This is Exhibit ....**"Q"**.... referred to in

the affidavit of ....**Jean-Pierre Kingsley**.....

sworn before me, this 11th day of

May, 2012

.....

A Commissioner of Oaths, etc.

40-41-42 ELIZABETH II

CHAPTER 19

An Act to amend the Canada Elections Act

[Assented to 6th May, 1993]

R.S., c. E-2; R.S., c. 27 (2nd Supp.); 1989, c. 28; 1990, cc. 16, 17; 1991, cc. 11, 47; 1992, cc. 1, 21, 51

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

1. (1) The definitions "poll book", "revising agent", "revising officer", "rural polling division", "stereotype block" and "urban polling division" in subsection 2(1) of the *Canada Elections Act* are repealed.

(2) The definitions "election documents" or "election papers", "election officer", "official list of electors", "official nomination" or "officially nominated", "periodical publication" and "preliminary list of electors" in subsection 2(1) of the said Act are repealed and the following substituted therefor:

"election documents" or "election papers" mean the papers directed in this Act to be transmitted to the Chief Electoral Officer, after an election, by the returning officer, namely,

"election documents" or "election papers"
« documents d'élection » ou « papiers d'élection »

(*a*) the writ with the return of the election endorsed on it,

(*b*) the nomination papers filed by the candidates,

(*c*) the reserve supply of undistributed blank ballot papers,

(*d*) the enumerators' record books,

40-41-42 ELIZABETH II

CHAPITRE 19

Loi modifiant la Loi électorale du Canada

[Sanctionnée le 6 mai 1993]

L.R., ch. E-2; L.R., ch. 27 (2e suppl.); 1989, ch. 28; 1990, ch. 16, 17; 1991, ch. 11, 47; 1992, ch. 1, 21, 51

Sa Majesté, sur l'avis et avec le consentement du Sénat et de la Chambre des communes du Canada, édicte :

1. (1) Les définitions de « agent réviseur », « cahier du scrutin », « cliché d'imprimeur », « réviseur », « section rurale » et « section urbaine », au paragraphe 2(1) de la *Loi électorale du Canada*, sont abrogées.

(2) Les définitions de « documents d'élection » ou « papiers d'élection », « liste électorale officielle », « listes préliminaires des électeurs », « officier d'élection », « présentation officielle » ou « officiellement présenté » et « publication périodique », au paragraphe 2(1) de la même loi, sont abrogées et respectivement remplacées par ce qui suit :

« documents d'élection » ou « papiers d'élection » Les documents suivants que la présente loi ordonne au directeur du scrutin de transmettre au directeur général des élections, après une élection :

« documents d'élection » ou « papiers d'élection »
"election documents" ou *"election papers"*

a) le bref portant en suscription le rapport de l'élection;

b) les bulletins de présentation produits par les candidats;

c) le surplus des bulletins de vote en blanc non distribués;

d) les registres des recenseurs;

(*e*) documents relating to the revision of the lists of electors,

(*f*) the statements of the polls from which the official addition of the votes was made, and

(*g*) the other returns from the various polling stations enclosed in sealed envelopes, as prescribed in sections 160 to 167, and containing

(i) the list of electors used at the poll,

(ii) a packet of stubs and unused ballot papers,

(iii) packets of ballot papers cast for the various candidates,

(iv) a packet of spoiled ballot papers,

(v) a packet of rejected ballot papers, and

(vi) a packet containing the official list of electors used at the poll, the written appointments of candidates' agents and the used transfer certificates, if any;

"election officer" « *officier d'élection* ... »

"election officer" means any person having any duty to perform pursuant to this Act, to the faithful performance of which duty that person may be sworn, but does not include

(*a*) the Chief Electoral Officer, or

(*b*) any member of the Canadian Forces having any duty to perform pursuant to Schedule II;

"official list of electors" « *listes électorales officielles* »

"official list of electors" means the list of electors prepared by the returning officer pursuant to section 71.31;

"official nomination" « *présentation officielle* »

"official nomination" means the filing of all the documents required to be filed pursuant to subsection 81(1) and the compliance with all the requirements of that subsection at any time between the date of the proclamation and the hour fixed for the close of nominations on nomination day;

"periodical publication" « *publication périodique* »

"periodical publication" means any paper, magazine or periodical that is published periodically or in parts or numbers and

e) les documents se rapportant à la révision des listes électorales;

f) les relevés du scrutin d'après lesquels s'est effectuée l'addition officielle des votes;

g) les autres rapports des divers bureaux de scrutin placés sous enveloppes scellées, prévus aux articles 160 à 167, et contenant :

(i) la liste électorale utilisée au bureau de scrutin,

(ii) un paquet des bulletins de vote inutilisés et des souches,

(iii) des paquets de bulletins de vote déposés en faveur des divers candidats,

(iv) un paquet des bulletins de vote gâtés,

(v) un paquet des bulletins de vote rejetés,

(vi) un paquet contenant la liste électorale officielle utilisée au bureau de scrutin, les commissions écrites des représentants des candidats et, le cas échéant, les certificats de transfert utilisés.

« listes électorales officielles » "*official list* ..."

« listes électorales officielles » Les listes électorales dressées par le directeur du scrutin en conformité avec l'article 71.31.

« listes électorales préliminaires » "*preliminary*..."

« listes électorales préliminaires » Les listes électorales dressées par le directeur du scrutin en vertu du paragraphe 71.1(1).

« officier d'élection » ou « fonctionnaire électoral » "*election officer*"

« officier d'élection » ou « fonctionnaire électoral » Personne chargée sous le régime de la présente loi d'une fonction dont l'exercice nécessite la prestation d'un serment. La présente définition ne vise toutefois pas :

a) le directeur général des élections;

b) un membre des Forces canadiennes qui exerce des fonctions sous le régime de l'annexe II.

« présentation officielle » "*official nomination*"

« présentation officielle » Production de tous les documents et accomplissement de toutes les formalités prévus au paragraphe 81(1) à tout moment entre la date de la

668

that contains public news, intelligence or reports of events, or advertisements;

"preliminary lists of electors" « *listes électorales préliminaires* »

"preliminary lists of electors" means the lists of electors prepared by the returning officer pursuant to subsection 71.1(1);

proclamation et l'heure fixée pour la clôture des présentations le jour des présentations.

« publication périodique » Journal, magazine ou périodique contenant des nouvelles publiques, des renseignements ou des reportages d'événements, ou encore des annonces, publiés périodiquement ou par parties ou par numéros.

« publication périodique » "*periodical publication*"

(3) Subsection 2(1) of the said Act is further amended by adding thereto, in alphabetical order, the following definitions:

"broadcasting period" « *période de radiodiffusion* »

"broadcasting period" means the period beginning on Sunday, the twenty-ninth day before polling day at an election, and ending on Saturday, the second day before polling day, except where, pursuant to subsection 79(3), polling day is on a Tuesday, in which case the broadcasting period is the period beginning on Monday, the twenty-ninth day before polling day, and ending on Sunday, the second day before polling day;

"date of issue of the writ" « *date de délivrance du bref* »

"date of issue of the writ" means the date shown on the writ pursuant to subsection 12(2).

(3) Le paragraphe 2(1) de la même loi est modifié par insertion, suivant l'ordre alphabétique, de ce qui suit :

« date de délivrance du bref » Date indiquée sur le bref en conformité avec le paragraphe 12(2).

« période de radiodiffusion » Période commençant le dimanche, vingt-neuvième jour avant le jour du scrutin et se terminant le samedi, avant-veille du jour du scrutin et, dans le cas où, en vertu du paragraphe 79(3), le jour du scrutin est un mardi, s'entend de la période commençant le lundi, vingt-neuvième jour avant le jour du scrutin, et se terminant le dimanche, avant-veille du jour du scrutin.

« date de délivrance du bref » "*date of issue...*"

« période de radiodiffusion » "*broadcasting period*"

2. The said Act is further amended by adding thereto, immediately after section 8 thereof, the following section:

Idem

8.1 The Chief Electoral Officer may, using any media or other means that the Chief Electoral Officer considers appropriate, provide the public, both inside and outside Canada, with information relating to Canada's electoral process and the democratic right to vote and to be a candidate at an election.

2. La même loi est modifiée par insertion, après l'article 8, de ce qui suit :

8.1 Le directeur général des élections peut communiquer au public, au Canada ou à l'étranger, par les médias ou tout autre moyen qu'il estime indiqué, des renseignements sur le système électoral canadien de même que sur le droit démocratique de voter et de se porter candidat à une élection.

Idem

3. Subsections 12(2) to (4) of the said Act are repealed and the following substituted therefor:

Writs to be dated and made returnable

(2) Writs shall be dated and, at a general election, the Governor in Council shall determine the day on which the writs shall be returned.

3. Les paragraphes 12(2) à (4) de la même loi sont abrogés et remplacés par ce qui suit :

(2) Les brefs sont datés et, dans le cas d'une élection générale, le gouverneur en conseil fixe le jour auquel ils sont rapportables.

Les brefs sont datés et rapportables

Writs forwarded to returning officers

(3) Writs shall be issued by the Chief Electoral Officer and shall forthwith be forwarded to the persons appointed to be returning officers for the various electoral districts.

Writs dated and issued

(4) Notwithstanding subsections (2) and (3), in no case shall a writ be issued on a day that is later than the forty-seventh day before polling day.

4. Subsections 14(2) and (3) of the said Act are repealed and the following substituted therefor:

Vacancy

(2) The office of a returning officer is not vacant unless the returning officer dies, resigns or is removed from office for cause within the meaning of subsection (3).

Resignation

(2.1) A returning officer who intends to resign shall give written notice of the resignation to the Chief Electoral Officer and the resignation is effective only if it is accepted by the Chief Electoral Officer.

Removal from office

(3) The Governor in Council may remove from office, for cause, any returning officer who

(*a*) ceases to reside in the electoral district for which the returning officer was appointed;

(*b*) is incapable, by reason of illness, physical or mental infirmity or otherwise, of satisfactorily performing the duties of a returning officer under this Act;

(*c*) has failed to discharge competently any duty of a returning officer under this Act or has failed to comply with any instruction of the Chief Electoral Officer pursuant to paragraph 8(1)(*b*);

(*d*) has, at any time after the appointment of the returning officer, been guilty of politically partisan conduct, whether or not in the course of the performance of the returning officer's duties under this Act; or

(*e*) has failed to complete the revision of the boundaries of the polling divisions in the electoral district for which the returning officer was appointed, as instruct-

Expédition aux directeurs du scrutin

(3) Les brefs sont délivrés par le directeur général des élections et envoyés sans délai aux personnes nommées à titre de directeurs du scrutin dans les diverses circonscriptions.

Date du bref

(4) Par dérogation aux paragraphes (2) et (3), un bref ne peut être adressé après le quarante-septième jour précédant le jour du scrutin.

4. Les paragraphes 14(2) et (3) de la même loi sont abrogés et remplacés par ce qui suit :

Vacance

(2) La charge de directeur du scrutin ne devient vacante que si celui-ci décède ou démissionne, ou est démis de ses fonctions, pour motif valable, au sens du paragraphe (3).

Démission

(2.1) Le directeur du scrutin qui a l'intention de démissionner en avise par écrit le directeur général des élections; sa démission ne prend effet que si le directeur général des élections l'accepte.

Renvoi

(3) Le gouverneur en conseil peut destituer, pour motif valable, le directeur du scrutin qui :

a) cesse de résider dans la circonscription pour laquelle il est nommé;

b) est incapable pour cause de maladie, d'incapacité physique ou mentale ou pour un autre motif de s'acquitter d'une manière satisfaisante de ses fonctions conformément à la présente loi;

c) ne s'est pas acquitté de façon compétente de ses fonctions prévues à la présente loi ou n'a pas suivi les instructions du directeur général des élections visées à l'alinéa 8(1)*b*);

d) après sa nomination, s'est rendu coupable de partialité politique, que ce soit ou non dans l'exercice de ses fonctions sous le régime de la présente loi;

e) n'a pas terminé la révision des limites des sections de vote situées dans sa circonscription comme l'a ordonné le directeur général des élections en conformité avec le paragraphe 20(1).

ed by the Chief Electoral Officer pursuant to subsection 20(1).

5. (1) Subsection 15(4) of the said Act is repealed and the following substituted therefor:

Delegation of powers

(4) Subject to section 326, the returning officer for an electoral district may, with the prior approval of the Chief Electoral Officer, authorize any person acting under the returning officer's direction to exercise and perform any of the powers and duties conferred or imposed on the returning officer by this Act, except the powers and duties conferred or imposed on the returning officer by sections 12, 73, 81 to 92, 169 to 173, 179, 184, 189 to 191 and 324.

(2) Section 15 of the said Act is further amended by adding thereto the following subsection:

Oath

(6) Every person referred to in subsection (4) on whom duties are conferred or imposed pursuant to that subsection shall take an oath, in the prescribed form, to perform faithfully those duties without partiality, fear, favour or affection.

6. Section 16 of the said Act is repealed and the following substituted therefor:

Appointment of substitute

16. (1) Where an assistant returning officer dies, resigns, becomes disqualified or incapable of acting or refuses to act, or is removed from office for any other reason, the returning officer who appointed the assistant returning officer shall at once appoint a substitute, who, on appointment, shall take an oath as required by subsection 15(2).

Tenure of office of assistant returning officer

(2) Subject to this section, every assistant returning officer holds office during the pleasure of the returning officer who appointed the assistant returning officer and, after the returning officer ceases to hold office, until the returning officer's successor has appointed a new assistant returning officer.

Duties of returning officer

(3) A returning officer shall

(*a*) forthwith after removing an assistant returning officer from office, notify the assistant returning officer in writing of the

5. (1) Le paragraphe 15(4) de la même loi est abrogé et remplacé par ce qui suit :

Délégation

(4) Sous réserve de l'article 326, le directeur du scrutin d'une circonscription peut, avec l'autorisation du directeur général des élections, autoriser tout membre de son personnel à exercer les fonctions que lui attribue la présente loi, à l'exception de celles qui sont visées aux articles 12, 73, 81 à 92, 169 à 173, 179, 184, 189 à 191 et 324.

(2) L'article 15 de la même loi est modifié par adjonction de ce qui suit :

Serment

(6) Tout membre du personnel du directeur du scrutin visé au paragraphe (4) s'engage sous serment, selon la formule prescrite, à remplir fidèlement ses fonctions sans partialité, crainte, faveur ni affection.

6. L'article 16 de la même loi est abrogé et remplacé par ce qui suit :

Nomination d'un remplaçant

16. (1) Si le directeur adjoint du scrutin décède, démissionne, devient inhabile ou incapable d'agir, refuse d'agir ou est destitué de sa charge pour tout autre motif, le directeur du scrutin qui l'a nommé nomme sans délai un remplaçant qui, dès sa nomination, prête serment en conformité avec le paragraphe 15(2).

Durée des fonctions du directeur adjoint du scrutin

(2) Sous réserve des autres dispositions du présent article, chaque directeur adjoint du scrutin reste en fonction suivant le bon plaisir du directeur du scrutin qui l'a nommé, et, dans le cas où la charge de directeur du scrutin est vacante, jusqu'à ce que son successeur ait nommé un nouveau directeur adjoint du scrutin.

Avis à transmettre

(3) Le directeur du scrutin avise immédiatement par écrit le directeur adjoint du scrutin lorsqu'il le démet de ses fonctions et envoie une copie de l'avis au directeur général des élections. Le directeur du scrutin avi-

removal and send a copy of the notice to the Chief Electoral Officer; and

(*b*) forthwith after the death or resignation of an assistant returning officer, notify the Chief Electoral Officer in writing of the death or resignation.

Resignation by assistant returning officer

(4) An assistant returning officer who intends to resign shall give written notice of the resignation to the returning officer who appointed the assistant returning officer or, if the office of returning officer is vacant, to the Chief Electoral Officer.

se sans délai par écrit le directeur général des élections de la mort ou de la démission du directeur adjoint du scrutin.

Avis d'intention de démissionner

(4) Le directeur adjoint du scrutin qui a l'intention de démissionner en avise par écrit le directeur du scrutin qui l'a nommé ou, en cas de vacance du poste de ce dernier, le directeur général des élections.

7. (1) Subsection 17(3) of the said Act is repealed and the following substituted therefor:

7. (1) Le paragraphe 17(3) de la même loi est abrogé et remplacé par ce qui suit :

Assistant returning officer to act

(3) Where a returning officer dies or becomes unable to act, the assistant returning officer appointed by the returning officer acts, until the appointment of a new returning officer or until the returning officer becomes able to act, as if the assistant returning officer had been appointed to be returning officer for the electoral district.

Exercice de l'intérim par l'adjoint

(3) Si le directeur du scrutin décède ou devient incapable d'agir, le directeur adjoint du scrutin qu'il a nommé est, jusqu'à la nomination d'un nouveau directeur du scrutin ou jusqu'à ce que le directeur du scrutin redevienne capable d'agir, chargé de l'intérim, comme s'il avait été personnellement nommé directeur du scrutin de la circonscription.

(2) Subsection 17(5) of the said Act is repealed and the following substituted therefor:

(2) Le paragraphe 17(5) de la même loi est abrogé et remplacé par ce qui suit :

Appointment of assistant returning officer

(5) Every assistant returning officer who is required to act as returning officer in the place of the returning officer who appointed the assistant returning officer shall appoint an assistant returning officer.

Nomination d'un nouveau directeur adjoint du scrutin

(5) Le directeur adjoint du scrutin qui assure l'intérim nomme à son tour un directeur adjoint du scrutin.

8. (1) Subsection 18(1) of the English version of the said Act is repealed and the following substituted therefor:

8. (1) Le paragraphe 18(1) de la version anglaise de la même loi est abrogé et remplacé par ce qui suit :

Appointment of additional assistant returning officer

18. (1) On request by the returning officer of any electoral district, the Chief Electoral Officer may designate areas in that electoral district and authorize, in writing, the appointment of an assistant returning officer, in addition to the assistant returning officer appointed pursuant to subsection 15(1), for each of those areas.

Appointment of additional assistant returning officers

18. (1) On request by the returning officer of any electoral district, the Chief Electoral Officer may designate areas in that electoral district and authorize, in writing, the appointment of an assistant returning officer, in addition to the assistant returning officer appointed pursuant to subsection 15(1), for each of those areas.

(2) Subsection 18(2) of the said Act is repealed and the following substituted therefor:

(2) Le paragraphe 18(2) de la même loi est abrogé et remplacé par ce qui suit :

Idem

(2) A returning officer may, as authorized pursuant to subsection (1), appoint an assis-

Idem

(2) Le directeur du scrutin peut, en vertu du paragraphe (1), nommer un directeur ad-

tant returning officer and establish an office in each area designated by the Chief Electoral Officer.

(3) Subsection 18(4) of the said Act is repealed and the following substituted therefor:

Application

(4) Section 17 and subsections 19(2), 85(1) and 169(1) and (2) do not apply to an assistant returning officer appointed pursuant to subsection (2).

9. Subsections 19(2) and (3) of the said Act are repealed and the following substituted therefor:

Hours

(2) The Chief Electoral Officer may prescribe the hours that the office of the returning officer must be open during an election and the minimum number of hours of compulsory attendance at that office by the returning officer and the assistant returning officer.

Capacity

(3) No returning officer or assistant returning officer shall act in any other capacity under this Act.

10. (1) Paragraph 20(2)(*b*) of the said Act is repealed and the following substituted therefor:

(*b*) subject to paragraph (*a*), reallocate and define the boundaries of the polling divisions of the returning officer's electoral district so that each polling division contains at least two hundred and fifty electors.

(2) Subsection 20(3) of the said Act is repealed and the following substituted therefor:

Polling divisions with less than 250 electors

(3) Notwithstanding anything in this section, where the returning officer considers that it would facilitate the taking of the vote, the returning officer may, with the approval of the Chief Electoral Officer, establish a polling division of less than two hundred and fifty electors.

11. The said Act is further amended by adding thereto, immediately after section 21 thereof, the following section:

joint du scrutin et établir un bureau dans chacune des zones désignées par le directeur général des élections.

(3) Le paragraphe 18(4) de la même loi est abrogé et remplacé par ce qui suit :

Application

(4) L'article 17 et les paragraphes 19(2), 85(1) et 169(1) et (2) ne s'appliquent pas au directeur adjoint du scrutin nommé en conformité avec le paragraphe (2).

9. Les paragraphes 19(2) et (3) de la même loi sont abrogés et remplacés par ce qui suit :

Présence au bureau

(2) Le directeur général des élections peut déterminer les heures d'ouverture du bureau du directeur du scrutin durant une élection, de même que le nombre minimal d'heures de présence obligatoire du directeur du scrutin et du directeur adjoint du scrutin au bureau.

Interdiction d'exercer d'autres fonctions

(3) Le directeur du scrutin et le directeur adjoint du scrutin ne peuvent assumer aucune autre fonction prévue à la présente loi.

10. (1) L'alinéa 20(2)*b*) de la même loi est abrogé et remplacé par ce qui suit :

b) sous réserve de l'alinéa *a*), réassigner et définir les limites des sections de vote de sa circonscription afin que chaque section de vote comprenne au moins deux cent cinquante électeurs.

(2) Le paragraphe 20(3) de la même loi est abrogé et remplacé par ce qui suit :

Section de vote de moins de 250 électeurs

(3) Par dérogation aux autres dispositions du présent article, le directeur du scrutin peut, avec l'approbation du directeur général des élections, pour faciliter l'exercice du droit de vote, créer des sections de vote de moins de deux cent cinquante électeurs.

11. La même loi est modifiée par insertion, après l'article 21, de ce qui suit :

NEW ELECTORAL DISTRICTS

New electoral districts

21.1 (1) The Chief Electoral Officer shall, in a new electoral district, transpose the results that were obtained in a previous general election to the polling divisions comprised in the new electoral district in order to determine which registered party has the right to supply the returning officer in that electoral district with the names of qualified persons to exercise the functions of election officers.

Idem

(2) When the Chief Electoral Officer has determined which party is entitled to supply names of qualified persons pursuant to subsection (1), the Chief Electoral Officer shall advise the registered parties.

12. Section 22 of the said Act is repealed and the following substituted therefor:

Supplies for returning officers

22. Whenever it is considered expedient or, at the latest, immediately after the issue of the writ, the Chief Electoral Officer shall transmit to the returning officer

(*a*) such sufficiently indexed copies of this Act, and such instructions prepared by the Chief Electoral Officer, as are required for the proper conduct of an election by the returning officer and to enable the returning officer to supply to each election officer with a copy of those instructions as the officer may have occasion to consult or observe in the performance of that officer's duties;

(*b*) sufficient supplies for enumerators, enumeration supervisors, revising officers and revising agents, including record books and necessary blank forms; and

(*c*) sufficient election supplies, blank ballot papers and blank forms, including the forms of oaths, for the purposes of the election, except Forms 2 and 3 and the forms prescribed pursuant to subsection 93(2) and paragraph 282(1)(*a*), which the returning officer shall cause to be printed.

13. Section 23 of the said Act is repealed and the following substituted therefor:

Printing material

23. Before nomination day, the Chief Electoral Officer shall cause to be delivered

NOUVELLE CIRCONSCRIPTION

Nouvelle circonscription

21.1 (1) Dans une nouvelle circonscription, le directeur général des élections transpose les résultats obtenus lors de la dernière élection générale dans les sections de vote comprises dans la nouvelle circonscription afin de déterminer quels partis enregistrés ont le droit de fournir au directeur du scrutin de cette circonscription les noms des personnes aptes à exercer les fonctions de fonctionnaires électoraux.

Avis aux partis

(2) Dès qu'il a déterminé quels partis sont habilités à fournir des noms en vertu du paragraphe (1), le directeur général des élections en avise ces partis.

12. L'article 22 de la même loi est abrogé et remplacé par ce qui suit :

Fourniture aux directeurs du scrutin

22. Lorsqu'il le juge opportun ou, au plus tard, dès la délivrance du bref d'élection, le directeur général des élections transmet au directeur du scrutin :

a) des exemplaires suffisamment indexés de la présente loi et les instructions qu'il a prises dont le directeur du scrutin a besoin pour la conduite régulière d'une élection et pour lui permettre de fournir à chaque fonctionnaire électoral une copie des instructions que celui-ci devra consulter ou observer dans l'exercice de ses fonctions;

b) des fournitures suffisantes pour les recenseurs, les réviseurs, les superviseurs du recensement et les agents réviseurs, y compris les registres et les formules en blanc nécessaires;

c) des accessoires d'élection, des bulletins de vote en blanc et des formules en blanc, y compris les formules de serment, en nombre suffisant pour la tenue de l'élection, sauf les formules 2 et 3 et celles qui sont prescrites en conformité avec le paragraphe 93(2), l'alinéa 282(1)*a*) que le directeur du scrutin fait imprimer.

13. L'article 23 de la même loi est abrogé et remplacé par ce qui suit :

Matériel d'impression

23. Avant le jour de la présentation, le directeur général des élections fait parvenir à

to every returning officer the necessary printing material specially prepared for the purposes of the particular election and designed so that an impression made from it on the back of the ballot paper will be readily recognizable and will show the name of the electoral district and the year of the election.

14. (1) Paragraph 24(1)(*b*) of the said Act is repealed and the following substituted therefor:

(*b*) the short form of the party name or the abbreviation, if any, of the party name to be shown in any election documents,

(2) Paragraph 24(1)(*h*) of the said Act is repealed and the following substituted therefor:

(*h*) the names, addresses and signatures of one hundred electors who are members of the party,

(3) Section 24 of the said Act is further amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Logo

(1.1) An application for registration referred to in subsection (1) may also include the party logo.

(4) Subsection 24(4) of the said Act is repealed and the following substituted therefor:

Prohibitions against registration

(4) The Chief Electoral Officer shall not register a political party where, in the case of an application for registration,

(*a*) the Chief Electoral Officer is of the opinion that the name, the short form or the abbreviation of the name or the logo of the party so nearly resembles the name, the short form or the abbreviation of the name or the logo, as the case may be, of

(i) a registered party, or

(ii) another political party the application for registration of which was made first in time and the leader of which has not been informed that the party cannot be registered,

as to be likely to be confused with the registered party or the other political party; or

chaque directeur du scrutin le matériel d'impression nécessaire spécialement fabriqué pour l'élection en question de telle manière que l'impression au verso du bulletin de vote soit facilement reconnaissable et indique le nom de la circonscription et l'année de l'élection.

14. (1) L'alinéa 24(1)*b*) de la même loi est abrogé et remplacé par ce qui suit :

b) le nom du parti en sa forme abrégée ou l'abréviation de ce nom, s'il y a lieu, qui doit figurer sur les documents d'élection;

(2) L'alinéa 24(1)*h*) de la même loi est abrogé et remplacé par ce qui suit :

h) les nom, adresse et signature de cent électeurs membres du parti.

(3) L'article 24 de la même loi est modifié par insertion, après le paragraphe (1), de ce qui suit :

(1.1) La demande d'enregistrement visée au paragraphe (1) peut aussi comporter le logo du parti. Logo

(4) Le paragraphe 24(4) de la même loi est abrogé et remplacé par ce qui suit :

(4) Le directeur général des élections ne peut enregistrer un parti politique si, dans le cas d'une demande d'enregistrement : Interdiction d'enregistrement

a) ou bien il est d'avis que le nom du parti, la forme abrégée de ce nom, son abréviation ou le logo du parti ressemble de si près au nom, à la forme abrégée, à l'abréviation ou au logo, selon le cas :

(i) soit d'un parti déjà enregistré,

(ii) soit d'un autre parti politique qui a, le premier, demandé son enregistrement et dont le chef n'a pas encore été avisé d'un refus,

qu'il risque d'être confondu avec ce parti enregistré ou cet autre parti politique;

(*b*) the name of the party includes the word "independent".

15. Section 25 of the said Act is repealed and the following substituted therefor:

Variation of registration

25. (1) The Chief Electoral Officer may, on receipt of an application to change the name of a registered party, its short form or abbreviation or the logo of a registered party, signed by the leader of the registered party, vary the name, the short form or the abbreviation of the name or the logo of a registered party in the registry referred to in section 24 in accordance with the application to any other name, short form or abbreviation thereof or logo that can be registered pursuant to this section if the application contains the information required by paragraphs 24(1)(*a*) to (*g*), and is accompanied by a certified copy of the resolution to change the name, its short form or abbreviation or the logo.

Effective date of variation

(2) Subject to subsection (3), where the Chief Electoral Officer accepts an application to vary the name, the short form or the abbreviation of the name or the logo of a registered party, the change is effective on the date the application was received by the Chief Electoral Officer.

Idem

(3) Where an application to make the change referred to in subsection (1) is received by the Chief Electoral Officer during an election, the change, if the application is accepted by the Chief Electoral Officer, is effective on the day immediately following the day fixed for the return of the writs.

16. Section 26 of the said Act is repealed and the following substituted therefor:

Report of change in registration

26. (1) Where, as a result of a change in the leadership of a registered party or other change, any of the information or material provided by that party to the Chief Electoral Officer pursuant to paragraphs 24(1)(*b*) to (*g*) or pursuant to this subsection ceases to be applicable, the registered party shall, within thirty days after the change occurs, send a report in writing, signed by the leader of the party, setting out the details of the change to the Chief Electoral Officer and, on receipt of the report, the Chief Electoral Of-

b) ou bien le nom du parti comporte le mot « indépendant ».

15. L'article 25 de la même loi est abrogé et remplacé par ce qui suit :

Changement d'enregistrement

25. (1) Le directeur général des élections peut, sur réception d'une demande de changement du nom d'un parti enregistré, de la forme abrégée de son nom, de son abréviation ou du logo du parti, signée par le chef du parti, contenant les renseignements prévus aux alinéas 24(1)*a*) à *g*) et accompagnée d'une copie certifiée de la résolution de changement, effectuer le changement demandé et donner au parti le nom, la forme abrégée d'un nom, l'abréviation ou le logo dont l'enregistrement est possible sous le régime de l'article 24.

Date de prise d'effet du changement

(2) Sous réserve du paragraphe (3), lorsque le directeur général des élections change le nom, la forme abrégée du nom, l'abréviation du nom ou le logo d'un parti enregistré, le changement entre en vigueur à la date de réception de la demande de changement.

Modification en cours de campagne électorale

(3) Si la demande de changement prévue au paragraphe (1) est reçue par le directeur général des élections durant une élection, le changement effectué par celui-ci entre en vigueur le lendemain du jour fixé pour le rapport des brefs.

16. L'article 26 de la même loi est abrogé et remplacé par ce qui suit :

Avis de changement d'enregistrement

26. (1) Tout parti enregistré doit, dans les trente jours d'un changement de chef ou autre changement qui rend caducs les renseignements ou autres documents fournis par le parti au directeur général des élections en conformité avec les alinéas 24(1)*b*) à *g*) ou avec le présent paragraphe, faire un rapport détaillé, signé par le chef du parti, sur les changements et l'envoyer au directeur général des élections qui peut, sur réception de ce rapport, modifier le registre prévu à l'article 24(1) en conséquence.

ficer may vary the registry referred to in subsection 24(1) in accordance with the information contained in the report.

Idem

(2) Where a change referred to in subsection (1) is a change to the leadership of the party, the report required by that subsection must be accompanied by a copy of the resolution of an official meeting of the party appointing the new leader, certified by the new leader and by another officer of the party.

Auditor or Chief Agent

(3) Where a change referred to in subsection (1) is the appointment of a new auditor or chief agent, the report required by that subsection must include a statement in accordance with subsection 24(1) signed by the person named in accordance with paragraphs 24(1)(*f*) or (*g*).

17. All that portion of section 27 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Duties of registered parties

27. At a general election, every registered party that has been registered prior to that election shall, not later than ten days after the date of the issue of the writs, file with the Chief Electoral Officer a statement in writing signed by the leader of the party

18. Subsections 28(1) and (2) of the said Act are repealed and the following substituted therefor:

Deletions from registry

28. (1) The Chief Electoral Officer may delete from the registry

(*a*) at a general election, on or after the eleventh day after the date of issue of the writs, any registered party that has not complied with section 27; or

(*b*) at any time, any registered party that has failed to comply with subsections 26(1), 31(3), 33(2), 34(1), 42(1), 44(1) and 46(1).

Idem

(2) The Chief Electoral Officer shall, on the close of nominations at a general election, delete from the registry referred to in subsection 24(1), any registered party that did not at the close of nominations on that

Idem

(2) Lorsque le changement visé au paragraphe (1) consiste en la nomination d'un nouveau chef, le rapport qui y est mentionné est accompagné d'une copie de la résolution de la réunion officielle du parti portant nomination du nouveau chef, certifiée par celui-ci, ainsi que par un autre dirigeant du parti.

Nouveau vérificateur ou nouvel agent principal

(3) Lorsque le changement visé au paragraphe (1) consiste en la nomination d'un nouveau vérificateur ou d'un nouvel agent principal, le rapport qui y est mentionné est accompagné de la déclaration visée au paragraphe 24(1) et de la déclaration signée par la personne nommée conformément aux alinéas 24(1)*f*) ou *g*).

