o'clock in the forenoon, and also from seven o'clock until ten o'clock in the evening of each of these three days.

Take notice also that you may appear before me in person or by representative, during any of the above mentioned sittings for revision, to sustain your right, if any, to have your name retained on such preliminary list.

This notice is given pursuant to Rule 28 of Schedule A to section 17 of the *Canada Elections Act*.

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

.....
Revising Officer.

FORM No. 17.

SWORN APPLICATION TO BE MADE BY THE AGENT OF AN ELECTOR.

(Sec. 17, Sched. A, Rule 33.)

Electoral district of.....

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

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

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

2. That pursuant to the provisions of Rule (33) of Schedule A to section 17 of the *Canada Elections Act*, I hereby apply for the registration of the name of (*insert full name, address and occupation, in capital letters, with family name first, of the person on whose behalf the application is made*) on the official list of electors for urban polling division No..... comprised in the above mentioned revisal district.

3. That the name, address and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 18, are, to the best of my knowledge and belief, correctly stated.

4. That the said annexed application in Form No. 18 is signed in the handwriting of the person on whose behalf this application is made (*or, owing to his temporary absence from the place of his ordinary residence, the alternative application printed on the back of the said Form No. 18 has been duly sworn (or affirmed) by a relative by blood or marriage or the employer of such person*).

Sworn (*or affirmed*) before me at

.....,

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

.....

Revising Officer (or as the case may be).

.....
(*Signature of deponent*)"

FORM No. 17.

SWORN APPLICATION TO BE MADE BY THE AGENT OF AN ELECTOR.

(Sec. 17, Sched. A, Rule 33.)

Electoral district of

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

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

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

2. That pursuant to the provisions of Rule (33) of Schedule A to section 17 of the *Canada Elections Act*, I hereby apply for the registration of the name of (*insert full name, address, and occupation, in capital letters, with family name first, of the person on whose behalf the application is made*) on the official list of electors for urban polling division No..... comprised in the above mentioned revisal district.

3. That the name, address, and occupation of the person on whose behalf this application is made, as set forth in the annexed application in Form No. 18, are, to the best of my knowledge and belief, correctly stated.

4. That the said annexed application in Form No. 18 is signed in the handwriting of the person on whose behalf this application is made (*or, owing to his temporary absence from the place of his ordinary residence, the alternative application printed on the back of the said Form No. 18 has been duly sworn (or affirmed) by a relative by blood or marriage or the employer of such person*).

Sworn (*or affirmed*) before me at

.....,

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

.....

Revising officer (or as the case may be)

.....
(*Signature of deponent*)'

27. Form No. 19 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM NO. 19.

REVISING OFFICER'S STATEMENT OF CHANGES AND ADDITIONS MADE
IN AN URBAN PRELIMINARY LIST OF ELECTORS.

(Sec. 17, Sched. A, Rule 40.)

Electoral District of.....

Polling Division No.....

Revisal District No.....

The following names have been added to the urban preliminary list of electors:

Name of Street (or as the case may be)	Street No.	Apartment No.	Name of Elector (Family name first)	Occupation	Remarks

The following entries in the urban preliminary list of electors have been corrected so as to appear as follows:

Name of Street (or as the case may be)	Street No.	Apartment No.	Name of Elector (Family name first)	Occupation	Consecutive number of elector on list of electors

The following names appearing in the urban preliminary list of electors have been struck out:

Name of Street (or as the case may be)	Street No.	Apartment No.	Name of Elector (Family name first)	Occupation	Consecutive number of elector on list of electors

CERTIFICATE.

I hereby certify that the foregoing is a correct statement of all the changes and additions that have been made in the urban preliminary list of electors for the above mentioned polling division in the course of the revision.

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

.....
Revising Officer."

Clause 27. Clarification. The present Form No. 19 reads as follows:

“Form No. 19.

Revising Officer's Statement of Changes and Additions made in an Urban Preliminary List of Electors.

(Sec. 17, Sched. A, Rule 41.)

Polling Division No.....

Electoral District of.....

Revisal District No.....

The following names appearing in the urban preliminary list of electors have been struck out:

Name of street (or, as the case may be)	Street No.	Apartment No.	Name of elector (Family name first)	Occupation	Consecutive number

The following names have been added to the urban preliminary list of electors:

Name of street (or, as the case may be)	Street No.	Apartment No.	Name of elector (Family name first)	Occupation	Remarks

The following entries in the urban preliminary list of electors have been corrected so as to appear as follows:

Name of street (or, as the case may be)	Street No.	Apartment No.	Name of elector (Family name first)	Occupation	Consecutive number

CERTIFICATE.

I hereby certify that the foregoing is a correct statement of all the changes and additions which have been made in the urban preliminary list of electors for the above mentioned polling division in the course of the revision.

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

.....
Revising Officer.”

28. Form No. 22 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM NO. 22.

NOTICE OF RURAL ENUMERATION.

(Sec. 17, Sched. B, Rule 3.)

Electoral District of.....

Rural Polling Division No....., (insert name, if any)

Comprising:

(In the above space, the rural enumerator will insert in full the description of the boundaries of his polling division.)

Notice is hereby given that the undersigned has been appointed enumerator for the above mentioned rural polling division, that he is about to prepare a preliminary list of the electors who are qualified to vote therein at the pending general election and that he will complete the said preliminary list on Saturday, the.....

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

(Saturday, the forty-fourth day before polling day)

And that during the hours between ten o'clock in the forenoon and ten o'clock in the evening of Thursday, the.....

day of....., 19....., he will

attend and remain at.....

(insert description of the place where the enumerator intends to remain) so that he may be found by any person who desires to direct attention to any error in any entry appearing on the said preliminary list or to represent that such list does not contain the name of an elector who is qualified to vote in the above mentioned rural polling division at the pending general election or does contain the name of any person who is not so qualified to vote.

And that in order that the said preliminary list shall be available for inspection by interested persons, a copy thereof will, forthwith after its completion, be posted up at the place above described and will remain so posted up until all proper changes have been made on the said list.

And that after ten o'clock in the evening of the Thursday above mentioned, no further changes will be made, and a copy of the said preliminary list together with a copy of the statement of changes and additions will constitute the official list of electors to be used for the taking of the votes at the pending general election in the rural polling division aforesaid.

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

.....
Rural Enumerator."

Clause 28. To bring this form in line with the provisions of Rule (3) of Schedule B to section 17. Also clarification and change in terminology. The present Form No. 22 reads as follows:

“FORM No. 22.

NOTICE OF RURAL ENUMERATION of *Electors*

(Sec. 17, Sched. B, Rule 3.)

Electoral District of.....
Rural Polling Division No.....

Public notice is hereby given that the undersigned has been appointed enumerator for the above mentioned rural polling division and is about to prepare a preliminary list of electors who are qualified to vote therein at an election, and that he will complete the said preliminary list of electors on Saturday, the.....

.....
day of....., 19.....
(insert the date of Saturday, the forty-fourth day before polling day.)

And that during the hours between ten o'clock in the forenoon and ten o'clock in the afternoon of Tuesday, the.....day of the month of....., 19.....

.....
(insert the date of Tuesday, the thirteenth day before polling day.)
he will attend and remain at.....
(insert an exact description of the location of the place and where the enumerator intends to remain.)

.....
so that he may be found there by any person who desires to direct attention to any error in any entry in the preliminary list or to represent that such list does not contain the name of any person residing in the above polling division who is qualified to vote at the pending election or does contain the name of any person who is not qualified to vote thereat.

And that in order that the preliminary list of electors for the above mentioned polling division shall be available for inspection by persons desiring to inspect the same, a copy thereof will, forthwith after the completion thereof, be posted at the place above described and will remain so posted until all proper corrections in the list have been made.

And that after ten o'clock in the afternoon of the Tuesday above mentioned, no further corrections or additions will be made, and the preliminary list of electors together with the statement of changes and additions certified by me will constitute the official list of electors to be used for the taking of the vote at the pending election for the polling division above mentioned.

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

.....
Enumerator.”

29. Form No. 31 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM NO. 31.

APPOINTMENT OF DEPUTY RETURNING OFFICER. (Sec. 26.)

To (*insert name of D.R.O.*) whose address is (*insert address*).

Know you that I, in my capacity of returning officer for the electoral district of....., do hereby appoint you to be deputy returning officer for polling station No. of the said electoral district which has been established at (*describe location of polling station*);

That you are authorized and required to open the poll at the said polling station on the.....day of....., 19...., at eight o'clock in the forenoon and to keep the said poll open until six o'clock in the afternoon of the same day, and there to take by ballot the votes of the qualified electors at the said polling station according to the procedure set forth in the Instructions for Deputy Returning Officers issued by the Chief Electoral Officer;

And that, after having counted the votes cast for the various candidates and performed all the other necessary duties, you are required to transmit to me forthwith the ballot box, sealed with a special metal seal, enclosing only two envelopes, one containing the official statement of the poll and the other containing the poll book, the ballot papers—unused, spoiled, rejected and counted for each candidate—each lot in its proper envelope, together with the official list of electors and the other documents used at the taking of the votes.

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

.....
Returning Officer."

Clause 29. Change in terminology only. The present Form No. 31 reads as follows:

"Form No. 31.

Appointment of a deputy returning officer. (Sec. 26.)

To (insert name of D.R.O.), whose occupation is (insert occupation) and whose address is (insert address).

Know you that I, in my capacity of returning officer for the electoral district of....., hereby appoint you to be deputy returning officer for polling station No..... of the said electoral district, there to take the votes of the electors by ballot according to law, at the polling station to be by you opened and kept for that purpose; and you are hereby authorized and required to open and hold the poll of such election at the said polling station on the..... day of....., 19....., at the hour of eight o'clock in the forenoon, at (here describe particularly the location of the polling station), and there to keep the said poll open until six o'clock in the afternoon, and to take at the said polling station, by ballot, in the manner by law provided, the votes of the electors qualified to vote at the said polling station, and after counting the votes given for the various candidates and performing all the other duties required of you by law, to return to me forthwith the ballot box sealed with your seal, and inclosing two envelopes one containing the statement of the poll and another containing the poll book, the ballot papers—unused, spoiled, rejected and counted for each candidate—each lot in its proper envelope, the list of electors and other documents used at the poll, and all other papers required by law.

Given under my hand at..... this..... day of....., in the year 19.....

.....
Returning Officer."

30. Form No. 40 of Schedule One to the said Act is repealed and the following substituted therefor:

“FORM No. 40.

POLL BOOK. (Sec. 36 (6).)

Consecutive number given each elector as he applies for a ballot paper	Particulars of elector			
	Name of elector (Family name first)	Occupation (No occupation will be inserted in the case of a woman who is not designated with an occupation on the official list)	Post office address	Consecutive number of elector on official list

Form numbers of oaths, if any, the elector is required to swear	Record that oaths sworn or refused (If sworn, insert "Sworn" or "Affirmed"; if refused, insert "Refused to be sworn" or "Refused to Affirm" or "Refused to Answer")	Particulars of person vouching, in a rural polling division only, under section 46, for an elector whose name is not on the official list.		
		Name	Consecutive number of vouching elector on official list	Record that oath (Form No. 50) sworn (when sworn insert "Sworn")

Record that elector has voted (When ballot paper put into ballot box, insert "Voted")	Remarks

Clause 30. Clarification. The present Form No. 40 reads as follows:

“FORM No. 40.