17. Le passage de l'article 27 de la même loi qui précède l'alinéa *a*) est abrogé et remplacé par ce qui suit :

Obligations des partis lors d'une élection

27. Lors d'une élection générale, tout parti enregistré avant cette élection doit, au plus tard dix jours après la date de délivrance des brefs, produire au directeur général des élections une déclaration écrite signée par le chef du parti :

18. Les paragraphes 28(1) et (2) de la même loi sont abrogés et remplacés par ce qui suit :

Radiation du registre

28. (1) Le directeur général des élections peut radier du registre :

a) lors d'une élection générale, à compter du onzième jour après la date de délivrance des brefs, le parti enregistré qui ne s'est pas conformé à l'article 27;

b) à tout moment, le parti enregistré qui ne s'est pas conformé aux paragraphes 26(1), 31(3), 33(2), 34(1), 42(1), 44(1) et 46(1).

Idem

(2) Le directeur général des élections doit, lors d'une élection générale, à la fin des présentations, radier le parti enregistré qui n'avait pas, à la fin des présentations, de candidat dans au moins cinquante circonscriptions.

day have candidates in at least fifty of the electoral districts.

19. Section 31 of the said Act is repealed and the following substituted therefor:

Applicant deemed to be a registered party

31. (1) Where the leader of a political party that has made application for registration pursuant to subsection 24(1)

(*a*) has been informed by the Chief Electoral Officer pursuant to paragraph 24(2)(*a*) that, on the nomination of fifty candidates in accordance with paragraph 24(3)(*a*) or (*b*), whichever is applicable, the party could be registered, and

(*b*) has not been informed by the Chief Electoral Officer pursuant to subsection 24(3) that the party cannot be registered,

that political party shall be deemed to be a registered party for the purposes of sections 25 and 26, paragraph 27(*a*), subsection (3) of this section and subsections 33(2) to 34(2) and 42(1) and those provisions apply to that political party with such modifications as the circumstances require, but where the political party fails to comply with section 26, paragraph 27(*a*), subsection (3) of this section or subsections 33(2) to 34(2) and 42(1), the Chief Electoral Officer shall inform the leader of the party that the party cannot be registered.

Failure of political party to comply with subsection (1)

(2) Where a political party referred to in subsection (1) fails to comply with any provision referred to in that subsection and that failure to comply would cause the Chief Electoral Officer to inform the leader of the party that the party cannot be registered, the provisions of subsections (5) to (9) apply with such modifications as the circumstances require.

Confirmation of information in registry

(3) Every registered party shall, within six months after the end of every calendar year, file with the Chief Electoral Officer a statement in writing, signed by the leader of the party, confirming the information relating to that registered party contained in the registry referred to in subsection 24(1).

Application for registration ceasing to be valid

(4) An application for registration of a political party ceases to be valid when the Chief Electoral Officer informs the leader of the

19. L'article 31 de la même loi est abrogé et remplacé par ce qui suit :

Présomption d'enregistrement

31. (1) Lorsque le chef d'un parti politique qui a soumis une demande d'enregistrement en vertu du paragraphe 24(1) :

a) d'une part, a reçu du directeur général des élections un avis en conformité avec l'alinéa 24(2)*a*) portant que le parti pourra être enregistré quand, conformément aux alinéas 24(3)*a*) ou *b*), cinquante candidats auront été présentés,

b) d'autre part, n'a pas été avisé par le directeur général des élections en conformité avec le paragraphe 24(3) que le parti ne pourra pas être enregistré,

le parti politique en cause est réputé être un parti enregistré pour l'application des articles 25 et 26, de l'alinéa 27*a*), du paragraphe (3) du présent article et des paragraphes 33(2) à 34(2) et 42(1), ces dispositions s'appliquant à ce parti, compte tenu des adaptations de circonstance; toutefois, lorsqu'un parti ne se conforme pas à l'article 26, à l'alinéa 27*a*), au paragraphe (3) du présent article ou aux paragraphes 33(2) à 34(2) et 42(1), le directeur général des élections informe le chef du parti que le parti ne peut être enregistré.

Défaut de se conformer

(2) Lorsqu'un parti politique visé au paragraphe (1) omet de se conformer aux dispositions prévues à ce paragraphe et que cette omission entraînerait l'envoi, par le directeur général des élections au chef du parti, d'un avis lui indiquant que le parti ne peut être enregistré, les paragraphes (5) à (9) s'appliquent, compte tenu des adaptations de circonstance.

Déclaration annuelle

(3) Tout parti enregistré doit, dans les six mois suivant la fin de chaque année civile, présenter au directeur général des élections une déclaration signée par le chef du parti confirmant les renseignements concernant le parti contenus dans le registre prévu au paragraphe 24(1).

Caducité de la demande

(4) La demande d'enregistrement du parti politique dont le chef a été avisé par le directeur général des élections en conformité avec

political party, pursuant to subsection 24(3), that the party cannot be registered.

Contravention of provision by registered party

(5) Where the Chief Electoral Officer believes on reasonable grounds that a registered party has contravened any provision referred to in subsection 28(1), the Chief Electoral Officer shall, by notice in writing, so inform the party in accordance with subsection (6) and require that the party, within thirty days after the receipt of the notice,

(*a*) cease the contravention; or

(*b*) establish to the satisfaction of the Chief Electoral Officer that the contravention is not the result of any negligence or lack of good faith.

Notice

(6) The notice referred to in subsection (5) shall be sent to the leader, to the chief agent and to all other officers of the party set out in the registry referred to in subsection 24(1).

Deletion of registered party from registry

(7) The Chief Electoral Officer may delete a registered party from the registry referred to in subsection 24(1) where a registered party in respect of which a notice has been sent pursuant to subsection (5) has not, within the period referred to in the notice, ceased the contravention referred to in the notice or established to the satisfaction of the Chief Electoral Officer that the contravention was not the result of any negligence or lack of good faith.

Failure to file statement

(8) Where the contravention referred to in a notice sent pursuant to subsection (5) is the failure to file the statement referred to in section 27, the time period referred to in the notice shall be five days.

Notice of deletion

(9) Where the Chief Electoral Officer has, pursuant to subsection 28(2), 30(1) or subsection (7) of this section, deleted a registered party from the registry referred to in subsection 24(1), the Chief Electoral Officer shall publish a notice of the deletion in the *Canada Gazette* and send a copy of the notice to the leader, to the chief agent and to all other officers of the party set out in the registry.

Return

(10) Where a registered party is deleted from the registry referred to in subsection

le paragraphe 24(3) qu'il ne peut être enregistré devient caduque.

Avis de contravention

(5) S'il a des motifs valables de croire qu'un parti enregistré a contrevenu à une disposition mentionnée au paragraphe 28(1), le directeur général des élections en informe par écrit le parti conformément au paragraphe (6) et exige que celui-ci, dans les trente jours :

a) soit mette fin à la contravention;

b) soit le convainque que la contravention n'a pas pour cause la négligence ou le manque de bonne foi.

Destinataires de l'avis

(6) L'avis de contravention visé au paragraphe (5) est envoyé au chef et à l'agent principal du parti, de même qu'aux dirigeants de celui-ci qui figurent au registre prévu au paragraphe 24(1).

Radiation possible

(7) Si, dans le délai prévu au paragraphe (5), le parti enregistré n'a pas mis fin à la contravention ou n'a pas convaincu le directeur général des élections que celle-ci n'a pas pour cause la négligence ou le manque de bonne foi, le directeur général des élections peut radier le parti du registre prévu au paragraphe 24(1).

Modification du délai

(8) Dans le cas où la contravention visée au paragraphe (5) est le défaut de produire la déclaration visée à l'article 27, le délai de trente jours prévu au paragraphe (5) est ramené à cinq jours.

Avis dans la *Gazette du Canada*

(9) En cas de radiation en vertu des paragraphes 28(2), 30(1) ou (7) du présent article d'un parti enregistré du registre visé au paragraphe 24(1), le directeur général des élections fait publier dans la *Gazette du Canada* un avis de la radiation et en envoie une copie au chef et à l'agent principal du parti, de même qu'aux dirigeants de celui-ci inscrits au registre.

Derniers rapports

(10) Lorsqu'un parti enregistré est radié du registre prévu au paragraphe 24(1), l'a-

24(1), the chief agent shall, within six months following the publication of the notice referred to in subsection (9), transmit to the Chief Electoral Officer the return described in section 44 for the portion of the party's fiscal period that immediately preceded the deletion and for any other fiscal period for which the party has not filed a return and, as the case may be, the return described in section 46 in respect of each election the writ for which was issued before the deletion.

gent principal du parti fait parvenir au directeur général des élections, dans les six mois suivant la publication de l'avis prévu au paragraphe (9), le rapport prévu à l'article 44 pour la partie de l'exercice précédant la date de la radiation et pour tout autre exercice pour lequel le parti n'a pas soumis de rapport, de même que, le cas échéant, le rapport prévu à l'article 46 pour toute élection visée par un bref délivré avant la date de la radiation.

Duties of chief agent

(11) The chief agent of a registered party that is deleted from the registry referred to in subsection 24(1) shall, within three months after the expiration of the period referred to in subsection (10), provide for the transmittal of the return, liquidate the assets of the party, pay the debts of the party and remit any remaining balance to the Chief Electoral Officer who shall transmit that balance to the Receiver General or, where there is no balance remaining, so inform the Chief Electoral Officer by a notice in writing.

Liquidation

(11) Dans les trois mois suivant l'expiration de la période prévue au paragraphe (10), l'agent principal du parti radié liquide l'actif du parti, acquitte ses dettes, transmet au directeur général des élections un rapport de liquidation et, le cas échéant, remet le solde au directeur général des élections qui le fait parvenir au receveur général ou informe le directeur général des élections qu'il ne reste aucun solde.

Compliance with subsection (11)

(12) Where the assets of a registered party are sold pursuant to subsection (11), the chief agent shall file in the form prescribed by the Chief Electoral Officer an accounting of the sale of those assets.

Vente de l'actif

(12) Dans le cas de vente de l'actif en application du paragraphe (11), l'agent principal rend compte de la vente de la manière prévue par le directeur général des élections.

Contributions

(13) Where a registered party is deleted from the registry referred to in subsection 24(1), all contributions received between the date the notice referred to in subsection (9) is published and the date of the remittance of any balance to the Chief Electoral Officer pursuant to subsection (11) shall be included in the balance to be remitted to the Chief Electoral Officer.

Contribution postérieure à la radiation

(13) Toute contribution reçue par un parti radié du registre pendant la période commençant à la date de publication de l'avis prévu au paragraphe (9) et se terminant à la date de la remise du solde de l'actif au directeur général des élections conformément au paragraphe (11) est incluse dans ce solde.

Disposal of assets

(14) The chief agent of every registered party that is deleted from the registry referred to in subsection 24(1) is responsible for the disposal of the assets of the party and, if any of those assets are disposed of for less than market value, the chief agent is personally liable for the difference between the market value and any proceeds received from the disposal of the assets.

Responsabilité personnelle de l'agent principal

(14) L'agent principal du parti politique radié du registre est chargé de la liquidation de l'actif du parti; l'agent principal qui aliène un élément d'actif pour une contrepartie d'une valeur inférieure à la valeur marchande de celui-ci est personnellement responsable de la différence entre la valeur marchande de l'élément d'actif et celle de la contrepartie.

Effective date of deletion

(15) Where a registered party is deleted from the registry referred to in subsection

Prise d'effet de la radiation

(15) La radiation du registre d'un parti politique prend effet à la date à laquelle le

24(1), the deletion is effective on the date the Chief Electoral Officer receives the balance or the notice referred to in subsection (11).

20. Subsection 32(1) of the said Act is repealed and the following substituted therefor:

Withdrawal of application

32. (1) An application for registration may be withdrawn at any time prior to the registration becoming effective by sending the Chief Electoral Officer a request to that effect signed by the leader of the party.

21. All that portion of subsection 48(1) of the said Act preceding paragraph (*a*) is repealed and the following substituted therefor:

Offence

48. (1) Every registered party or every party whose application for registration has been accepted by the Chief Electoral Officer but has yet to have effect, that, through any person acting on its behalf,

22. Section 49 of the said Act is repealed and the following substituted therefor:

Prosecution

49. For the purposes of any prosecution brought against a registered party or a party in the process of applying for registration under this Act, the party is deemed to be a person and any act or thing done or omitted by an officer, chief agent or other registered agent of a party within the scope of that person's authority to act is deemed to be an act or thing done or omitted by that party.

23. (1) Paragraph 51(*d*) of the said Act is repealed.

(2) Paragraph 51(*e*) of the said Act is repealed and the following substituted therefor:

(*e*) every person who is imprisoned in a correctional institution serving a sentence of two years or more;

(3) Paragraph 51(*f*) of the said Act is repealed.

24. The said Act is further amended by adding thereto, immediately after section 51 thereof, the following section:

directeur général des élections reçoit le solde de l'actif ou l'avis visés au paragraphe (11).

20. Le paragraphe 32(1) de la même loi est abrogé et remplacé par ce qui suit :

Retrait de la demande

32. (1) Une demande d'enregistrement peut être retirée à tout moment avant l'entrée en vigueur de l'enregistrement par dépôt au bureau du directeur général des élections d'une demande à cet effet, signée par le chef du parti.

21. Le passage du paragraphe 48(1) de la même loi qui précède l'alinéa *a*) est abrogé et remplacé par ce qui suit :

Restrictions de certaines activités électorales

48. (1) Tout parti enregistré ou tout parti dont la demande d'enregistrement a été acceptée par le directeur général des élections mais n'est pas encore en vigueur qui, par l'intermédiaire d'une personne agissant en son nom :

22. L'article 49 de la même loi est abrogé et remplacé par ce qui suit :

Poursuite d'un parti enregistré

49. Dans le cadre d'une poursuite intentée contre un parti enregistré ou en voie de le devenir en vertu de la présente loi, le parti est réputé être une personne et toute chose ou tout acte faits ou omis par un dirigeant, agent principal ou autre agent enregistré du parti dans les limites de son mandat sont réputés être une chose ou un acte faits ou omis par ce parti.

23. (1) L'alinéa 51*d*) de la même loi est abrogé.

(2) L'alinéa 51*e*) de la même loi est abrogé et remplacé par ce qui suit :

e) toute personne détenue dans un établissement correctionnel et y purgeant une peine de deux ans ou plus;

(3) L'alinéa 51*f*) de la même loi est abrogé.

24. La même loi est modifiée par insertion, après l'article 51, de ce qui suit :

Schedule II

51.1 Any of the following persons may vote in accordance with Schedule II, namely,

(*a*) a Canadian Forces elector;

(*b*) a Public Service elector of Canada or of a province who is posted outside Canada;

(*c*) a Canadian citizen who is employed by an international organization of which Canada is a member and to which Canada contributes and who is posted outside Canada;

(*d*) a person who has been absent from Canada for less than five consecutive years and who intends to return to Canada as a resident;

(*e*) an elector who is incarcerated and who is qualified to vote; or

(*f*) any other elector in Canada who wishes to vote in accordance with that schedule.

25. Section 52 of the said Act is repealed.

26. Subsection 53(2) of the said Act is repealed and the following substituted therefor:

Persons becoming Canadian citizens

(2) Every person who, during the period between the enumeration date and the termination of the sittings for revision at an election, becomes qualified as an elector by reason of the person becoming a Canadian citizen is, after becoming so qualified, entitled, subject to this Act, to have that person's name included on the list of electors for the polling division in which that person was ordinarily resident on the enumeration date for the election and to vote at the polling station established in that polling division.

27. Subsection 55(8) of the said Act is repealed and the following substituted therefor:

Ordinary residence

(8) Every elector who is entitled to vote pursuant to Schedule II is deemed to continue to ordinarily reside in the place of the elector's ordinary residence as shown on the statement of ordinary residence or on the application for registration and special ballot made by or in respect of the elector pursuant to Schedule II.

Annexe II

51.1 Peuvent voter en conformité avec l'annexe II :

a) les électeurs des Forces canadiennes;

b) les électeurs de l'administration publique du Canada ou d'une province en poste à l'étranger;

c) les citoyens canadiens qui sont en poste à l'étranger à l'emploi d'organismes internationaux dont le Canada est membre et auxquels il verse une contribution;

d) les électeurs qui sont absents du Canada depuis moins de cinq années consécutives et qui ont l'intention de revenir résider au Canada;

e) les personnes incarcérées qui ont le droit de vote;

f) tout autre électeur au Canada qui désire se prévaloir des dispositions de cette annexe.

25. L'article 52 de la même loi est abrogé.

26. Le paragraphe 53(2) de la même loi est abrogé et remplacé par ce qui suit :

Personnes qui deviennent citoyens canadiens

(2) Toute personne qui, dans l'intervalle entre la date du recensement et la fin des séances de révision relatives à une élection, acquiert la qualité d'électeur par suite de l'obtention de la citoyenneté canadienne a le droit, après avoir acquis cette qualité et sous réserve des autres dispositions de la présente loi, de faire inscrire son nom sur la liste électorale de la section de vote où elle résidait ordinairement à la date du recensement relatif à l'élection et de voter au bureau de scrutin établi dans cette section de vote.

27. Le paragraphe 55(8) de la même loi est abrogé et remplacé par ce qui suit :

Présomption de maintien de la résidence ordinaire

(8) Tout électeur habile à voter en vertu de l'annexe II est censé continuer de résider ordinairement au lieu de sa résidence ordinaire comme l'indique la déclaration de résidence ordinaire ou la demande d'inscription et de bulletin spécial faite par lui ou à son égard en conformité avec cette annexe.

28. Subsection 56(2) of the said Act is repealed and the following substituted therefor:

Exception

(2) For the purpose of a general election only and notwithstanding anything in this Act, a person who, during the period between the enumeration date and the termination of the sittings of revision on Wednesday, the fifth day before polling day, has changed the place of that person's ordinary residence from one polling division to another, may, if otherwise qualified as an elector, apply to the revising agent or to the returning officer to be included on the list of electors for the new polling division prior to 6:00 p.m. on the fifth day before polling day or apply to the revising officer or to the deputy returning officer, as the case may be, on polling day to register the elector's name on the list of electors in the new polling division.

29. Sections 57 and 58 of the said Act are repealed and the following substituted therefor:

Temporary resident

57. (1) No person shall be deemed to ordinarily reside on the enumeration date in residential quarters that are generally occupied by the person on a temporary basis, unless, at a general election only, that person has no residential quarters in any other electoral district that that person considers to be that person's residence on the enumeration date.

Temporary residential quarters

(2) Residential quarters that are occupied by persons on a temporary basis include shelters, hostels or similar institutions that provide food, lodging or other social services to persons who have no residence or dwelling.

Ordinarily resides

(3) Ordinarily resides includes being provided with food or lodging immediately before the enumeration in a place referred to in subsection (2).

30. Subsection 61(2) of the said Act is repealed and the following substituted therefor:

Idem

(2) For the purpose of a by-election only and notwithstanding anything in this Act, a person who, during the period between the enumeration date and the termination of the

28. Le paragraphe 56(2) de la même loi est abrogé et remplacé par ce qui suit :

Exception

(2) Dans le cas d'une élection générale seulement et par dérogation à toute autre disposition de la présente loi, une personne qui, pendant l'intervalle entre la date du recensement et la fin des séances de révision, le mercredi, cinquième jour avant le jour du scrutin, change son lieu de résidence ordinaire d'une section de vote à une autre peut, si elle a par ailleurs qualité d'électeur, demander à l'agent réviseur ou au directeur du scrutin, avant dix-huit heures ce cinquième jour qui précède le jour du scrutin ou au réviseur ou scrutateur, selon le cas, le jour du scrutin, de faire inscrire son nom sur la liste électorale de la nouvelle section de vote.

29. Les articles 57 et 58 de la même loi sont abrogés et remplacés par ce qui suit :

Résidence temporaire

57. (1) À la date du recensement, nul n'est censé résider ordinairement dans un logement qui n'est généralement habité que temporairement sauf si, lors d'une élection générale, il n'a aucun logement dans une autre circonscription qu'il considère, à la date du recensement, comme sa résidence.

Logement habité temporairement

(2) Les refuges, les centres d'accueil et les autres établissements de même nature qui offrent le gîte, le couvert ou d'autres services sociaux aux personnes sans abri sont assimilés aux logements qui ne sont généralement habités que temporairement.

Résider ordinairement

(3) Résider ordinairement s'entend également du fait de recevoir le gîte ou de la nourriture immédiatement avant le recensement dans un lieu visé au paragraphe (2).

30. Le paragraphe 61(2) de la même loi est abrogé et remplacé par ce qui suit :

Idem

(2) Uniquement dans le cas d'une élection partielle et par dérogation à toute autre disposition de la présente loi, une personne qui, pendant l'intervalle entre la date du recense-

sittings of revisions on Wednesday, the fifth day before polling day, has changed the place of that person's ordinary residence from one polling division to another polling division in the same electoral district, may, if otherwise qualified as an elector, apply to the revising agent or the returning officer to be included in the list of electors for the new polling division prior to 6:00 p.m. on the fifth day before polling day or apply to the revising officer or the deputy returning officer, as the case may be, on polling day to register the elector's name on the list of electors in the new polling division.

31. Sections 62 to 71 of the said Act are repealed and the following substituted therefor:

ELECTORAL LISTS

Designation of period of enumeration of electors

63. (1) The Chief Electoral Officer shall, immediately following the issue of a writ, designate the period during which the enumeration of electors shall take place and shall notify each returning officer of the period.

Extension of enumeration period

(2) The Chief Electoral Officer may extend the enumeration period referred to in subsection (1) in respect of all or part of an electoral district on the request of the returning officer and notification of the extension shall be given to registered parties and candidates.

Where no enumeration

(3) Where the polling day at an election is within one year after the polling day at a previous election or referendum, no enumeration of electors shall be made for the purposes of the subsequent election unless the Chief Electoral Officer otherwise directs, and, for the purposes of the provisions of this Act relating to revision of the preliminary lists of electors, the official lists of electors prepared for and used at the previous election or referendum shall be deemed to be the preliminary lists of electors prepared for the purposes of the subsequent election.

Appointment of enumerators

64. (1) Each returning officer shall appoint two enumerators in each polling division as soon as possible after notification of

ment et la fin des séances de révision, le mercredi, cinquième jour avant le jour du scrutin, change son lieu de résidence ordinaire d'une section de vote à une autre section de vote située dans la même circonscription, si elle a par ailleurs qualité d'électeur, peut, avant dix-huit heures ce cinquième jour avant le jour du scrutin, demander à l'agent réviseur ou au directeur du scrutin ou au réviseur ou scrutateur, selon le cas, le jour du scrutin, de faire inscrire son nom sur la liste électorale de la nouvelle section de vote.

31. Les articles 62 à 71 de la même loi sont abrogés et remplacés par ce qui suit :

LISTES ÉLECTORALES

Période de recensement

63. (1) Dès la délivrance du bref d'élection, le directeur général des élections fixe la période pendant laquelle le recensement des électeurs aura lieu et en avise chaque directeur du scrutin.

Prolongation de la période

(2) Le directeur général des élections peut à la demande du directeur du scrutin d'une circonscription prolonger la période de recensement dans cette circonscription ou dans une partie de celle-ci et notifier les partis enregistrés et les candidats.

Absence de recensement

(3) Sauf ordre contraire du directeur général des élections, il n'y a aucun recensement des électeurs en vue d'une élection si le scrutin correspondant se tient dans l'année suivant le jour du scrutin lors d'une élection ou d'un référendum antérieurs; pour l'application des dispositions de la présente loi qui portent sur la révision des listes électorales préliminaires, les listes officielles dressées pour l'élection ou le référendum antérieurs et utilisées à cette occasion sont réputées être les listes préliminaires dressées en vue de la tenue de l'élection qui suit.

Nomination des recenseurs

64. (1) Chaque directeur du scrutin nomme, dans les meilleurs délais après avoir été avisé de la période de recensement dans sa

the enumeration period for the electoral district in order to enumerate the electors in it.

Idem

(2) A returning officer may appoint one enumerator, or more than two enumerators, in a polling division, if the returning officer is of the opinion that so doing is necessary to enumerate the electors in the polling division.

Eligibility

(3) No person is eligible to be an enumerator who is not a Canadian citizen and at least sixteen years of age.

Soliciting names

(4) Before appointing enumerators and on the issue of the writs, the returning officer shall solicit the names of suitable persons from the registered parties whose candidates finished first and second in the last election in the electoral district and, if sufficient names are not provided by those parties within three days after the receipt of the request, the returning officer may solicit names from any other source.

Referral to the leader of the party

(5) If the returning officer has doubts whether the person providing names is authorized by the party, the returning officer shall consult with the leader of the party.

Balancing interests

(6) Where more than one enumerator is appointed in a polling division or there is more than one polling division for which only one enumerator is appointed, the returning officer shall, as far as possible, appoint one half of the enumerators in the polling division or divisions from among the persons nominated by the registered party whose candidate finished first in the last election in the electoral district and one half from among the persons nominated by the registered party whose candidate finished second in that election.

Refusal to appoint enumerator

(7) The returning officer may, on reasonable grounds, refuse to appoint an enumerator recommended by a registered party and shall advise the registered party of the refusal immediately.

Recommendation of another person

(8) The registered party may, within twenty-four hours after being advised of the refusal, recommend another person or allow the returning officer to make the appointment alone.

circonscription, deux recenseurs dans chaque section de vote pour y recenser les électeurs.

Idem

(2) Le directeur du scrutin peut ne nommer qu'un recenseur pour une section de vote — ou en nommer plus de deux — s'il estime que cette mesure est nécessaire.

Conditions de nomination

(3) Seuls les citoyens canadiens âgés d'au moins seize ans peuvent être nommés recenseurs.

Propositions de noms

(4) Avant de procéder aux nominations et dès la délivrance des brefs d'élection, le directeur du scrutin demande aux partis enregistrés dont les candidats se sont classés respectivement premier et deuxième lors de la dernière élection dans la circonscription de lui fournir les noms des personnes aptes à exercer les fonctions de recenseurs; toutefois, si les partis ne lui fournissent pas suffisamment de noms dans les trois jours de la demande, le directeur du scrutin peut obtenir des noms d'autres sources.

Renvoi au chef du parti

(5) Si l'autorisation obtenue par la personne qui lui fournit des noms lui paraît douteuse, le directeur du scrutin vérifie auprès du chef du parti.

Répartition équitable

(6) S'il choisit plus d'un recenseur par section de vote ou si plusieurs sections de vote ne comptent qu'un seul recenseur, le directeur du scrutin veille à ce que ces postes soient répartis, dans la mesure du possible, également entre les personnes proposées par le parti enregistré dont le candidat s'est classé premier lors de la dernière élection dans la circonscription et celles proposées par le parti enregistré dont le candidat s'est classé deuxième lors de cette élection.

Refus du directeur

(7) Le directeur du scrutin peut, pour des motifs raisonnables, refuser de nommer à titre de recenseur une personne recommandée par un parti. Il en avise sans délai le parti en cause.

Décision du parti en cas de refus du directeur

(8) Le parti peut, dans les vingt-quatre heures de l'avis du refus, recommander une autre personne ou permettre au directeur du scrutin de procéder seul à la nomination.

Enumeration supervisor

(9) A returning officer may, with the approval of the Chief Electoral Officer, appoint one or more enumeration supervisors to supervise the enumeration.

Eligibility

(10) No person is eligible to be an enumeration supervisor who is not resident in the electoral district.

Oath

(11) An enumerator and an enumeration supervisor shall take an oath in the prescribed form before beginning their duties.

Replacement

(12) A returning officer may replace an enumerator or an enumeration supervisor at any time by appointing another person and the person who is replaced shall return all election materials in that person's possession to the returning officer.

Lists of enumerators, etc.

65. (1) Every returning officer shall, not later than the second day before the enumeration period begins, prepare a list of the names and addresses of the enumerators and the enumeration supervisors and the polling divisions for which they are responsible and this list shall be made available to the public in the office of the returning officer.

Preparation of lists of electors

(2) The returning officer is responsible for supervising the preparation of the list of electors for every polling division in the returning officer's electoral district and for ensuring that as far as possible every qualified elector in the electoral district is enumerated according to this Act.

Duties of enumerator

66. (1) An enumerator shall enumerate the electors in the polling division for which the enumerator is appointed under the direction of the returning officer or the enumeration supervisor.

Disagreement among enumerators

(2) Where enumerators who are working together cannot make a decision because of a disagreement, they shall refer the matter to an enumeration supervisor or the returning officer for a decision.

Idem

(3) The decision of an enumeration supervisor or the returning officer on a matter of disagreement is binding on the enumerators.

Obtaining elector information

67. (1) Enumerators shall obtain elector information by visiting each residence in the polling division or, where circumstances war-

Superviseurs du recensement

(9) Le directeur du scrutin peut, avec l'autorisation du directeur général des élections, nommer une ou plusieurs personnes pour superviser le recensement.

Conditions de nomination

(10) Seuls les électeurs qui résident dans la circonscription peuvent être nommés superviseurs du recensement.

Serment

(11) Avant de prendre leurs fonctions, le recenseur et le superviseur de recensement prêtent serment selon la formule prescrite.

Remplaçant

(12) Le directeur du scrutin peut nommer une personne à titre de remplaçant d'un recenseur ou d'un superviseur du recensement; la personne remplacée est tenue de remettre au directeur du scrutin tout le matériel électoral en sa possession.

Liste des recenseurs

65. (1) Le directeur du scrutin dresse, au moins deux jours avant le début du recensement, la liste des nom et adresse des recenseurs et superviseurs du recensement et des sections de vote pour lesquelles ils sont responsables. Cette liste doit être accessible au public dans le bureau du directeur du scrutin.

Établissement de la liste électorale

(2) Chaque directeur du scrutin est chargé de superviser l'établissement de la liste électorale dans chaque section de vote de sa circonscription et de voir à ce que, dans la mesure du possible, toute personne dans sa circonscription qui a qualité d'électeur soit recensée, conformément à la présente loi.

Idem

66. (1) Chaque recenseur recense, sous la direction du directeur du scrutin ou du superviseur du recensement, les électeurs de la section de vote pour laquelle il a été nommé.

Décision du supérieur en cas de divergence d'opinion

(2) Dans les cas où des recenseurs qui travaillent ensemble ne peuvent en venir à une décision à cause d'une divergence d'opinion, ils s'adressent au superviseur du recensement ou au directeur du scrutin qui tranche.

Idem

(3) La décision du superviseur du recensement ou du directeur du scrutin lie les recenseurs.

Modes de recensement

67. (1) Le recenseur procède par visite de chaque résidence dans la section de vote ou, si les circonstances l'exigent, par toute autre

rant, by any other methods that the returning officer may determine.

Elector information

(2) Enumerators shall determine whether a person is a Canadian citizen and eighteen years of age or over and shall try to obtain and record the following information on an enumeration record:

(*a*) the address of the elector's residence;

(*b*) the surname and given name of every elector at the residence;

(*c*) the sex of every elector at the residence; and

(*d*) whether any elector at the residence requires interpretation or level access at the poll, in polls where there is no level access.

Visiting residence by enumerators

(3) Subject to subsection (1), enumerators shall, unless satisfied that all qualified electors residing at a residence are registered, visit every residence in their polling division at least twice, once between the hours of 9:00 a.m. and 6:00 p.m. and once between the hours of 6:00 p.m. and 10:00 p.m. on two different dates.

Enumerators to work in teams

(4) Unless otherwise ordered by the returning officer, where more than one enumerator is appointed in a polling division, the enumerators shall perform their duties together.

Leaving of request for registration card

68. (1) An enumerator shall, if the enumerator is unable to obtain the names of the electors at a residence after at least two visits, leave a request for registration card to be returned to the returning officer and shall record the number of that card and the address at which it was left.

Request for registration card

(2) Each request for a registration card must

(*a*) be in the prescribed form;

(*b*) have a code unique to it; and

(*c*) have reply postage and be addressed for return by the elector.

Requesting enumeration

(3) Any elector who is left a request for registration card by an enumerator may request enumeration by

méthode que le directeur du scrutin détermine.

Renseignements à inscrire

(2) Les recenseurs doivent déterminer si chaque personne a la citoyenneté canadienne et est âgée de dix-huit ans et plus, et recueillir et noter sur une fiche de recensement les renseignements suivants :

a) l'adresse de la résidence;

b) les nom et prénom de chaque électeur qui y réside;

c) le sexe de chaque électeur qui y réside;

d) si un des électeurs qui y résident a besoin d'un interprète ou d'un accès de plain-pied au bureau de scrutin dans le cas où le bureau n'est pas déjà accessible de plain-pied.

Deux visites à des heures différentes

(3) Sous réserve du paragraphe (1), à moins d'être convaincus que toutes les personnes ayant qualité d'électeur dans une résidence ont été inscrites, les recenseurs doivent visiter chaque résidence dans leur section de vote au moins deux fois, une fois entre neuf heures et dix-huit heures et une fois entre dix-huit heures et vingt-deux heures à deux dates différentes.

Travail en équipe

(4) À moins que le directeur du scrutin ne leur donne des instructions différentes, les recenseurs, s'il y en a plus d'un pour une section de vote, accomplissent leurs fonctions ensemble.

Carte de demande d'inscription

68. (1) Le recenseur laisse à la résidence qu'il visite une carte de demande d'inscription à retourner au directeur du scrutin si, après au moins deux visites, il n'a pas réussi à obtenir les noms des électeurs qui y résident; il prend en note le numéro de la carte et l'adresse où il l'a laissée.

Idem

(2) La carte de demande d'inscription est :

a) rédigée selon la formule prescrite;

b) numérotée;

c) préadressée et préaffranchie.

Auto-inscription

(3) L'électeur qui reçoit une carte de demande d'inscription peut demander à être

(*a*) completing the information on the card in respect of each elector at the residence;

(*b*) certifying the accuracy of the information set out on the card; and

(*c*) returning the card to the address noted on the card.

Verification of information

(4) The information contained in the request for registration card shall be verified by revising agents and provided to the returning officer in accordance with instructions issued by the Chief Electoral Officer.

Obligation of elector

(5) An elector who wishes to apply to be registered by means of a request for registration card must ensure that the card is received by the returning officer prior to 6:00 p.m. on the fifth day before polling day.

Identification

69. Each enumerator shall, while conducting an enumeration, wear or carry the identification that is supplied by the Chief Electoral Officer and shall show it on request.

Authority of enumerator

70. An enumerator may enter any apartment building or other multiple residence during reasonable hours for the purpose of conducting an enumeration of the electors in the building.

Submission of voter information

71. (1) Each enumerator shall submit the voter information gathered during an enumeration to the returning officer in the manner determined by the returning officer.

Certification

(2) Each enumerator shall certify the elector information that is submitted to the returning officer.

Completion of enumeration

(3) Each enumerator shall complete the enumeration by the end of the enumeration period.

PRELIMINARY LIST OF ELECTORS

Preliminary list of electors

71.1 (1) Each returning officer shall compile a preliminary list of the electors in each polling division based on the information obtained by the enumerators and on any other information that the returning officer may obtain.

inscrit sur la liste électorale s'il remplit les conditions suivantes :

a) fournir les renseignements demandés sur la carte pour chacun des électeurs de sa résidence;

b) certifier l'exactitude des renseignements qu'il fournit;

c) retourner la carte à l'adresse qui y est mentionnée.

Vérification de la carte

(4) Les renseignements inscrits sur la carte de demande d'inscription sont vérifiés par les agents réviseurs qui les transmettent au directeur du scrutin en conformité avec les instructions du directeur général des élections.

Obligation de l'électeur

(5) Il appartient à l'électeur, s'il veut être inscrit, de veiller à ce que le directeur du scrutin reçoive sa carte de demande d'inscription au plus tard à dix-huit heures le cinquième jour précédant le jour du scrutin.

Pièces d'identité du recenseur

69. Le recenseur est tenu d'avoir en sa possession, pendant qu'il procède au recensement, les pièces d'identité que lui fournit le directeur général des élections et de les montrer sur demande.

Droit d'accès

70. Le recenseur peut entrer à toute heure raisonnable dans tout immeuble ou autre édifice à logements multiples en vue d'y procéder au recensement des électeurs qui y habitent.

Transmission au directeur du scrutin

71. (1) Chaque recenseur transmet les renseignements recueillis durant le recensement au directeur du scrutin selon les modalités que détermine celui-ci.

Attestation du recenseur

(2) Chaque recenseur atteste que les renseignements qu'il transmet sont véridiques.

Obligation du recenseur

(3) Chaque recenseur veille à ce que son travail de recensement soit terminé à la fin de la période de recensement.

LISTE ÉLECTORALE PRÉLIMINAIRE

Établissement de la liste électorale préliminaire

71.1 (1) Le directeur du scrutin dresse la liste électorale préliminaire de chacune des sections de vote de sa circonscription à partir des renseignements recueillis par les recenseurs ou des renseignements qu'il peut obtenir d'autres sources.

Exercise of due diligence

(2) Each returning officer shall exercise due diligence to ensure that the information submitted by an enumerator is accurate before incorporating the information into a preliminary list of electors.

Obligation du directeur du scrutin

(2) Le directeur du scrutin s'assure de l'exactitude des renseignements reçus d'un recenseur avant de les incorporer à la liste électorale préliminaire.

Form of preliminary list of electors

71.11 The preliminary list of electors for each polling division shall be in the form established by the Chief Electoral Officer and shall be arranged by address of the elector or, when this is not appropriate, shall be arranged alphabetically by the names of the electors.

Présentation des noms sur la liste

71.11 La liste électorale préliminaire pour chaque section de vote est dressée en la forme établie par le directeur général des élections selon l'ordre des rues et des numéros civiques ou, si cet ordre ne convient pas, selon l'ordre alphabétique des noms des électeurs.

Finalization of preliminary list of electors

71.12 (1) Each returning officer shall finalize the preliminary list of electors for each polling division in the electoral district and certify it not later than the third day after the end of the enumeration period.

Délai applicable

71.12 (1) Le directeur du scrutin arrête la liste électorale préliminaire pour chaque section de vote dans sa circonscription et en certifie l'exactitude au plus tard le troisième jour après la fin de la période de recensement.

Distribution of lists

(2) Each returning officer shall, as soon as it is available, distribute copies of each list of electors as follows:

(*a*) one printed copy and one copy in machine readable form, if available, to each candidate in the electoral district who requests them;

(*b*) up to nine additional printed copies to each candidate who requests additional copies; and

(*c*) as many copies to the Chief Electoral Officer as that officer may require.

Distribution des listes

(2) Dès que possible, le directeur du scrutin distribue, de la façon suivante, des copies certifiées de chacune des listes :

a) à chacun des candidats de la circonscription qui lui en fait la demande, une copie imprimée et, s'il en existe, une copie lisible par ordinateur;

b) à tout candidat, le nombre de copies additionnelles, jusqu'à concurrence de neuf, que celui-ci demande;

c) au directeur général des élections, le nombre de copies que celui-ci demande.

Additional copies of certified preliminary lists

(3) Each returning officer shall make the additional copies of the certified preliminary lists that are necessary to revise the list of electors.

Copies supplémentaires

(3) Le directeur du scrutin prépare le nombre de copies certifiées des listes préliminaires qui sont nécessaires à la révision.

ELECTOR INFORMATION CARD

Leaving elector information card

71.13 (1) Each enumerator shall leave an elector information card at each residence visited by the enumerator where an elector was enumerated.

CARTE D'INFORMATION

Carte d'information

71.13 (1) Les recenseurs laissent à toute résidence qu'ils visitent une carte d'information à l'intention de l'électeur qu'ils ont inscrit.

Idem

(2) Each returning officer shall as soon as possible, but not later than the fourth day before polling day, send an elector information card to every elector included on a list of electors who was not provided with such a card by an enumerator or other election officer.

Idem

(2) Le directeur du scrutin envoie le plus rapidement possible mais au plus tard le quatrième jour avant le jour du scrutin une carte d'information à tout électeur dont le nom a été inscrit sur une liste électorale et qui n'a pas reçu de carte d'information du recenseur ou d'un autre fonctionnaire électoral.

Form of elector information card

(3) The elector information card shall be in the form established by the Chief Electoral Officer and shall indicate

(*a*) the elector's polling station and whether or not it provides access in accordance with subsection 105(1);

(*b*) the times for voting;

(*c*) a telephone number to call for more information; and

(*d*) the dates, locations and times for voting at advance polls.

Contenu de la carte d'information

(3) La carte d'information, en la forme établie par le directeur général des élections, donne :

a) la désignation du bureau de scrutin où l'électeur doit voter et si le bureau de scrutin est accessible conformément au paragraphe 105(1);

b) les heures d'ouverture des bureaux de scrutin;

c) un numéro de téléphone où appeler pour obtenir des renseignements;

d) les dates, endroits et heures d'ouverture des bureaux spéciaux de scrutin.

REVISION OF PRELIMINARY LISTS OF ELECTORS

RÉVISION DES LISTES ÉLECTORALES PRÉLIMINAIRES

Revision of preliminary lists of electors

71.14 The Chief Electoral Officer shall, immediately following the issue of a writ, fix the commencement date for the revision of the preliminary list of electors as well as the dates and times for the sittings for revision.

Période de révision

71.14 Le directeur général des élections fixe, dans les meilleurs délais après la délivrance du bref, la date du début de la période de révision de la liste électorale préliminaire et les dates et heures des séances de révision.

Revisal districts

71.15 (1) Each returning officer shall, in accordance with instructions of the Chief Electoral Officer, group the polling divisions in the electoral district into revisal districts.

Districts de révision

71.15 (1) En conformité avec les instructions du directeur général des élections, le directeur du scrutin établit des districts de révision en regroupant des sections de vote de sa circonscription.

Idem

(2) After establishing the revisal districts, each returning officer shall forward to the Chief Electoral Officer a description of each revisal district.

Transmission des renseignements au directeur général des élections

(2) Une fois qu'il a établi les districts de révision, le directeur du scrutin transmet au directeur général des élections la description de chacun de ces districts.

Appointment of revising officer

71.16 (1) Each returning officer shall appoint an elector who is resident in the electoral district as a revising officer in each revisal district in that electoral district to preside over the sittings for revision.

Nomination des réviseurs

71.16 (1) Le directeur du scrutin nomme, pour chaque district de révision, un électeur résident de la circonscription à titre de réviseur chargé de présider les séances de révision.

Eligibility

(2) No person is eligible to be a revising officer who is

(*a*) a candidate or an official agent of a candidate; or

(*b*) the mother, father, spouse, natural or adopted child, brother, sister, half-brother or half-sister of the returning officer or assistant returning officer for the electoral district in which the revising officer is to act.

Exclusions

(2) Les personnes suivantes ne peuvent être nommées à titre de réviseurs :

a) les candidats et les agents officiels des candidats;

b) la mère, le père, le conjoint, l'enfant — naturel ou adoptif —, le frère, la soeur, le demi-frère ou la demi-soeur du directeur du scrutin ou du directeur adjoint du scrutin de la circonscription où le réviseur doit exercer ses fonctions.

Enumerators may not revise list of electors

(3) No enumerator may revise the list of electors of the polling division for which the enumerator was appointed during the election period.

Idem

(3) Le recenseur ne peut réviser la liste électorale de la section de vote qu'il a recensée pendant l'élection.

Powers of returning officer and assistant returning officer

(4) The returning officer and assistant returning officer of each electoral district have all the powers of a revising officer within the electoral district.

Exercice d'office

(4) Le directeur du scrutin et le directeur adjoint du scrutin d'une circonscription sont investis des attributions du réviseur dans leur circonscription.

Appointment of revising agents

(5) The returning officer for each electoral district shall appoint such number of revising agents for the electoral district as is equal to at least twice the number of revisal districts in that electoral district.

Nombre d'agents réviseurs

(5) Le directeur du scrutin de chaque circonscription nomme un nombre d'agents réviseurs au moins double du nombre de districts de révision de la circonscription.

Idem

(6) Before appointing revising officers or revising agents, the returning officer shall solicit the names of suitable persons from the registered parties whose candidates finished first and second in the last election in the electoral district and, if sufficient names are not provided by those parties within three days after the receipt of the request, the returning officer may solicit names from any other source.

Propositions de noms

(6) Avant de procéder aux nominations des réviseurs et des agents réviseurs, le directeur du scrutin demande aux partis enregistrés dont les candidats se sont classés respectivement premier et deuxième lors de la dernière élection dans la circonscription de lui fournir les noms des personnes aptes à exercer ces fonctions; toutefois, si les partis ne lui fournissent pas suffisamment de noms dans les trois jours de la demande, le directeur du scrutin peut obtenir des noms d'autres sources.

Referral to the leader of the party

(7) If the returning officer has doubts whether the person providing names is authorized by the party, the returning officer shall consult with the leader of the party.

Renvoi au chef du parti

(7) Si l'autorisation obtenue par la personne qui lui fournit des noms lui paraît douteuse, le directeur du scrutin vérifie auprès du chef du parti.

Idem

(8) A returning officer shall, as far as possible, appoint one half of the revising officers and revising agents from among the persons nominated by the registered party whose candidate finished first in the last election in the electoral district and one half from among the persons nominated by the registered party whose candidate finished second in that election.

Répartition équitable

(8) Lors de la nomination des réviseurs et des agents réviseurs, le directeur du scrutin veille à ce que ces postes soient répartis, dans la mesure du possible, également entre les personnes proposées par le parti enregistré dont le candidat s'est classé premier lors de la dernière élection dans la circonscription et celles proposées par le parti enregistré dont le candidat s'est classé deuxième lors de cette élection.

Oath

(9) Each revising officer and revising agent shall take an oath in the prescribed form before commencing their duties.

Serment

(9) Avant d'exercer leurs fonctions, les réviseurs et les agents réviseurs prêtent serment selon la formule prescrite.

Revising agents to work in pairs

(10) A returning officer shall appoint revising agents to work in pairs and each pair shall consist, as far as possible, of persons nominated by different registered parties.

Groupes de deux

(10) Le directeur du scrutin nomme les agents réviseurs par groupe de deux, chaque groupe étant constitué, dans la mesure du possible, de personnes respectivement proposées par des partis enregistrés.

Replacement

(11) A returning officer may replace a revising officer or revising agent at any time by appointing another person and the person who is replaced shall return all election materials in that person's possession to the returning officer.

Remplaçant

(11) Le directeur du scrutin peut nommer une personne à titre de remplaçant d'un réviseur ou d'un agent réviseur; la personne ainsi remplacée est tenue de remettre au directeur du scrutin tout le matériel électoral en sa possession.

Appointment of additional revising agents

(12) A returning officer may, with the prior approval of the Chief Electoral Officer, appoint additional revising agents for the electoral district, if the returning officer considers it necessary for the proper revision of the lists of electors in the electoral district.

Groupes supplémentaires

(12) S'il l'estime nécessaire pour réviser les listes électorales de la circonscription, le directeur du scrutin peut, avec l'autorisation du directeur général des élections, nommer des agents réviseurs supplémentaires.

Jurisdiction of revising agents

(13) Revising agents are not restricted to acting in any one revisal district and may act anywhere in the electoral district for which they were appointed.

Compétence territoriale

(13) Les agents réviseurs peuvent exercer leurs fonctions partout dans la circonscription où ils sont nommés et non seulement dans un seul district de révision.

Election officers who are designated to receive applications

71.17 (1) The election officers who are designated to receive applications for additions, corrections to or deletions from the list of electors for their electoral district are the returning officer, assistant returning officer, revising officers and revising agents.

Fonctionnaires électoraux

71.17 (1) Les fonctionnaires électoraux désignés pour la réception des demandes d'inscription sur une liste électorale d'une circonscription ou de correction ou radiation de celle-ci sont le directeur du scrutin, le directeur adjoint du scrutin, les réviseurs et les agents réviseurs de la circonscription.

Rental of revisal offices

(2) The returning officer shall rent for each revisal district one or more revisal offices for use by a revising officer or revising agent.

Location des bureaux

(2) Le directeur du scrutin loue pour chaque district de révision un ou des bureaux de révision devant servir aux réviseurs ou aux agents réviseurs.

Applications for registration or correction

(3) All applications for registration or correction received by revising agents shall be presented to the returning officer on completion for approval by the returning officer.

Transmission au directeur du scrutin

(3) Les demandes d'inscription ou de correction reçues et complétées par les agents réviseurs sont transmises au directeur du scrutin pour approbation.

Idem

(4) All personal applications for deletion received by revising agents shall be presented to the returning officer who may deal with the application or who may forward it to the appropriate revising officer during the sittings for revision.

Demandes personnelles de radiation

(4) La demande de radiation présentée en personne à un agent réviseur est transmise au directeur du scrutin qui peut la transmettre au réviseur compétent durant les séances de révision ou s'en occuper lui-même.

Representative of each candidate permitted in revisal office

71.18 The revising officers shall permit one representative of each candidate in the electoral district to be present in the revisal office, but no such representative, except with the permission of the revising officers, has any right to intervene.

Présence des représentants des candidats

71.18 Les réviseurs doivent permettre que soit présent au bureau de révision un représentant de chaque candidat dans la circonscription. Cependant, aucun représentant n'a le droit d'intervenir, sauf avec la permission des réviseurs.

Powers of revising officers

71.19 The revising officers shall, while acting as revising officers, have the same powers as a justice of the peace.

Pouvoirs d'un juge de paix

71.19 Les réviseurs, lorsqu'ils siègent en cette qualité, possèdent les mêmes pouvoirs qu'un juge de paix.

Lists of revising officers and revising agents

71.2 Each returning officer shall make available, on completion, the list of the names of the revising officers and revising agents for the electoral district to each candidate.

71.2 Le directeur du scrutin met à la disposition de chacun des candidats la liste des réviseurs et des agents réviseurs de la circonscription, dès qu'elle est complétée.

Liste des réviseurs et des agents réviseurs

Revision of preliminary lists of electors

71.21 Each revising officer shall, without delay, revise the preliminary lists of electors for the revisal district in order to

(*a*) add the names of electors who were omitted from the lists;

(*b*) correct elector information on the lists; and

(*c*) delete the names of persons whose names were incorrectly inserted on the lists.

71.21 Le réviseur révise sans retard la liste électorale préliminaire de son district dans le but :

a) d'y ajouter le nom des électeurs qui n'ont pas été inscrits;

b) de corriger les renseignements concernant un électeur dont le nom figure sur la liste;

c) de radier les noms des personnes qui ne devraient pas y figurer.

Révision de la liste

Revising agents to act jointly

71.22 (1) Each pair of revising agents shall act jointly to assist the revising officer, to whom they are assigned by the returning officer, in revising the preliminary lists of electors.

71.22 (1) Les deux agents réviseurs agissent de concert afin d'aider le réviseur auquel ils ont été affectés par le directeur du scrutin à réviser la liste électorale préliminaire.

Travail en équipe

Disagreement between revising agents

(2) Where a pair of revising agents cannot make a decision because of a disagreement, they shall refer the matter to the revising officer for a decision.

(2) S'ils ne peuvent s'entendre sur une décision, ils demandent au réviseur de trancher.

Décision du réviseur en cas de désaccord

Idem

(3) The decision of a revising officer on a matter of disagreement is binding on the revising agents.

(3) La décision du réviseur lie les deux agents réviseurs.

Idem

Notice of revision

71.23 (1) Each returning officer shall, as soon as possible after the issue of the writ, give public notice of

(*a*) the boundaries of the revisal districts in the electoral district;

(*b*) the name of the revising officer for each revisal district;

(*c*) the dates, times and places where electors can visit the revising officers or revising agents;

(*d*) the manner of making objections to the preliminary lists of electors;

(*e*) the dates, times and places for the determination of objections to the list; and

(*f*) the name, address, and telephone number of the returning officer.

71.23 (1) Dans les meilleurs délais après la délivrance du bref d'élection, le directeur du scrutin donne avis :

a) des limites des districts de révision de la circonscription;

b) du nom du réviseur pour chacun d'eux;

c) les dates, heures et endroits où peuvent s'adresser les électeurs qui souhaitent rencontrer les réviseurs ou les agents réviseurs;

d) de la procédure d'opposition à la liste électorale préliminaire;

e) des dates, heures et endroits où seront considérées les oppositions à la liste;

f) du nom, de l'adresse et du numéro de téléphone du directeur du scrutin.

Avis

Publication

(2) The public notice required under subsection (1) shall be given by publishing the

(2) Le directeur du scrutin publie l'avis visé au paragraphe (1) dans au moins un

Publication de l'avis

notice in at least one newspaper of general circulation in the electoral district or by such other methods as the returning officer may consider advisable.

journal de diffusion générale dans la circonscription ou par toute autre méthode qu'il estime indiquée.

Revising agents to visit elector

71.24 A revising officer shall send a pair of revising agents to visit the residence of an elector where the revising officer is informed or believes that an elector at that residence was not enumerated.

Visite

71.24 Le réviseur demande aux agents réviseurs de visiter la résidence d'un électeur s'il est informé ou croit qu'il s'y trouve un électeur qui n'a pas été recensé.

Second enumeration

71.25 (1) A returning officer may, with prior approval of the Chief Electoral Officer, direct that a second enumeration be conducted by the revising agents for any area in the electoral district where the information obtained for the preliminary list of electors is not satisfactory and it would be more convenient than the revision process.

Second recensement

71.25 (1) Le directeur du scrutin peut, avec l'autorisation du directeur général des élections, donner instruction aux agents réviseurs de procéder à un second recensement de tout secteur de la circonscription où les renseignements recueillis lors du premier recensement ne sont pas satisfaisants et s'il estime qu'un recensement serait plus pratique que la procédure de révision.

Idem

(2) For the purpose of the second enumeration, those persons who were enumerated during the first enumeration shall be deemed to be validly enumerated for the second enumeration.

(2) Pour le second recensement, les électeurs recensés lors du premier recensement sont réputés avoir été valablement recensés.

Relevant elector information

71.26 (1) A revising officer or revising agents may add any elector to the list of electors where

Adjonctions

71.26 (1) Le réviseur ou les agents réviseurs peuvent ajouter un électeur à la liste électorale dans l'un ou l'autre des cas suivants :

(*a*) the elector applies in person to the revising officer or revising agents, provides identification and establishes that the elector should be included on the list; or

a) l'électeur s'adresse en personne au réviseur ou aux agents réviseurs, justifie de son identité et établit qu'il a droit d'être inscrit sur la liste;

(*b*) another elector who lives at the same residence as the elector or another elector who is a relative or friend of the elector applies in person to the revising officer or revising agents, provides identification and proof of the elector's identity and establishes that the elector should be included on the list.

b) un électeur qui vit dans la même résidence que cet électeur ou un autre électeur qui en est le parent ou l'ami s'adresse au réviseur ou aux agents réviseurs, établit sa propre identité et produit une preuve de celle de cet électeur pour démontrer que celui-ci a droit d'être inscrit sur la liste.

Deletion of name by revising officer

(2) A revising officer may delete the name of a person on the list of electors where

Radiations par le réviseur

(2) Le réviseur peut radier de la liste électorale le nom d'une personne dans l'un ou l'autre des cas suivants :

(*a*) the person requests it;

a) la personne le demande;

(*b*) it is established that the elector is deceased; or

b) il est établi que cette personne est décédée;

(*c*) it is established that the information furnished is not valid.

c) il est établi que les renseignements fournis ne sont pas valides.

Correction by revising officer

(3) A revising officer or revising agents may correct the information regarding an elector on the list of electors in any of the cases set out in subsection (1).

Deadline

71.27 No elector's name may be accepted to be entered on a list of electors after 6:00 p.m. on the fifth day before polling day.

Objection by elector

71.28 (1) An elector whose name appears on the list of electors for a polling division may make an objection before the revising officer for the elector's revisal district respecting the inclusion of the name of another person on the list for any of the polling divisions in the same revisal district.

Affidavit of objection

(2) During the sittings for revision, an elector who wishes to make an objection shall take an affidavit of objection in the prescribed form before the appropriate revising officer alleging that another person whose name appears on one of the preliminary lists for the same revisal district is not qualified to be on that list.

Notice to be sent to person objected to

(3) The revising officer shall, on the day an affidavit of objection is taken or on the next day, send, by messenger, to the person objected to, at the person's address given on the preliminary list and also at any other address given on the affidavit, a notice, in the prescribed form, advising the person referred to in the affidavit that the person may appear personally or by representative before the revising officer at a specified time no later than 6:00 p.m. on the fifth day before polling day.

Objection by person

71.29 (1) Where an objection is made in respect of the affidavit of objection taken before the revising officer pursuant to subsection 71.28(2), notice of which has been sent by messenger by the revising officer to the person objected to, the revising officer shall examine, on oath, the elector making the objection, the person against whom the objection is made where that person wishes to present that person's position and any witness present and make a decision on the basis of the information so obtained.

Corrections

(3) Le réviseur ou les agents réviseurs peuvent, dans l'un ou l'autre des cas visés au paragraphe (1), apporter les corrections indiquées aux renseignements concernant un électeur.

Délai

71.27 Le nom d'un électeur ne peut être reçu pour être inscrit sur la liste électorale après dix-huit heures le cinquième jour précédant le jour du scrutin.

Oppositions

71.28 (1) L'électeur dont le nom figure sur la liste électorale d'une section de vote peut présenter une opposition devant le réviseur de son district de révision en ce qui a trait au nom d'une autre personne sur la liste pour toute section de vote du même district de révision.

Procédure d'opposition

(2) Pendant les séances de révision, l'électeur souscrit une déclaration d'opposition sous serment, en la forme prescrite, devant le réviseur compétent alléguant l'inhabilité à voter, lors de l'élection en cours, de la personne dont le nom figure sur l'une des listes préliminaires du même district de révision.

Transmission à l'intéressé

(3) Le jour de la souscription de la déclaration ou le lendemain, le réviseur envoie, par messager, à la personne qui fait l'objet de l'opposition, à l'adresse de celle-ci figurant sur la liste électorale, ainsi qu'à toute autre adresse indiquée dans la déclaration, un avis, selon la formule prescrite, l'informant qu'elle peut comparaître, en personne ou par représentant, devant le réviseur au moment indiqué dans l'avis, ce moment ne pouvant toutefois être postérieur à dix-huit heures, le cinquième jour précédant le jour du scrutin.

Interrogatoire sous serment

71.29 (1) Lorsqu'une opposition est faite au moyen d'une déclaration souscrite devant le réviseur en vertu du paragraphe 71.28(2) et que celui-ci a envoyé un avis, par messager, à la personne qui fait l'objet de l'opposition, le réviseur interroge sous serment l'électeur qui présente l'opposition, la personne qui en fait l'objet — si elle désire présenter des observations —, ainsi que tout témoin présent, et fonde sa décision sur les éléments de preuve recueillis.

Evidence

(2) The onus of presenting sufficient evidence to warrant the striking off of any name from the list of electors is on the elector making the objection.

Idem

(3) It is not necessary for the person against whom an objection is made to prove in the first instance that that person's name properly appears on the list of electors.

Elector to substantiate case

(4) The non-attendance before the revising officer, at the time an objection is dealt with, of the person against whom the objection is made does not relieve the elector making the objection from substantiating, in the absence of evidence to the contrary, a case that is considered by the revising officer sufficient to establish the fact that the name of the person objected to improperly appears on the list of electors.

Outcome of objection

(5) After an objection is dealt with by the revising officer, the revising officer shall either delete the name of the person objected to from the list of electors on which the name appears or allow the name to stay on the list of electors.

Statement of changes

71.3 (1) A returning officer shall, from the completed forms received from the revising officers and the revising agents, on the eleventh day before polling day, prepare the first statement of changes and, on the fourth day before polling day, prepare the second statement of changes, setting out, as of each of those dates,

(*a*) the name, address and sex of each elector added to the list of electors;

(*b*) the details of any correction made to the list of electors; and

(*c*) the name, address and sex of each elector excluded from the list of electors.

Transmittal of copy to candidate

(2) The returning officer shall immediately send a copy of each statement of changes to each candidate in the electoral district.

REVISED LIST OF ELECTORS

Revised list of electors

71.31 (1) Each returning officer shall, on the tenth day and on the third day before polling day, prepare a revised list of electors

Charge de la preuve

(2) Il incombe à l'électeur qui présente l'opposition de démontrer l'existence d'un motif suffisant pour radier le nom d'une personne de la liste électorale.

Idem

(3) La personne qui fait l'objet de l'opposition n'est pas tenue de fournir, en premier lieu, la preuve que son nom figure régulièrement sur la liste électorale.

Idem

(4) Si la personne qui fait l'objet de l'opposition ne se présente pas devant le réviseur lorsque celui-ci étudie l'opposition, l'auteur de l'opposition n'est pas exempté de l'obligation de présenter des éléments de preuve que, en l'absence de preuve contraire, le réviseur juge suffisants pour démontrer que le nom de la personne qui fait l'objet de l'opposition figure irrégulièrement sur la liste électorale.

Décision

(5) Après avoir examiné l'opposition, le réviseur doit radier le nom de la personne qui fait l'objet de l'opposition de la liste électorale sur laquelle elle figure ou permettre qu'il y soit maintenu.

Relevés des changements

71.3 (1) À partir des formules remplies que les réviseurs et les agents réviseurs lui ont transmises, le directeur du scrutin prépare, le onzième jour avant le jour du scrutin, un premier relevé des changements, et un second, le quatrième jour avant le jour du scrutin, dont la teneur est la suivante :

a) les nom, adresse et sexe de tout électeur dont le nom est ajouté à la liste électorale;

b) le détail de toute correction apportée à la liste électorale;

c) les nom, adresse et sexe de tout électeur radié de la liste électorale.

Transmission aux candidats

(2) Le directeur du scrutin transmet dans les meilleurs délais les relevés des changements à chacun des candidats de la circonscription.

LISTE ÉLECTORALE RÉVISÉE

Établissement de la liste électorale révisée

71.31 (1) Le directeur du scrutin dresse, les dixième et troisième jours avant le jour du scrutin, la liste électorale révisée pour chaque section de vote de la circonscription.

for each polling division in the electoral district.

Form of revised list of electors

(2) The revised list of electors shall be in the form established by the Chief Electoral Officer.

(2) La liste électorale révisée est dressée en la forme établie par le directeur général des élections.

Forme de la liste révisée

Transmittal of revised list of electors

(3) Each returning officer shall deliver a copy of the revised list of electors to the appropriate deputy returning officer and two copies to candidates, with one copy being in printed form and one copy in machine readable form, if available.

(3) Le directeur du scrutin remet aux scrutateurs intéressés une copie de la liste révisée. Il en remet aussi deux copies, dont une en format lisible par ordinateur, si telle copie existe, à chacun des candidats.

Transmission de la liste

Idem

(4) Where a request is received from a candidate, a maximum of four copies of the revised list of electors may be provided by the returning officer.

(4) À la demande d'un candidat, le directeur du scrutin lui remet jusqu'à quatre copies supplémentaires de la liste électorale révisée.

Copies supplémentaires

FINAL LIST OF ELECTORS

LISTE ÉLECTORALE DÉFINITIVE

Final list of electors

71.32 (1) Each returning officer shall, as soon as possible after polling day, prepare a final list of electors for each polling division and send that list to the Chief Electoral Officer.

71.32 (1) Chaque directeur du scrutin dresse dans les meilleurs délais après le jour du scrutin la liste électorale définitive pour chaque section de vote et la fait parvenir au directeur général des élections.

Établissement de la liste définitive

Transmittal of final list to member and parties

(2) The Chief Electoral Officer shall deliver two copies of the final list of electors for each electoral district, with one copy being in printed form and one in machine readable form, if available, to each registered party which was represented by a candidate at the election in the electoral district and to the member who was elected for the electoral district.

(2) Le directeur général des élections envoie deux copies de la liste électorale définitive de chaque circonscription, dont une en format lisible par ordinateur, si telle copie existe, à chaque parti enregistré qui avait présenté un candidat lors de l'élection dans la circonscription et au député élu dans la circonscription.

Transmission aux députés et aux partis

Additional copies

(3) The Chief Electoral Officer may, on request, transmit additional copies of the final lists of electors to the member and parties mentioned in subsection (2).

(3) Le directeur général des élections est autorisé à faire parvenir, sur demande, au député et aux partis mentionnés au paragraphe (2) des copies supplémentaires des listes électorales définitives.

Copies supplémentaires

Adequate consideration

(4) The Chief Electoral Officer may require the member and parties mentioned in subsection (2) to provide adequate valuable consideration in respect of the additional copies referred to in subsection (3).

(4) Le directeur général des élections peut exiger une contrepartie valable et suffisante du député et des partis auxquels il est autorisé à faire parvenir des copies supplémentaires des listes électorales définitives.

Contrepartie

Certification of registered electors

71.33 After each election, each returning officer shall, on the basis of the final list of electors, certify the number of registered electors for the electoral district and notify the Chief Electoral Officer accordingly.

71.33 Après chaque élection, le directeur du scrutin certifie pour sa circonscription le nombre d'électeurs inscrits à partir de la liste électorale définitive et en informe le directeur général des élections.

Liste définitive certifiée

OFFENCES

Offences

71.34 Any person is guilty of an offence who

(*a*) obstructs an enumerator, a revising officer or a revising agent, in the performance of duties under this Act;

(*b*) without authority, carries or uses identification intended to be used by an enumerator or a revising agent or intended to replace or simulate the identification prescribed by the Chief Electoral Officer for that purpose; or

(*c*) having been replaced as enumerator, enumeration supervisor, revising officer or revising agent by the returning officer, refuses to deliver or give up to that person's replacement or to an authorized person any papers or documents that the person has received or prepared in the performance of that person's duties.

32. (1) Paragraph 73(1)(*c*) of the said Act is repealed and the following substituted therefor:

(*c*) the date and time when and the place where the returning officer will add up the number of votes given to the several candidates and the date, subject to section 172, shall not be later than seven days after polling day; and

1992, c. 21, s. 14

(2) Subsections 73(2) and (3) of the said Act are repealed.

33. Sections 74 to 76 of the said Act are repealed.

34. (1) Section 77 of the said Act is renumbered as subsection 77(1).