POLL BOOK (Sec. 36 (6).)

Consecutive number given each elector as he applies for a ballot	Particulars of elector			
	Name of elector (Family name first)	Occupation	Post office address	Consecutive number of elector on the list of electors

Form numbers of oaths, if any, the elector is required to swear	Record that oaths sworn or refused (If sworn, insert "Sworn" if refused, insert "Refused to be sworn")	Particulars of person vouching, in a rural polling division only, under section 46, for an elector whose name is not on the list.		
		Name	Consecutive number of elector on list of electors	Record that oath (Form 49) sworn (when sworn insert "Sworn")

Record that elector has voted (When ballot put into ballot box, insert "Voted")	Remarks

31. Forms Nos. 56 and 57 of Schedule One to the said Act are repealed and the following substituted therefor:

“FORM No. 56.

OATH OF DEPUTY RETURNING OFFICER AT THE CLOSE OF THE POLL.
(Sec. 50 (7).)

I, the undersigned, appointed deputy returning officer for polling station No..... of the electoral district of....., do swear (or solemnly affirm) that, to the best of my knowledge and belief, the poll book used at the said polling station has been kept correctly; that I have faithfully counted the votes cast for each candidate; that I have faithfully performed all my other duties as deputy returning officer; and that the official statement of the poll, poll book, ballot papers, and other necessary documents will be correctly prepared and placed in the ballot box, to the end that the said ballot box, being first locked and sealed with a special metal seal, may be regularly transmitted to the returning officer for the above mentioned electoral district. So help me God.

.....
Deputy Returning Officer.

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

.....
Poll Clerk (or as the case may be).

FORM No. 57.

OATH OF POLL CLERK AT THE CLOSE OF THE POLL.
(Sec. 50 (7).)

I, the undersigned, appointed poll clerk for polling station No... of the electoral district of....., do swear (or solemnly affirm) that the poll book used at the said polling station has been kept to the best of my ability; that the total number of electors registered therein as having voted at this election is.....; that the said poll book contains a true and exact record of the taking of the votes at the said polling station; and that I have faithfully performed all my other duties as poll clerk. So help me God.

.....
Poll Clerk.

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

.....
*Deputy Returning Officer
(or as the case may be).”*

Clause 31. Change in terminology only. The present Forms Nos. 56 and 57 read as follows:

“FORM No. 56.

OATH OF THE DEPUTY RETURNING OFFICER *after the closing* OF THE POLL. (Sec. 50 (7).)

I, the undersigned, deputy returning officer for polling station No....., of the electoral district of....., do swear (or solemnly affirm) that, to the best of my knowledge and belief, *this poll book kept for the said polling station, under my direction, has been so kept correctly; that the total number of voters recorded therein is....., and that it contains a true and exact record of the votes given at the said polling station, as the said votes were taken thereat; that I have faithfully counted the votes given for each candidate in the manner by law provided and performed all duties required of me by law, and that the statement of the poll, poll book, packets of ballot papers, and other documents required by law to be returned by me to the returning officer, will be faithfully and truly prepared and placed within the ballot box, as this oath (or affirmation) will be, to the end that the said ballot box, being first carefully sealed with my seal, may be transmitted to the returning officer according to law.*

.....
Deputy Returning Officer.

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

.....
Poll Clerk (or as the case may be).

FORM No. 57.

OATH OF THE POLL CLERK *After Closing* OF THE POLL. (Sec. 50 (7).)

I, the undersigned, poll clerk for polling station No..... of the electoral district of....., do swear (or do solemnly affirm) that *this poll book for the said polling station kept under the direction of....., who has acted as deputy (insert name of D.R.O.) returning officer thereat, has been so kept by me, under his direction as aforesaid, correctly and to the best of my skill and judgment; that the total number of voters recorded therein is.....and that to the best of my knowledge and belief, it contains a true and exact record of the votes given at the above mentioned polling station as the said votes were taken thereat by the said deputy returning officer, and that I have faithfully performed all my other duties as poll clerk according to law.*

.....
Poll Clerk.

Sworn (or affirmed) before me at....., this.....day of....., in the year 19.....

.....
Deputy Returning Officer (or as the case may be).”

32. Form No. 66 of Schedule One to the said Act is repealed and the following substituted therefor:

"FORM No. 66.

ADVANCE POLL CERTIFICATE AND STATEMENT OF IDENTIFICATION,

(Sec. 96.)

CERTIFICATE.

I hereby certify that (*insert full name of applicant elector*), whose occupation as given on the official list of electors is (*insert occupation*), whose address as given thereon is (*insert address*) and whose signature appears hereunder above mine has personally appeared before me and has satisfied me:

(1) That he is now employed.....
(*insert: "by the..... Railway Company in the capacity of....." or "on the vessel known as the..... in the capacity of....." or "by..... as a commercial traveller", or "as a fisherman", or as the case may be*), and

(2) That by reason of the nature of his said employment and in the course thereof he is necessarily absent from time to time from the place of his ordinary residence, and

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

(4) That he is the person intended to be described by the entry of the name, occupation and address above set out on the official list of electors entitled to vote at the pending election in polling division No....., in the electoral district of.....

And I accordingly certify that he is a person entitled to vote at any advance poll established in the said electoral district on the conditions prescribed in the *Canada Elections Act* and in the Instructions for Deputy Returning Officers issued by the Chief Electoral Officer.

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

(*Signature of applicant elector*).

.....
Returning Officer (or as the case may be).

Clause 32. To bring this form in line with the provisions of section 96 (5). Also change in terminology. The present Form No. 66 reads as follows:

"FORM No. 66.

ADVANCE POLL CERTIFICATE AND STATEMENT OF IDENTIFICATION.

(Sec. 96.)

CERTIFICATE.

I hereby certify that (*insert full name of applicant voter*), whose occupation as given in the official list of electors is (*insert occupation*), whose address as so given is (*insert address*), and whose signature appears hereunder above mine, has personally appeared before me and has satisfied me:

(1) That he is now employed
(*insert: "by the Railway Company in the capacity of"* or "on the vessel known as the in the capacity of" or "by as a commercial traveller," or as the case may be), and

(2) That by reason of the nature of his said employment and in the course thereof he is necessarily absent from time to time from his ordinary place of residence, and

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

(4) That he is the person intended to be described by the entry of the name, occupation and address above set out on the official list of electors entitled to vote at *this* election in polling division No., in the electoral district of

And I accordingly certify that he is a person entitled to vote at any advance poll established in the said electoral district on the conditions prescribed in the *Canada Elections Act*.

Dated at this day
of, 19

.....
(*Signature of applicant voter*).

.....
Returning Officer (or as the case may be).

STATEMENT OF IDENTIFICATION AND DECLARATION.

I hereby declare that I am the person described in the above certificate, that all the facts therein stated with respect to my employment and anticipated absence from the place of my ordinary residence on the ordinary polling day are correct, and that I verily believe myself to be the person intended to be referred to by the entry on the official list of electors, the particulars of which are transcribed in the above certificate.

I am aware that, having presented this certificate at an advance poll, I am not entitled to vote at an ordinary polling station on the ordinary polling day.

.....
(Signature of applicant elector).

PARTICULARS TO BE RECORDED BY POLL CLERK IN THE ADVANCE POLLING STATION

Consecutive number given to the elector as he applies for a ballot paper	FORM NUMBER OF ORAL OATH OR AFFIDAVIT, IF ANY, THE ELECTOR IS REQUIRED TO SWEAR	RECORD THAT OATH SWORN OR REFUSED (If sworn, insert "Sworn" or "Affirmed"; if refused, insert "Refused to be Sworn" or "Refused to Affirm" or "Refused to Answer")	RECORD THAT ELECTOR HAS VOTED When ballot paper put into ballot box, insert "Voted"	REMARKS

STATEMENT OF IDENTIFICATION AND DECLARATION.

I hereby declare that I am the person described in the above certificate, that all the facts therein stated with respect to my employment and anticipated absence from *home* on polling day are correct, and that I verily believe myself to be the person intended to be referred to by the entry in the official list of electors, the particulars of which are transcribed in the above certificate.

I am aware that, having presented this certificate at an advance *polling station*, I am not entitled to vote at an ordinary *poll* on polling day.

.....
(Signature of voter)."

33. The preamble to *The Canadian Forces Voting Regulations* in Schedule Three to the said Act is repealed and the following substituted therefor:

"To enable Canadian Forces electors, and Veteran electors receiving treatment or domiciliary care in certain hospitals or institutions, to exercise their franchise at a general election." 5

34. (1) Clause (g) of paragraph 4 of the French version of the said Regulations is repealed and the following substituted therefor: 10

"Heures du jour." (g) "heures du jour" et les autres mentions de l'heure dans les présents règlements se rapportent à l'heure solaire;"

(2) Clause (j) of paragraph 4 of the said Regulations is repealed and the following substituted therefor: 15

"Outer envelope." (j) "outer envelope" means the envelope provided for the transmission of the ballot paper (after such ballot paper has been marked and enclosed in the inner envelope) of a Canadian Forces elector or a Veteran elector to the appropriate special returning officer, 20 which envelope has been printed as follows: on the face with the full name and post office address of such special returning officer, and on the back with a blank declaration in Form No. 7, Form No. 7A or Form No. 12;" 25

35. Clauses (e) and (f) of paragraph 12 of the said Regulations are repealed and the following substituted therefor:

"(e) secure from the various liaison officers the lists provided for in paragraph 26; 30

(f) secure, through the liaison officers, a list of the name, rank and number of every deputy returning officer designated by each commanding officer to take the votes of Canadian Forces electors as provided by paragraph 30;" 35

36. Paragraph 15 of the said Regulations is repealed and the following substituted therefor:

List of names and surnames, etc., of candidates. "15. As soon as possible after the nominations of candidates at the general election have closed on the twenty-first day before polling day, the Chief Electoral Officer shall 40 transmit a sufficient number of copies of a printed list of the names and surnames of the candidates officially nominated in each electoral district to every special returning officer; upon such list shall be inserted after the names

Clause 33. Remedial. The present preamble reads as follows:

"To enable Canadian electors on *Defence Service* and Veterans receiving treatment or domiciliary care in certain hospitals or institutions to exercise their franchise at a general election."