(2) All that portion of paragraph 77(1)(*a*) of the said Act following subparagraph (iv) thereof is repealed and the following substituted therefor:

during the period of five years following the date after the person being so found, reported and expressly declared, convicted, ordered or found guilty;

INFRACTIONS

Infractions

71.34 Commet une infraction quiconque :

a) entrave l'action d'un recenseur, d'un réviseur ou d'un agent réviseur dans l'exercice de ses fonctions;

b) porte ou utilise sans autorisation des pièces d'identité simulant celles des recenseurs ou agents réviseurs ou visant à remplacer ou à simuler celles prescrites par le directeur général des élections à cet effet;

c) ayant été démis de ses fonctions de recenseur, de réviseur, d'agent réviseur ou de superviseur du recensement par le directeur du scrutin, refuse de remettre à son remplaçant ou à la personne autorisée les papiers ou documents qu'il a reçus ou préparés dans le cadre de ses fonctions.

32. (1) L'alinéa 73(1)*c*) de la même loi est abrogé et remplacé par ce qui suit :

c) le jour, l'heure et l'endroit où le directeur du scrutin additionnera les suffrages donnés aux divers candidats, cette addition ne pouvant, sous réserve de l'article 172, être éloignée de plus de sept jours du jour du scrutin;

(2) Les paragraphes 73(2) et (3) de la même loi sont abrogés.

1992, ch. 21, art. 14

33. Les articles 74 à 76 de la même loi sont abrogés.

34. (1) L'article 77 de la même loi devient le paragraphe 77(1).

(2) Le passage de l'alinéa 77(1)*a*) qui suit le sous-alinéa (iv) de la même loi est abrogé et remplacé par ce qui suit :

au cours des cinq années qui suivent la date où elle a été ainsi reconnue, expressément déclarée inéligible à la suite d'un rapport, déclarée coupable, condamnée ou trouvée coupable;

(3) Paragraph 77(1)(*c*) of the said Act is repealed.

(4) Paragraph 77(1)(*f*) of the said Act is repealed.

(5) Subsection 77(1) of the said Act is further amended by striking out the word "and" at the end of paragraph (*g*) thereof and by adding thereto the following paragraphs:

(*i*) every judge appointed by the Governor in Council other than a citizenship judge appointed under the *Citizenship Act*;

(*j*) every person who is imprisoned in a correctional institution as a result of a conviction for an offence; and

(*k*) election officers.

(6) Section 77 of the said Act is further amended by adding thereto, the following subsection:

Forfeit of right

(2) A person forfeits the right to be a candidate if the person was a candidate in a previous election and a return for the candidate under section 228 in respect of that election is not filed, although the time and any extension for filing the return have expired.

35. Subsection 78(1) of the said Act is repealed.

36. Subsection 79(6) of the said Act is repealed.

37. Section 80 of the said Act is repealed and the following substituted therefor:

Minimum number of signatures required

80. A prospective candidate shall be nominated by at least one hundred electors resident in the electoral district or, in the case of an electoral district listed in Schedule III of this Act, at least fifty such electors.

Schedule III

80.1 Where a prospective candidate in an electoral district listed in Schedule III is not able to have the nomination documents filed at the office of the returning officer before the expiration of the prescribed deadlines, the returning officer may authorize a person to receive those documents in a place desig-

(3) L'alinéa 77(1)*c*) de la même loi est abrogé.

(4) L'alinéa 77(1)*f*) de la même loi est abrogé.

(5) Le paragraphe 77(1) de la même loi est modifié par adjonction de ce qui suit :

i) toute personne qui est un juge nommé par le gouverneur en conseil, à l'exception des juges de la citoyenneté nommés sous le régime de la *Loi sur la citoyenneté*;

j) toute personne qui est détenue dans un établissement correctionnel et y purge une peine pour avoir commis une infraction;

k) les fonctionnaires électoraux.

(6) L'article 77 de la même loi est modifié par adjonction de ce qui suit :

(2) Une personne est déchue de son droit d'être candidat si elle s'est portée candidat à une élection antérieure et si le rapport visé à l'article 228 n'a pas été produit relativement à cette élection dans les délais ou les délais additionnels impartis pour sa production.

Déchéance du droit de se porter candidat

35. Le paragraphe 78(1) de la même loi est abrogé.

36. Le paragraphe 79(6) de la même loi est abrogé.

37. L'article 80 de la même loi est abrogé et remplacé par ce qui suit :

80. Toute candidature doit être présentée par un groupe d'au moins cent électeurs de la circonscription ou, dans le cas d'une circonscription inscrite à l'annexe III, un groupe d'au moins cinquante électeurs.

Nombre minimal de signataires

80.1 Dans le cas où une personne qui désire se porter candidat dans une circonscription mentionnée à l'annexe III ne peut faire parvenir les documents de présentation au directeur du scrutin avant l'expiration des délais fixés, le directeur du scrutin peut autoriser une personne à les recevoir au lieu

Annexe III

nated by the returning officer or may authorize the filing by other means, if all original documents are sent to the returning officer within ten days after nomination day.

38. (1) Paragraphs 81(1)(*b*) to (*d*) are repealed and the following substituted therefor:

(*b*) the nomination paper shall be signed by the persons referred to in section 80, in the presence of a witness, and each of the persons so signing shall state in the nomination paper that person's address and occupation;

(*c*) the nomination paper shall be signed by a witness to the signature of each of the persons who sign the nomination paper pursuant to paragraph (*b*) and the witness so signing shall state in the nomination paper the address and occupation of the witness;

(*d*) a statement under oath in the nomination paper that the candidate consents to the nomination shall be signed and sworn to by the candidate in the presence of a witness who is qualified as an elector, other than the person who administers the oath, and the nomination paper shall be signed by that witness;

(2) Paragraph 81(1)(*f*) of the said Act is repealed and the following substituted therefor:

(*f*) where the candidate is nominated, the person filing the nomination paper shall use due diligence to ensure that the signatures on the nomination paper were all made by electors resident in the electoral district;

(3) Subparagraphs 81(1)(*g*)(i) and (ii) of the said Act are repealed and the following substituted therefor:

(i) the person knows the candidate,

(ii) the person is qualified as an elector, and

(iii) the candidate signed the consent to the nomination in the person's presence,

qu'il fixe ou en autoriser la transmission à son bureau par tout moyen qu'il détermine à la condition que les originaux de ces documents lui soient envoyés au plus tard dix jours après le jour des présentations.

38. (1) Les alinéas 81(1)*b*) à *d*) de la même loi sont abrogés et remplacés par ce qui suit :

b) le bulletin de présentation est signé, en présence d'un témoin, par chacune des personnes mentionnées à l'article 80, et chacune des personnes qui signent indique dans le bulletin de présentation son adresse et sa profession;

c) le bulletin de présentation est signé par un témoin qui peut attester de la signature de chacune des personnes qui signent le bulletin de présentation aux termes de l'alinéa *b*), le témoin indiquant lui aussi dans le bulletin de présentation son adresse et sa profession;

d) le candidat signe et atteste sous serment dans le bulletin de présentation une déclaration par laquelle il consent à être présenté, et cela en présence d'un témoin qui a qualité d'électeur et qui signe le bulletin de présentation, la personne devant laquelle il prête serment ne pouvant toutefois agir comme témoin;

(2) L'alinéa 81(1)*f*) de la même loi est abrogé et remplacé par ce qui suit :

f) la personne qui dépose la déclaration de candidature appuyée par un groupe d'électeurs prend les mesures nécessaires pour s'assurer que les signataires de la déclaration sont des électeurs résidant dans la circonscription;

(3) Les sous-alinéas 81(1)*g*)(i) et (ii) de la même loi sont abrogés et remplacés par ce qui suit :

(i) qu'elle connaît le candidat,

(ii) qu'elle a qualité d'électeur,

(iii) que le candidat a signé en sa présence le consentement à sa présentation,

700

(4) Paragraphs 81(1)(*i*) to (*k*) of the said Act are repealed and the following substituted therefor:

(*i*) where an instrument referred to in paragraph (*h*) is not filed in accordance with that paragraph, the candidate shall indicate in the candidate's nomination paper whether the candidate wishes to be referred to as independent or have nothing shown in the election documents;

(*j*) the amount of $1,000 must be deposited with the returning officer at the same time as the nomination paper and one half of the deposit shall be returned to the candidate on satisfaction of the conditions set out in paragraph 84(3)(*a*), while the other half shall be returned on satisfaction of the conditions set out in paragraph 84(3)(*b*);

(*k*) a declaration, signed by the candidate, stating that the candidate has appointed an official agent in the manner set out in subsection 215(1) shall be handed to the returning officer at the time the nomination paper is filed, which declaration shall set out the official agent's name, address and occupation and be accompanied by the document referred to in subsection 215(1); and

(*l*) where a candidate has substituted the candidate's nickname for one or more of the candidate's given names in the nomination paper as permitted by paragraph 81(2)(*a*.1), such documents evidencing the common public knowledge and acceptance of the nickname of the candidate as are determined by the Chief Electoral Officer shall, on request, be filed with the returning officer.

(5) Paragraph 81(2)(*a*) of the said Act is repealed and the following substituted therefor:

(*a*) the name of the candidate shall not include any title, degree or other prefix or suffix;

(*a*.1) one or more of the given names of the candidate may be replaced by the nickname by which the candidate is publicly known, in which case, the nickname may

(4) Les alinéas 81(1)*i*) à *k*) de la même loi sont abrogés et remplacés par ce qui suit :

i) lorsqu'un acte écrit mentionné à l'alinéa *h*) n'est pas déposé conformément à cet alinéa, le candidat indique dans son bulletin de présentation s'il veut être désigné par le mot « indépendant » ou qu'aucune désignation ne le qualifie dans les documents d'élection;

j) un dépôt de mille dollars est remis au directeur du scrutin en même temps que le bulletin de présentation, la moitié de ce dépôt étant remboursable au candidat aux conditions énoncées à l'alinéa 84(3)*a*), l'autre à celles énoncées à l'alinéa 84(3)*b*);

k) une déclaration signée par le candidat attestant qu'il a nommé un agent officiel selon la procédure du paragraphe 215(1) est remise au directeur du scrutin au moment où le bulletin de présentation est déposé; cette déclaration énonce les nom, adresse et profession de l'agent officiel et est accompagnée du document visé à ce paragraphe;

l) dans le cas où le candidat a remplacé son prénom par un surnom dans le bulletin de présentation en vertu de l'alinéa 81(2)*a*.1), les documents déterminés par le directeur général des élections attestant que le candidat est publiquement connu sous ce surnom sont remis au directeur du scrutin, si ce dernier les exige.

(5) L'alinéa 81(2)*a*) de la même loi est abrogé et remplacé par ce qui suit :

a) le nom du candidat ne peut être ni précédé ni suivi de ses titres, grades ou de tout autre préfixe ou suffixe;

a.1) le ou les prénoms du candidat peuvent être remplacés par un surnom sous lequel il est publiquement connu; dans ce cas le

be accompanied by the initial or initials of the candidate's given name;

(*a*.2) a normal abbreviation of one or more of the candidate's given names may be substituted for the given name; and

(6) Subsection 81(3) of the said Act is amended by adding the word "and" at the end of paragraph (*a*) thereof and by repealing paragraphs (*b*) and (*c*) thereof and substituting the following therefor:

(*b*) if no instrument or request is filed in accordance with paragraph (1)(*h*), the candidate shall be described in the manner shown in the candidate's nomination paper.

39. The said Act is further amended by adding thereto, immediately after section 82 thereof, the following section:

Authority of candidate to enter building

82.1 A candidate and the candidate's representative may enter any apartment building or other multiple residence during reasonable hours for the purpose of conducting the campaign.

40. Subsection 83(1) of the said Act is repealed and the following substituted therefor:

Nomination paper not invalid

83. (1) Where a nomination paper is signed by more than the number of persons required by section 80, the nomination paper is not invalid by reason only that some of those persons are not qualified as electors, if at least the minimum number of persons who signed are qualified as electors in the electoral district.

41. Subsections 84(2) and (3) of the said Act are repealed and the following substituted therefor:

Deposit to Receiver General

(2) The full amount of every deposit shall forthwith after its receipt be transmitted by the returning officer to the Chief Electoral Officer who shall in turn forthwith transmit it to the Receiver General.

Disposition of deposit

(3) The amount deposited by a candidate pursuant to section 81 shall be dealt with in the following way:

surnom peut être accompagné des initiales du ou des prénoms du candidat;

a.2) il peut être substitué aux prénoms du candidat une abréviation courante de ceux-ci;

(6) Les alinéas 81(3)*b*) et *c*) de la même loi sont abrogés et remplacés par ce qui suit :

b) à défaut de production d'un acte ou d'une requête conformément à l'alinéa (1)*h*), le candidat est désigné de la façon indiquée dans son bulletin de présentation.

39. La même loi est modifiée par insertion, après l'article 82, de ce qui suit :

Droit d'accès

82.1 Un candidat et son représentant sont autorisés à entrer dans tout immeuble ou autre édifice à logements multiples à des heures raisonnables dans le but de faire campagne.

40. Le paragraphe 83(1) de la même loi est abrogé et remplacé par ce qui suit :

Validité du bulletin de présentation

83. (1) Lorsqu'un bulletin de présentation est signé par plus du nombre de personnes visé à l'article 80, le seul fait que l'une ou plusieurs de ces personnes n'ont pas qualité d'électeur n'invalide pas le bulletin si au moins le nombre minimal requis de signataires ont qualité d'électeur dans la circonscription.

41. Les paragraphes 84(2) et (3) de la même loi sont abrogés et remplacés par ce qui suit :

Transmission du dépôt

(2) Le directeur du scrutin transmet sans délai le plein montant de chaque dépôt au directeur général des élections qui le remet, sans délai après l'avoir reçu, au receveur général.

Disposition du dépôt

(3) Il est disposé de la somme déposée par un candidat en conformité avec l'article 81 selon les modalités suivantes :

(*a*) where the candidate's return referred to in section 228 has been transmitted within the time provided therefor and the candidate has complied, to the satisfaction of the Chief Electoral Officer, with subsection 219(2), fifty per cent of the deposit shall be returned to the candidate's official agent, otherwise, that amount belongs to Her Majesty in right of Canada;

(*b*) where the candidate receives at least fifteen per cent of the votes cast in an election in the electoral district in which the candidate was nominated pursuant to this Act, fifty per cent of the deposit shall be returned to the candidate's official agent, otherwise, that amount belongs to Her Majesty in right of Canada;

(*c*) where a candidate dies before the closing of all the polls, the deposit shall be returned to the official agent or to such other person as may be determined by the Chief Electoral Officer; and

(*d*) in any other event, the full amount of the deposit belongs to Her Majesty in right of Canada.

42. (1) Subsection 88(1) of the said Act is repealed and the following substituted therefor:

Withdrawal of candidates

88. (1) A candidate may withdraw at any time prior to 5:00 p.m. on nomination day by filing, in person, with the returning officer a declaration in writing to that effect signed by the candidate and attested by the signatures of two electors who are qualified to vote in the electoral district in which the candidate was nominated.

(2) Subsections 88(3) and (4) of the said Act are repealed.

43. Section 91 of the said Act is repealed and the following substituted therefor:

Postponement of nomination day on death of candidate

91. (1) Where a candidate endorsed by a registered party dies during the period beginning on the fifth day before the close of nominations and ending at the close of polls on polling day, the returning officer shall, after communicating with the Chief Electoral Officer, fix as the day for the nomination

a) dans le cas où le rapport prévu à l'article 228 a été transmis dans le délai imparti et où le candidat s'est conformé aux exigences du paragraphe 219(2) à la satisfaction du directeur général des élections, cinquante pour cent du dépôt est restitué à l'agent officiel du candidat; dans le cas contraire, cette somme appartient à Sa Majesté du chef du Canada;

b) dans le cas où le candidat obtient au moins quinze pour cent des votes exprimés dans une élection tenue dans la circonscription où il a été présenté en conformité avec la présente loi, cinquante pour cent du dépôt est restitué à son agent officiel; dans le cas contraire, cette somme appartient à Sa Majesté du chef du Canada;

c) dans le cas où un candidat décède avant la clôture de tous les bureaux de scrutin, son dépôt est remboursé à l'agent officiel ou à toute personne choisie par le directeur général des élections;

d) en toute autre circonstance, le dépôt appartient en totalité à Sa Majesté du chef du Canada.

42. (1) Le paragraphe 88(1) de la même loi est abrogé et remplacé par ce qui suit :

Désistement des candidats

88. (1) Un candidat qui a été officiellement présenté à une élection peut se désister à tout moment avant dix-sept heures le jour des présentations, en remettant personnellement au directeur du scrutin une déclaration écrite dans ce sens, signée par lui et attestée par les signatures de deux électeurs habiles à voter dans la circonscription où il était officiellement présenté.

(2) Les paragraphes 88(3) et (4) de la même loi sont abrogés.

43. L'article 91 de la même loi est abrogé et remplacé par ce qui suit :

Ajournement de la présentation lors du décès d'un candidat

91. (1) Lorsqu'un candidat parrainé par un parti enregistré décède au cours de la période débutant le cinquième jour précédant la clôture des présentations et prenant fin à la fermeture des bureaux de scrutin le jour du scrutin, le directeur du scrutin, après avoir communiqué avec le directeur général

of candidates in that electoral district the second Monday following the date of the candidate's death.

Notice and proclamation of new nomination and polling days

(2) Notice of the day fixed for the nomination of candidates pursuant to subsection (1) shall be given by a further proclamation distributed and posted as specified by the Chief Electoral Officer, and there shall also be named by the proclamation a new day for polling, which shall be Monday, the twenty-eighth day after the new day fixed for the nomination of candidates.

Lists of electors

(3) The lists of electors to be used at a postponed election shall be the official list of electors prepared and revised after the issue of the writ until the fifth day before the new polling day.

Postponement of election

91.1 The postponement of an election pursuant to section 91 and the setting of another date for the nomination of candidates does not invalidate the nomination of the other candidates.

Ballots void

91.2 Where an election is postponed under section 91, all ballots are void and shall be destroyed.

44. (1) All that portion of subsection 93(2) of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Notice of a grant of poll

(2) Where a poll is granted pursuant to subsection (1), the returning officer shall, within the five days immediately following the day on which the poll is granted, post in the office of the returning officer a notice of grant of a poll in the prescribed form indicating

(2) Paragraph 93(2)(*c*) of the said Act is repealed and the following substituted therefor:

(*c*) the name, if any, and the number of each of the polling divisions and the address of the polling stations in that electoral district.

(3) Subsections 93(3) and (4) of the said Act are repealed and the following substituted therefor:

des élections, fixe comme autre jour des présentations des candidats dans la circonscription le deuxième lundi suivant la date du décès.

Nouvelle proclamation

(2) Dans le cas prévu au paragraphe (1), une nouvelle proclamation, distribuée et affichée de la manière indiquée par le directeur général des élections, donne avis du nouveau jour ainsi fixé. Cette proclamation fixe aussi le jour du scrutin au lundi, vingt-huitième jour suivant le nouveau jour des présentations des candidats.

Listes électorales

(3) Les listes électorales devant servir à une élection ajournée sont les listes électorales officielles dressées et révisées jusqu'au cinquième jour précédant le nouveau jour du scrutin.

Validité des autres mises c candidature

91.1 L'ajournement du scrutin en vertu de l'article 91 et la fixation d'un autre jour pour la présentation des candidats ne portent pas atteinte à la validité de la mise en candidature des autres candidats.

Destruction d bulletins

91.2 Lorsque le scrutin est ajourné en vertu de l'article 91, tous les bulletins de vote sont nuls et sont détruits.

44. (1) Le passage du paragraphe 93(2) qui précède l'alinéa *a*) est abrogé et remplacé par ce qui suit :

Affichage de l'avis d'un scrutin

(2) Lorsqu'il décide de tenir un scrutin en conformité avec le paragraphe (1), le directeur du scrutin, dans les cinq jours qui suivent, affiche dans son bureau un avis d'un scrutin, selon la formule prescrite, indiquant :

(2) L'alinéa 93(2)*c*) de la même loi est abrogé et remplacé par ce qui suit :

c) le nom, s'il y a lieu, et le numéro de chacune des sections de vote et l'adresse de chacun des bureaux de scrutin de cette circonscription.

(3) Les paragraphes 93(3) et (4) de la même loi sont abrogés et remplacés par ce qui suit :

Idem

(3) Where a poll is granted pursuant to subsection (1), the returning officer shall send to every deputy returning officer or central poll supervisor, as the case may be, one copy of the notice of grant of a poll referred to in subsection (2) and every deputy returning officer or central poll supervisor shall post the notice in the polling station.

Idem

(3) Lorsqu'il décide de tenir un scrutin en conformité avec le paragraphe (1), le directeur du scrutin envoie une copie d'un avis d'un scrutin prévu au paragraphe (2) à chaque scrutateur ou à chaque superviseur d'un centre de scrutin; ceux-ci sont tenus de l'afficher dans le bureau de scrutin.

Returning officer to send document

(4) The returning officer shall send to each candidate, on the later of the thirty-fifth day before polling day and the day the candidate is nominated, up to ten copies of a document setting out a description of the boundaries of the polling divisions in the electoral district.

Limites des sections de vote

(4) Le trente-cinquième jour avant le jour du scrutin ou à la date de présentation du candidat, selon la dernière de ces dates, le directeur du scrutin transmet à chaque candidat au plus dix copies d'un document contenant la description des limites de chacune des sections de vote de la circonscription.

45. Subsection 94(3) of the said Act is repealed and the following substituted therefor:

45. Le paragraphe 94(3) de la même loi est abrogé et remplacé par ce qui suit :

Misuse prohibited

(3) No person shall use the whole or any part of a list of electors prepared for the purposes of this Act for other than political purposes, as defined in Schedule II, and federal, provincial and municipal electoral purposes.

Usages interdits

(3) Nul ne peut utiliser une liste électorale dressée pour l'application de la présente loi, ou partie d'une telle liste, sauf à des fins politiques, au sens de l'annexe II, ou dans le cadre d'une élection fédérale, provinciale ou municipale.

Authorized persons

(4) The Chief Electoral Officer may transmit copies of the lists of electors to the Chief Electoral Officers of the provinces and the clerks of municipalities.

Personnes autorisées

(4) Le directeur général des élections est autorisé à faire parvenir des copies des listes électorales aux directeurs généraux des élections des provinces et aux greffiers des municipalités.

Adequate consideration

(5) The Chief Electoral Officer may require the persons referred to in subsection (4) to provide adequate valuable consideration in order that they may receive copies of the lists of electors.

Contrepartie

(5) Le directeur général des élections peut exiger une contrepartie valable et suffisante des personnes autorisées à recevoir une copie des listes électorales.

46. Subsection 95(1) of the said Act is repealed and the following substituted therefor:

46. Le paragraphe 95(1) de la même loi est abrogé et remplacé par ce qui suit :

Deputy returning officer

95. (1) As soon as convenient after the issue of the writ, a returning officer shall, in the prescribed form, appoint one deputy returning officer in each polling station in the electoral district to be appointed from lists supplied by the candidate of the registered party, in the current election, whose candidate finished first in that electoral district in the last election.

Scrutateurs

95. (1) Dès que possible après la délivrance du bref, le directeur du scrutin, selon la formule prescrite, nomme un scrutateur pour chacun des bureaux de scrutin de la circonscription. Le choix des scrutateurs se fait à partir de listes fournies par le candidat, à l'élection en cours, du parti enregistré dont le candidat s'est classé premier dans la circonscription lors de la dernière élection.

47. Section 97 of the said Act is repealed and the following substituted therefor:

47. L'article 97 de la même loi est abrogé et remplacé par ce qui suit :

Poll clerks

97. (1) As soon as convenient after the issue of the writ, a returning officer shall, in the prescribed form, appoint one poll clerk in each polling station in the electoral district to be appointed from lists supplied by the candidate of the registered party, in the current election, whose candidate finished second in the electoral district in the last election.

Greffiers du scrutin

97. (1) Aussitôt que possible après la délivrance du bref, le directeur du scrutin nomme, selon la formule prescrite, un greffier du scrutin pour chacun des bureaux de scrutin de la circonscription. Le choix des greffiers du scrutin se fait à partir de listes fournies par le candidat, à l'élection en cours, du parti enregistré dont le candidat s'est classé deuxième dans la circonscription lors de la dernière élection.

Oath

(2) Each poll clerk shall, before acting, take an oath in the prescribed form.

Serment

(2) Avant d'exercer ses fonctions, le greffier du scrutin prête serment selon la formule prescrite.

Appointment of election officers

97.1 A returning officer shall proceed to appoint election officers under sections 95 and 97 without the lists, if the candidates have not, by the seventeenth day before polling day, made their recommendations or have not recommended a sufficient number of qualified persons.

Décision du directeur du scrutin en l'absence de recommandation

97.1 Si les candidats n'ont pas fait, au plus tard le dix-septième jour avant le jour du scrutin, leurs recommandations ou n'ont pas recommandé un nombre suffisant de personnes qualifiées, le directeur du scrutin procède à la nomination des fonctionnaires électoraux visés aux articles 95 et 97 sans se fonder sur les listes.

Refusal to appoint deputy returning officer

97.2 A returning officer may, on reasonable grounds, refuse to appoint a deputy returning officer or a poll clerk recommended by a candidate and shall advise the candidate of the refusal immediately.

Refus du directeur

97.2 Le directeur du scrutin peut, pour des motifs raisonnables, refuser de nommer à titre de scrutateur ou de greffier du scrutin une personne recommandée par un candidat. Il en avise sans délai le candidat en cause.

Recommendation of another person

97.3 The candidate may, within twenty-four hours after being advised of the refusal referred to in section 97.2, recommend another person or allow the returning officer to make the appointment alone.

Décision du parti en cas de refus du directeur

97.3 Le candidat peut, dans les vingt-quatre heures de l'avis du refus, recommander une autre personne ou permettre au directeur du scrutin de procéder seul à la nomination.

48. Subsection 98(3) of the said Act is repealed and the following substituted therefor:

48. Le paragraphe 98(3) de la même loi est abrogé et remplacé par ce qui suit :

Another poll clerk appointed

(3) Where a poll clerk acts as deputy returning officer, the poll clerk shall, in the prescribed form, appoint a poll clerk to act in the poll clerk's place, and the poll clerk so appointed shall, before acting as such, take the oath pursuant to subsection 97(2).

Nomination d'un autre greffier du scrutin

(3) Le greffier du scrutin lorsqu'il exerce les fonctions de scrutateur doit, selon la formule prescrite, nommer pour le remplacer un greffier du scrutin qui, avant d'exercer ses fonctions, prête le serment visé au paragraphe 97(2).

49. Subsections 99(2) to (5) of the said Act are repealed and the following substituted therefor:

49. Les paragraphes 99(2) à (5) de la même loi sont abrogés et remplacés par ce qui suit :

Ballot box

(2) Each ballot box shall be made of suitable material in the manner prescribed by the Chief Electoral Officer.

Urnes

(2) Les urnes doivent être conformes au modèle déterminé par le directeur général des élections et fabriquées en un matériau indiqué pour leur usage.

Idem (3) Each ballot box shall be constructed in such a manner that it is possible to affix the seals prescribed by the Chief Electoral Officer for the use of returning officers and deputy returning officers.

50. Paragraphs 100(1)(*c*) and (*d*) of the said Act are repealed and the following substituted therefor:

(*c*) where the political affiliation indicated by a candidate under section 81 is a registered party, the name, the short form or the abbreviation of the name of the registered party shall be set out in the form that has been indicated by the leader of the party pursuant to sections 24 to 32; and

(*d*) where

(i) there are two or more candidates having the same name, more than one of whom has filed a request in accordance with paragraph 81(1)(*i*), and

(ii) any of those candidates has, not later than three hours after the close of nominations, informed the returning officer, in writing, that the candidate wishes to be described on the ballot paper by the candidate's address or occupation,

the address or occupation of that candidate, as indicated by that candidate, shall be set out, after or under the name of the candidate.

51. Section 101 of the said Act is repealed and the following substituted therefor:

Correction **101.** Any candidate may, within three hours after the close of nominations, supply in writing to the returning officer any particulars of the candidate's address or occupation that the candidate considers to have been insufficiently or inaccurately given in the heading of the candidate's nomination paper or may, in writing, direct the returning officer to omit any of the candidate's given names from the ballot paper or to indicate those names by initial only, and the returning officer shall comply with that direction and include in the ballot paper those additional or corrected particulars.

Idem (3) Les urnes sont fabriquées de telle sorte que les sceaux dont le modèle est fixé par le directeur général des élections à l'usage des directeurs du scrutin et des scrutateurs puissent y être apposés.

50. Les alinéas 100(1)*c*) et *d*) de la même loi sont abrogés et remplacés par ce qui suit :

c) est énoncé, lorsque l'appartenance politique indiquée par un candidat en vertu de l'article 81 est un parti enregistré, le nom, le nom en sa forme abrégée ou l'abréviation du nom du parti enregistré tels qu'ils ont été donnés par le chef du parti, conformément aux articles 24 à 32;

d) est énoncée, après ou sous le nom du candidat, l'adresse ou la profession qu'il a lui-même donnée, lorsque :

(i) deux candidats ou plus ont le même nom de famille et que plus d'un de ces candidats a déposé une requête conformément à l'alinéa 81(1)*i*),

(ii) l'un ou l'autre de ces candidats a, au plus tard trois heures après la clôture des présentations, informé par écrit le directeur du scrutin qu'il veut faire mentionner son adresse ou sa profession sur le bulletin de vote.

51. L'article 101 de la même loi est abrogé et remplacé par ce qui suit :

Correction **101.** Tout candidat peut, au cours des trois heures qui suivent la clôture des présentations, fournir par écrit au directeur du scrutin tous détails concernant son adresse ou sa profession qu'il juge avoir été donnés de façon incomplète ou inexacte dans l'entête de son bulletin de présentation ou peut, par écrit, donner instruction au directeur du scrutin d'omettre du bulletin de vote l'un quelconque de ses prénoms ou de l'indiquer par une initiale seulement. Le directeur du scrutin se conforme à ces instructions et insère dans le bulletin de vote ces détails supplémentaires ou y apporte ces corrections.

52. (1) Paragraph 102(2)(*b*) of the said Act is repealed and the following substituted therefor:

(*b*) be printed on paper of the weight and opacity that is prescribed by the Chief Electoral Officer.

(2) Subsection 102(4) of the said Act is repealed.

1992, c. 21, s. 15

53. Section 104 of the said Act is repealed and the following substituted therefor:

Materials to be supplied to deputy returning officers

104. (1) A returning officer shall furnish each deputy returning officer in the electoral district, before polling begins, with

(*a*) a sufficient number of ballot papers for at least the number of electors on the official list of electors of the deputy's polling station;

(*b*) a statement showing the number of ballot papers that are supplied, with their serial numbers;

(*c*) the necessary materials for electors to mark their ballots;

(*d*) an adequate number of templates, furnished by the Chief Electoral Officer, to enable electors who are blind or visually impaired to mark their ballots without assistance;

(*e*) a copy of the instructions prescribed by the Chief Electoral Officer, referred to in section 22;

(*f*) the official list of electors for use at the polling station;

(*g*) a ballot box;

(*h*) the forms of oaths to be administered to electors; and

(*i*) the necessary envelopes, other forms and supplies that may be authorized or furnished by the Chief Electoral Officer.

Safe-keeping of ballot papers, etc.

(2) Until the opening of the poll, each deputy returning officer is responsible for all election materials in the possession of the deputy returning officer and the deputy returning officer shall take every precaution

52. (1) L'alinéa 102(2)*b*) de la même loi est abrogé et remplacé par ce qui suit :

b) être imprimés sur du papier dont les caractéristiques de poids et d'opacité sont déterminées par le directeur général des élections.

(2) Le paragraphe 102(4) de la même loi est abrogé.

53. L'article 104 de la même loi est abrogé et remplacé par ce qui suit :

1992, ch. 21, art. 15

Accessoires à fournir aux scrutateurs

104. (1) Le directeur du scrutin fournit à chaque scrutateur de sa circonscription, avant le début du scrutin :

a) au moins la quantité voulue de bulletins de vote pour le nombre d'électeurs inscrits sur la liste électorale officielle du bureau de scrutin de ce scrutateur;

b) un état donnant le nombre de bulletins de vote ainsi fournis et leurs numéros de série;

c) le matériel nécessaire aux électeurs pour marquer leur bulletin;

d) un nombre suffisant de gabarits fournis par le directeur général des élections pour permettre aux électeurs aveugles ou ayant une déficience visuelle de marquer leur bulletin sans assistance;

e) un exemplaire des instructions prises par le directeur général des élections, mentionnées à l'article 22;

f) la liste électorale officielle à utiliser à son bureau de scrutin;

g) une urne;

h) les formules des divers serments à faire prêter aux électeurs;

i) les enveloppes nécessaires et toutes autres formules et fournitures que le directeur général des élections peut autoriser ou procurer.

Garde des bulletins de vote, etc.