Clause 34. (1) To clarify the French version of the present clause (*g*) of paragraph 4 which reads as follows:

"(*g*) "heures du jour" et les autres mentions de l'heure dans les présents règlements se rapportent à l'heure normale;"

(2) Consequential to proposed new subparagraph (1a) of paragraph 33 of the Regulations as set out in Clause 46 (1); it provides for printing the new Form No. 7A on the outer envelope. The present clause (*j*) of paragraph 4 reads as follows:

"(*j*) "outer envelope" means the envelope provided for the transmission by mail of the ballot paper (after such ballot paper has been marked and enclosed in the inner envelope *hereinbefore defined*) of a Canadian Forces elector or a Veteran elector to the appropriate special returning officer, which envelope has been printed as follows: on the face with the full name and post office address of such special returning officer, and on the back with a blank declaration *either* in Form No. 7 or Form No. 12;

Clause 35. (i) Paragraph 12 (*e*). Consequential to the amendment to paragraph 26. The present paragraph 12 (*e*) reads as follows:

"(*e*) secure a list of the names, ranks, and numbers of Canadian Forces electors from the various liaison officers, as prescribed in paragraph 26;"

(ii) Paragraph 12 (*f*). Section 52 of chapter 3 of the statutes of 1951 (Second Session) directed that the expression "deputy returning officer" be substituted for the expressions "commissioned officer" and "commissioned officer designated" in various places throughout the Act and forms. When the statutes were being revised it was necessary to effect the substitution in the consolidation of the *Canada Elections Act*, but difficulties arose largely because of the varying contexts in which the expressions "commissioned officer" and "commissioned officer designated" occurred. The result was that the amendments directed by section 52 of the 1951 amending Act were not given effect in the Revised Statutes precisely as contemplated in 1951. The present paragraph 12 (*f*) reads as follows:

"(*f*) secure, through the liaison officers, a list of the name, rank, and number of every *commissioned* officer designated by each commanding officer to take the votes of Canadian Forces electors, as prescribed in paragraph 30;"

Clause 36. To provide more time to comply with the provisions of this paragraph and of paragraph 19 of the Regulations. The present paragraph 15 reads as follows:

"15. As soon as possible after the nominations of candidates at the general election have closed, on the *fourteenth* day before polling day, the Chief Electoral Officer shall transmit a sufficient number of copies of a printed list of the names and surnames of the candidates officially nominated in each electoral district to every special returning officer; upon such list shall be inserted after the names and surname of each candidate the designating letters currently used to indicate his political affiliations; such designating letters shall be ascertained from the best sources of information available to the Chief Electoral Officer."

and surname of each candidate the designating letters currently used to indicate his political affiliations; such designating letters shall be ascertained from the best sources of information available to the Chief Electoral Officer."

37. Paragraph 17 of the said Regulations is repealed 5 and the following substituted therefor:

Books of key maps, etc.

"17. The books of key maps referred to in paragraph 14 shall be used by Canadian Forces electors and Veteran electors entitled to vote in large centres in Canada to enable them to ascertain the correct electoral district in 10 which they are qualified to vote at the general election, and the books of excerpts from the Canadian Postal Guide shall be used for the same purpose by Canadian Forces electors and Veteran electors entitled to vote in other 15 places in Canada."

38. The said Regulations are further amended by adding thereto immediately after paragraph 20 thereof the following paragraphs:

Wives of members of Canadian Forces outside Canada deemed Canadian Forces electors.

"20A. The wife of a Canadian Forces elector, as defined 20 in paragraph 20, who

(a) is of the full age of twenty-one years,

(b) is a Canadian citizen or other British subject,

(c) is residing with her husband when he is serving outside Canada, and

(d) is not a Canadian Forces elector, as defined in 25 paragraph 20,

shall be deemed to be a Canadian Forces elector and is entitled to vote at a general election under the procedure set forth in these Regulations.

Disqualifications.

20B. Notwithstanding anything in these Regulations, a 30 Canadian Forces elector who is undergoing punishment as an inmate in a service prison, detention barrack or any other penal institution for the commission of any offence, or who is subject to any disqualification set out in section 14 of the *Canada Elections Act*, is disqualified from voting 35 under the procedure set forth in these Regulations."

39. Paragraph 21 of the said Regulations is repealed and the following substituted therefor:

Canadian Forces elector, as defined in paragraph 20, to complete statement and declaration of ordinary residence.

"21. (1) Notwithstanding paragraph 20, a Canadian Forces elector, as defined in that paragraph, is not entitled 40 to vote under the procedure set forth in these Regulations, unless he or she

(a) completes a statement of ordinary residence as provided in paragraph 22 or subparagraph (1) of para- 45 graph 33, and

Clause 37. Clarification. The present paragraph 17 reads as follows:

"17. The books of key maps referred to in paragraph 14, shall be used by Canadian Forces electors and Veteran electors *from* large centres in Canada to enable them to ascertain the correct electoral district in which they are qualified to vote at the general election, and the books of excerpts from the Canadian Postal Guide shall be used for the same purpose by Canadian Forces electors and Veteran electors *from* other places in Canada."

Clause 38. The purpose of the new paragraph 20A is to enable the wife of a member of the Canadian Forces, who is a Canadian Forces elector, residing with her husband when he is serving outside Canada, to vote under the procedure set forth in the Regulations. The new paragraph 20B is to make it clear that a Canadian Forces elector who is undergoing punishment, detention or imprisonment, or who is subject to any other disqualification set out in section 14 of the Act is disqualified from voting under the procedure set forth in the Regulations.

Clause 39. To make it clear that a member of the Canadian Forces who is a Canadian Forces elector must make a statement as to place of ordinary residence before either he or his wife is entitled to vote under the Regulations, and that his or her vote is to be applied to the electoral district in which that place of ordinary residence is situated. The present paragraph 21 of the Regulations reads as follows:

"21. In order to be entitled to vote under the procedure set forth in these Regulations, a Canadian Forces elector shall specify, in a declaration in Form No. 7, the name of the place of his or her ordinary residence in Canada as defined in paragraph 2B, and his or her vote shall be applied only to the electoral district in which such place of ordinary residence is situated."

(b) specifies in a declaration in Form No. 7 the name of the place of his or her ordinary residence in Canada as shown by the elector on the statement referred to in clause (a).

Canadian Forces elector, as defined in paragraph 20A, to complete declaration of ordinary residence.

(2) Notwithstanding paragraph 20A, a Canadian Forces elector, as defined in that paragraph, is not entitled to vote under the procedure set forth in these Regulations, unless

(a) her husband has completed a statement of ordinary residence as provided in paragraph 22 or subparagraph (1) of paragraph 33, and

(b) she specifies in a declaration in Form No. 7A the name of the place of ordinary residence of her husband as shown by him on the statement referred to in clause (a).

Vote of Canadian Forces elector to be applied to place of residence.

(3) A Canadian Forces elector, as defined in paragraph 20, shall apply his or her vote only to the electoral district in which is situated his or her place of ordinary residence as shown on the statement made by such elector under paragraph 22 or subparagraph (1) of paragraph 33, and a Canadian Forces elector, as defined in paragraph 20A, shall apply her vote only to the electoral district in which is situated the place of ordinary residence of her husband as shown by him on such statement."

40. (1) Subparagraph (1) of paragraph 22 of the said Regulations is repealed.

(2) Subparagraphs (3) to (7) of paragraph 22 of the said Regulations are repealed and the following substituted therefor:

Ordinary residence on enrolment in regular forces.

"(3) After the 21st day of December 1951,

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

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

Change of ordinary residence and statement of ordinary residence when not previously completed.

(4) A member of the regular forces may, during the month of December in any year and at no other time,

(a) except when he or she is also a member of the active service forces of the Canadian Forces, change his or her place of ordinary residence to the city, town,

Clause 40. (1) Consequential. Subparagraph (1) of paragraph 22 is no longer necessary as all relevant paragraphs now refer to residence as shown on the statement of ordinary residence. Subparagraph (1) of the present paragraph 22 reads as follows:

"22. (1) For the purpose of these Regulations, the place of ordinary residence of a member of the Canadian Forces shall be deemed to be the place of ordinary residence required to be shown by him or her in the statements provided for in this paragraph."

(2) See note (ii) to Clause 35. Paragraph 22 (4) (b) is new. It permits members of the regular forces of the Canadian Forces mentioned in subparagraph (2) who have failed to complete a statement of ordinary residence to complete a statement in December of any year. Subparagraphs (3) to (7) of the present paragraph 22 read as follows:

"(3) After the 21st day of December, 1951,

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

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

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

village or other place in Canada referred to in clause (a), (b) or (c) of subparagraph (2) by completing, in duplicate, before a commissioned officer a statement of change of ordinary residence, in Form No. 17, and

(b) if he or she has failed to complete a statement of ordinary residence mentioned in subparagraph (2) or (3), complete such statement of ordinary residence either in Form No. 15 or Form No. 16.

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

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

Ordinary residence of member of reserve forces on active service.

(6) Every member of the reserve forces of the Canadian Forces who is placed on active service and who during a current period of full-time training or service has not completed a statement of ordinary residence pursuant to subparagraph (5) shall complete, in duplicate, before a commissioned officer a statement of ordinary residence in Form No. 18, in which will be stated

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

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

Ordinary residence on enrolment in active service forces.

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

41. Paragraph 23 of the said Regulations is repealed and the following substituted therefor:

Voting by Canadian Forces electors.

"23. Every Canadian Forces elector, as defined in paragraph 20, is entitled to vote at a general election only according to the procedure set forth in these Regulations, unless such elector is, on polling day, at the place of his or

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

(6) Every member of the reserve forces of the Canadian Forces who is placed on active service, and who, during a current period of full-time training or service, has not completed a statement of ordinary residence pursuant to subparagraph (5), shall complete, in duplicate, before a *deputy returning officer*, a statement of ordinary residence, in Form No. 18, in which will be stated

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

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

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

Clause 41. Clarification. The present paragraph 23 reads as follows:

"23. Every Canadian Forces elector as defined in paragraph 20, is entitled to vote at a general election only according to the procedure set forth in these Regulations, unless such elector is, on polling day, *in the place of his or her ordinary residence, as defined in paragraph 22, in which case the Canadian Forces elector may vote as a civilian elector, subject to the limitation set out in paragraph 39.*"

her ordinary residence as shown on the statement made by the elector under paragraph 22, in which case the Canadian Forces elector may vote as a civilian elector, subject to the limitation set out in paragraph 39."

42. Subparagraph (3) of paragraph 24 of the said Regulations is repealed and the following substituted therefor: 5

Duties of
liaison
officer.

"(3) The liaison officer designated in each of the respective Forces shall, immediately upon receiving notice of his appointment, communicate with the commanding officer of every unit stationed in the voting territory, stating all 10 necessary particulars not included in these Regulations relating to the taking of the votes of Canadian Forces electors at the general election; during the period between the issue of the writs ordering the general election and polling day thereat, the liaison officer shall cooperate with 15 the special returning officer, the various commanding officers and deputy returning officers designated pursuant to paragraph 29 in the taking of the votes of Canadian Forces electors."

43. (1) Subparagraph (1) of paragraph 25 of the said Regulations is repealed and the following substituted therefor: 20

Publication
of notice of
general
election

"25. (1) Every commanding officer shall, forthwith upon being notified by the liaison officer that a general election has been ordered in Canada, publish as part of Daily 25 Orders a notice in Form No. 5 informing all Canadian Forces electors under his command that a general election has been ordered in Canada and shall therein state the date fixed for polling day; it shall also be stated in such notice that every Canadian Forces elector may cast his vote before 30 any deputy returning officer designated by the commanding officer for that purpose during such hours as may be fixed by the commanding officer, not less than three each day, of the six days from Monday the seventh day before polling day to the Saturday immediately preceding polling day, 35 both inclusive; the commanding officer shall afford all necessary facilities to Canadian Forces electors attached to his unit, and to the wives of such electors who are Canadian Forces electors, as defined in paragraph 20A, to cast their votes in the manner prescribed in these Regulations." 40

(2) All that portion of subparagraph (2) of paragraph 25 of the said Regulations preceding clause (a) thereof is repealed and the following substituted therefor:

Notification
of days, hours
and places of
voting.

"(2) On at least three days before the period fixed for voting by Canadian Forces electors as provided in sub- 45

Clause 42. To define more clearly the duties of a liaison officer. The present paragraph 24 (3) reads as follows:

"(3) The liaison officer designated in each of the respective Forces shall immediately communicate with the commanding officer of every unit stationed in the voting territory, stating all necessary particulars relating to the taking of the votes of Canadian Forces electors at the general election; during the period between the issue of the writs ordering the general election and polling day thereat, the liaison officer shall cooperate with the special returning officer and the various commanding officers, in the taking of the votes of Canadian Forces electors."

Clause 43. (1) To enable commanding officers to fix the three hours for voting at any time during the day. Further, the amendment is consequential to Clause 38, and provides that a commanding officer of a unit is to make the facilities of Service voting places in his unit available to wives of members of the Canadian Forces who are qualified to vote as Canadian Forces electors pursuant to Clause 38. The present paragraph 25 (1) reads as follows:

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

(2) To do away with the necessity for a commanding officer issuing Daily Orders on a day on which they are ordinarily not issued, unless such a day is one on which voting takes place. All that portion of paragraph 25 (2) preceding clause (a) thereof now reads as follows:

"(2) At least *two* days before the period fixed for voting by Canadian Forces electors, as *prescribed* in subparagraph (1), and every day *thereafter until the Saturday immediately preceding polling day*, every commanding officer shall publish in Daily Orders, with the necessary modifications, a notice stating"

paragraph (1) and on every day on which such voting takes place, every commanding officer shall publish in Daily Orders, with the necessary modifications, a notice stating”

1952-53, c. 24,
s. 7.

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

44. Paragraphs 26 to 29 of the said Regulations are repealed and the following substituted therefor: 5

“26. Within two weeks after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of 10

(a) the names, ranks, numbers and, in the case of those who completed statements under paragraph 22, places of ordinary residence, as shown on such statements, of Canadian Forces electors, as defined in paragraph 20, attached to his unit; and 15

(b) the names of Canadian Forces electors, as defined in paragraph 20A, who are married to Canadian Forces electors described in clause (a), and the names, ranks, numbers and, in the case of those whose husbands completed statements under paragraph 22, places of 20 ordinary residence as shown on such statements of their husbands;

the commanding officer shall also furnish to the deputy returning officer a copy of such list for the taking of the votes of the Canadian Forces electors described in clauses (a) and (b); at any reasonable time during an election, such list and the statements referred to in paragraph 22 shall be open to inspection by any officially nominated candidate or his accredited representative and such persons shall be permitted to make extracts therefrom. 25 30

Canadian
Forces
elector in
hospital, etc.

27. (1) Every Canadian Forces elector, as defined in paragraph 20, who is undergoing treatment in a Service hospital or convalescent institution during the period prescribed in subparagraph (1) of paragraph 25 for the taking of the votes of Canadian Forces electors at a general elec- 35 tion shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution, and a Canadian Forces elector, as defined in paragraph 20A, whose husband is in such hospital or institution may vote at the place where her 40 husband may vote or at the place where he could have voted before he went in such hospital or institution.

Voting by
bed-ridden
Canadian
Forces
electors.

(2) Whenever deemed advisable by the deputy returning officer who is authorized under these Regulations to take

Clause 44. The amendment to paragraph 26 of the Regulations is consequential to Clause 38, and provides for the preparation of lists of wives of members of the Canadian Forces residing outside Canada with their husbands who are eligible to vote under the Regulations in accordance with Clause 38; it also requires commanding officers to include on the lists prepared in their units the names of all Canadian Forces electors, even though some may not have completed statements of ordinary residence. The present paragraph 26 reads as follows:

"26. Within two weeks after the publication of a notice in Daily Orders, in Form No. 5, each commanding officer shall, through the liaison officer, furnish to the special returning officer for the appropriate voting territory, a list of the names, ranks, numbers and places of ordinary residence, as *prescribed in paragraph 22*, of Canadian Forces electors attached to his unit; the commanding officer shall also furnish to the deputy returning officer a copy of such list for the taking of the votes of the Canadian Forces electors *attached to his unit*; at any reasonable time during an election, such list and the statements referred to in paragraph 22 shall be open to inspection by any officially nominated candidate or his accredited representative, and such persons shall be permitted to make extracts therefrom."

The amendment to subparagraph (1) of paragraph 27 is consequential to Clause 38, and permits a wife who is qualified to vote as a Canadian Forces elector, whose husband is undergoing treatment in a Service hospital or convalescent institution, to vote either at that hospital or institution or at the unit where her husband was entitled to vote prior to admission to the hospital or institution. The proposed subparagraph (2) of that paragraph is to enable a deputy returning officer to go from room to room in Service hospitals or convalescent institutions to take the votes of Canadian Forces electors. The proposed subparagraph (3) of that paragraph is to ensure that the vote is taken in all Service hospitals or convalescent institutions. The present paragraph 27 reads as follows:

"27. Every Canadian Forces elector in a Service hospital or convalescent institution, during the period prescribed in subparagraph (1) of paragraph 25 for the taking of the votes of Canadian Forces electors at *the general election*, shall be deemed to be a member of the unit under the command of the officer in charge of such hospital or convalescent institution."

the votes at a Service hospital or convalescent institution, he shall, with the approval of the officer commanding such hospital or institution, go from room to room to take the votes of the bed-ridden Canadian Forces electors.

When no deputy returning officer appointed for Service hospital, etc.

(3) If a deputy returning officer is not appointed specifically for a Service hospital or convalescent institution, the deputy returning officer appointed for the unit to which such hospital or institution belongs may take the votes of Canadian Forces electors confined in such hospital or institution. 5

Distribution of supplies by commanding officer.

28. Forthwith upon receiving the supplies mentioned in paragraph 19, the commanding officer shall distribute such supplies in sufficient quantities to every deputy returning officer designated by him to take the votes of Canadian Forces electors; the commanding officer shall also cause copies of the printed list of names and surnames of candidates to be posted up on the bulletin boards of his unit and in other conspicuous places. 10 15

Posting up of list of names of candidates.

Before whom votes of Canadian Forces electors to be cast.

29. The vote of every Canadian Forces elector shall be cast before a Canadian Forces elector, as defined in paragraph 20, who has been designated by a commanding officer to act as a deputy returning officer." 20

45. Subparagraphs (1) and (2) of paragraph 32 of the said Regulations are repealed and the following substituted therefor: 25

Representative of political group.

"32. (1) Any Canadian citizen, other than a member of the Canadian Forces, may, upon delivering to the deputy returning officer who is taking the votes of Canadian Forces electors a declaration, in Form No. 10, completed and signed by a candidate at a general election, act as a representative of the political group to which the candidate belongs at the taking of such votes." 30

1952-53, c. 24, s. 7.

46. (1) Subparagraph (1) of paragraph 33 of the said Regulations is repealed and the following substituted therefor: 35

Declaration by Canadian Forces elector, as defined in paragraph 20.

"33. (1) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 20, the deputy returning officer before whom the vote is to be cast shall require such elector to make a declaration, in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state such Canadian Forces elector's name, rank and number, 40

Paragraph 28. See note (ii) to Clause 35. The present paragraph 28 reads as follows:

"28. Forthwith upon *the receipt* of the supplies mentioned in paragraph 19, the commanding officer shall distribute such supplies in sufficient quantities to every *commissioned* officer designated by him to take the votes of Canadian Forces electors; the commanding officer shall also cause copies of the printed list of names and surnames of candidates to be posted up on the bulletin boards of his unit and in other conspicuous places."

The amendment to paragraph 29 is to provide that only a member of the Canadian Forces, who is a Canadian Forces elector, can act as a deputy returning officer for the taking of the votes of Canadian Forces electors. The present paragraph 29 reads as follows:

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

Clause 45. To permit a candidate at a general election to nominate any Canadian citizen, other than a member of the Canadian Forces, to act as the representative of the political group to which the candidate belongs, in a Service voting place either in or outside Canada. Subparagraphs (1) and (2) of the present paragraph 32 read as follows:

"32. (1) Any *person qualified to vote as a civilian elector at the general election* may, upon *delivery* of a declaration, completed and signed by *himself*, in Form No. 10, to the deputy returning officer who is taking the votes of Canadian Forces electors, act as representative of a political party at the taking of such votes.

(2) *In any voting place where it is not possible for a civilian elector to act as a representative of a political party, as provided in subparagraph (1), a Canadian Forces elector may, with the approval of the commanding officer, act as such representative."*

Clause 46. (1) The amendment to subparagraph (1) provides that the statement of ordinary residence in respect of a member of the reserve forces is Form No. 18. The new subparagraph (1a) is consequential to Clause 38, and sets out the procedure for voting to be followed by a Canadian Forces elector who is the wife of a member of the Canadian Forces. The present paragraph 33 (1) reads as follows:

"33. (1) Before delivering a ballot paper to a Canadian Forces elector, the deputy returning officer before whom the vote is to be cast shall require such elector to make a declaration in Form No. 7, which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state the Canadian Forces elector's name, rank, and number, that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph (2) of paragraph 20), that he has not previously voted at the general election, and the name of the place in Canada, with street address, if any, of his ordinary residence as shown on the statement made by him under paragraph 22, or, if no such statement appears to have been made, he shall subscribe to a statement in Form No. 16, and the place of ordinary residence to be declared in Form No. 7 shall be the place of ordinary residence shown in the said Form No. 16; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration in Form No. 7; the deputy returning officer shall cause the Canadian Forces elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the deputy returning officer."

that he is a Canadian citizen or other British subject, that he has attained the full age of twenty-one years (except in the case referred to in subparagraph (2) of paragraph 20), that he has not previously voted at the general election, and the name of the place in Canada, 5 with street address, if any, of his ordinary residence as shown on the statement made by him under paragraph 22, or, if no such statement appears to have been made, he shall subscribe to a statement, in Form No. 16, if he is a member of the regular forces, or in Form No. 18, if he is a 10 member of the reserve forces, before a commissioned officer or a deputy returning officer, and the place of ordinary residence to be declared in Form No. 7 shall be the place of ordinary residence shown on Form No. 16 or Form No. 18; the name of the electoral district and of the province in 15 which such place of ordinary residence is situated may be stated in such declaration in Form No. 7; the deputy returning officer shall cause such Canadian Forces elector to affix his signature to the said declaration, and the certificate printed thereunder shall then be completed and 20 signed by the deputy returning officer.

Declaration
by Canadian
Forces elec-
tor, as defined
in paragraph
20A.