(2) Jusqu'à l'ouverture du scrutin, chaque scrutateur est responsable de tous les documents d'élection en sa possession, prend toutes les précautions pour leur bonne garde

for their safe-keeping and to prevent any person from having unlawful access to them.

54. (1) Subsection 106(1) of the said Act is repealed and the following substituted therefor:

Central polling place

106. (1) A returning officer may, where the returning officer considers it advisable, establish a central polling place where the polling stations of all or any of the polling divisions of any locality may be centralized, except that no central polling place that is established shall comprise more than fifteen polling divisions unless

(*a*) it is the usual practice in a locality to establish a central polling place for civic, municipal or provincial elections; and

(*b*) the Chief Electoral Officer has given prior permission for the establishment of a central polling place that comprises more than fifteen polling divisions.

(2) Subsection 106(3) of the said Act is repealed and the following substituted therefor:

Central poll supervisor

(3) Where a returning officer establishes a central polling place under subsection (1) in which four or more polling stations are centralized, the returning officer may appoint a person, who shall be called a central poll supervisor, to attend at the central polling place on polling day and keep the returning officer promptly and fully informed in respect of all matters affecting or likely to affect peace and good order in the central polling place.

55. Subsections 108(2) and (3) of the said Act are repealed and the following substituted therefor:

Delivery of list to deputy returning officer

(2) A returning officer shall deliver one copy of the official list of electors to each deputy returning officer for that officer's polling station by enclosing it where possible in the ballot box with the ballot papers and other supplies required by section 104.

56. Sections 109 and 110 of the said Act are repealed and the following substituted therefor:

et empêche qui que ce soit d'y avoir illégalement accès.

54. (1) Le paragraphe 106(1) de la même loi est abrogé et remplacé par ce qui suit :

Centre de scrutin

106. (1) Le directeur du scrutin peut, lorsqu'il le juge à propos, établir un centre de scrutin là où les bureaux de scrutin de l'une, de plusieurs ou de la totalité des sections de vote d'une localité peuvent être centralisés, mais aucun centre de scrutin ainsi établi ne peut comprendre plus de quinze sections de vote, sauf si :

a) d'une part, c'est la coutume dans une localité d'établir un centre de scrutin pour les élections municipales ou provinciales;

b) d'autre part, le directeur général des élections a donné au préalable son autorisation pour l'établissement d'un centre de scrutin comprenant plus de quinze sections de vote.

(2) Le paragraphe 106(3) de la même loi est abrogé et remplacé par ce qui suit :

Superviseur

(3) Le directeur du scrutin qui, en vertu du paragraphe (1), établit un centre de scrutin où au moins quatre bureaux de scrutin sont centralisés peut nommer, pour tout le jour du scrutin, un superviseur de centre de scrutin chargé de l'informer rapidement et complètement de tout ce qui trouble ou pourrait troubler la paix et le bon ordre au centre de scrutin.

55. Les paragraphes 108(2) et (3) de la même loi sont abrogés et remplacés par ce qui suit :

Remise de la liste au scrutateur

(2) Le directeur du scrutin transmet à chaque scrutateur une copie de la liste électorale officielle pour son bureau de scrutin en la déposant si possible dans l'urne avec les bulletins de vote et autres fournitures visés à l'article 104.

56. Les articles 109 et 110 de la même loi sont abrogés et remplacés par ce qui suit :

Application

109. (1) All the provisions of this section and sections 111 to 113 apply notwithstanding anything contained in this Act.

Dividing lists for large polling divisions

(2) Where the number of names on the official list of electors for any polling division is such that the electors will not be adequately served by one polling station, the returning officer shall, unless the Chief Electoral Officer directs not to do so, for the purposes of the election, provide within that polling division sufficient separate and adjacent polling stations, so that the name of every elector on the official list of electors for the polling division appears on only one of the parts of the list of electors allotted to various polling stations.

57. (1) Subsection 111(1) of the said Act is repealed and the following substituted therefor:

Dividing lists

111. (1) The returning officer shall divide the official list of electors for a polling division into as many separate lists as are required for the taking of the votes at each polling station established in it by dividing the list numerically according to the consecutive number given to each elector registered on the official list of electors so that approximately an equal number of electors will be allotted to each polling station.

(2) Subsection 111(3) of the said Act is repealed and the following substituted therefor:

Alphabetical list of electors

(3) Where it is necessary to prepare an alphabetical list of electors pursuant to section 71.11, the returning officer shall divide the list by cutting it between two initial letters of the surnames of the electors, as they appear on it, that is to say, between K and L or between R and S, as the case may be.

58. Subsections 112(2) to (6) of the said Act are repealed.

59. Section 113 of the said Act is repealed.

60. Subsection 114(3) of the said Act is repealed and the following substituted therefor:

Application

109. (1) Le présent article et les articles 111 à 113 s'appliquent par dérogation à toute autre disposition de la présente loi.

Division des listes pour les grandes sections de vote

(2) Lorsque le nombre d'électeurs inscrits sur la liste électorale officielle d'une section de vote est tel qu'un seul bureau de scrutin ne permettra pas d'offrir des services convenables, le directeur du scrutin, sauf instructions contraires du directeur général des élections, établit dans cette section de vote, pour l'élection, un nombre suffisant de bureaux de scrutin, séparés et adjacents, de sorte que le nom de tout électeur sur la liste électorale officielle de la section de vote figure sur une, et une seulement, des parties de la liste électorale attribuée aux divers bureaux de scrutin.

57. (1) Le paragraphe 111(1) de la même loi est abrogé et remplacé par ce qui suit :

Division des listes

111. (1) Le directeur du scrutin divise la liste officielle des électeurs en autant de listes distinctes qu'il faut pour la tenue du scrutin à chaque bureau de scrutin qui y est établi. La liste est divisée numériquement d'après le numéro d'ordre donné à chaque électeur inscrit sur la liste officielle des électeurs, de manière qu'un nombre à peu près égal d'électeurs soit attribué à chacun des bureaux de scrutin.

(2) Le paragraphe 111(3) de la même loi est abrogé et remplacé par ce qui suit :

Division par ordre alphabétique

(3) Là où il faut dresser une liste électorale alphabétique, en conformité avec l'article 71.11, le directeur du scrutin divise la liste en coupant entre deux lettres initiales des noms de famille des électeurs tels qu'ils y figurent c'est-à-dire entre K et L ou entre R et S, selon le cas.

58. Les paragraphes 112(2) à (6) de la même loi sont abrogés.

59. L'article 113 de la même loi est abrogé.

60. Le paragraphe 114(3) de la même loi est abrogé et remplacé par ce qui suit :

Oath of secrecy

(3) Each of the agents of a candidate, on being admitted to the polling station, shall take an oath in the prescribed form to keep secret the name of the candidate for whom the ballot paper of any elector is marked in the presence of that agent.

61. Subsection 115(4) of the said Act is repealed and the following substituted therefor:

Examination of list of electors and conveying information

(4) An agent of a candidate may

(*a*) during the hours of polling, but at no other time, examine the list of electors and take any information from it except where an elector would be delayed in casting the elector's vote thereby; and

(*b*) convey, during the hours of polling, any information obtained by the examination referred to in paragraph (*a*) to any agent of the candidate who is on duty outside the polling station.

Communications device

(5) A candidate's representative may not, during the hours of polling, at a polling station, use a communications device.

62. Subsection 116(1) of the said Act is repealed and the following substituted therefor:

Counting of ballots before opening of poll

116. (1) If the agents entitled to be present in the room of the polling station during polling hours are in attendance at least fifteen minutes before the hour fixed for opening the poll, they are entitled to have the ballot papers intended for use at the poll carefully counted in their presence before the opening of the poll, and to inspect the ballot papers and all other papers, forms and documents relating to the poll.

63. Subsections 117(1) and (2) of the said Act are repealed and the following substituted therefor:

Initialling ballot papers

(2) Before the opening of the poll, on polling day, the deputy returning officer shall, at the polling station and in full view of the candidates or their agents who are present, affix uniformly the deputy returning officer's initials in the space provided for that purpose

(3) Chacun des représentants d'un candidat, lors de son admission au bureau de scrutin, doit prêter serment, selon la formule prescrite, de garder secret le nom du candidat en faveur duquel le bulletin de vote de tout électeur est marqué en sa présence.

Serment de garder le secret

61. Le paragraphe 115(4) de la même loi est abrogé et remplacé par ce qui suit :

Examen de la liste électorale et communication de renseignements

(4) Tout représentant d'un candidat peut :

a) pendant les heures du scrutin seulement, examiner la liste électorale et y puiser des renseignements, sauf dans le cas où un électeur s'en trouverait retardé pour donner son suffrage;

b) communiquer, pendant les heures du scrutin, tout renseignement obtenu par l'examen mentionné à l'alinéa *a*) à un représentant du candidat qui est de service à l'extérieur du bureau de scrutin.

Appareils de communication

(5) Un représentant de candidat ne peut utiliser un appareil de communications pendant les heures du scrutin, dans un bureau de scrutin.

62. Le paragraphe 116(1) de la même loi est abrogé et remplacé par ce qui suit :

Compte des bulletins avant l'ouverture du scrutin

116. (1) Les représentants autorisés à être présents dans la salle du bureau de scrutin pendant les heures du scrutin ont le droit, avant l'ouverture du bureau, de faire soigneusement compter en leur présence les bulletins de vote destinés à servir dans ce bureau et d'examiner les bulletins de vote et tous autres papiers, formules et documents se rattachant au scrutin, pourvu qu'ils soient présents au moins un quart d'heure avant l'heure fixée pour l'ouverture du scrutin.

63. Les paragraphes 117(1) et (2) de la même loi sont abrogés et remplacés par ce qui suit :

Paraphe du scrutateur

(2) Avant l'ouverture du scrutin, le jour du scrutin, le scrutateur paraphe uniformément dans l'espace réservé à cette fin le verso de chaque bulletin de vote que lui fournit le directeur du scrutin, au bureau de scrutin et à

on the back of every ballot paper supplied by the returning officer.

Idem

(2.1) Where all the ballot papers cannot be initialled in accordance with subsection (2) before the opening of the poll, the opening of the poll shall not be delayed and the ballot papers shall then be initialled in accordance with that subsection as soon as possible thereafter and in all cases before being handed to electors.

64. All that portion of subsection 118(1) of the said Act preceding paragraph (*b*) thereof is repealed and the following substituted therefor:

Examining and sealing ballot box

118. (1) At the hour fixed for opening the poll, the deputy returning officer shall, in full view of the candidates or their agents who are present, open the ballot box and ascertain that there are no ballot papers or other papers or material enclosed therein, after which the ballot box shall

(*a*) be sealed with the seals prescribed by the Chief Electoral Officer for the use of deputy returning officers;

65. Section 120 of the said Act is repealed and the following substituted therefor:

Elector to declare name, etc.

120. (1) Each elector, on entering the room where the poll is held, shall declare the elector's name and address whereupon the poll clerk shall ascertain if the name of the elector appears on the official list of electors used at the polling station.

Voting

(2) When it has been ascertained that an elector is qualified to vote at a polling station,

(*a*) the elector's name shall be struck off the list of electors; and

(*b*) the elector shall immediately be allowed to vote, unless an election officer or any agent of a candidate present at the polling station desires that the elector first show proof of identity or take an oath of qualifications.

1992, c. 21, s. 19

66. Subsections 121(2) and (3) of the said Act are repealed and the following substituted therefor:

la vue de toutes les personnes présentes, parmi les candidats ou leurs représentants.

Idem

(2.1) L'apposition du paraphe ne doit pas retarder l'ouverture du scrutin; dans le cas où le scrutateur n'a pas paraphé tous les bulletins de vote avant l'heure prévue pour l'ouverture du scrutin, il le fait le plus tôt possible après l'ouverture du scrutin et avant de remettre les bulletins aux électeurs, conformément aux modalités prévues au paragraphe (2).

64. Le passage du paragraphe 118(1) de la même loi qui précède l'alinéa *b*) est abrogé et remplacé par ce qui suit :

Examen de l'urne et apposition des sceaux

118. (1) À l'heure fixée pour l'ouverture du scrutin, le scrutateur, à la vue de toutes les personnes présentes, parmi les candidats ou leurs représentants, ouvre l'urne et s'assure qu'elle ne renferme aucun bulletin de vote ni d'autres papiers ou objets. Après quoi, l'urne doit :

a) être scellée au moyen de sceaux d'un modèle fixé par le directeur général des élections à l'usage des scrutateurs;

65. L'article 120 de la même loi est abrogé et remplacé par ce qui suit :

Nom et adresse

120. (1) À son arrivée au bureau de scrutin, chaque électeur décline ses nom et adresse. Le greffier du scrutin vérifie alors si le nom de l'électeur figure sur la liste électorale officielle utilisée au bureau de scrutin.

Vote

(2) Lorsqu'il est établi que le requérant est habilité à voter au bureau de scrutin :

a) son nom est rayé de la liste électorale;

b) il est immédiatement admis à voter, à moins qu'un fonctionnaire électoral ou que le représentant d'un candidat, présent au bureau de scrutin, ne désire auparavant contrôler son identité ou lui faire prêter serment.

1992, ch. 21, art. 19

66. Les paragraphes 121(2) et (3) de la même loi sont abrogés et remplacés par ce qui suit :

Elector not allowed to vote

(2) Subject to subsections (2.1) and (2.2), an elector shall not be allowed to vote if the elector's name does not appear on the official list of electors, unless

(*a*) the elector has obtained a transfer certificate pursuant to section 126 or 126.1 and fully complies with subsection 126(6);

(*b*) the deputy returning officer has ascertained with the returning officer that the elector was in fact enumerated or revised; or

(*c*) the elector has obtained a registration certificate in accordance with section 147 or 147.1.

Idem

(2.1) An elector referred to in paragraphs (2)(*a*) and (*c*) shall be allowed to vote only if the elector delivers the transfer certificate to the deputy returning officer.

Idem

(2.2) An elector referred to in paragraph (2)(*b*) shall be allowed to vote only if the elector has provided the deputy returning officer with satisfactory proof of the elector's identity.

Procedure by poll clerk

(3) Where an elector whose name does not appear on the official list of electors has voted, the poll clerk shall indicate on the prescribed form that the elector has voted without the elector's name being on the list.

67. Subsections 122(1) to (3) of the said Act are repealed and the following substituted therefor:

Proof of identity

122. (1) A deputy returning officer, poll clerk, candidate or a candidate's representative who has doubts concerning the identity or right to vote of a person intending to vote at a polling station, may request that the person show satisfactory proof of identity.

Oath of elector

(2) A person may, instead of showing satisfactory proof of identity, take an oath in the form established by the Chief Electoral Officer.

Refusal to show proof of identity or take oath

(3) A person who refuses to show satisfactory proof of identity or to take an oath shall not be allowed to vote.

Admission à voter

(2) Sous réserve des paragraphes (2.1) et (2.2), un électeur n'est pas autorisé à voter si son nom ne figure pas sur la liste électorale officielle, à moins :

a) qu'il n'ait obtenu un certificat de transfert, en conformité avec les articles 126 ou 126.1, et ne se conforme pleinement au paragraphe 126(6);

b) que le scrutateur ne soit convaincu, après vérification auprès du directeur du scrutin, que l'électeur a été recensé ou a été accepté à la révision;

c) qu'il n'ait obtenu un certificat d'inscription en conformité avec les articles 147 ou 147.1.

Remise du certificat

(2.1) L'électeur visé aux alinéas (2)*a*) et *c*) n'est autorisé à voter qu'après avoir remis son certificat au scrutateur.

Preuve d'identité

(2.2) L'électeur visé à l'alinéa (2)*b*), n'est autorisé à voter qu'après avoir présenté une preuve suffisante d'identité au scrutateur.

Inscription du greffier

(3) Lorsqu'un électeur dont le nom ne figure pas sur la liste électorale officielle a voté, le greffier du scrutin indique sur la formule prescrite le fait que l'électeur a voté même si son nom ne figurait pas sur la liste.

67. Les paragraphes 122(1) à (3) de la même loi sont abrogés et remplacés par ce qui suit :

Preuve d'identité

122. (1) S'ils ont des doutes sur l'identité d'une personne ou sur son habilité à voter à leur bureau de scrutin, le scrutateur, le greffier du scrutin, les représentants des candidats ou les candidats eux-mêmes peuvent demander à cette personne de produire une preuve suffisante d'identité.

Serment

(2) Une personne peut, au lieu de produire une preuve suffisante d'identité, prêter le serment établi par le directeur général des élections.

Conséquence du refus

(3) N'est pas autorisée à voter la personne qui refuse de s'identifier ou de prêter serment.

68. Subsections 123(3) and (4) of the said Act are repealed.

69. Subsection 124(2) of the said Act is repealed and the following substituted therefor:

Entries

(2) In any case referred to in subsection (1), the name and address of the elector and the fact that the oath has been taken shall be correctly entered in the prescribed form.

70. Section 125 of the said Act is repealed and the following substituted therefor:

Duties of poll clerk

125. Each poll clerk shall

(*a*) make the entries on the prescribed form that the deputy returning officer, pursuant to this Act, directs;

(*b*) indicate on the prescribed form opposite the name of each elector, as soon as the elector's ballot paper has been deposited in the ballot box, that the elector has voted;

(*c*) indicate on the prescribed form opposite the name of each elector whether the elector has shown proof of identity, whether the elector has taken an oath and, if an oath has been taken by the elector, the nature of the oath;

(*d*) indicate on the prescribed form opposite the name of each elector who has refused to show proof of identity, refused to take an oath when the elector has been legally required to do so or refused to answer questions that the elector has been legally required to answer, that the elector has refused to be sworn or refused to answer; and

(*e*) indicate on the prescribed form opposite the name of each elector readmitted on the direction of the returning officer that the elector has been readmitted and allowed to vote.

71. (1) Subsections 126(1) and (2) of the said Act are repealed.

(2) Subsections 126(4) and (5) of the said Act are repealed and the following substituted therefor:

68. Les paragraphes 123(3) et (4) de la même loi sont abrogés.

69. Le paragraphe 124(2) de la même loi est abrogé et remplacé par ce qui suit :

Inscription

(2) Dans un cas visé au paragraphe (1), les nom et adresse de l'électeur, ainsi que le fait qu'il a prêté serment, doivent être correctement inscrits sur la formule prescrite.

70. L'article 125 de la même loi est abrogé et remplacé par ce qui suit :

Fonctions du greffier du scrutin

125. Le greffier du scrutin :

a) porte, sur la formule prescrite, les inscriptions que le scrutateur ordonne de porter, conformément à la présente loi;

b) indique, sur la formule prescrite, à côté du nom de chaque électeur, le fait qu'il a voté, aussitôt que son bulletin de vote a été déposé dans l'urne;

c) indique, sur la formule prescrite, à côté du nom de l'électeur le fait qu'il a, selon le cas, présenté des pièces d'identité ou prêté serment et, s'il y a lieu, indiquer la nature du serment;

d) indique, sur la formule prescrite, à côté du nom de chaque électeur qui a refusé de présenter des pièces d'identité ou de prêter serment, lorsqu'il en a été légalement tenu, ou qui a refusé de répondre aux questions qui lui ont été légalement posées, le fait qu'il a refusé de présenter des pièces d'identité ou de prêter serment ou de répondre;

e) indique, sur la formule prescrite, à côté du nom de chaque électeur réadmis sur l'ordre du directeur du scrutin, le fait qu'il a été réadmis et autorisé à voter.

71. (1) Les paragraphes 126(1) et (2) de la même loi sont abrogés.

(2) Les paragraphes 126(4) et (5) de la même loi sont abrogés et remplacés par ce qui suit :

Transfer certificates

(4) A returning officer or assistant returning officer may issue a transfer certificate entitling a person to vote at the polling station indicated in the certificate to any person whose name appears on the official list of electors and who has been appointed, after the last day of advance polls, to act as deputy returning officer or poll clerk for any polling station established in the electoral district other than the polling station at which the person is entitled to vote.

Certificats de transfert

(4) Le directeur ou le directeur adjoint du scrutin peut délivrer un certificat de transfert à toute personne dont le nom figure sur la liste électorale officielle et qui a été nommée, après le dernier jour pour la tenue du vote dans les bureaux spéciaux de scrutin, pour agir en qualité de scrutateur ou de greffier du scrutin à un bureau de scrutin de la circonscription autre que le bureau de scrutin où elle a le droit de voter l'autorisant à voter au bureau de scrutin indiqué dans le certificat.

1992, c. 21, s. 20

(3) Subsections 126(6) and (7) of the said Act are repealed and the following substituted therefor:

1992, ch. 21, art. 20

(3) Les paragraphes 126(6) et (7) de la même loi sont abrogés et remplacés par ce qui suit :

Entitlement to vote

(6) No transfer certificate issued to a deputy returning officer or poll clerk under this section entitles the person to vote pursuant to it unless, on polling day, the person is actually engaged in the performance of the duty specified in the certificate at the polling station mentioned in the certificate.

Condition

(6) Aucun certificat de transfert délivré à un scrutateur ou un greffier du scrutin, en vertu du présent article, n'autorise ce scrutateur ou ce greffier du scrutin à voter en conformité avec ce certificat, à moins que, le jour du scrutin, il n'exerce en fait les fonctions désignées dans le certificat au bureau de scrutin qui y est mentionné.

1992, c. 21, s. 22

72. Section 127 of the said Act is repealed.

1992, ch. 21, art. 22

72. L'article 127 de la même loi est abrogé.

1992, c. 21, s. 23

73. Subsection 128(2) of the said Act is repealed and the following substituted therefor:

1992, ch. 21, art. 23

73. Le paragraphe 128(2) de la même loi est abrogé et remplacé par ce qui suit :

Recording the transfer certificate

(2) In every case of a vote polled under the authority of section 126 or 126.1, the poll clerk shall enter on the prescribed form, opposite the elector's name, a memorandum stating that the elector voted under a transfer certificate and giving the number of the certificate.

Inscription à côté du nom de l'électeur

(2) Chaque fois qu'un vote est donné sous l'autorité des articles 126 ou 126.1, le greffier du scrutin porte sur la formule prescrite, à côté du nom de l'électeur, une note indiquant que ce dernier a voté en vertu d'un certificat de transfert et inscrit le numéro du certificat.

74. The said Act is further amended by adding thereto, immediately after section 129 thereof, the following section:

74. La même loi est modifiée par insertion, après l'article 129, de ce qui suit :

Ballot secret

129.1 The vote is secret.

Scrutin secret

129.1 Le scrutin est secret.

75. (1) Paragraph 131(1)(*b*) of the said Act is repealed and the following substituted therefor:

75. (1) L'alinéa 131(1)*b*) de la même loi est abrogé et remplacé par ce qui suit :

(*b*) on request, to an agent of a candidate.

b) sur demande, à un représentant d'un candidat.

(2) Subsections 131(2) to (4) of the said Act are repealed and the following substituted therefor:

(2) Les paragraphes 131(2) à (4) de la même loi sont abrogés et remplacés par ce qui suit :

Idem

(4) When an elector has been given a ballot paper, no one shall require the elector to show proof of identity or take an oath.

76. Subsections 132(1) and (2) of the said Act are repealed and the following substituted therefor:

Manner of voting

132. (1) An elector shall, after receiving a ballot,

(*a*) proceed directly to the voting compartment;

(*b*) use the pencil provided, or any other pencil or pen, to make a cross, or other mark that clearly indicates the elector's choice, in the circular space provided on the ballot opposite the name of the candidate;

(*c*) fold the ballot as instructed by the deputy returning officer so that the initials on the back of the folded ballot and the serial number on the back of the stub are visible without unfolding the ballot; and

(*d*) return the ballot to the deputy returning officer.

Idem

(2) The deputy returning officer shall, on receiving the ballot from the elector,

(*a*) without unfolding the ballot, verify that it is the same one that was handed to the elector by examining the initials and serial number on the back of the ballot;

(*b*) remove and destroy the counterfoil in full view of the elector and all other persons present; and

(*c*) return the ballot to the elector who deposits it in the ballot box or, if the elector so requests, the deputy returning officer shall deposit the ballot in the ballot box.

77. The said Act is further amended by adding thereto, immediately after section 133 thereof, the following section:

Entitlement to receive one replacement ballot paper

133.1 An elector is entitled to receive another ballot paper pursuant to section 133 on not more than one occasion.

Idem

(4) Lorsqu'un électeur a reçu un bulletin de vote, personne ne peut exiger qu'il présente une preuve d'identité ou prête serment.

76. Les paragraphes 132(1) et (2) de la même loi sont abrogés et remplacés par ce qui suit :

Manière de voter

132. (1) Après avoir reçu son bulletin de vote, l'électeur :

a) se rend sans délai dans l'isoloir;

b) marque son bulletin en faisant, dans l'espace circulaire prévu à cette fin, à côté du nom du candidat en faveur de qui il désire voter, une croix ou toute autre inscription indiquant son choix, à l'aide du crayon mis à sa disposition ou de tout autre crayon ou stylo;

c) plie le bulletin suivant les instructions reçues du scrutateur, de manière à ce que l'on puisse voir le paraphe apposé au verso du bulletin et le numéro de série imprimé au verso du talon, sans avoir à déplier le bulletin;

d) remet le bulletin au scrutateur.

Idem

(2) Le scrutateur :

a) sans déplier le bulletin, constate, par l'examen de son paraphe et du numéro de série imprimé, qu'il s'agit bien du bulletin qu'il a remis à l'électeur;

b) détache, bien à la vue de celui-ci et des autres personnes présentes, le talon et le détruit;

c) remet le bulletin à l'électeur qui le dépose dans l'urne; si l'électeur le lui demande, le scrutateur dépose lui-même le bulletin dans l'urne.

77. La même loi est modifiée par insertion, après l'article 133, de ce qui suit :

Un seul bulletin de remplacement

133.1 L'électeur ne peut recevoir qu'un seul autre bulletin de vote en vertu de l'article 133.

78. All that portion of subsection 134(2) of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Entry

(2) In any case referred to in subsection (1), the poll clerk shall enter on the prescribed form, opposite the name of the elector,

79. All that portion of paragraph 138(1)(*b*) of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

(*b*) with the approval of the person in charge of the institution, carry the ballot box, ballot papers and other necessary election documents from room to room in the institution to take the votes of patients who are

80. Sections 139 to 147 of the said Act are repealed and the following substituted therefor:

POLLING DAY REGISTRATION

Rural polling division

147. (1) Every elector in a rural polling division whose name is not on the list of electors may register in person on polling day before the deputy returning officer in the polling station where the elector is qualified to vote.

Conditions

(2) An elector referred to in subsection (1) is not entitled to register unless

(*a*) an elector who ordinarily resides in the same polling division as the elector and whose name appears on the list of electors attends with the elector at the polling station and vouches for the elector under oath in the prescribed form and the elector also takes an oath in the prescribed form; or

(*b*) the elector provides proof of the elector's identity and address by documents of a class determined by the Chief Electoral Officer.

Registration certificate

(3) Where the elector satisfies the requirements of subsection (2), the deputy returning

78. Le passage du paragraphe 134(2) de la même loi qui précède l'alinéa *a*) est abrogé et remplacé par ce qui suit :

Inscription

(2) Dans le cas visé au paragraphe (1), le greffier du scrutin inscrit sur la formule prescrite, à côté du nom de l'électeur :

79. Le passage de l'alinéa 138(1)*b*) de la même loi qui précède le sous-alinéa (i) est abrogé et remplacé par ce qui suit :

b) avec l'approbation de la personne responsable de cet établissement, transporter l'urne, les bulletins de vote et autres documents d'élection nécessaires, de chambre en chambre, dans cet établissement en vue de recueillir les votes des malades qui, à la fois :

80. Les articles 139 à 147 de la même loi sont abrogés et remplacés par ce qui suit :

INSCRIPTION LE JOUR DU SCRUTIN

Sections de vote rurales

147. (1) Dans une section de vote rurale, tout électeur dont le nom ne figure pas déjà sur la liste des électeurs peut s'inscrire le jour du scrutin en personne auprès du scrutateur du bureau de scrutin où il est habile à voter.

Conditions

(2) La personne visée au paragraphe (1) n'a pas le droit de s'inscrire sauf si, selon le cas :

a) un électeur qui réside ordinairement dans la même section de vote et dont le nom figure sur la liste électorale de la section de vote vient personnellement avec elle au bureau de scrutin, prête serment, selon la formule prescrite, et répond d'elle et si elle-même prête serment selon la formule prescrite;

b) elle fournit une preuve suffisante de son identité et de sa résidence par des documents d'une catégorie déterminée par le directeur général des élections.

Certificat d'inscription

(3) Si la personne satisfait aux exigences du paragraphe (2), le scrutateur remplit un

officer shall complete a registration certificate in the prescribed form and the elector shall sign it.

Entry

(4) The deputy returning officer shall indicate on the prescribed form the names of the electors who are permitted to vote pursuant to this section.

Illegal vouching an offence

(5) Every elector is guilty of an illegal practice and of an offence who vouches for an applicant elector knowing that the applicant is for any reason disqualified from voting in the polling division at the election.

Urban polling division

147.1 (1) The returning officer shall establish one or more revisal offices in urban areas of the electoral district, in accordance with the instructions of the Chief Electoral Officer.

Appointment of revising officer

(2) A returning officer shall appoint, for each revisal office, in accordance with section 71.16, a revising officer to receive, on polling day, the applications for registration of electors of a revisal district whose names are not on the list of electors.

Registration

(3) Every elector whose name is not on the list of electors may, at the revisal office on polling day, register in person before a revising officer.

Proof required

(4) For the purposes of subsection (3), the elector shall supply the revising officer with proof of the elector's identity and address by documents of a class determined by the Chief Electoral Officer.

Representative of each candidate

(5) The revising officer shall permit one representative of each candidate in the electoral district to be present in the revisal office.

Registration certificate

(6) Where the elector satisfies the requirements of subsection (4), the revising officer shall give the elector a registration certificate in the prescribed form, which authorizes the elector to vote at the polling station that is established in the polling division where the elector ordinarily resides and the elector shall sign it.

Idem

(7) Before being admitted to vote, the elector shall give the deputy returning officer the registration certificate.

certificat d'inscription, selon la formule prescrite, l'autorisant à voter et le lui fait signer.

Obligation du scrutateur

(4) Le scrutateur inscrit sur la formule prescrite le nom des électeurs qu'il a admis à voter en vertu du présent article.

Répondre illégalement d'une personne est une infraction

(5) Est coupable d'un acte illégal et d'une infraction tout électeur qui répond d'une personne demandant à voter, sachant qu'elle est pour un motif quelconque inhabile à voter dans la section de vote, à l'élection.

Sections de vote urbaines

147.1 (1) Le directeur du scrutin établit un ou plusieurs bureaux d'inscription dans les zones urbaines de sa circonscription, en conformité avec les instructions du directeur général des élections.

Nomination d'un réviseur

(2) Pour chaque bureau d'inscription, le directeur du scrutin nomme, conformément à l'article 71.16, un réviseur pour recevoir, le jour du scrutin, les demandes d'inscription des électeurs de ce district de révision dont le nom ne figure pas sur la liste électorale.

Inscription en personne

(3) Tout électeur dont le nom ne figure pas déjà sur la liste électorale peut, au bureau d'inscription, le jour du scrutin, s'inscrire en personne auprès d'un réviseur.

Preuve suffisante d'identité

(4) Pour l'application du paragraphe (3), l'électeur doit fournir des preuves de son identité et de sa résidence par des documents d'une catégorie déterminée par le directeur général des élections.

Représentants des candidats

(5) Le réviseur doit permettre que soit présent au bureau d'inscription un représentant de chaque candidat dans la circonscription.

Certificat d'inscription

(6) Si l'électeur satisfait aux exigences du paragraphe (4), le réviseur lui délivre un certificat d'inscription, selon la formule prescrite, l'autorisant à voter au bureau de scrutin établi dans la section de vote où il réside ordinairement et le lui fait signer.

Remise du certificat

(7) Avant d'être admis à voter, l'électeur remet au scrutateur le certificat d'inscription.

Entry

(8) The deputy returning officer shall indicate on the prescribed form the names of the electors who are permitted to vote pursuant to this section.

List deemed to be modified

147.2 Where a registration certificate is delivered in accordance with section 147 or 147.1, the list of electors is deemed, for the purposes of this Act, to have been modified in accordance with the certificate.

81. (1) All that portion of section 151 of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Powers of returning officer, deputy and supervisor

151. Every returning officer, during an election, and every deputy returning officer and central poll supervisor, during the hours that the polls are open, is responsible for the maintenance of the peace and has all the powers appertaining to a justice of the peace, and may

(2) Paragraph 151(*a*) of the English version of the said Act is repealed and the following substituted therefor:

(*a*) require the assistance of justices of the peace, constables or other persons present to aid the returning officer, the deputy returning officer or the central poll supervisor in maintaining peace and good order at the election;

(3) Paragraph 151(*c*) of the English version of the said Act is repealed and the following substituted therefor:

(*c*) cause any arrested person to be imprisoned under an order signed by the returning officer, the deputy returning officer or the central poll supervisor until an hour not later than the close of the poll.

82. Subsection 152(1) of the said Act is repealed and the following substituted therefor:

Summary proceedings in case of personation, etc.