(1a) Before delivering a ballot paper to a Canadian Forces elector, as defined in paragraph 20A, the deputy returning officer before whom the vote is to be cast shall require such elector to make a declaration, in Form No. 7A, 25 which shall be printed on the back of the outer envelope in which the inner envelope containing the ballot paper, when marked, is to be placed, such declaration to state such Canadian Forces elector's name and the name, rank and number of her husband, that she is a Canadian citizen 30 or other British subject, that she has attained the full age of twenty-one years, that she has not previously voted at the general election, and the name of the place in Canada, with a street address, if any, of the ordinary resi- 35 dence of her husband as shown on the statement made by him under paragraph 22 or subparagraph (1) of this paragraph; the name of the electoral district and of the province in which such place of ordinary residence is situated may be stated in such declaration in Form No. 7A; the deputy returning officer shall cause such Canadian 40 Forces elector to affix her signature to the said declaration, and the certificate printed thereunder shall then be completed and signed by the deputy returning officer."

1952-53, c. 24,
s. 7.

Filing of
statements.

(2) Subparagraph (6) of paragraph 33 of the said Regulations is repealed and the following substituted therefor: 45

"(6) The original of each statement of ordinary residence completed pursuant to this paragraph shall be forwarded to and filed at the appropriate service Headquarters and the duplicate shall be retained in the unit with the declarant's service documents." 50

(2) Consequential to the proposed amendments in Clause 46 (1). The present paragraph 33 (6) reads as follows:

“(6) The original of each *Form No. 16* completed pursuant to this paragraph shall be forwarded to and filed at the appropriate service Headquarters and the duplicate shall be retained in the unit with the declarant's service documents.”

47. Paragraph 34 of the said Regulations is repealed and the following substituted therefor:

Manner of
voting by
Canadian
Forces elector.

"34. After a Canadian Forces elector has completed and signed a declaration in Form No. 7 or Form No. 7A and the deputy returning officer has completed and signed the certificate printed thereunder, as prescribed in subparagraphs (1) or (1a) of paragraph 33, the deputy returning officer shall hand a ballot paper to such elector, who shall cast his vote secretly by writing thereon, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice; the ballot paper shall then be folded by the Canadian Forces elector; when this has been done, the deputy returning officer shall hand an inner envelope to the Canadian Forces elector, who shall place the ballot paper so folded in the inner envelope, seal such inner envelope and hand it to the deputy returning officer, who shall, in full view of the Canadian Forces elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the Canadian Forces elector."

48. (1) Subparagraph (1) of paragraph 35 of the said Regulations is repealed and the following substituted therefor:

Disposition of
completed
outer
envelope.

"35. (1) When, under paragraph 34, the deputy returning officer before whom the vote of a Canadian Forces elector has been cast hands the outer envelope containing the ballot paper to the Canadian Forces elector, the Canadian Forces elector shall forthwith despatch it by ordinary mail or by such other facilities as may be available and expeditious to the special returning officer whose name and address have been printed on the face of the outer envelope."

(2) Subparagraph (4) of paragraph 35 of the said Regulations is repealed and the following substituted therefor:

Postal
facilities.

"(4) Every commanding officer shall, whenever possible, provide that the voting place established for taking the votes of Canadian Forces electors shall be located in close proximity to a post office, mail box or other receptacle provided for mail; the deputy returning officer before whom a Canadian Forces elector has cast his vote shall direct such elector to the nearest post office, mail box or other receptacle provided for mail from which outer envelopes may be despatched to the special returning officer."

49. Paragraph 39 of the said Regulations is repealed and the following substituted therefor:

Canadian
Forces
elector voting
as civilian.

"39. (1) A member of the Canadian Forces who

45

Clause 47. Consequential to proposed new subparagraph (1a) of paragraph 33 of the Regulations as set out in Clause 46 (1). The present paragraph 34 reads as follows:

"34. After the declaration has been completed and signed by the Canadian Forces elector, and the certificate printed thereunder has been completed and signed by the deputy returning officer, as prescribed in subparagraph (1) of paragraph 33, the deputy returning officer shall hand a ballot paper to such elector, who shall cast his vote secretly by writing thereon, with ink or with a pencil of any colour, the names (or initials) and surname of the candidate of his choice; the ballot paper shall then be folded by the Canadian Forces elector; when this has been done, the deputy returning officer shall hand an inner envelope to the Canadian Forces elector, who shall place the ballot paper so folded in the inner envelope, seal such inner envelope, and hand it to the deputy returning officer, who shall, in full view of the Canadian Forces elector, place it in the outer envelope addressed to the special returning officer, seal the said outer envelope and hand it to the Canadian Forces elector."

Clause 48. (1) and (2) To facilitate the transmission of outer envelopes containing ballot papers. Subparagraphs (1) and (4) of the present paragraph 35 read as follows:

"35. (1) The deputy returning officer before whom the vote of a Canadian Forces elector has been cast shall, as prescribed in paragraph 34, hand the outer envelope, containing the ballot paper, to the Canadian Forces elector, who shall himself forthwith despatch it by ordinary mail or by such other postal facilities as may be available and expeditious, to the special returning officer whose name and address have been printed on the face of the outer envelope.

(4) Every commanding officer shall, whenever possible, provide that the voting place established for taking the votes of Canadian Forces electors shall be located in close proximity to a post office or mail box; the deputy returning officer before whom a Canadian Forces elector has cast his vote shall direct such elector to the nearest post office or mail box from which outer envelopes may be despatched to the special returning officer."

Clause 49. (1) Clarification. (2) This amendment is consequential to Clause 38, and would permit a wife who is a Canadian Forces elector and accompanies her husband who is absent on duty or on leave from his unit, to vote at any Service voting place with her husband. The present paragraph 39 reads as follows:

"39. (1) A Canadian Forces elector who has not voted in the manner prescribed in these Regulations, and who is in the place of his ordinary residence on polling day, may cast his vote in the manner prescribed in the Canada Elections Act for civilian electors; in such case, however, the name of the Canadian Forces elector shall, in an urban polling division, appear on the official list of electors used at the poll.

(a) has completed a statement of ordinary residence as provided in paragraph 22, and

(b) has not voted under the procedure set forth in these Regulations,

may cast his vote at the place of his ordinary residence as shown on such statement in the manner prescribed in the *Canada Elections Act* for civilian electors; but nothing in this subparagraph shall be deemed to entitle a Canadian Forces elector to vote in an urban polling division unless his name appears on the official list of electors used at the poll.

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

(2) A Canadian Forces elector, as defined in paragraph 20, who is absent from his unit, on duty, leave or on furlough, during the voting period prescribed in subparagraph (1) of paragraph 25, may, on production of documentary proof that he is on duty, leave or on furlough, cast his vote elsewhere before any deputy returning officer, when such person is actually engaged in the taking of the votes, and a Canadian Forces elector, as defined in paragraph 20A, who is accompanying her husband during the absence may on producing documentary proof of her identity cast her vote at the same place as her husband."

50. The heading preceding paragraph 41 of the said Regulations is repealed and the following substituted therefor:

"PROCEDURE FOR TAKING THE VOTES AT A GENERAL ELECTION OF VETERANS OF THE WAR 1914-1918 AND THE WAR THAT BEGAN ON THE 10TH DAY OF SEPTEMBER, 1939, AND OF VETERANS WHO SERVED ON ACTIVE SERVICE SUBSEQUENT TO THE 9TH DAY OF SEPTEMBER, 1950, WHO ARE RECEIVING TREATMENT OR DOMICILIARY CARE IN CERTAIN HOSPITALS OR INSTITUTIONS."

51. Paragraph 65 of the said Regulations is repealed and the following substituted therefor:

Application of certain paragraphs and forms.

"65. Paragraphs 20 to 40 and Forms Nos. 5, 7, 9, 10 and 14 to 18 do not apply to the taking of the votes of Veteran electors."

52. Clauses (d) and (e) of paragraph 84 of the said Regulations are repealed and the following substituted therefor:

"(d) makes any untrue statement in the declaration in Form No. 7 or Form No. 7A signed by him or her before a deputy returning officer or, in the case of a Veteran elector in Form No. 12 signed by him before two deputy special returning officers; or

(2) A Canadian Forces elector who is absent from his unit, on duty, leave or on furlough, during the voting period prescribed in subparagraph (1) of paragraph 25, and who has not already voted at the general election, may, on production of documentary proof that he is on duty, leave or on furlough, cast his vote elsewhere before any deputy returning officer, when such person is actually engaged in the taking of such votes."

Clause 50. Remedial. The present heading reads as follows:

"PROCEDURE FOR TAKING THE VOTES, AT A GENERAL ELECTION, OF VETERANS OF THE WAR 1914-1918 AND THE WAR THAT BEGAN ON THE 10TH DAY OF SEPTEMBER, 1939, WHO ARE RECEIVING TREATMENT OR DOMICILIARY CARE IN CERTAIN HOSPITALS OR INSTITUTIONS."

Clause 51. Remedial. The present paragraph 65 reads as follows:

"65. Paragraphs 20 to 40 and Forms Nos. 5, 7, 9 and 10 do not apply to the taking of the votes of Veteran electors."

Clause 52. The proposed amendment to Clause (*d*) is consequential to proposed new subparagraph (1a) of paragraph 33 of the Regulations as set out in Clause 46 (1), and extends the present provisions in respect of any untrue statement to one contained in proposed new Form No. 7A of the Regulations. The amendment to Clause (*e*) is consequential to the proposed amendments in Clause 46 (1). Clauses (*d*) and (*e*) of the present paragraph 84 read as follows:

(*d*) makes any untrue statement in the declaration in Form No. 7 signed by him before a deputy returning officer or, in the case of a Veteran elector in Form No. 12 signed by him before two deputy special returning officers; or

(e) makes any untrue declaration in the statement of ordinary residence completed pursuant to paragraph 22 or subparagraph (1) of paragraph 33;”

53. Paragraph 87 of the said Regulations is repealed and the following substituted therefor: 5

Procedure on
withdrawal of
candidate.

“87. Where a candidate withdraws during the period between nomination day and three days before polling day, the Chief Electoral Officer shall, by the most expeditious means, notify every special returning officer of such withdrawal; the special returning officer shall forthwith so 10 notify every commanding officer stationed in his voting territory and every deputy special returning officer who has been appointed to take the votes of Veteran electors in such voting territory; the commanding officer shall, as much as possible, notify every deputy returning officer 15 designated by him to take the votes of Canadian Forces electors of such withdrawal, and such deputy returning officer or the deputy special returning officers shall inform the Canadian Forces electors or Veteran electors concerned as to the name of the candidate who has withdrawn when 20 such electors are applying to vote; any votes cast by Canadian Forces electors or Veteran electors for a candidate who has withdrawn are null and void.”