152. (1) Where a person is charged at a polling station with having committed or attempted to commit the offence of personation, or having voted or attempted to vote knowing that the person was for any reason disqualified or not qualified to vote at the election, the deputy returning officer at the

(8) Le scrutateur inscrit sur la formule prescrite le nom des électeurs qu'il a admis à voter en vertu du présent article.

Obligation du scrutateur

147.2 Lorsqu'un certificat est délivré selon les articles 147 ou 147.1, la liste électorale est censée avoir été modifiée en conformité avec ce certificat.

Présomption de modification

81. (1) Le passage de l'article 151 de la même loi qui précède l'alinéa *a*) est abrogé et remplacé par ce qui suit :

151. Les directeurs du scrutin, pendant une élection, les scrutateurs et les superviseurs de centre de scrutin, durant les heures d'ouverture du scrutin, sont responsables du maintien de l'ordre et investis à ce titre de tous les pouvoirs attribués à un juge de paix. Ils peuvent :

Pouvoirs des directeurs du scrutin, des scrutateurs et des superviseurs

(2) L'alinéa 151*a*) de la version anglaise de la même loi est abrogé et remplacé par ce qui suit :

(*a*) require the assistance of justices of the peace, constables or other persons present to aid the returning officer, the deputy returning officer or the central poll supervisor in maintaining peace and good order at the election;

(3) L'alinéa 151*c*) de la version anglaise de la même loi est abrogé et remplacé par ce qui suit :

(*c*) cause any arrested person to be imprisoned under an order signed by the returning officer, the deputy returning officer or the central poll supervisor until an hour not later than the close of the poll.

82. Le paragraphe 152(1) de la même loi est abrogé et remplacé par ce qui suit :

152. (1) Si un individu est accusé, dans un bureau de scrutin, d'avoir commis ou tenté de commettre l'infraction de supposition de personne, ou d'avoir voté ou tenté de voter sachant que, pour une raison quelconque, il avait perdu son droit de vote ou qu'il n'était pas habile à voter à cette élection, le scruta-

Procédure sommaire au cas de supposition de personne, etc.

polling station, if requested to do so by the poll clerk or an agent representing a candidate, shall take the information on oath of the person making the charge in the form of information prescribed for that charge.

teur de ce bureau de scrutin, si le greffier du scrutin ou un représentant d'un candidat le lui demande, doit recevoir la dénonciation sous serment de celui qui porte l'accusation selon la formule de dénonciation prescrite pour cette accusation.

83. Section 154 of the said Act is repealed and the following substituted therefor:

83. L'article 154 de la même loi est abrogé et remplacé par ce qui suit :

Appointment of information officer and a person responsible for maintaining order

154. Where a returning officer establishes a central polling place pursuant to subsection 106(1), the returning officer may, with the approval of the Chief Electoral Officer, appoint an information officer to provide information to the electors and a person responsible for maintaining order.

Préposé à l'information et personne responsable du maintien de l'ordre

154. Lorsqu'il établit un centre de scrutin en vertu du paragraphe 106(1), le directeur du scrutin peut, avec l'approbation du directeur général des élections, nommer un préposé à l'information chargé de communiquer des renseignements aux électeurs ainsi qu'une personne responsable du maintien de l'ordre.

84. Section 155 of the said Act is repealed.

84. L'article 155 de la même loi est abrogé.

85. Section 156 of the said Act is repealed and the following substituted therefor:

85. L'article 156 de la même loi est abrogé et remplacé par ce qui suit :

Offensive weapon

156. No person shall enter the office of a returning officer, a revisal office or any polling station with any offensive weapon unless called on to do so by lawful authority.

Armes offensives

156. Nul ne peut porter une arme offensive dans le bureau du directeur du scrutin, dans un bureau de révision ou dans un bureau de scrutin, à moins qu'il ne soit appelé à le faire par l'autorité légitime.

86. Subsection 158(1) of the said Act is amended by adding the word "and" at the end of paragraph (*b*) thereof and by adding thereto the following paragraph:

86. Le paragraphe 158(1) de la même loi est modifié par adjonction de ce qui suit :

(*c*) in a polling station or in any place where voting at an election is taking place, influence electors to vote for any candidate or to refrain from voting.

c) inciter un électeur, dans un bureau de scrutin ou tout autre local où se déroule le vote, à voter pour un candidat ou à s'abstenir de voter.

87. (1) Paragraph 160(1)(*a*) of the said Act is repealed and the following substituted therefor:

87. (1) L'alinéa 160(1)*a*) de la même loi est abrogé et remplacé par ce qui suit :

(*a*) count the number of electors who have voted, make an entry on the line immediately below the name of the last elector on the list that states, "The number of electors who voted at this election in this polling station is (stating the number)", and sign the list;

a) compter le nombre des électeurs ayant voté, l'inscrire sur la ligne qui se trouve immédiatement au-dessous du nom du dernier électeur sur la liste comme suit : « Le nombre des électeurs qui ont voté à la présente élection dans ce bureau de scrutin est de (indiquer le nombre) », et y apposer sa signature;

(2) Paragraph 160(1)(*d*) of the said Act is repealed and the following substituted therefor:

(2) L'alinéa 160(1)*d*) de la même loi est abrogé et remplacé par ce qui suit :

(*d*) check the number of ballot papers supplied by the returning officer against the number of spoiled ballot papers, if any, the number of unused ballot papers and the number of electors from the list indicated as having voted, in order to ascertain that all ballot papers are accounted for;

88. Paragraph 163(1)(*a*) of the said Act is repealed and the following substituted therefor:

(*a*) keep a record, on the prescribed form, of every objection made by any candidate or the candidate's agent, to any ballot paper found in the ballot box;

89. Subsection 164(2) of the said Act is repealed.

90. Section 165 of the said Act is repealed and the following substituted therefor:

Statement of the poll by deputy

165. (1) Each deputy returning officer shall make the necessary number of copies of the statement of the poll in the prescribed form as follows:

(*a*) one copy shall be delivered to the returning officer with the ballot box;

(*b*) one copy, for the returning officer, shall be enclosed in a special envelope supplied for the purpose, sealed by the deputy returning officer and deposited separately in the ballot box; and

(*c*) one copy shall be delivered to each of the candidate's agents present at the count.

Documents to be enclosed in ballot box

(2) The envelopes containing the unused, rejected or spoiled ballot papers, or those counted for each candidate, each lot in its proper envelope, the envelope containing the official list of electors and other documents used at the poll shall be placed in the large envelope supplied for the purpose, which shall be immediately sealed and placed in the ballot box with, but not enclosing, the envelope containing the statement of the poll prepared for the returning officer and referred to in subsection (1) and the envelope containing the registration certificates.

Sealing ballot box

(3) The ballot box is to be sealed with the seals prescribed by the Chief Electoral Of-

d) comparer le nombre de bulletins de vote fournis par le directeur du scrutin au nombre de bulletins de vote gâtés, s'il y en a, au nombre de bulletins de vote inutilisés et au nombre d'électeurs sur la liste comme ayant voté, afin qu'il soit rendu compte de tous les bulletins de vote;

88. L'alinéa 163(1)*a*) de la même loi est abrogé et remplacé par ce qui suit :

a) prendre note, sur la formule prescrite, de toute objection qu'un candidat ou son représentant formule à l'égard d'un bulletin de vote trouvé dans l'urne;

89. Le paragraphe 164(2) de la même loi est abrogé.

90. L'article 165 de la même loi est abrogé et remplacé par ce qui suit :

Relevé du scrutin établi par le scrutateur

165. (1) Chaque scrutateur établit le nombre nécessaire de copies du relevé du scrutin, selon la formule prescrite, et les distribue comme suit :

a) il en remet une au directeur du scrutin avec l'urne;

b) il en met une, destinée au directeur du scrutin, dans l'enveloppe spéciale fournie à cette fin, qu'il scelle et dépose séparément dans l'urne;

c) il en remet une à chacun des représentants des candidats présents au moment du comptage.

Documents à déposer dans l'urne

(2) Sont placés dans la grande enveloppe fournie à cette fin les enveloppes contenant les bulletins de vote inutilisés, rejetés, gâtés ou comptés en faveur de chaque candidat, chaque lot dans son enveloppe appropriée, l'enveloppe contenant la liste électorale officielle et les autres documents qui ont servi au scrutin. La grande enveloppe est alors scellée et déposée dans l'urne avec, séparément, l'enveloppe renfermant le relevé du scrutin établi pour le directeur du scrutin et mentionné au paragraphe (1) et l'enveloppe renfermant les certificats d'inscription.

Sceaux

(3) L'urne est scellée au moyen des sceaux d'un modèle fixé par le directeur général des

ficer for the use of the deputy returning officer and forthwith transmitted to the returning officer.

élections à l'usage du scrutateur et immédiatement transmise au directeur du scrutin.

91. Subsections 166(2) and (3) of the said Act are repealed and the following substituted therefor:

91. Les paragraphes 166(2) et (3) de la même loi sont abrogés et remplacés par ce qui suit :

Transmission of statements to candidates

(2) The returning officer shall, on request therefor, transmit to each candidate one copy of each statement of the poll referred to in subsection 165(1).

Transmission aux candidats

(2) Le directeur du scrutin, sur demande, transmet à chaque candidat une copie de chaque relevé visé au paragraphe 165(1).

92. Subsection 167(2) of the said Act is repealed and the following substituted therefor:

92. Le paragraphe 167(2) de la même loi est abrogé et remplacé par ce qui suit :

Idem

(2) A returning officer shall not issue a cheque in payment of the services of a deputy returning officer if it appears that an omission referred to in subsection (1) was made by the deputy returning officer by reason of any want of good faith.

Idem

(2) Le directeur du scrutin ne peut remettre un chèque à titre de paiement des services d'un scrutateur s'il appert que le scrutateur a commis une omission visée au paragraphe (1) par manque de bonne foi.

93. Section 168 of the said Act is repealed and the following substituted therefor:

93. L'article 168 de la même loi est abrogé et remplacé par ce qui suit :

Communication of vote

168. (1) The Chief Electoral Officer shall, on or as soon as possible after the closing of the polls at an election, inform the returning officer of each electoral district in which a poll has been granted of the number of votes cast for each candidate in the electoral district and the number of ballots rejected in relation to the electoral district pursuant to the *Special Voting Rules* set out in Schedule II.

Communication du vote

168. (1) Le plus tôt possible après la fermeture des bureaux de scrutin lors d'une élection, le directeur général des élections informe le directeur du scrutin de chaque circonscription dans laquelle un scrutin a été tenu, du nombre de votes déposés en faveur de chaque candidat dans la circonscription et du nombre de bulletins de vote rejetés relativement à la circonscription, en vertu des *Règles électorales spéciales*.

Release of information

(2) The returning officer, on receipt from the Chief Electoral Officer of the information respecting the number of votes cast for each candidate pursuant to the *Special Voting Rules*, shall release that information as being the result of the votes cast under the *Special Voting Rules*.

Idem

(2) Le directeur du scrutin, dès qu'il a reçu du directeur général des élections les renseignements concernant le nombre de votes déposés pour chaque candidat en vertu des *Règles électorales spéciales*, fait connaître ces résultats comme les résultats des votes déposés en vertu des *Règles électorales spéciales*.

94. Paragraphs 169(1)(*b*) to (*d*) of the said Act are repealed and the following substituted therefor:

94. Les alinéas 169(1)*b*) à *d*) de la même loi sont abrogés et remplacés par ce qui suit :

(*b*) examine the seals affixed to each ballot box by a deputy returning officer, pursuant to subsection 165(3);

b) examiner les sceaux apposés sur chaque urne par un scrutateur, conformément au paragraphe 165(3);

(*c*) if a seal is not in good order, affix a new seal; and

c) si l'un des sceaux n'est pas en bon état, en apposer un nouveau;

722

(*d*) record the condition of the seals required to be affixed by the deputy returning officer to the ballot box.

95. Paragraph 170(*b*) of the said Act is repealed and the following substituted therefor:

(*b*) deliver forthwith a copy of the certificate to each candidate or each candidate's representative.

96. (1) Paragraph 171(1)(*b*) of the said Act is repealed and the following substituted therefor:

(*b*) the number of votes separating the candidate receiving the highest number of votes and any other candidate is less than one-one thousandth of the votes cast,

(2) Subsection 171(3) of the said Act is repealed and the following substituted therefor:

Reimbursement

(3) Where a recount of votes is made by a judge pursuant to subsection (1) or where the results of any other recounts are such that the number of votes separating the candidate who obtained the highest number of votes and any other candidate is less than one-one thousandth of the votes cast, a candidate may make an application to the Chief Electoral Officer for reimbursement of the costs actually and reasonably incurred by the candidate in respect of the recount and on receipt of this application, the Chief Electoral Officer shall determine the amount of the costs actually and reasonably incurred by the candidate.

97. Section 175 of the said Act is repealed and the following substituted therefor:

Ballot boxes

175. After the close of an election, each returning officer shall deal with ballot boxes as instructed by the Chief Electoral Officer.

98. The said Act is further amended by adding thereto, immediately after section 184 thereof, the following section:

Reimbursement

184.1 Where the result of a poll gives any candidate a majority of one-one thousandth of the votes cast or more and a recount is granted, a candidate may make an applica-

d) consigner l'état des sceaux que le scrutateur est tenu d'apposer sur l'urne.

95. L'alinéa 170*b*) de la même loi est abrogé et remplacé par ce qui suit :

b) transmettre immédiatement une copie de ce certificat à chacun des candidats ou à son représentant.

96. (1) L'alinéa 171(1)*b*) de la même loi est abrogé et remplacé par ce qui suit :

b) le nombre de votes séparant le candidat qui a reçu le plus grand nombre de votes de tout autre candidat est inférieur à un millième des votes exprimés,

(2) Le paragraphe 171(3) de la même loi est abrogé et remplacé par ce qui suit :

(3) À l'issue d'un recomptage effectué en conformité avec le paragraphe (1) ou lorsque après tout autre recomptage le nombre de votes séparant le candidat qui a reçu le plus grand nombre de votes et tout autre candidat est de moins de un millième des votes exprimés, un candidat peut présenter au directeur général des élections une demande de remboursement de ses frais réels et raisonnables relatifs au recomptage; aussitôt la demande reçue, le directeur général des élections fixe le montant de tels frais. Remboursement aux candidats

97. L'article 175 de la même loi est abrogé et remplacé par ce qui suit :

175. Après la clôture d'une élection, chaque directeur du scrutin prend à l'égard des urnes les mesures que lui indique le directeur général des élections. Urnes

98. La même loi est modifiée par insertion, après l'article 184, de ce qui suit :

184.1 Lorsque le résultat du scrutin donne à un candidat une majorité de un millième des votes exprimés ou plus et qu'un recomptage est accordé, tout candidat peut présen- Remboursement aux candidats

tion to the Chief Electoral Officer for reimbursement of the costs actually and reasonably incurred by the candidate in respect of the recount and on receipt of this application, the Chief Electoral Officer shall determine the amount of the costs actually and reasonably incurred by the candidate.

ter au directeur général des élections une demande de remboursement de ses frais réels et raisonnables relatifs au recomptage; aussitôt la demande reçue, le directeur général des élections fixe le montant de tels frais.

99. (1) All that portion of subsection 190(1) of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

99. (1) Le passage du paragraphe 190(1) de la même loi qui précède l'alinéa *a*) est abrogé et remplacé par ce qui suit :

Transmission of documents

190. (1) Forthwith, on completing the return to the writ pursuant to section 189, a returning officer shall transmit the following documents to the Chief Electoral Officer:

Documents à transmettre

190. (1) Dès que le rapport du bref a été établi en conformité avec l'article 189, le directeur du scrutin transmet les documents suivants au directeur général des élections :

(2) Paragraphs 190(1)(*f*) to (*l*) of the said Act are repealed and the following substituted therefor:

(2) Les alinéas 190(1)*f*) à *l*) de la loi même sont abrogés et remplacés par ce qui suit :

(*f*) the enumerators' record books;

f) les registres utilisés par les recenseurs;

(*g*) the papers relating to the revision of the list of electors;

g) les documents relatifs à la révision des listes électorales;

(*h*) the returns from the various polling stations enclosed in sealed envelopes, as prescribed by sections 160 to 167, a packet of stubs and of unused ballot papers, packets of ballot papers cast for the several candidates, a packet of spoiled ballot papers, a packet of rejected ballot papers and a packet containing the official list of electors used at the poll, the written appointments of candidates' agents and the used transfer certificates; and

h) les rapports des divers bureaux de scrutin mis sous enveloppes scellées, comme il est prévu aux articles 160 à 167, un paquet des bulletins de vote inutilisés et des souches, des paquets de bulletins de vote déposés en faveur des divers candidats, un paquet des bulletins de vote gâtés, un paquet des bulletins de vote rejetés et un paquet contenant la liste électorale officielle utilisée au bureau de scrutin, les commissions écrites des représentants des candidats et les certificats de transfert utilisés;

(*i*) all other documents used at the election.

i) tous les autres documents qui ont servi à l'élection.

100. (1) Subsection 192(1) of the said Act is amended by adding the word "and" at the end of paragraph (*a*) thereof, by striking out the word "and" at the end of paragraph (*b*) thereof and by repealing paragraph (*c*) thereof.

100. (1) L'alinéa 192(1)*c*) de la même loi est abrogé.

(2) Subsection 192(2) of the said Act is repealed.

(2) Le paragraphe 192(2) de la même loi est abrogé.

101. (1) All that portion of subsection 195(1) of the said Act preceding paragraph

101. (1) Le passage du paragraphe 195(1) de la même loi qui précède l'alinéa *a*) est abrogé et remplacé par ce qui suit :

(*a*) thereof is repealed and the following substituted therefor:

Report to Speaker

195. (1) The Chief Electoral Officer shall, within sixty days after the return of the writ, make a report to the Speaker of the House of Commons setting out

(2) Paragraphs 195(1)(*b*) and (*c*) of the said Act are repealed and the following substituted therefor:

(*b*) any action that has been taken by the Chief Electoral Officer under subsection 9(1) or (3) or sections 255 to 257 or under subsection 3(2) of Schedule II and the Chief Electoral Officer considers should be brought to the attention of the House of Commons; and

(3) Subsection 195(2) of the said Act is repealed and the following substituted therefor:

Complaint

(2) Every candidate, official agent of every candidate or leader or chief agent of a registered party has the right to send to the Chief Electoral Officer a statement in writing containing any complaint that that person may wish to make with respect to the conduct of the election or of any election officer or any suggestions as to such changes or improvements in the law as that person may consider desirable.

Inclusion in a report

(2.1) Where the Chief Electoral Officer considers it appropriate, the Chief Electoral Officer may include in a report referred to in subsection (1) any document or a part or a summary of a document, relating to any complaint or suggestion received under subsection (2).

102. Subsection 197(2) of the said Act is repealed and the following substituted therefor:

Extracts

(2) Any person may take extracts from papers referred to in subsection (1) and is entitled to copies of those papers on payment for the preparation of those copies at the rate per page determined by the Chief Electoral Officer.

195. (1) Dans les soixante jours suivant le retour du bref, le directeur général des élections fait au président de la Chambre des communes un rapport signalant :

Rapport au président de la Chambre des communes

(2) Les alinéas 195(1)*b*) et *c*) de la même loi sont abrogés et remplacés par ce qui suit :

b) toute initiative qu'il a prise sous le régime des paragraphes 9(1) ou (3) ou des articles 255 à 257 ou en vertu du paragraphe 3(2) de l'annexe II et qui, à son avis, doit être portée à l'attention de la Chambre des communes;

(3) Le paragraphe 195(2) de la même loi est abrogé et remplacé par ce qui suit :

Plaintes et propositions

(2) Tout candidat, agent officiel d'un candidat ou chef ou agent officiel d'un parti enregistré a le droit d'adresser par écrit au directeur général des élections toute plainte qu'il peut désirer formuler au sujet de la conduite de l'élection ou de tout fonctionnaire électoral ou de proposer les modifications ou améliorations qu'il juge souhaitable d'apporter à la loi.

Inclusion dans le rapport du directeur général des élections

(2.1) Le directeur général des élections peut inclure dans le rapport visé au paragraphe (1) l'intégralité, une partie ou un résumé des documents afférents aux plaintes ou propositions visés au paragraphe (2) qu'il estime indiqués.

102. Le paragraphe 197(2) de la même loi est abrogé et remplacé par ce qui suit :

Extraits

(2) Toute personne peut tirer des extraits des documents mentionnés au paragraphe (1) et a le droit d'obtenir des copies de ces documents moyennant paiement pour leur préparation des frais par page fixés par le directeur général des élections.

103. Subsection 198(3) of the said Act is repealed and the following substituted therefor:

Copy to House of Commons

(3) A copy of any tariff made pursuant to subsection (1) and of any amendment made to it shall be laid before the House of Commons on any of the first fifteen days on which the House of Commons is sitting after the making of the tariff or amendment.

104. Sections 199 to 201 of the said Act are repealed and the following substituted therefor:

Claims relating to election

201. All claims relating to the conduct of an election shall be paid by separate cheques issued from the office of the Receiver General at Ottawa and sent directly to each person entitled to payment.

105. Subsection 202(2) of the said Act is repealed and the following substituted therefor:

Preparation of accounts

(2) A returning officer shall prepare, in the prescribed form, all accounts to be submitted by the returning officer to the Chief Electoral Officer and is responsible for their correctness.

106. Subsection 213(1) of the said Act is repealed and the following substituted therefor:

Offence

213. (1) Any person is guilty of an offence who, for the purpose of promoting or opposing a particular registered party or the election of a particular candidate, directly or indirectly,

(*a*) between the date of the issue of the writ and Sunday, the twenty-ninth day before polling day, the one day immediately preceding polling day or on polling day, advertises on the facilities of any broadcasting undertaking; or

(*b*) procures for publication or acquiesces in the publication, during the period described in paragraph (*a*), on the one day preceding polling day or on polling day of an advertisement in a periodical publication.

103. Le paragraphe 198(3) de la même loi est abrogé et remplacé par ce qui suit :

Copie à la Chambre des communes

(3) Une copie de tout tarif établi conformément au paragraphe (1) et de toute modification qui y est apportée est déposée à la Chambre des communes dans les quinze premiers jours de séance de celle-ci qui suit leur établissement.

104. Les articles 199 à 201 de la même loi sont abrogés et remplacés par ce qui suit :

Paiement des réclamations

201. Les réclamations relatives à la conduite d'une élection sont acquittées par chèques distincts émis par le bureau du receveur général, à Ottawa, et expédiés directement à chaque personne qui a droit à un paiement.

105. Le paragraphe 202(2) de la même loi est abrogé et remplacé par ce qui suit :

Établissement des comptes

(2) Le directeur du scrutin établit selon la formule prescrite tous les comptes qu'il transmet au directeur général des élections, et est responsable de leur exactitude.

106. Le paragraphe 213(1) de la même loi est abrogé et remplacé par ce qui suit :

Restrictions des activités électorales

213. (1) Est coupable d'une infraction quiconque, dans le but de favoriser ou de contrecarrer, directement ou indirectement, un parti enregistré en particulier ou l'élection d'un candidat en particulier :

a) soit, entre la date de la délivrance du bref et le dimanche, vingt-neuvième jour précédant le jour du scrutin, la veille du scrutin ou le jour du scrutin, fait de la publicité en utilisant les installations d'une entreprise de radiodiffusion;

b) soit, fait obtenir, au cours de la période indiquée à l'alinéa *a*), la veille du scrutin ou le jour du scrutin, la publication d'une annonce dans une publication périodique, ou y consent.

107. The said Act is further amended by adding thereto, immediately after section 217 thereof, the following section:

Political contributions

217.1 (1) No person or registered party shall accept or use contributions from

(*a*) a person who is not a Canadian citizen or a permanent resident within the meaning of the *Immigration Act*;

(*b*) a corporation or an association that does not carry on business in Canada;

(*c*) a trade union that does not hold bargaining rights for employees in Canada;

(*d*) any foreign political party; or

(*e*) a foreign government or an agent of a foreign government.

Non-compliance

(2) Each financial agent shall remit to the Chief Electoral Officer, for the Receiver General, any contribution that does not comply with subsection (1) and that cannot be returned to the contributor.

108. The said Act is further amended by adding thereto, immediately after section 245 thereof, the following section:

Certificate

245.1 (1) The Chief Electoral Officer shall issue a certificate to the Receiver General listing all candidates who have complied with subsection 230(1).

Receipt of certificate

(2) On receipt of the certificate referred to in subsection (1), the Receiver General shall return that part of the deposit to which the certificate applies.

109. Section 251 of the said Act is repealed.

110. Paragraph 252(*d*) of the said Act is repealed and the following substituted therefor:

(*c*.1) applies to have included the name of a person who is not qualified as an elector or the name of any animal or object;

(*d*) applies for a ballot paper in the name of some other person, whether the name is

107. La même loi est modifiée par insertion, après l'article 217, de ce qui suit :

Restrictions à l'égard des contributions

217.1 (1) Il est interdit à quiconque — personne ou parti enregistré — d'accepter ou d'utiliser une contribution provenant :

a) d'une personne physique qui n'est ni citoyen canadien ni résident permanent au sens de la *Loi sur l'immigration*;

b) d'une association, dotée ou non de la personnalité morale, qui n'exerce pas d'activités au Canada;

c) d'un syndicat qui n'est pas titulaire d'un droit de négocier collectivement au Canada;

d) d'un parti politique étranger;

e) d'un État étranger ou de l'un de ses mandataires.

Remise au receveur général

(2) L'agent financier remet au directeur général des élections pour transmission au receveur général toute contribution qui ne satisfait pas aux dispositions du paragraphe (1) et qu'il lui est impossible de retourner au souscripteur.

108. La même loi est modifiée par insertion, après l'article 245, de ce qui suit :

Certificat

245.1 (1) Le directeur général des élections délivre un certificat au receveur général où figurent les noms de tous les candidats qui se sont conformés au paragraphe 230(1).

Remise des dépôts

(2) Sur réception du certificat visé au paragraphe (1), les dépôts sont remis par le receveur général en conséquence.

109. L'article 251 de la même loi est abrogé.

110. L'alinéa 252*d*) de la même loi est abrogé et remplacé par ce qui suit :

c.1) demande que soit inscrit sur une liste électorale le nom d'une personne qui n'a pas qualité d'électeur ou celui d'un animal ou d'un objet;

that of a person living or dead or of a fictitious person;

111. Section 254 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Forfeit right to payment

(1.1) Where an election officer is found guilty of an offence under subsection (1), the election officer shall, in addition to any other punishment to which that person may be liable, forfeit the election officer's right to any payment for the election officer's services as an election officer.

112. Section 259 of the said Act is repealed and the following substituted therefor:

Definitions

259. In this section and sections 259.1 to 259.3,

"advertising" « *publicité* »

"advertising" means any notice, article or illustration, which may include pictures or text published or shown in any media, including electronic media and periodical publications and includes notices, articles, illustrations, newspapers and like publications designed for mass distribution but does not include

(*a*) publishing or broadcasting editorials, news, interviews, columns, letters or commentaries in a periodical publication, radio or television program, or

(*b*) producing, promoting or distributing a book for no less than its commercial value, if the book was planned to be sold regardless of the election;

"advertising expense" « *frais de publicité* »

"advertising expense" means amounts paid and liabilities incurred for the production, publication, broadcast and distribution of any advertising for the purpose of promoting or opposing, directly and during an election, a particular registered party or the election of a particular candidate.

d) demande un bulletin de vote au nom d'une autre personne, que ce soit celui d'une personne vivante ou décédée ou d'une personne fictive;

111. L'article 254 de la même loi est modifié par insertion, après le paragraphe (1), de ce qui suit :

Déchéance du droit à la rémunération

(1.1) Le fonctionnaire électoral qui est déclaré coupable de l'infraction visée au paragraphe (1) est, en plus de toute autre peine dont il peut être passible, déchu de tous ses droits à une rémunération, pour ses services, à titre de fonctionnaire électoral.

112. L'article 259 de la même loi est abrogé et remplacé par ce qui suit :

Définitions

259. Les définitions qui suivent s'appliquent au présent article et aux articles 259.1 à 259.3.

« frais de publicité » "*advertising expense*"

« frais de publicité » Les sommes d'argent versées et les dépenses engagées en vue de la production, de la publication, de la diffusion et de la distribution de toute publicité faite dans le but de favoriser ou de contrecarrer directement, durant une élection, un parti enregistré en particulier ou l'élection d'un candidat en particulier.

« publicité » "*advertising*"

« publicité » Avis, article ou illustration qui peuvent inclure des illustrations ou un texte publiés ou montrés dans un média, notamment un média électronique et une publication périodique, et les avis, les articles, les illustrations, les journaux ainsi que toute autre publication semblable produite pour les envois collectifs; la présente définition ne vise toutefois pas :

a) la publication ou la diffusion d'éditoriaux, de nouvelles, d'entrevues, de chroniques, de commentaires ou de lettres dans une publication périodique ou une émission de radio ou de télévision;

b) la production, la promotion ou la distribution, pour une valeur non inférieure à sa valeur commerciale, d'un ouvrage

dont la mise en vente avait été planifiée sans égard à la tenue de l'élection.

Offence

259.1 (1) Every person who incurs advertising expenses in excess of one thousand dollars between the date of the issue of the writ and the day immediately following polling day is guilty of an offence.

Infraction : montant maximal des frais de publicité

259.1 (1) Est coupable d'une infraction quiconque engage des frais de publicité supérieurs à mille dollars entre la date de délivrance du bref et le lendemain du jour du scrutin.

Exception

(2) Subsection (1) does not apply to

(*a*) a candidate, official agent or any other person acting on behalf of a candidate with the candidate's actual knowledge and consent; or

(*b*) a registered agent of a registered party acting within the scope of the registered agent's authority or other person acting on behalf of a registered party with the actual knowledge and consent of an officer of the registered party.

Exceptions

(2) Le paragraphe (1) ne s'applique pas aux personnes suivantes :

a) un candidat, agent officiel ou toute autre personne agissant au nom d'un candidat à la connaissance et avec le consentement de celui-ci;

b) un agent enregistré d'un parti enregistré agissant dans le cadre des pouvoirs qui lui sont conférés à ce titre ou une autre personne agissant au nom d'un parti enregistré à la connaissance et avec le consentement d'un dirigeant de celui-ci.

Offence

259.2 (1) Every person who sponsors or conducts advertising without identifying the name of the sponsor and indicating that it was authorized by that sponsor is guilty of an offence.

Infraction : mention du commanditaire

259.2 (1) Est coupable d'une infraction quiconque fait de la publicité ou en commandite sans qu'elle mentionne le nom du commanditaire et précise que celui-ci l'a autorisée.

Offence by group of persons

(2) For the purposes of section 259.1, no person shall incur an advertising expense in combination with one or more other persons if the aggregate amount of the advertising expenses incurred exceeds one thousand dollars.

Infraction : groupements de personnes

(2) Pour l'application de l'article 259.1, il est interdit à plusieurs personnes de se regrouper pour engager des frais de publicité dont la valeur totale est supérieure à mille dollars.

Cost of communication

259.3 Sections 259.1 and 259.2 do not apply to costs incurred of sending any document that an association, a union, a group, a corporation or an employer, including a registered party, sends directly to its members, employees or shareholders.

Exception

259.3 Les articles 259.1 et 259.2 ne s'appliquent pas aux frais engagés pour l'envoi d'un document par une association, un syndicat, un groupe, une personne morale ou un employeur, notamment un parti enregistré, directement à ses membres, ses actionnaires ou ses employés, selon le cas.

Offence

259.4 Every registered agent of a registered party and every other person acting on behalf of a registered party who, with the actual knowledge and consent of an officer of the registered party, between the date of the issue of the writs for a general election and the day immediately following polling day, incurs election expenses for the primary purpose of promoting the election of a particular candidate or person likely to become a candidate, other than the leader of the party, and

Infraction

259.4 Tout agent enregistré d'un parti enregistré et toute autre personne agissant au nom d'un parti enregistré qui, à la connaissance et avec le consentement d'un dirigeant de ce dernier, entre le jour de la délivrance des brefs d'une élection générale et le lendemain du jour du scrutin, engagent des dépenses d'élection dont le but principal est de favoriser l'élection d'un candidat en particulier ou d'une personne susceptible de devenir candidate, à l'exception du chef du parti, et

not primarily for the purpose of promoting or opposing a particular registered party is, unless the expenses are incurred on behalf of the particular candidate, guilty of an offence.

Corrupt practice

259.5 Where a person is found guilty of an offence under subsection 259.1(1) or section 259.2 or 259.4 and the contravention was made with the knowledge or consent of a candidate, an official agent or the registered agent of a registered party, that candidate, official agent or registered agent is also guilty of a corrupt practice.

113. Subsection 261(1) of the French version of the said Act is repealed and the following substituted therefor:

Indication du nom de l'agent sur les imprimés

261. (1) Tout imprimé de la nature d'une annonce, d'un placard, d'une affiche ou d'une circulaire qui indique un soutien ou une opposition à l'élection d'un parti enregistré ou d'un candidat et qui est mis en évidence ou distribué pendant une élection par un parti enregistré ou un candidat ou en leur nom doit porter le nom et l'autorisation de l'agent enregistré du parti ou de l'agent officiel du candidat, selon le cas.

114. Section 265 of the said Act is repealed and the following substituted therefor:

Offence

265. Any person who is not a Canadian citizen, is not a permanent resident and does not reside in Canada who, to secure the election of any candidate, canvasses for votes or in any way endeavours to induce electors to vote for any candidate at an election, or to refrain from voting, is guilty of an offence.

115. The heading preceding section 280 of the said Act is repealed and the following substituted therefor:

ADVANCE POLLS

116. Subsections 280(1) to (4) of the said Act are repealed and the following substituted therefor:

non dans le but principal de favoriser ou de contrecarrer un parti enregistré en particulier, sont, à moins que ces dépenses ne soient engagées au nom de ce candidat en particulier, coupables d'une infraction.

Manoeuvre frauduleuse

259.5 Lorsqu'une personne est reconnue coupable d'une infraction prévue au paragraphe 259.1(1) ou aux articles 259.2 ou 259.4 et que cette infraction a été commise à la connaissance ou avec le consentement d'un candidat, d'un agent officiel ou d'un agent enregistré d'un parti enregistré, ce candidat, cet agent officiel ou cet agent enregistré est coupable d'une manoeuvre frauduleuse.

113. Le paragraphe 261(1) de la version française de la même loi est abrogé et remplacé par ce qui suit :

Indication du nom de l'agent sur les imprimés

261. (1) Tout imprimé de la nature d'une annonce, d'un placard, d'une affiche ou d'une circulaire qui indique un soutien ou une opposition à l'élection d'un parti enregistré ou d'un candidat et qui est mis en évidence ou distribué pendant une élection par un parti enregistré ou un candidat ou en leur nom doit porter le nom et l'autorisation de l'agent enregistré du parti ou de l'agent officiel du candidat, selon le cas.

114. L'article 265 de la même loi est abrogé et remplacé par ce qui suit :

Interdiction aux non-résidents de faire campagne

265. Quiconque n'est ni citoyen canadien ni résident permanent et ne réside pas au Canada, dans le but de faire élire un candidat, fait campagne, sollicite des votes ou de quelque manière incite des électeurs à voter pour un candidat lors d'une élection ou à s'abstenir de voter est coupable d'une infraction.

115. L'intertitre qui précède l'article 280 de la même loi est abrogé et remplacé par ce qui suit :

BUREAUX SPÉCIAUX DE SCRUTIN

116. Les paragraphes 280(1) à (4) de la même loi sont abrogés et remplacés par ce qui suit :

Establishment of advance polling district

280. (1) Each returning officer shall establish an advance polling district in each revisal district.

Establishment of advance polling station

(2) An advance polling station shall be established in each advance polling district established under subsection (1).

Combining advance polling districts

(3) Where a request is made to a returning officer not later than ten days after the date of issue of the writ, the returning officer may, with the prior permission of the Chief Electoral Officer, combine any two advance polling districts in the returning officer's electoral district.

117. Sections 282 and 283 of the said Act are repealed and the following substituted therefor:

Notice of advance poll

282. Each returning officer shall, not later than Saturday, the twenty-third day before polling day,

(*a*) give a notice in the electoral district of the advance poll, in the prescribed form, setting out

(i) the numbers of the polling divisions comprised in every advance polling district established by the returning officer,

(ii) the location of each advance polling station,

(iii) the place where the deputy returning officer of each advance polling station shall count the number of votes cast at the polling station, and

(iv) that the counting referred to in subparagraph (iii) shall take place on polling day as soon after the close of the polls as possible; and

(*b*) send

(i) two copies of the notice to each candidate, and

(ii) two copies of the notice to the Chief Electoral Officer.

Who may vote at advance polls

283. Any elector whose name appears on the list of electors prepared for a polling division comprised in an advance polling district may vote at the advance polling station established in the advance polling district.

280. (1) Chaque directeur du scrutin établit un district spécial de scrutin dans chaque district de révision.

Établissement des districts spéciaux

(2) Il doit être établi un bureau spécial de scrutin dans chaque district spécial de scrutin établi en vertu du paragraphe (1).

Établissement des bureaux spéciaux

(3) Quand une demande est présentée au directeur du scrutin au plus tard dix jours après la date de délivrance d'un bref, ce dernier peut, avec la permission préalable du directeur général des élections, réunir en un seul district spécial deux districts spéciaux de scrutin de sa circonscription.

Fusion de districts spéciaux

117. Les articles 282 et 283 de la même loi sont abrogés et remplacés par ce qui suit :

282. Au plus tard le samedi, vingt-troisième jour avant le jour du scrutin, chaque directeur du scrutin :

Avis du scrutin spécial

a) donne dans la circonscription un avis du scrutin spécial, selon la formule prescrite, indiquant :

(i) les numéros des sections de vote comprises dans chaque district spécial de scrutin qu'il a établi,

(ii) l'emplacement de chaque bureau spécial de scrutin,

(iii) l'endroit où le scrutateur de chaque bureau spécial de scrutin doit compter le nombre de votes donnés à ce bureau,

(iv) que le dépouillement mentionné au sous-alinéa (iii) doit avoir lieu le jour du scrutin, le plus tôt possible après la fermeture des bureaux de scrutin;

b) expédie :

(i) deux copies de l'avis à chacun des candidats à l'élection,

(ii) deux copies de l'avis au directeur général des élections.

283. L'électeur dont le nom figure sur la liste électorale dressée pour une section de vote comprise dans un district spécial de scrutin peut voter au bureau spécial de scrutin prévu pour ce district spécial de scrutin.

Électeurs autorisés à voter à un bureau spécial

118. Section 284 of the said Act is repealed.

119. (1) Subsection 285(1) of the said Act is repealed and the following substituted therefor:

Duties of deputy returning officer respecting voting at an advance poll

285. (1) Where a person whose name appears on the list of electors prepared for a polling division comprised in an advance polling district applies to the deputy returning officer at the advance polling station established in that advance polling district, the deputy returning officer shall allow the person to vote, unless

(*a*) the deputy returning officer, the poll clerk or any agent of a candidate present at the advance polling station requires that the person take an oath in the form prescribed pursuant to subsection 122(2) and the person refuses to do so; or

(*b*) the person refuses to sign the record of votes cast at an advance poll referred to in subsection (3), as directed by the poll clerk pursuant to that subsection.

(2) Subsection 285(2) of the said Act is repealed.

(3) Subsection 285(3) of the said Act is repealed and the following substituted therefor:

Record of votes cast at advance poll

(3) The poll clerk at the advance poll shall, under the direction of the deputy returning officer, keep a record in duplicate, in the prescribed form, of the names of all persons who vote at the advance poll, in this Act referred to as a record of votes cast at an advance poll, in the order in which they vote, and shall

(*a*) mark on the form the notations that the poll clerk is required by this Act to make opposite the elector's name at an ordinary polling station; and

(*b*) direct the elector to sign the form opposite the elector's name on it.

120. (1) Subsection 286(1) of the said Act is repealed and the following substituted therefor:

118. L'article 284 de la même loi est abrogé.

119. (1) Le paragraphe 285(1) de la même loi est abrogé et remplacé par ce qui suit :

Fonctions du scrutateur

285. (1) Lorsqu'une personne dont le nom figure sur la liste électorale, dressée pour une section de vote comprise dans un district spécial de scrutin, se présente devant le scrutateur du bureau spécial de scrutin établi pour le district spécial de scrutin et demande à voter, le scrutateur est tenu de l'autoriser à voter sauf si, selon le cas :

a) elle refuse de prêter serment selon la formule prescrite en vertu du paragraphe 122(2), comme l'exige le scrutateur, le greffier du scrutin ou un agent du candidat présent au bureau spécial de scrutin;

b) elle refuse de signer le Registre du vote à un bureau spécial de scrutin mentionné au paragraphe (3), comme le lui demande le greffier du scrutin en vertu de ce paragraphe.

(2) Le paragraphe 285(2) de la même loi est abrogé.

(3) Le paragraphe 285(3) de la même loi est abrogé et remplacé par ce qui suit :

Registre du vote à un bureau spécial de scrutin

(3) À un bureau spécial de scrutin, le greffier du scrutin, sur les instructions du scrutateur, tient en double, sur la formule prescrite, un registre (appelé, dans la présente loi, « Registre du vote à un bureau spécial de scrutin ») des noms de toutes les personnes qui votent au bureau spécial, dans l'ordre où elles ont voté et doit :

a) faire, sur la formule, à côté du nom de chaque électeur, les inscriptions qu'il serait tenu de faire, aux termes de la présente loi, à un bureau ordinaire de scrutin;

b) ordonner à l'électeur d'apposer sa signature sur la formule, à côté de son nom.

120. (1) Le paragraphe 286(1) de la même loi est abrogé et remplacé par ce qui suit :

Examining and sealing of ballot box

286. (1) At the opening of an advance poll at noon on the first day of voting, the deputy returning officer shall, in full view of the candidates or their agents who are present,

(*a*) open the ballot box and ascertain that there are no ballot papers or other papers or material contained in the ballot box;

(*b*) seal the ballot box with the seals prescribed by the Chief Electoral Officer; and

(*c*) place the ballot box on a table in full view of all present and keep it so placed until the close of the advance poll on that day of voting.

(2) All that portion of subsection 286(2) of the said Act preceding paragraph (*a*) thereof is repealed and the following substituted therefor:

Re-opening of advance poll

(2) At the re-opening of the advance poll at noon of the second and third days of voting, the deputy returning officer shall, in full view of the candidates or their agents who are present,

(3) Subsections 286(3) to (5) of the said Act are repealed and the following substituted therefor:

Proceedings at close of advance poll each day of voting

(3) At the close of the advance poll at 8:00 p.m. on each of the three days of voting, the deputy returning officer shall, in full view of the candidates or their agents who are present,

(*a*) unseal and open the ballot box;

(*b*) empty the ballot papers cast during the same day of voting, in such manner as not to disclose for whom any elector has voted, into a special envelope supplied for that purpose, seal the envelope with a seal prescribed by the Chief Electoral Officer and indicate on the envelope the number of ballot papers;

(*c*) count the spoiled ballot papers, if any, place them in the special envelope supplied for that purpose, seal the envelope and indicate on the envelope the number of spoiled ballot papers; and

Examen de l'urne et apposition des sceaux

286. (1) À l'ouverture du bureau spécial à midi, le premier jour du scrutin, le scrutateur doit, bien en vue des personnes, parmi les candidats ou leurs représentants, qui sont présentes :

a) ouvrir l'urne et s'assurer qu'elle ne renferme aucun bulletin de vote ni autres papiers ou objets;

b) sceller l'urne au moyen des sceaux dont le modèle est fixé par le directeur général des élections;

c) placer l'urne sur une table bien en vue de toutes les personnes présentes et l'y laisser jusqu'à la fermeture du bureau spécial ce jour du scrutin.

(2) Le passage du paragraphe 286(2) de la même loi qui précède l'alinéa *a*) est abrogé et remplacé par ce qui suit :

Réouverture du bureau spécial

(2) À la réouverture du bureau spécial, à midi, les deuxième et troisième jours du scrutin, le scrutateur doit, bien en vue des personnes, parmi les candidats ou leurs représentants, qui sont présentes :

(3) Les paragraphes 286(3) à (5) de la même loi sont abrogés et remplacés par ce qui suit :

Mesures à prendre chaque jour du scrutin à la fermeture du bureau spécial

(3) À la fermeture du bureau spécial, à vingt heures, chacun des trois jours du scrutin, le scrutateur doit, bien en vue des personnes, parmi les candidats ou leurs représentants, qui sont présentes :

a) desceller et ouvrir l'urne;

b) verser les bulletins de vote déposés ce même jour du scrutin, de manière à ne pas révéler en faveur de qui un électeur a voté, dans une enveloppe spéciale fournie à cette fin, sceller cette enveloppe avec un sceau d'un modèle fixé par le directeur général des élections et indiquer sur l'enveloppe le nombre des bulletins de vote;

c) compter les bulletins de vote gâtés, s'il y en a, les placer dans l'enveloppe spéciale fournie à cette fin, sceller celle-ci et indiquer sur l'enveloppe le nombre des bulletins de vote gâtés;

(*d*) count the unused ballot papers and the names of all persons who have voted at the advance poll, as shown in the record of votes cast at an advance poll, and place the unused ballot papers and a copy of the record in the special envelope supplied for that purpose, seal the envelope with a seal prescribed by the Chief Electoral Officer and indicate on the envelope the number of unused ballot papers and the number of persons who have voted at the advance poll.

Affixing of signatures

(4) The deputy returning officer and poll clerk shall, and the candidates or their agents who are present may affix their signatures on the seals affixed to the special envelopes referred to in this section before those envelopes are placed in the ballot box, whereupon the deputy returning officer shall seal the ballot box as prescribed in subsection (1).

Custody of ballot box

(5) In the intervals between voting hours at the advance poll and until the counting of the ballots begins as prescribed in subsection 287(2), the deputy returning officer shall keep the ballot box in the deputy returning officer's custody, sealed in the manner prescribed in subsection (1), and those candidates or their agents who are present at the close of the advance poll on each of the three days of voting may, if they so desire, take note of the serial number on the seal used for sealing the ballot box, and may again take note of that serial number at the re-opening of the advance poll on the second and third days of voting and at the counting of the votes in the evening of polling day.

121. Subsection 287(2) of the said Act is repealed and the following substituted therefor:

Counting of votes cast at an advance poll

(2) The deputy returning officer shall, at the closing of the polls on polling day, attend with the poll clerk at the place mentioned in the notice of advance poll, given pursuant to paragraph 282(*a*), and there, in the presence of those candidates and their agents who may attend, open the ballot box and the sealed envelopes containing ballot papers, count the votes and take all other proceedings that, pursuant to this Act, are to be tak-

d) compter les bulletins de vote inutilisés et les noms des personnes qui, selon le Registre du vote, ont voté au bureau spécial de scrutin et placer les bulletins de vote inutilisés ainsi qu'une copie du Registre dans l'enveloppe spéciale fournie à cette fin, sceller celle-ci avec un sceau d'un modèle fixé par le directeur général des élections, et indiquer sur l'enveloppe le nombre des bulletins de vote inutilisés et le nombre de personnes qui ont voté au bureau spécial de scrutin.

Signatures et sceaux

(4) Le scrutateur et le greffier du scrutin doivent, et les personnes, parmi les candidats ou leurs représentants, qui sont présentes, peuvent, apposer leurs signatures sur les sceaux appliqués aux enveloppes spéciales mentionnées dans le présent article avant que celles-ci soient déposées dans l'urne. Le scrutateur scelle alors l'urne, comme le prévoit le paragraphe (1).

Garde de l'urne

(5) Dans les intervalles entre les heures du scrutin au bureau spécial et jusqu'au dépouillement du scrutin, en conformité avec le paragraphe 287(2), le scrutateur conserve l'urne sous sa garde, scellée de la manière prévue au paragraphe (1). Les personnes, parmi les candidats ou leurs représentants, qui sont présentes à la fermeture du bureau spécial chacun des trois jours du scrutin peuvent, si elles le désirent, prendre note du numéro de série inscrit sur le sceau utilisé pour sceller l'urne. Elles peuvent encore prendre note de ce numéro de série à la réouverture du bureau spécial les deuxième et troisième jours du scrutin et au dépouillement des votes le soir du jour du scrutin.

121. Le paragraphe 287(2) de la même loi est abrogé et remplacé par ce qui suit :

Dépouillement le jour du scrutin

(2) À la fermeture des bureaux de scrutin, le jour du scrutin, le scrutateur est présent avec son greffier du scrutin au lieu indiqué dans l'avis de la tenue d'un bureau spécial de scrutin, donné en conformité avec l'alinéa 282*a*). Là, en présence des candidats et de leurs représentants qui peuvent s'y trouver, il ouvre l'urne et les enveloppes scellées contenant les bulletins, compte les votes et fait toutes les autres opérations que, confor-

en by deputy returning officers and poll clerks in connection with the conduct of an election after the close of the ordinary poll, except that the statements and other documents that are required by other provisions of this Act to be made and to be written in or attached to the official list of electors shall be made in a special book of statements and oaths relating to advance polls prescribed by the Chief Electoral Officer.

122. Section 288 of the said Act is repealed and the following substituted therefor:

Provisions applicable to advance polls

288. Subject to sections 280 to 287 and 290, the provisions of this Act relating to ordinary polls, except subsection 79(3), shall in so far as they are applicable apply to advance polls.

1992, c. 21, s. 29

123. Sections 291 to 301 of the said Act are repealed and the following substituted therefor:

Offence

301. Every person who contravenes any of sections 280 to 287 is guilty of an offence.

124. (1) Subsection 302(2) of the said Act is repealed and the following substituted therefor:

Qualifications

(2) No person shall be appointed as a returning officer, assistant returning officer, deputy returning officer, poll clerk, revising officer, revising agent, enumeration supervisor, central poll supervisor or enumerator unless that person is qualified as an elector in the electoral district within which that person is to act.

Exception

(2.1) Where a returning officer finds it impossible to apply the requirements of subsection (2), the returning officer may, with the approval of the Chief Electoral Officer, appoint as those officers

(*a*) Canadian citizens who have attained the age of sixteen years and who reside in the electoral district; or

(*b*) persons who are qualified as electors, notwithstanding that they do not reside in

mément à la présente loi, les scrutateurs et greffiers du scrutin doivent faire relativement à la conduite d'une élection après la fermeture du scrutin ordinaire. Toutefois, les relevés et autres documents que d'autres dispositions de la présente loi peuvent prescrire d'établir ou d'annexer à la liste électorale officielle sont faits dans un livre spécial des déclarations et serments relatifs aux bureaux spéciaux, déterminé par le directeur général des élections.

122. L'article 288 de la même loi est abrogé et remplacé par ce qui suit :

Dispositions applicables aux bureaux spéciaux de scrutin

288. Sous réserve des articles 280 à 287 et de l'article 290, les dispositions de la présente loi relatives aux bureaux ordinaires de scrutin, sauf le paragraphe 79(3), s'appliquent, dans la mesure où elles sont applicables, aux bureaux spéciaux de scrutin.

123. Les articles 291 à 301 de la même loi sont abrogés et remplacés par ce qui suit :

1992, ch. 21, art. 29

Infraction

301. Est coupable d'une infraction quiconque contrevient aux articles 280 à 287.

124. (1) Le paragraphe 302(2) de la même loi est abrogé et remplacé par ce qui suit :

Qualité d'électeur des fonctionnaires électoraux

(2) Nul ne peut être nommé directeur du scrutin, directeur adjoint du scrutin, superviseur d'un centre de scrutin, scrutateur, greffier du scrutin, superviseur du recensement, recenseur, réviseur ou agent réviseur, s'il n'a pas qualité d'électeur dans la circonscription où il doit agir.

Exception

(2.1) Le directeur du scrutin, s'il lui est impossible de nommer des personnes répondant aux exigences prévues au paragraphe (2), peut nommer à ce titre, avec l'approbation du directeur général des élections :

a) soit des citoyens canadiens de seize ans ou plus qui résident dans la circonscription;

b) soit des personnes ayant qualité d'électeur même si elles ne résident pas dans la

the electoral district within which they are to act.

(2) Subsection 302(4) of the said Act is repealed and the following substituted therefor:

No contributions, etc. by returning officers

(4) Returning officers shall not, while in office, belong to or make a direct contribution to, be an employee of, or hold a position in a registered party or a political party seeking registration.

125. The said Act is further amended by adding thereto, immediately after section 322 thereof, the following section:

Broadcasting, publishing, etc.

322.1 No person shall broadcast, publish or disseminate the results of an opinion survey respecting how electors will vote at an election or respecting an election issue that would permit the identification of a political party or candidate from midnight the Friday before polling day until the close of all polling stations.

126. Schedule II to the said Act is repealed and the following substituted therefor:

SCHEDULE II
(Sections 2, 51.1, 55, 94, 168, 195, 330)

SPECIAL VOTING RULES

SHORT TITLE

Short title

1. These Rules may be cited as the *Special Voting Rules*.

DEFINITIONS

Definitions

2. (1) In these Rules,

"Act" « *loi* »

"Act" means the *Canada Elections Act*;

"administrative centre" « *centre administratif* »

"administrative centre" means an area designated pursuant to section 4 for the distribution of materials and the provision of information;

circonscription dans laquelle elles sont appelées à exercer leurs fonctions.

(2) Le paragraphe 302(4) de la même loi est abrogé et remplacé par ce qui suit :

Directeurs du scrutin

(4) Il est interdit aux directeurs du scrutin, durant leur mandat, d'appartenir ou de faire une contribution directe à un parti enregistré ou qui demande à l'être, d'y exercer une fonction ou d'occuper un emploi à son service.

125. La même loi est modifiée par insertion, après l'article 322, de ce qui suit :

Interdiction de publication de résultats de sondage

322.1 Il est interdit d'annoncer de publier ou de diffuser les résultats d'un sondage sur les intentions de vote des électeurs ou sur une question électorale qui permettrait d'identifier un parti politique ou un candidat entre minuit le vendredi qui précède le jour du scrutin et la fermeture de tous les bureaux de scrutin.

126. L'annexe II de la même loi est abrogée et remplacée par ce qui suit :

ANNEXE II
(articles 2, 51.1, 55, 94, 168, 195, 330)

RÈGLES ÉLECTORALES SPÉCIALES

TITRE ABRÉGÉ

Titre abrégé

1. *Règles électorales spéciales.*

DÉFINITIONS

Définitions

2. (1) Les définitions qui suivent s'appliquent aux présentes règles.

« administrateur des règles électorales spéciales » "*special voting rules...*"

« administrateur des règles électorales spéciales » Personne nommée par le directeur général des élections en vertu de l'article 5.

« agent coordonnateur » "*coordinating officer*"

« agent coordonnateur » Personne désignée par le ministre de la Défense nationale ou le ministre responsable des services correctionnels dans une province.

"application for registration and special ballot" *« demande d'inscription et de bulletin de vote spécial »*

"application for registration and special ballot" means an application completed by an elector, notably, an elector who is incarcerated in a correctional institution or an elector who is unable to attend at the polling station;

"Canadian Forces elector" *« électeur des Forces canadiennes »*

"Canadian Forces elector" means an elector who is qualified and entitled, under section 14, to vote under these Rules;

"commanding officer" *« commandant »*

"commanding officer" means the commanding officer of a unit;

"coordinating department" *« ministère coordonnateur »*

"coordinating department" means the Department of External Affairs or the Minister responsible for corrections in each province;

"coordinating officer" *« agent coordonnateur »*

"coordinating officer" means a person designated by the Minister of National Defence or the Minister responsible for corrections in each province;

"deputy returning officer" *« scrutateur »*

"deputy returning officer" means an elector designated by a commanding officer or returning officer;

"elector" *« électeur »*

"elector" means a person entitled to vote pursuant to the Act;

"enrol" *« enrôler »*

"enrol" has the same meaning as in the *National Defence Act*;

"hours of the day" *« heure »*

"hours of the day" and all other references to time relate to local time;

"inner envelope" *« enveloppe intérieure »*

"inner envelope" means the envelope supplied by the Chief Electoral Officer in which a ballot paper is to be enclosed after the ballot paper has been marked and before the ballot paper is transmitted to the Chief Electoral Officer in an outer envelope;

"liaison officer" *« agent de liaison »*

"liaison officer" means an elector designated by the Minister of National Defence or the Minister responsible for corrections in each province;

"outer envelope" *« enveloppe extérieure »*

"outer envelope" means an envelope supplied by the Chief Electoral Officer for the transmission of a ballot paper after it has been marked and enclosed in an inner envelope;

« agent de liaison » *"liaison officer"*

« agent de liaison » Électeur désigné par le ministre de la Défense nationale ou le ministre responsable des services correctionnels dans une province.

« agent des bulletins de vote spéciaux » *"special ballot officer"*

« agent des bulletins de vote spéciaux » Personne nommée par le directeur général des élections conformément aux articles 6 ou 7.

« bulletin de vote spécial » *"special ballot"*

« bulletin de vote spécial » Bulletin de vote fourni aux électeurs habiles à voter en vertu des présentes règles.

« centre administratif » *"administrative centre"*

« centre administratif » L'endroit désigné en vertu de l'article 4 pour la distribution du matériel et la communication de renseignements.

« commandant » *"commanding officer"*

« commandant » L'officier commandant une unité.

« déclaration certifiée de résidence ordinaire » *"validated statement ..."*

« déclaration certifiée de résidence ordinaire » Déclaration de résidence ordinaire sur laquelle est inscrit le nom de la circonscription de l'électeur.

« déclaration de résidence ordinaire » *"statement of ordinary ..."*

« déclaration de résidence ordinaire » Déclaration remplie par un membre des Forces canadiennes qui est habile à voter et qui a le droit de voter en vertu des présentes règles.

« demande certifiée d'inscription et de bulletin de vote spécial » *"validated application ..."*

« demande certifiée d'inscription et de bulletin de vote spécial » Demande sur laquelle est inscrit le nom de la circonscription de l'électeur et qui est signée par le fonctionnaire électoral compétent.

« demande d'inscription et de bulletin de vote spécial » *"application for registration and..."*

« demande d'inscription et de bulletin de vote spécial » Demande d'inscription et d'obtention d'un bulletin de vote spécial que remplit un électeur, notamment un électeur incarcéré ou un électeur qui ne peut se présenter au bureau de scrutin.

« électeur » *"elector"*

« électeur » Personne habile à voter en vertu de la loi.

« électeur des Forces canadiennes » *"Canadian Forces elector"*

« électeur des Forces canadiennes » Électeur qui, en vertu de l'article 14, est habile à voter et a le droit de voter en vertu des présentes règles.

« enrôler » *"enrol"*

« enrôler » S'entend au sens de la *Loi sur la défense nationale*.

"political purposes" « *fins politiques* »

"political purposes" means for the purpose of enabling Members of the House of Commons to communicate with their constituents;

« fins politiques » Fins visant à permettre aux députés de la Chambre des communes de communiquer avec leurs électeurs.

"polling day" « *jour du scrutin* »

"polling day" means the date fixed pursuant to section 79 of the Act for holding the poll at an election;

« jour du scrutin » Jour fixé conformément à l'article 79 de la loi pour la tenue du scrutin.

"special ballot" « *bulletin de vote spécial* »

"special ballot" means the ballot papers supplied to electors who are eligible under these Rules;

"special ballot officer" « *agent des bulletins de vote spéciaux* »

"special ballot officer" means a person appointed by the Chief Electoral Officer pursuant to section 6 or 7;

"special voting rules administrator" « *administrateur des règles ...* »

"special voting rules administrator" means a person appointed pursuant to section 5;

"statement of ordinary residence" « *déclaration de résidence ordinaire* »

"statement of ordinary residence" means the statement completed by Canadian Forces personnel who are qualified and entitled to vote under these Rules;

"unit" « *unité* »

"unit" has the same meaning as in the *National Defence Act* and includes a base, station or other element;

« heure » S'entend de l'heure locale.

« jour du scrutin » Jour fixé conformément à l'article 79 de la loi pour la tenue du scrutin.

« loi » La *Loi électorale du Canada*.

« ministère coordonnateur » Le ministère des Affaires extérieures ou le ministère du ministre responsable des services correctionnels dans une province.

« scrutateur » Électeur désigné par un commandant ou un directeur du scrutin.

« territoire de vote » La zone établie par l'article 4.

« unité » S'entend au sens de la *Loi sur la défense nationale* et vise notamment une base, une station ou un autre élément.

"validated application for registration and special ballot" « *demande certifiée d'inscription ...* »

"validated application for registration and special ballot" means that the electoral district has been entered on the application and signed by an authorized election officer;

"validated statement of ordinary residence" « *déclaration certifiée de résidence ...* »

"validated statement of ordinary residence" means a statement of ordinary residence on which the electoral district of the elector has been entered;

"voting territory" « *territoire de vote* »

"voting territory" means the area established by section 4.

« enveloppe extérieure » L'enveloppe fournie par le directeur général des élections pour la transmission du bulletin de vote après que le bulletin a été rempli et mis dans une enveloppe intérieure.

« enveloppe intérieure » L'enveloppe fournie par le directeur général des élections dans laquelle le bulletin de vote est mis une fois qu'il a été rempli et avant qu'il ne soit transmis au directeur général des élections dans une enveloppe extérieure.

« enveloppe extérieure » "*outer envelope*"

« enveloppe intérieure » "*inner envelope*"

« fins politiques » "*political purposes*"

« heure » "*hours of the day*"

« jour du scrutin » "*polling day*"

« loi » "*Act*"

« ministère coordonnateur » "*coordinating department*"

« scrutateur » "*deputy returning ...*"

« territoire de vote » "*voting territory*"

« unité » "*unit*"

Application

(2) The voting procedures contained in these Rules apply only in respect of a general election.

(2) La procédure de vote décrite dans les présentes règles s'applique uniquement dans le cas d'une élection générale.

Application

Idem

(3) The Chief Electoral Officer may by instructions adapt these Rules so that all or any part of them apply to a by-election.

(3) Le directeur général des élections peut, par instructions, adapter les présentes règles de manière à les rendre applicables, en totalité ou en partie, aux élections partielles.

Idem

PART I

ADMINISTRATION AND INITIAL PROCEDURES

PARTIE I

ADMINISTRATION ET FORMALITÉS PRÉLIMINAIRES

General direction

3. (1) The Chief Electoral Officer shall exercise general direction and supervision over the administration of these Rules.

3. (1) Le directeur général des élections dirige et surveille d'une façon générale l'application des présentes règles.

Direction générale

Instructions

(2) For the purpose of carrying into effect these Rules or in order to adapt these Rules in respect of a particular circumstance, the Chief Electoral Officer may issue any instructions that the Chief Electoral Officer may consider necessary in order to execute their intent.

(2) Pour l'application des présentes règles ou leur adaptation à des circonstances particulières, le directeur général des élections peut prendre les instructions qu'il juge nécessaires pour en réaliser l'objet.

Instructions

Establishment of voting territories

4. For the purpose of these Rules, there is hereby established one voting territory with headquarters in Ottawa and the Chief Electoral Officer may establish any additional voting territories or administrative centres in or outside Canada that the Chief Electoral Officer considers appropriate.

4. Pour l'application des présentes règles, est établi un territoire de vote dont le bureau central est situé à Ottawa. De plus, le directeur général des élections peut, s'il l'estime indiqué, établir d'autres territoires de vote ou des centres administratifs, au Canada ou à l'étranger.

Établissement du territoire de vote

Appointment of special voting rules administrator

5. (1) The Chief Electoral Officer shall appoint, in the prescribed form, a special voting rules administrator who is responsible for the supervision of the taking, receiving, sorting, counting and reporting of the votes of all electors who are eligible under these Rules.

5. (1) Le directeur général des élections nomme, selon la formule prescrite, l'administrateur des règles électorales spéciales et le charge de superviser le scrutin, la réception, le tri, le compte et la communication du vote des électeurs qui votent au titre des présentes règles.

Rôle du directeur général des élections

Oath

(2) The special voting rules administrator shall, before taking office, take an oath of office in the prescribed form.

(2) Avant de prendre ses fonctions, l'administrateur des règles électorales spéciales prête serment selon la formule prescrite.

Serment

Appointment of special ballot officers

6. (1) Following the issue of the writs the Chief Electoral Officer shall appoint a minimum of six special ballot officers as follows:

6. (1) Après la délivrance des brefs, le directeur général des élections nomme au moins six agents des bulletins de vote spéciaux de la façon suivante :

Agent des bulletins de vote spéciaux

(*a*) three on the nomination of the Prime Minister or a person designated in writing by the Prime Minister;

a) trois dont le nom est proposé par le premier ministre ou la personne qu'il désigne par écrit;

(*b*) two on the nomination of the Leader of the Opposition or a person designated in writing by the Leader of the Opposition; and

b) deux dont le nom est proposé par le chef de l'opposition ou la personne qu'il désigne par écrit;

(*c*) one on the nomination of the Leader of the registered party having the third largest membership in the House of Commons as of the last general election or a person designated in writing by that Leader.

c) une dont le nom est proposé par le chef du parti enregistré dont le nombre de députés à la Chambre des communes, lors des dernières élections générales, est le troisième en importance ou la personne qu'il désigne par écrit.

Appointment and oath of special ballot officers

(2) A special ballot officer shall be appointed in the prescribed form and take an oath of office in the prescribed form.

Nomination et serment

(2) Les agents des bulletins de vote spéciaux sont nommés, selon la formule prescrite, et prêtent le serment de fonctions, selon la formule prescrite.

Voting by election officer

(3) Each election officer appointed pursuant to these Rules who is qualified to vote at an election in respect of which the person is appointed may vote under these Rules in the same manner as if the person were entitled to vote under these Rules.

Protection du droit de vote

(3) Chacun des fonctionnaires électoraux nommés en conformité avec les présentes règles, qui est habile à voter à une élection pour laquelle il est nommé, peut voter en vertu des présentes règles de la même manière que s'il était habile à voter au titre des présentes règles.