(e) makes any untrue declaration in the statement of ordinary residence completed pursuant to paragraph 22;"

Clause 53. See note (ii) to Clause 35. The present paragraph 87 reads as follows:

"87. *In the case of the withdrawal of a candidate during the period between nomination day and three days before polling day, the Chief Electoral Officer shall, by the most expeditious means, notify every special returning officer of such withdrawal; the special returning officer shall forthwith so notify every commanding officer stationed in his voting territory, and every deputy special returning officer who has been appointed to take the votes of Veteran electors in such voting territory; the commanding officer shall, as much as possible, notify every commissioned officer designated by him to take the votes of Canadian Forces electors of such withdrawal, and such commissioned officer or the deputy special returning officers shall inform the Canadian Forces electors or Veteran electors concerned as to the name of the candidate who has withdrawn, when such electors are applying to vote; any votes cast by Canadian Forces electors or Veteran electors for a candidate who has withdrawn are null and void.*"

54. Form No. 5 to the said Regulations is repealed and the following substituted therefor:

“FORM No. 5

NOTICE TO CANADIAN FORCES ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA. (Par. 25)

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

Notice is further given that, pursuant to *The Canadian Forces Voting Regulations*, all Canadian Forces electors, as defined in paragraph 20 of the said Regulations, *and the wives of such Canadian Forces electors residing with their husbands outside Canada* are entitled to vote at such general election upon application to any deputy returning officer designated for the purpose of taking such votes.

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

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

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

.....
Commanding officer.

*Note: Strike out the words between asterisks when the unit is stationed in Canada.

Clause 54. This amendment is consequential to Clause 38, and modifies the form of notice required to be promulgated by commanding officers of units outside Canada in respect of a general election to include a reference to wives of Canadian Forces electors qualified to vote under the Regulations. The present Form No. 5 reads as follows:

“FORM NO. 5

NOTICE TO CANADIAN FORCES ELECTORS THAT A GENERAL ELECTION HAS BEEN ORDERED IN CANADA. (Par. 25)

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

Notice is further given that pursuant to *The Canadian Forces Voting Regulations*, all Canadian Forces electors, as defined in paragraph 20 of the said Regulations, are entitled to vote at such general election upon application to any deputy returning officer designated for the purpose of taking such votes.

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

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

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

.....
Commanding officer. 7

55. (1) Form No. 7 to the said Regulations is amended by striking out the heading

“FORM No. 7

DECLARATION TO BE MADE BY A CANADIAN FORCES ELECTOR
BEFORE BEING ALLOWED TO VOTE. (Par. 33)”

and substituting therefor the heading

“FORM No. 7

DECLARATION TO BE MADE BY A CANADIAN FORCES ELECTOR,
AS DEFINED IN PARAGRAPH 20 OF The Canadian Forces
Voting Regulations BEFORE BEING ALLOWED TO VOTE.
(Par. 33)”

(2) Paragraph 7 of Form No. 7 to the said Regulations is repealed and the following substituted therefor:

“7. That the place of my ordinary residence in Canada, as shown on the statement made by me under paragraph 22 or subparagraph (1) of paragraph 33 of The Canadian Forces Voting Regulations, is

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

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

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

.....
(Here insert name of province)”

Clause 55. (1). This amendment is consequential to Clauses 38 and 46 (1), and makes Form No. 7 applicable only to Canadian Forces electors who are members of the Canadian Forces.

(2) Consequential to the proposed amendments in Clause 46 (1). Paragraph 7 of the present Form No. 7 reads as follows:

"7. That the place of my ordinary residence in Canada, as *prescribed in* paragraph 22 of *The Canadian Forces Voting Regulations*, is

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

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

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

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

56. The said Regulations are further amended by adding thereto immediately after Form No. 7 thereto the following form:

"FORM NO. 7A

DECLARATION TO BE MADE BY A CANADIAN FORCES ELECTOR,
AS DEFINED IN PARAGRAPH 20A OF *The Canadian Forces
Voting Regulations*, BEFORE BEING ALLOWED TO
VOTE. (Par. 33)

I hereby declare

1. That my name is.....
(Insert full name, surname last)
2. That my husband's name is.....
(Insert full name of husband, surname last)
3. That his rank is.....
4. That his number is.....
5. That I am a Canadian citizen or other British subject.
6. That I have attained the full age of twenty-one years.
7. That I have not previously voted as a Canadian Forces elector at the pending general election.
8. That the place of my husband's ordinary residence in Canada as shown by him on the statement made under paragraph 22 or subparagraph (1) of paragraph 33 of *The Canadian Forces Voting Regulations* is.....
(Here insert the name of the city, town, village or other place in
.....
Canada, with street address, if any)
.....
(Here insert name of electoral district)
.....
(Here insert name of province)

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

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

.....
Signature of wife of Canadian Forces elector.

CERTIFICATE OF DEPUTY RETURNING OFFICER.

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

.....
Signature of deputy returning officer.

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

Clause 56. Consequential to Clauses 38 and 46 (1). This new Form No. 7A is the form of the declaration to be made at the time of voting by a wife of a Canadian Forces elector who is entitled to vote under the Regulations.

57. (1) Paragraph 1 of Form No. 9 to the said Regulations is repealed and the following substituted therefor:

"1. A Canadian Forces elector (including the wife of a Canadian Forces elector residing with her husband outside Canada)* is entitled to vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his (or her husband's)* ordinary residence as shown on the statement made by him (or her husband)* under paragraph 22 or subparagraph (1) of paragraph 33 of *The Canadian Forces Voting Regulations*.

* Strike out the words in brackets where the unit is stationed in Canada.

(2) Paragraph 11 of Form No. 9 to the said Regulations is repealed and the following substituted therefor:

"11. The Canadian Forces elector shall then mail the completed outer envelope in the nearest post office, mail box, or by such other facilities as may be available and expeditious."

Clause 57. (1) Consequential to Clauses 38 and 39. Form No. 9 (Card of Instructions) will now make reference to the wife of a Canadian Forces elector who is entitled to vote under the Regulations. Paragraph 1 of the present Form No. 9 reads as follows:

"1. A Canadian Forces elector is entitled to vote for the candidate of his choice, officially nominated in the electoral district in which is situated the place of his ordinary residence as *prescribed in paragraph 22 of The Canadian Forces Voting Regulations.*"

(2) Consequential to the proposed amendment in Clause 48. Paragraph 11 of the present Form No. 9 reads as follows:

"11. The Canadian Forces elector shall then mail the completed outer envelope in the nearest post office, mail box, or by such other *postal facilities as may be available and expeditious.*"

58. Form No. 10 to the said Regulations is repealed and the following substituted therefor:

“FORM NO. 10

DECLARATION NOMINATING REPRESENTATIVE OF POLITICAL GROUP.
(Par. 32)

To the deputy returning officer designated to take the votes of Canadian Forces electors at.....

Pursuant to the provisions of paragraph 32 of *The Canadian Forces Voting Regulations*, I hereby declare that.....
is nominated to represent the interests of the.....
political group during the taking of the votes of Canadian Forces electors in the above mentioned voting place.

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

.....
Candidate in the electoral district

of.....”

Clause 58. Consequential to Clause 45. See also note (ii) to Clause 35. The present Form No. 10 reads as follows:

“FORM No. 10

DECLARATION of REPRESENTATIVE OF POLITICAL Party. (Par. 32)

To the *commissioned* officer designated to take the votes of Canadian Forces electors at.....

Pursuant to the provisions of paragraph 32 of *The Canadian Forces Voting Regulations*, I hereby declare that *I am qualified to vote at the general election now pending in Canada, and that I have undertaken* to represent the interests of the..... political party, during the taking of the votes of Canadian Forces electors in *this* voting place.

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

.....
Representative.”

59. Forms Nos. 14 to 18 to the said Regulations are repealed and the following substituted therefor:

“FORM NO. 14

AFFIDAVIT OF QUALIFICATION. (Par. 33(3))

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

1. That my name is
(Insert full name, surname last)
- *2. That my husband's name is
(Insert full name of husband, surname last)
3. That my (his) rank is
4. That my (his) number is
5. That I am a Canadian citizen or other British subject.
- †6. That I have attained the full age of twenty-one years.
7. That I have not previously voted as a Canadian Forces elector at the pending general election.
8. That the place of my (husband's) ordinary residence in Canada, as shown on the statement made by me (him) under paragraph 22 or subparagraph (1) of paragraph 33 of *The Canadian Forces Voting Regulations*, is
(Here insert the name of the city, town, village or other place in
.....
Canada, with street address, if any)
.....
(Here insert name of electoral district)
.....
(Here insert name of province)

SWORN (or affirmed) before me }
at }
this day of }
19..... }
..... }
Deputy returning officer.

*Signature of Canadian
Forces elector.*

* Strike out this line except in the case of a Canadian Forces elector, as defined in paragraph 20A of *The Canadian Forces Voting Regulations*.
† Strike out this line if it is not applicable pursuant to paragraph 20(2) of *The Canadian Forces Voting Regulations*.

Clause 59. Form No. 14. This amendment is consequential to Clause 38, and adapts that form to provide for an affidavit of qualification by a wife who is a Canadian Forces elector. The present Form No. 14 reads as follows:

“FORM No. 14

AFFIDAVIT OF QUALIFICATION. (Par. 33 (3))

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

1. That my name is
(Insert full name, surname last)
2. That my rank is
3. That my number is
4. That I am a Canadian citizen or other British subject.
- *5. That I have attained the full age of twenty-one years.
6. That I have not previously voted as a Canadian Forces elector at the pending general election.
7. That the place of my ordinary residence in Canada, as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, is

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

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

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

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

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

* Strike out this line if it is not applicable pursuant to paragraph 20 (2) of *The Canadian Forces Voting Regulations*.”

FORM No. 15

STATEMENT OF ORDINARY RESIDENCE. (Par. 22 (2), (3) (b), (4) (b).)
(Only applicable to members of the regular forces enrolled on or prior
to June 21, 1952.)

I HEREBY DECLARE

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

THAT the place of my ordinary residence in Canada, as prescribed
in paragraph 22 of *The Canadian Forces Voting Regulations*, is.....

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

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

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

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

CERTIFICATE OF COMMISSIONED OFFICER.

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

.....
Signature of commissioned officer.

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

Form No. 15. Consequential to the proposed amendment in Clause 40. See also note (ii) to Clause 35. The present Form No. 15 reads as follows:

“FORM No. 15

STATEMENT OF ORDINARY RESIDENCE. (Par. 22 (2), (3) (b))
(Only applicable to members of the regular forces enrolled on or prior
to the effective date of this paragraph)

I HEREBY DECLARE

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

THAT the place of my ordinary residence in Canada, as prescribed
in paragraph 22 of *The Canadian Forces Voting Regulations*, is.....

.....
(Insert name of city, town, village, or other place in Canada,

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

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

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

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

CERTIFICATE OF *Deputy Returning* OFFICER.

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

.....
Signature of deputy returning officer.

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

FORM NO. 16

R.S., c. 23,
1952-53, c. 24,
s. 7.

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT.

(Par. 22 (3) (a), (4) (b) and (7) and par. 33 (1).)

(Applicable to regular force members on enrolment subsequent to June 21, 1952, to persons on enrolment in the active service forces and to persons required to complete this Form pursuant to paragraph 33 (1).)

I HEREBY DECLARE

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

THAT my place of ordinary residence in Canada immediately prior to the date of my enrolment, as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, was.....

.....
(Insert name of city, town, village or other place in Canada,

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

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

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

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

CERTIFICATE OF COMMISSIONED OFFICER OR OF DEPUTY RETURNING OFFICER.

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

.....
Signature of commissioned officer or of deputy returning officer.

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

Form No. 16. Consequential to the proposed amendments in Clauses 40 and 46. The present Form No. 16 reads as follows:

“FORM NO. 16

STATEMENT OF ORDINARY RESIDENCE ON ENROLMENT

(Par. 22 (3) (a) and (6) and par. 33 (1))

(Applicable to regular force members on enrolment subsequent to June 21, 1952, to persons on enrolment in the active service forces and to persons required to complete this Form pursuant to paragraph 33 (1)).

I HEREBY DECLARE

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

THAT my place of ordinary residence in Canada, immediately prior to the date of my enrolment, as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, was

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

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

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

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

CERTIFICATE OF DEPUTY RETURNING OFFICER.

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

.....
Signature of deputy returning officer.

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

FORM No. 17

STATEMENT OF CHANGE OF ORDINARY RESIDENCE. (Par. 22 (4) (a).)

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

I HEREBY DECLARE

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

THAT the place of my ordinary residence in Canada, as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, is now

.....
(Insert name of city, town, village or other place in Canada,

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

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

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

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

CERTIFICATE OF COMMISSIONED OFFICER.

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

.....
Signature of commissioned officer.

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

Form No. 17. See note (ii) to Clause 35. The present Form No. 17 reads as follows:

“FORM No. 17

STATEMENT OF CHANGE OF ORDINARY RESIDENCE. (Par. 22 (4))

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

I HEREBY DECLARE

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

THAT the place of my ordinary residence in Canada, as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, is now

.....
(Insert name of city, town, village, or other place in Canada,

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

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

Dated at, this day of
., 19

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

CERTIFICATE OF *Deputy Returning* OFFICER.

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

.....
Signature of deputy returning officer.

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

FORM No. 18

STATEMENT OF ORDINARY RESIDENCE. (Par. 22 (5) and (6) and par. 33 (1).)

(Applicable to members of the reserve forces on full-time training or service not on active service during period commencing on date of ordering of general election, or on being placed on active service, and to persons required to complete this Form pursuant to paragraph 33 (1).)

I HEREBY DECLARE

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

THAT my place of ordinary residence in Canada immediately prior to: the commencement of my current continuous period of full-time training or service/and active service

OR

being placed on active service not immediately preceded by a period of full-time training or service, as prescribed in paragraph 22 of The Canadian Forces Voting Regulations, is..... (Insert name of city, town, village or other place in Canada, with street address, if any, and province)

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

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

Signature of member of reserve forces.

CERTIFICATE OF COMMISSIONED OFFICER OR OF DEPUTY RETURNING OFFICER.

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

Signature of commissioned officer or of deputy returning officer.

(Insert rank, number and name of unit)

Form No. 18. Consequential to the proposed amendment in Clause 46. The present Form No. 18 reads as follows:

“FORM No. 18

STATEMENT OF ORDINARY RESIDENCE. (Par. 22 (5) and (6))

(Applicable to members of the reserve forces on full-time training or service not on active service during period commencing on date of ordering of general election, or on being placed on active service)

I HEREBY DECLARE

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

THAT my place of ordinary residence in Canada immediately prior to:
the commencement of my current continuous period of full-time training or service/and active service,

OR

being placed on active service not immediately preceded by a period of full-time training or service, as prescribed in paragraph 22 of *The Canadian Forces Voting Regulations*, is.....
(Insert name of city, town, village, or other place in Canada, with street address, if any)

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

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

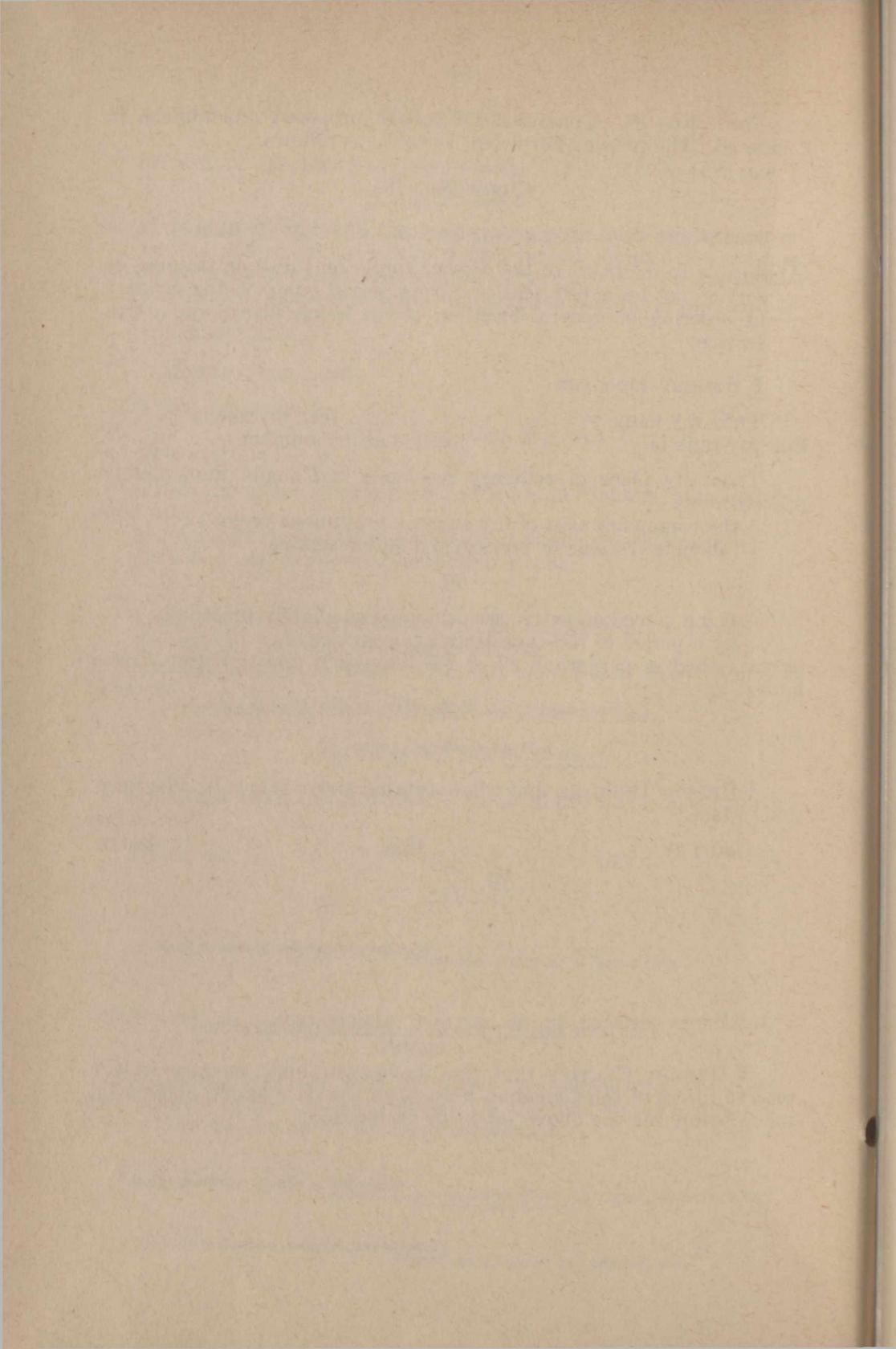
.....
Signature of member of reserve forces.

CERTIFICATE OF DEPUTY RETURNING OFFICER.

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

.....
Signature of deputy returning officer.

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



HOUSE OF COMMONS
Second Session—Twenty-second Parliament
1955

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.

MINUTES OF PROCEEDINGS AND EVIDENCE

No. 12

REVISED

THURSDAY, JUNE 9, 1955

Readjustment of Representation in the House of Commons

THIRD REPORT TO THE HOUSE

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1955

STANDING COMMITTEE
ON
PRIVILEGES AND ELECTIONS

Chairman: G. Roy McWILLIAM, Esq.,
and Messrs.,

Balcom
Bourque
Cardin
Churchill
Dechene
Dickey
Ellis
Fraser (*Peterborough*)
Hansell
Harrison

Knowles
Leboe
Lefrancois
Lusby
MacDougall
MacKenzie
Nowlan
Pallett
Perron

Pouliot
Power (*St. John's W.*)
Richard (*Ottawa E.*)
Robichaud
Robinson (*Bruce*)
Simmons
Viau
Vincent
Zaplitny—29.

Quorum 10.

Antoine Chasse,
Clerk of the Committee.

ORDERS OF REFERENCE

TUESDAY, June 7, 1955.

Ordered,—That the name of Mr. Harrison be substituted for that of Mr. Buchanan; and

That the name of Mr. MacDougall be substituted for that of Mr. Robichaud on the said Committee.

THURSDAY, June 9, 1955.

Ordered,—That the name of Mr. Balcom be substituted for that of Mr. Cavers; and

That the name of Mr. Simmons be substituted for that of Mr. White (*Waterloo South*); and

That the name of Mr. Robichaud be substituted for that of Mr. Meunier; and

That the name of Mr. Lusby be substituted for that of Mr. Hollingworth on the said Committee.

Attest.

Leon J. Raymond,
Clerk of the House.

REPORT TO THE HOUSE

FRIDAY, June 10, 1955.

The Standing Committee on Privileges and Elections begs leave to present the following as its

THIRD REPORT

On February 25, 1955, your Committee was instructed to study the several amendments to the Canada Elections Act and amendments thereto, to study the said Act and to suggest such amendments as the Committee may deem advisable and also to enquire into the different methods of effecting the adjustment of representations.

Your Committee reported its conclusions in a draft bill and its recommendations in its Second Report to the House, dated April 29, 1955. To that study it devoted nine meetings. However, time did not permit to give sufficient consideration to the question of the different methods of adjustment of representation, and your Committee recommends that the Government consider the advisability of preparing a factual report on redistribution procedures followed in other Commonwealth countries and that this report be submitted to this Committee for its consideration at the next Session of Parliament.

All of which is respectfully submitted.

G. R. McWILLIAM,
Chairman.

Note: This report was concurred in this day.

MINUTES OF PROCEEDINGS

THURSDAY, June 9, 1955.

The Standing Committee on Privileges and Elections met this day at 3.30 o'clock p.m. Mr. G. R. McWilliam, Chairman, presided.

Members present: Messrs. Balcom, Bourque, Cardin, Dechene, Hansell, Harrison, Knowles, Lefrancois, Lusby, MacDougall, McWilliam. Pouliot, Simmons, and Viau.

In an opening statement, the Chairman outlined the work of the Committee accomplished to date and gave the purpose of the meeting. The Committee, he said, did not have time to study the different methods of effecting the adjustment of representation and it did not have factual data on the system in practice in the other Commonwealth countries. It was felt by the Subcommittee on Agenda that such data should be at the disposal of the Committee before consideration could be effectively given to the question.

Whereupon, on motion of Mr. MacDougall, seconded by Mr. Viau it was

Resolved,—That the Committee recommend to the Government the advisability of preparing a factual report on redistribution procedures followed in other Commonwealth countries and that this report be submitted to this Committee for its consideration at the next Session of Parliament.

The Committee then proceeded *in camera* to consider a draft Report to the House.

The Chairman read a Draft Report and on motion of Mr. Dechene,

Ordered,—That the Chairman present the Draft Report as the Committee's Third Report to the House.

The Chairman expressed his appreciation to the members of the Committee and at 3.45 o'clock p.m., the Committee adjourned to the call of the Chair.

Antonio Plouffe,
Assistant Chief Clerk of Committees.

REPORT OF THE

COMMISSIONERS OF THE

LAND OFFICE OF THE STATE OF NEW YORK
FOR THE YEAR ENDING DECEMBER 31, 1900

ALBANY: J. B. LIPPINCOTT COMPANY, PRINTERS, 1901.

THE LAND OFFICE OF THE STATE OF NEW YORK
HAS THE HONOR TO ACKNOWLEDGE THE RECEIPT OF
THE REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
FOR THE YEAR ENDING DECEMBER 31, 1900.

THE REPORT OF THE COMMISSIONERS OF THE LAND OFFICE
FOR THE YEAR ENDING DECEMBER 31, 1900, IS
HEREBY RECORDED FOR THE INFORMATION OF THE
PUBLIC.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET
MY HAND AND SEAL OF OFFICE, AT ALBANY,
THIS 15TH DAY OF JANUARY, 1901.

STATE OF NEW YORK
LAND OFFICE
RECORDED

VERBATIM DELIBERATIONS

THURSDAY, June 9, 1955.
3.30 p.m.

The CHAIRMAN: Well, gentlemen, it is now 3.35 and I see we have a quorum. I will call the meeting to order. We have representatives from all different groups here.

You are aware the committee has completed the first phase of its work which was outlined in the terms of reference, namely, to study amendments to the Canada Elections Act.

The second part of the committee's work—the inquiry into the different methods of effecting the adjustment of representation—is now before the committee.

As members can appreciate, it will take considerable time to gather data of a nature that would give the committee something concrete upon which to commence consideration of the subject-matter.

Some data have been gathered, however it is felt that factual data on the systems in practice in the other Commonwealth countries should be placed before the committee at the outset of their deliberations.

It is further felt that lack of time and lack of factual data will not permit the committee to make any worthwhile headway before the next session of parliament.

The purpose of this meeting, as suggested by the subcommittee on agenda, is to seek authority to make a request of the Government to have prepared a factual report on redistribution procedures followed in other Commonwealth countries and that such a report be presented to this committee for their consideration at the next session of parliament.

Mr. MacDOUGALL: Mr. Chairman, I move, seconded by the hon. member for St. Boniface, Mr. Viau, that this committee recommend that the government consider the advisability of preparing a factual report on redistribution procedures followed in other Commonwealth countries and that this report be presented to this committee for its consideration at the next session of parliament.

The CHAIRMAN: You have heard the motion. Have any members any remarks to make?

Mr. KNOWLES: I would just like to express the hope that the terms of that motion are wide enough to include the obtaining of information regarding the provinces in Canada. I admit there is only one that has drastically changed the situation, namely, the province of Manitoba. I would suggest that a complete report would include that information.

The CHAIRMAN: I would think when we get down to a study it certainly would be brought before the committee for their consideration.

Are you ready for the question? All in favour signify by saying yea? Contrary if any?

Carried.

Gentlemen, I think we will proceed *in camera* and discuss our report to the House. I will ask the reporters to retire.

15

THE UNIVERSITY OF CHICAGO

Chicago, Ill. 6/10/1930

The University of Chicago has been notified by the Board of Trustees that it is now the duty of the Board to consider the report of the Committee on the Administration of the University.

The Board has also been notified that it is now the duty of the Board to consider the report of the Committee on the Administration of the University.

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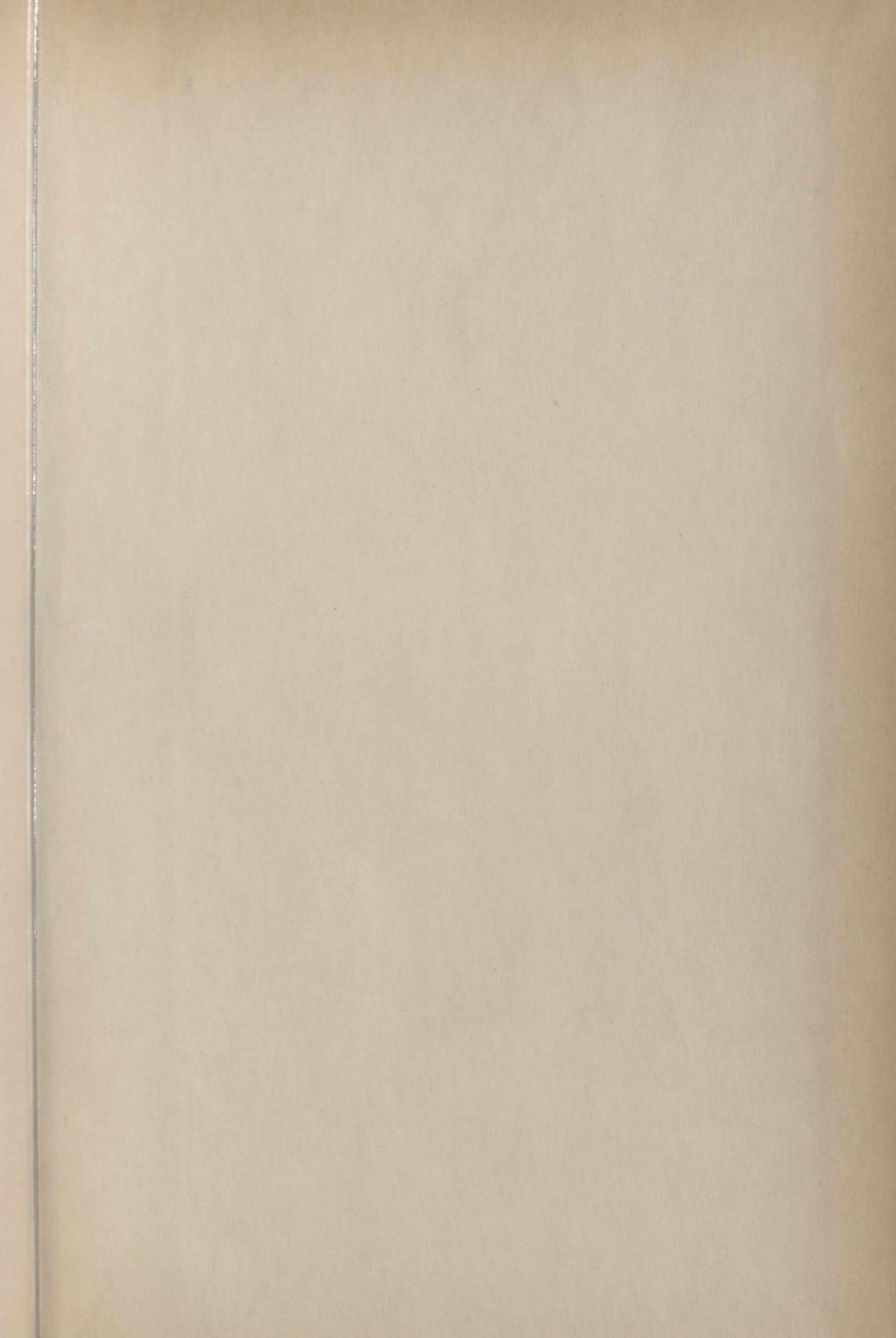
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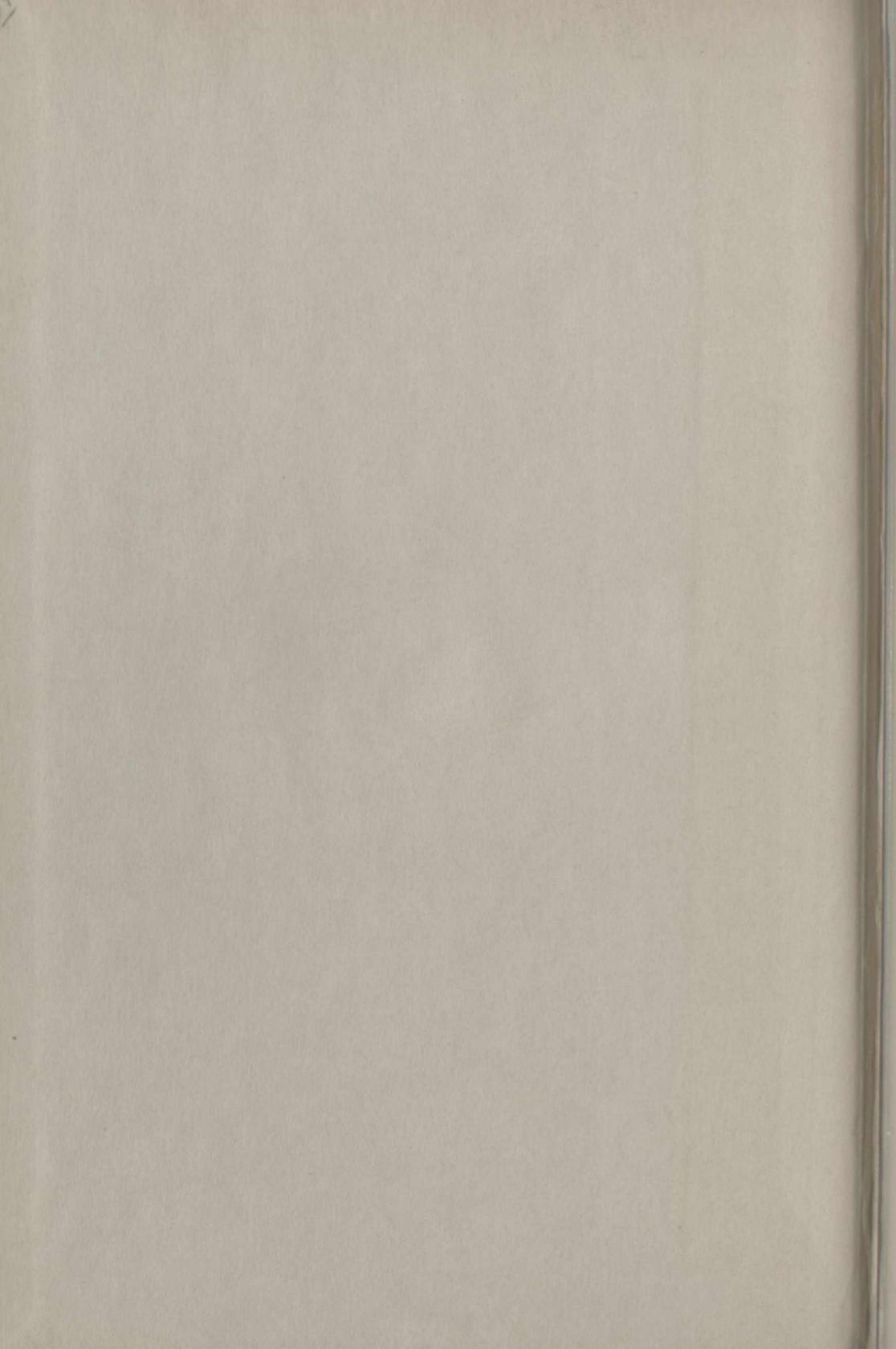
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