Idem

(4) For the purpose of taking the vote of the officials referred to in subsection (3), the Chief Electoral Officer may appoint any persons who are necessary to act in the capacity of deputy returning officers.

Nomination de scrutateurs

(4) Afin de procéder au vote des personnes mentionnées au paragraphe (3), le directeur général des élections peut, au besoin, nommer des personnes pour agir à titre de scrutateur.

Appointment of staff

(5) The Chief Electoral Officer shall appoint such staff for duty in the Chief Electoral Officer's headquarters as the Chief Electoral Officer considers necessary for the purposes of these Rules and may authorize the returning officers to appoint such additional staff as they consider necessary.

Personnel

(5) Le directeur général des élections nomme au bureau central le personnel qu'il juge nécessaire au déroulement du scrutin en vertu des présentes règles et peut autoriser les directeurs du scrutin à nommer à leur propre bureau le personnel nécessaire.

Idem

(6) Staff shall

(*a*) be appointed in the prescribed form;

(*b*) take an oath of office in the prescribed form;

(*c*) be paid for services at such rate as may be fixed by the Governor in Council; and

(*d*) be discharged as soon as their services are no longer needed.

Personnel

(6) Les membres du personnel :

a) sont nommés selon la formule prescrite;

b) prêtent un serment de fonctions selon la formule prescrite;

c) sont payés pour leurs services au taux fixé par le gouverneur en conseil;

d) sont relevés de leurs fonctions dès que leurs services ne sont plus requis.

Appointment of additional special ballot officers

7. (1) Where the Chief Electoral Officer is of the opinion that the number of special ballot officers appointed pursuant to section 6 is insufficient, the Chief Electoral Officer shall appoint additional special ballot officers nominated, as nearly as possible, in the proportion and manner set out in subsection 6(1) and a special ballot officer so appointed shall take an oath of office in the prescribed form.

Agents supplémentaires

7. (1) Le directeur général des élections nomme des agents des bulletins de vote spéciaux supplémentaires s'il est d'avis que le nombre de ceux qu'il a nommés conformément à l'article 6 est insuffisant; il les choisit, autant que possible, de la façon prévue au paragraphe 6(1) et leur fait prêter serment selon la formule prescrite.

Decision of Chief Electoral Officer

(2) Where the registered parties do not nominate the additional special ballot officers pursuant to subsection (1) within twenty-four hours following notification by the Chief Electoral Officer, the Chief Electoral Officer shall make the necessary appointments.

Remuneration

8. Each special ballot officer shall be paid for services and, where applicable, travelling and living expenses in such amount or at such rate as may be fixed by the Governor in Council.

Administration of these Rules

9. For the administration of these Rules, the special voting rules administrator shall

(*a*) secure suitable premises;

(*b*) retain the oath of office of each special ballot officer;

(*c*) obtain from the liaison officers the lists prepared pursuant to subsection 61(1);

(*d*) obtain from the liaison officers the lists of the names of deputy returning officers that the commanding officers are required to furnish;

(*e*) distribute the required election materials and lists of the names of candidates;

(*f*) receive, validate, examine and sort the completed outer envelopes containing ballot papers marked by electors; and

(*g*) proceed with the counting of the votes cast by electors.

Liability of special ballot officer

10. Every special ballot officer who contravenes any provision of these Rules is guilty of an offence.

Form of special ballots

11. The special ballots supplied by the Chief Electoral Officer to electors who are eligible under these Rules shall be in the form of ballot paper set out at the end of these Rules.

Distribution of election materials, etc.

12. (1) As soon as possible after the issue of the writs, the special voting rules administrator shall distribute a sufficient quantity of the election materials, and as soon as possible after the close of nominations the special

(2) Dans le cas où les partis enregistrés ne désignent pas de candidat au poste d'agents des bulletins de vote spéciaux supplémentaires conformément au paragraphe (1), dans les vingt-quatre heures qui suivent la demande du directeur général des élections de le faire, ce dernier procède aux nominations.

Décision du directeur général des élections

8. Chacun des agents des bulletins de vote spéciaux est rétribué pour ses services et indemnisé pour les frais de déplacement et de séjour qu'il engage, selon le montant ou le tarif que peut fixer le gouverneur en conseil.

Rémunération et indemnité

9. Pour l'application des présentes règles, l'administrateur des règles électorales spéciales :

Obligations du directeur général des élections

a) obtient un local convenable;

b) garde en sa possession le serment de fonctions de chacun des agents des bulletins de vote spéciaux;

c) obtient des agents de liaison les listes dressées conformément au paragraphe 61(1);

d) obtient des agents de liaison les listes des noms des scrutateurs que les commandants sont tenus de fournir;

e) distribue le matériel d'élection et les listes des noms des candidats;

f) reçoit, certifie, examine et classe les enveloppes extérieures dûment marquées et contenant les bulletins de vote remplis par les électeurs;

g) procède au compte des votes donnés par les électeurs.

10. L'agent des bulletins de vote spéciaux qui contrevient aux présentes règles est coupable d'une infraction.

Infraction

11. Les bulletins de vote fournis par le directeur général des élections sont établis selon la formule prévue à cette fin figurant à la suite des présentes règles.

Bulletins de vote

12. (1) Aussitôt que possible après la délivrance des brefs, l'administrateur des règles électorales spéciales distribue une quantité suffisante de matériel d'élection et, aussitôt que possible après la clôture de la présenta-

Obligations du directeur général des élections

voting rules administrator shall distribute a sufficient quantity of the lists of the names of candidates to commanding officers and such other persons or places as the special voting rules administrator considers appropriate.

tion des candidats, distribue une quantité suffisante de listes des noms des candidats aux commandants et aux autres personnes ou endroits qu'il estime indiqués.

Political affiliation of candidate

(2) The Chief Electoral Officer shall set out after the name of each candidate in the list referred to in subsection (1) the political affiliation of the candidate in the manner set out in section 100 of the Act.

Indication de l'appartenance politique

(2) Le directeur général des élections inscrit, après le nom de chaque candidat figurant sur la liste mentionnée au paragraphe (1), l'appartenance politique du candidat, déterminée et indiquée conformément à l'article 100 de la loi.

Availability of lists

(3) Following nomination of candidates, but no later than Monday, the twenty-first day before polling day, the special voting rules administrator shall ensure that all lists referred to in paragraph 57(1)(*b*) are available.

Délai

(3) Après la présentation des candidats, mais avant le lundi vingt et unième jour avant le jour du scrutin, l'administrateur des règles électorales spéciales veille à ce que les listes mentionnées à l'alinéa 57(1)*b*) soient prêtes.

Safekeeping of lists

(4) The lists referred to in subsection (3) shall not be open to inspection, copied or extracted except by the Chief Electoral Officer for the purposes described in subsection 74(6).

Utilisation des listes

(4) Les listes mentionnées au paragraphe (3) ne peuvent être examinées ni copiées en totalité ou en partie, sauf par le directeur général des élections pour l'application du paragraphe 74(6).

Use of lists not prohibited

(5) Nothing in subsection (4) prevents the use of the lists referred to in subsection (3)

Exceptions

(5) Le paragraphe (4) n'interdit pas l'utilisation des listes mentionnées au paragraphe (3) :

(*a*) by the Chief Electoral Officer, the Canadian Forces or the Minister responsible for corrections in a province in relation to an election; or

a) par le directeur général des élections, par les Forces canadiennes ou par les ministres provinciaux responsables des services correctionnels pour un objet lié à une élection;

(*b*) in respect of a provincial election where it is necessary to establish the entitlement of members of the Canadian Forces to vote at that election.

b) pour une élection provinciale, lorsqu'il est nécessaire d'établir que certains membres des Forces canadiennes ont le droit de voter à cette élection.

Idem

(6) Subsection (4) applies, with such modifications as the circumstances require, in respect of the use of lists referred to in subsection (3) for a provincial election.

Application

(6) Le paragraphe (4) s'applique, avec les adaptations nécessaires, relativement à l'utilisation des listes mentionnées au paragraphe (3) pour une élection provinciale.

Transmission of lists of candidates

(7) As soon as possible after the nomination of candidates has closed, the Chief Electoral Officer shall transmit a sufficient number of copies of the list of the names of the candidates nominated in each electoral district to all liaison officers appointed under these Rules.

Transmission des listes des candidats

(7) Aussitôt que possible après la clôture de la présentation des candidats, le directeur général des élections transmet à chacun des agents de liaison nommés en vertu des présentes règles un nombre suffisant d'exemplaires d'une liste des noms des candidats dans chaque circonscription.

742

Availability of street indexes and guides to electoral districts

13. The street indexes and guides to electoral districts distributed pursuant to subsection 12(1) shall be made available for use by the deputy returning officers and liaison officers to enable them to determine the electoral district in which the elector is entitled to vote at the election.

Guides des circonscriptions

13. Les indicateurs de rues et le guide des circonscriptions distribués en application du paragraphe 12(1) doivent être mis à la disposition des scrutateurs et des agents de liaison afin de leur permettre de déterminer la circonscription où l'électeur a le droit de voter à l'élection.

PART II

QUALIFICATIONS AND ENTITLEMENT TO VOTE OF CANADIAN FORCES ELECTORS

Qualifications and Entitlement to Vote

Entitlement to vote

14. (1) Every member of the Canadian Forces who is qualified as an elector is entitled to vote under these Rules if the member is

(*a*) a member of the regular force of the Canadian Forces;

(*b*) a member of the reserve force of the Canadian Forces on full-time training or service or on active service; or

(*c*) a member of the special force of the Canadian Forces.

Civilian Canadian Forces electors

(2) Every civilian is a Canadian Forces elector qualified and entitled to vote under these Rules where the civilian is employed outside Canada by the Canadian Forces as a teacher in a Canadian Forces school or as administrative support staff for such schools and is qualified under the Act as an elector.

Limitations on Entitlement to Vote

Disqualification from voting

15. A member of the Canadian Forces who is subject to any disqualification set out in section 51 of the Act is disqualified from voting under these Rules.

Statements and declarations of ordinary residence

16. Notwithstanding section 14, a Canadian Forces elector is not entitled to vote under these Rules unless that person completes

PARTIE II

QUALITÉS REQUISES ET DROIT DE VOTE DES ÉLECTEURS DES FORCES CANADIENNES

Qualités requises et droit de vote

Qualités requises et droit de vote des électeurs des Forces canadiennes

14. (1) Chaque membre des Forces canadiennes qui a qualité d'électeur et qui est :

a) un membre de la force régulière des Forces canadiennes,

b) un membre de la force de réserve des Forces canadiennes et est à l'instruction ou en service à plein temps, ou en activité de service,

c) un membre de la force spéciale des Forces canadiennes,

est un électeur des Forces canadiennes habile à voter et a le droit de voter en vertu des présentes règles.

Électeurs civils des Forces canadiennes

(2) Sont des électeurs des Forces canadiennes habiles à voter et ont le droit de voter en vertu des présentes règles, les civils qui sont employés, à l'étranger, par les Forces canadiennes à titre de professeurs dans une école des Forces canadiennes ou à titre de membres du personnel de soutien administratif pour de telles écoles et qui ont qualité d'électeur en vertu de la loi.

Restrictions du droit de vote

Inhabilité

15. Le membre des Forces canadiennes qui est frappé d'une inhabilité prévue à l'article 51 de la loi est inhabile à voter en vertu des présentes règles.

Déclarations de résidence ordinaire

16. Par dérogation à l'article 14, un électeur des Forces canadiennes n'a pas le droit de voter en vertu des présentes règles, sauf s'il remplit :

(*a*) a statement of ordinary residence pursuant to section 19; and

(*b*) a declaration described in section 66.

Voting limited to electoral district of ordinary residence

17. A Canadian Forces elector is entitled to vote under these Rules only for a candidate at an election in the electoral district in which is situated the place of ordinary residence of the Canadian Forces elector as shown on the statement of ordinary residence made by that elector pursuant to section 19.

Procedure

18. Subject to section 73, a Canadian Forces elector is entitled to vote at an election only in accordance with the procedure set out in these Rules.

Statement of Ordinary Residence

Completion of statement of ordinary residence

19. (1) Every person other than a person referred to in subsection (2) or (3) shall, forthwith on that person's enrolment in the regular force of the Canadian Forces or that person's transfer to the regular force, complete a statement of ordinary residence in the prescribed form indicating the city, town, village or other place in Canada, with street address, postal code and province, in which the place of that person's ordinary residence was situated immediately prior to enrolment or transfer.

Idem

(2) Every person who does not have a place of ordinary residence in Canada immediately prior to that person's enrolment in the regular force of the Canadian Forces or that person's transfer to the regular force shall, as soon as that person acquires a place of ordinary residence in Canada described in clause (4)(*a*)(i)(A) or (B), complete a statement of ordinary residence in the form prescribed pursuant to subsection (1).

Member of regular force who is not a Canadian citizen

(3) Subsection (1) does not apply to a member of the regular force of the Canadian Forces who is not a Canadian citizen, but, on becoming a Canadian citizen, the member of the regular force shall forthwith complete a statement of ordinary residence in accordance with subsection (1), indicating a place of ordinary residence described in paragraph (4)(*a*).

a) d'une part, une déclaration de résidence ordinaire en conformité avec l'article 19;

b) d'autre part, la déclaration visée à l'article 66.

Vote restreint la circonscription de résidence ordinaire

17. Un électeur des Forces canadiennes a le droit de voter en vertu des présentes règles uniquement pour un candidat présenté à une élection dans la circonscription où est situé le lieu de sa résidence ordinaire comme l'indique la déclaration de résidence ordinaire qu'il a faite en conformité avec l'article 19.

Vote uniquement en conformité avec les présentes règle

18. Sous réserve de l'article 73, un électeur des Forces canadiennes a le droit de voter à une élection uniquement selon la procédure énoncée aux présentes règles.

Déclaration de résidence ordinaire

Résidence ordinaire lors de l'enrôlement

19. (1) Toute personne autre qu'une personne mentionnée aux paragraphes (2) ou (3) doit, dès son enrôlement dans la force régulière des Forces canadiennes ou son transfert à la force régulière, établir une déclaration de résidence ordinaire, selon la formule prescrite, indiquant la cité, la ville, le village ou toute autre localité au Canada, y compris la rue, le numéro et le code postal, ainsi que la province où est situé le lieu de sa résidence ordinaire immédiatement avant son enrôlement ou transfert.

Idem

(2) Toute personne qui n'avait pas de lieu de résidence ordinaire au Canada immédiatement avant son enrôlement dans la force régulière des Forces canadiennes ou son transfert à la force régulière doit, dès qu'elle acquiert un lieu de résidence ordinaire au Canada, visé aux dispositions (4)*a*)(i)(A) ou (B), établir une déclaration de résidence ordinaire selon la formule prescrite en vertu du paragraphe (1).

Membres de la force régulière qui ne sont pas des citoyens canadiens

(3) Le paragraphe (1) ne s'applique pas aux membres de la force régulière des Forces canadiennes qui ne sont pas citoyens canadiens mais, s'ils le deviennent, ils doivent, sans délai, remplir une déclaration de résidence ordinaire conformément au paragraphe (1), indiquant un lieu de résidence ordinaire en conformité avec l'alinéa (4)*a*).

Change of ordinary residence, etc.

(4) A member of the regular force who is not a member of the special force of the Canadian Forces may, once a year, except during an election,

(*a*) subject to subsection (5), change the place of that member's ordinary residence and other particulars by completing a statement of ordinary residence in the form prescribed pursuant to subsection (1) indicating

(i) as the place of that member's ordinary residence the city, town, village or other place in Canada, with street address, postal code and province, in which is situated

(A) the ordinary residence of a person who is the spouse, dependant, relative or next of kin of the member,

(B) the place where the member is residing by reason of the services performed by the member in the Canadian Forces, or

(C) the place of the member's ordinary residence immediately prior to enrolment or transfer, and

(ii) the member's rank or any other particulars to accord with the current correct description of the member; and

(*b*) if the member has failed to complete a statement of ordinary residence referred to in subsection (1) or (2), complete the statement of ordinary residence in the form prescribed pursuant to subsection (1), as applicable.

Amendment to statement of ordinary residence

(4.1) An amendment to a statement of ordinary residence comes into effect sixty days after the statement is received by the Department of National Defence, except when made during an election, in which case it comes into effect fourteen days after polling day.

Completion of statement of ordinary residence by member not on active service

(5) Every member of the reserve force of the Canadian Forces not on active service who, at any time during the period beginning on the date of the issue of the writs and ending on the Saturday immediately preceding polling day, is on full-time training or service

Modification du lieu de la résidence ordinaire

(4) Un membre de la force régulière qui n'est pas membre de la force spéciale des Forces canadiennes peut, une fois par année, excepté pendant l'élection :

a) sous réserve du paragraphe (5), changer le lieu de sa résidence ordinaire et autres détails en établissant une déclaration de résidence ordinaire, selon la formule prescrite en vertu du paragraphe (1), indiquant :

(i) d'une part, à titre de lieu de sa résidence ordinaire la cité, la ville, le village ou toute autre localité au Canada, y compris la rue, le numéro et le code postal ainsi que la province où se trouve :

(A) la résidence d'une personne qui est le conjoint, une personne à charge, un parent ou une personne désignée comme plus proche parent du membre,

(B) le lieu où le membre réside à cause du service qu'il accomplit dans les Forces canadiennes,

(C) le lieu de sa résidence ordinaire immédiatement avant son enrôlement ou son transfert,

(ii) d'autre part, son grade ou tous les renseignements qui peuvent servir à l'identifier correctement;

b) s'il a omis d'établir une déclaration de résidence ordinaire mentionnée aux paragraphes (1) ou (2), établir la déclaration de résidence ordinaire d'après la formule prescrite en vertu du paragraphe (1), selon celle qui s'applique.

Entrée en vigueur de la modification

(4.1) Toute modification apportée à une déclaration de résidence ordinaire entre en vigueur soixante jours après sa réception par le ministère de la Défense nationale, sauf si elle a été faite pendant l'élection, auquel cas elle entre en vigueur quatorze jours après le jour du scrutin.

Résidence ordinaire d'un membre de la force de réserve en service à plein temps

(5) Tout membre de la force de réserve des Forces canadiennes qui n'est pas en activité de service et qui, au cours de la période commençant à la date de la délivrance des brefs et se terminant le samedi qui précède le jour du scrutin, est à l'instruction ou en service à

shall complete a statement of ordinary residence in the prescribed form indicating the city, town, village or other place in Canada, with street address, postal code and province, in which the place of the member's ordinary residence was situated immediately prior to the commencement of that full-time training or service.

Completion of statement of ordinary residence by member on active service

(6) Every member of the reserve force of the Canadian Forces who is placed on active service, other than a member who immediately prior to being placed on active service was on full-time training or service and completed a statement of ordinary residence pursuant to subsection (5) after the commencement of that training or service, shall complete a statement of ordinary residence in the form prescribed pursuant to subsection (5) indicating the city, town, village or other place in Canada, with street address, postal code and province, in which was situated

(*a*) in the case of a member on full-time training or service, the place of the member's ordinary residence immediately prior to the commencement of that full-time training or service; and

(*b*) in the case of a member not on full-time training or service, the place of the member's ordinary residence immediately prior to being placed on active service.

Completion of statement of ordinary residence by member of special force

(7) On enrolment in the special force of the Canadian Forces, every person who is not a member of the regular force or reserve force shall complete a statement of ordinary residence in the form prescribed pursuant to subsection (5) indicating the city, town, village or other place in Canada, with street address, postal code and province, in which the place of that person's ordinary residence was situated immediately prior to enrolment in the special force.

Retention of statements of ordinary residence

(8) The original and one copy of a statement of ordinary residence that is completed pursuant to this section shall be forwarded to

plein temps doit établir une déclaration de résidence ordinaire selon la formule prescrite indiquant la cité, la ville, le village ou toute autre localité au Canada, y compris la rue, le numéro et le code postal ainsi que la province où était situé le lieu de sa résidence ordinaire immédiatement avant le commencement de cette période d'instruction ou de service à plein temps.

Résidence ordinaire d'un membre de la force de réserve en activité de service

(6) Chaque membre de la force de réserve des Forces canadiennes qui est mis en activité de service, autre qu'un membre qui, immédiatement avant d'être mis en activité de service, était à l'instruction ou en service à plein temps et a établi une déclaration de résidence ordinaire conformément au paragraphe (5) après le commencement de cette période d'instruction ou de service, doit établir une déclaration de résidence ordinaire selon la formule prescrite en vertu du paragraphe (5) indiquant la cité, la ville, le village ou toute autre localité au Canada, y compris la rue, le numéro et le code postal, ainsi que la province où était situé :

a) dans le cas d'un membre à l'instruction ou en service à plein temps, le lieu de sa résidence ordinaire immédiatement avant le commencement de cette période d'instruction ou de service à plein temps;

b) dans le cas d'un membre qui n'est pas à l'instruction ou en service à plein temps, le lieu de sa résidence ordinaire immédiatement avant d'être mis en activité de service.

Résidence ordinaire lors de l'enrôlement dans la force spéciale

(7) Lors de son enrôlement dans la force spéciale des Forces canadiennes, chaque personne qui n'est pas membre de la force régulière ou de la force de réserve doit établir une déclaration de résidence ordinaire selon la formule prescrite en vertu du paragraphe (5) indiquant la cité, la ville, le village ou toute autre localité au Canada, y compris la rue, le numéro et le code postal, ainsi que la province où était situé le lieu de sa résidence ordinaire immédiatement avant son enrôlement dans la force spéciale.

Déclaration à envoyer en double au quartier général

(8) L'original et une copie de la déclaration de résidence ordinaire, établie conformément au présent article, sont transmis au

National Defence Headquarters and one copy shall be retained in the unit in which the Canadian Forces elector is serving with the service documents until such time as it may be destroyed pursuant to subsection (12).

quartier général de la Défense nationale et une copie est conservée à l'unité où l'électeur des Forces canadiennes est en service, dans son dossier, jusqu'au moment où elle pourra être détruite conformément au paragraphe (12).

Statement to be transmitted to Chief Electoral Officer, etc.

(9) The original and one copy of a statement of ordinary residence completed by

(*a*) a member of the regular force in the form prescribed pursuant to subsection (1), or

(*b*) a member of the special force in the form prescribed pursuant to subsection (5),

and received by National Defence Headquarters pursuant to subsection (8) shall be forwarded to the Chief Electoral Officer, and the original and a copy of a statement of ordinary residence completed by a member of the reserve force in the form prescribed pursuant to subsection (5) shall be retained on file at National Defence Headquarters.

Acheminement des déclarations par le quartier général

(9) L'original et une copie de la déclaration de résidence ordinaire établie :

a) par un membre de la force régulière selon la formule prescrite en vertu du paragraphe (1),

b) par un membre de la force spéciale selon la formule prescrite en vertu du paragraphe (5),

qui sont reçus au quartier général de la Défense nationale conformément au paragraphe (8) sont transmis au directeur général des élections, et l'original et une copie de la déclaration de résidence ordinaire établie par un membre de la force de réserve selon la formule prescrite en vertu du paragraphe (5) sont conservés dans les dossiers du quartier général de la Défense nationale.

Validation of statements

(10) On receipt pursuant to subsection (9) of the statements of ordinary residence in the form prescribed pursuant to subsection (1) or (5), the Chief Electoral Officer shall

(*a*) cause them to be validated with the name of the electoral district in which is situated the place of ordinary residence shown in the statement; and

(*b*) return the statements of ordinary residence to National Defence Headquarters.

Estampillage des déclarations

(10) Sur réception, en conformité avec le paragraphe (9), des déclarations de résidence ordinaire selon la formule prescrite en vertu des paragraphes (1) ou (5), le directeur général des élections :

a) les fait certifier par l'inscription du nom de la circonscription dans laquelle est situé le lieu de résidence ordinaire qui est inscrit dans la déclaration;

b) les retourne au quartier général de la Défense nationale.

Retention of statements

(11) On receipt of the statements of ordinary residence validated as to electoral district pursuant to subsection (10), National Defence Headquarters shall

(*a*) retain the original copy of the statement; and

(*b*) send a copy to the commanding officer of the unit in which the Canadian Forces elector is serving.

Original de la déclaration

(11) Dès la réception de l'original et de la copie de la déclaration de résidence ordinaire, certifiée quant à la circonscription conformément au paragraphe (10), le quartier général de la Défense nationale :

a) conserve l'original de la déclaration;

b) transmet la copie au commandant de l'unité dans laquelle l'électeur des Forces canadiennes est en service.

Destruction of other copies, etc.

(12) On receipt in a unit of a validated copy of a statement referred to in subsection (11), the commanding officer of the unit

Destruction des autres copies

(12) Dès la réception, dans une unité, d'une copie certifiée de la déclaration mentionnée au paragraphe (11), le commandant

shall destroy any other copy of the statement and retain the validated copy with the Canadian Forces elector's unit service documents.

Prior statements to be destroyed

(13) On the completion of a statement of ordinary residence in the form prescribed pursuant to subsection (1), the original and all copies of any prior statement of ordinary residence may be destroyed.

Retention of statements

(14) The original and all copies of a statement of ordinary residence of a person who ceases to be a Canadian Forces elector shall be retained for a period of one year after the person ceases to be a Canadian Forces elector and may thereafter be destroyed.

de l'unité détruit toute autre copie de la déclaration et conserve la copie certifiée dans le dossier de l'électeur des Forces canadiennes à son unité.

Destruction des copies antérieures

(13) Dès qu'une déclaration de résidence ordinaire est établie selon la formule prescrite en vertu du paragraphe (1), l'original et toutes les copies d'une déclaration antérieure de résidence ordinaire peuvent être détruits.

Conservation des déclarations

(14) L'original et toutes les copies d'une déclaration de résidence ordinaire d'une personne qui cesse d'être un électeur des Forces canadiennes sont conservés pendant une période d'un an après qu'elle a cessé d'être un électeur des Forces canadiennes et peuvent ensuite être détruits.

PART III

QUALIFICATIONS AND ENTITLEMENT TO VOTE OF CANADIAN CITIZENS OUTSIDE THEIR ELECTORAL DISTRICTS

Canadian Citizens Temporarily Residing Outside Canada

Qualification to vote

20. Every Canadian citizen, other than a Canadian Forces elector, who resides temporarily outside of Canada and who is not subject to any disqualification set out in section 51 of the Act is qualified to vote at an election in accordance with these Rules if that person's application in writing for registration on the registry referred to in section 21 is received by 6:00 p.m. on the fifth day before polling day and the person's name is entered in the registry referred to in section 21.

Registry of electors

21. (1) The Chief Electoral Officer shall maintain a registry of electors who temporarily reside outside Canada and shall register in it the name and electoral district of every Canadian citizen who is entitled to vote in accordance with these Rules and who made an application to be included in the registry pursuant to section 22 and meets the following requirements:

PARTIE III

QUALITÉS REQUISES ET DROIT DE VOTE DES CITOYENS CANADIENS EN DEHORS DE LEUR CIRCONSCRIPTION

Citoyens canadiens résidant temporairement à l'étranger

Résidence temporaire à l'étranger

20. Le citoyen canadien qui réside à l'étranger temporairement, autre qu'un électeur des Forces canadiennes, et qui n'est pas frappé d'une inhabilité à voter visée à l'article 51 de la loi est habile à voter à une élection conformément aux présentes règles si sa demande d'inscription et de bulletin de vote spécial est reçue au plus tard à dix-huit heures le cinquième jour avant le jour du scrutin et si son nom est inscrit au registre visé à l'article 21.

Registre

21. (1) Le directeur général des élections tient un registre des électeurs résidant temporairement à l'étranger où il inscrit le nom et la circonscription des citoyens canadiens qui sont habiles à voter en vertu des présentes règles, qui ont présenté une demande d'inscription et de bulletin de vote spécial et qui satisfont aux conditions suivantes :

a) avoir résidé au Canada antérieurement à la présentation de la demande;

(*a*) at any time prior to the person's application pursuant to section 22, the person has resided in Canada;

(*b*) the person has been temporarily residing outside Canada for not more than five consecutive years immediately preceding an application for registration and special ballot referred to in section 22; and

(*c*) the person intends to return to Canada for the purpose of resuming residence in Canada.

Exception

(2) Paragraph (1)(*b*) does not apply to Public Service electors of Canada or of a province who are posted outside Canada, to Canadian citizens who are employed by an international organization of which Canada is a member and to which Canada contributes and who are posted outside Canada, to their dependants or to the dependants of members of the Canadian Forces.

Dependant

(3) For the purposes of this section, dependant means a spouse or relative, related by blood or marriage, who ordinarily resides with the elector.

Inclusion in registry

22. To be included in the registry referred to in section 21, an elector must file with the Chief Electoral Officer an application for registration and special ballot containing such information in the form of a declaration as the Chief Electoral Officer may require, including

(*a*) the address of the applicant's last place of residence in Canada prior to leaving Canada, or the address of the present residence in Canada of the applicant's spouse, a relative or any person in relation to whom the applicant is a dependant;

(*b*) a declaration of the applicant's intention to return to Canada;

(*c*) the date of the applicant's intended return to Canada for the purpose of resuming residence in Canada;

(*d*) proof of the applicant's identity by reference to documents of a class prescribed by the Chief Electoral Officer;

(*e*) the applicant's mailing address outside Canada; and

b) résider temporairement à l'étranger depuis moins de cinq années consécutives au moment de la présentation de la demande;

c) avoir l'intention de retourner au Canada pour y résider.

Exceptions

(2) L'alinéa (1)*b*) ne s'applique pas aux membres de l'administration publique du Canada ou d'une province en poste à l'étranger, aux citoyens canadiens qui sont en poste à l'étranger à l'emploi d'organismes internationaux dont le Canada est membre et auxquels il verse une contribution, à leurs personnes à charge ou à celles des électeurs des Forces canadiennes.

Personne à charge

(3) Pour l'application du présent article, personne à charge s'entend du conjoint ou du parent, par les liens du sang ou du mariage, qui réside ordinairement avec l'électeur.

Demande d'inscription

22. Pour être inscrit au registre des électeurs visés à l'article 21, l'électeur envoie au directeur général des élections une demande d'inscription et de bulletin de vote spécial comportant les renseignements énoncés sous la forme d'une déclaration et prévus par le directeur général des élections, notamment les suivants :

a) soit l'adresse de sa dernière résidence ordinaire au Canada avant son départ pour l'étranger, soit l'adresse de la résidence actuelle au Canada de son conjoint, d'un parent ou d'une personne pour qui l'auteur de la demande est une personne à charge;

b) une déclaration de son intention de retourner au Canada;

c) la date à laquelle il a l'intention de rentrer au Canada pour y résider;

d) une preuve de son identité par des documents d'une catégorie déterminée par le directeur général des élections;

e) son adresse postale à l'étranger;

(*f*) the date the applicant left Canada.

Information supplied

23. (1) The information supplied pursuant to section 22 shall be supplied in the prescribed form.

Offence

(2) Every person who knowingly makes a false statement in an application for registration and special ballot referred to in section 22 is guilty of an offence.

Address of applicant

24. (1) The address set out in the application for registration and special ballot as the address of the applicant's residence in Canada cannot be changed once the applicant's name is entered in the registry referred to in section 21.

Cancellation of registration

(2) On the return of the applicant to reside in Canada, the application for registration and special ballot or the entry of the name of the elector in the registry pursuant to section 21 shall be cancelled.

Additional information

25. The Chief Electoral Officer may, where an application for registration and special ballot referred to in section 22 does not contain all the information required by that section, require, by notice in writing, an applicant to provide the Chief Electoral Officer with such additional information.

Notice to elector

26. Where the Chief Electoral Officer enters the name of an elector in the registry referred to in section 21, the Chief Electoral Officer may, by notice in the prescribed form, inform the elector that the elector's name has been entered in the registry.

Information to be furnished

27. The Chief Electoral Officer may from time to time require an elector whose name appears in the registry established by section 21 to furnish such information as may be required.

Deletion of names from registry

28. The Chief Electoral Officer shall delete from the registry referred to in section 21 the name of every elector

(*a*) who does not provide the information referred to in section 27 within the time period established by the Chief Electoral Officer;

(*b*) who has asked, in writing, to have the elector's name deleted from the registry;

f) la date à laquelle il est parti du Canada.

Forme de la déclaration

23. (1) Les renseignements fournis conformément à l'article 22 sont fournis selon la formule prescrite.

Fausse déclaration

(2) Quiconque fait sciemment une fausse déclaration dans une demande d'inscription et de bulletin de vote spécial remplie conformément à l'article 22 commet une infraction.

Interdiction de modification de l'adresse

24. (1) L'adresse de la résidence au Canada qui est inscrite dans la demande d'inscription et de bulletin de vote spécial ne peut être remplacée après l'inscription dans le registre visé à l'article 21.

Annulation automatique en cas de retour

(2) Si l'auteur d'une demande d'inscription et de bulletin de vote spécial revient au Canada pour y résider, la demande ou l'inscription, selon le cas, est annulée.

Renseignements supplémentaires

25. Le directeur général des élections peut, dans le cas où la demande d'inscription et de bulletin de vote spécial ne contient pas tous les renseignements prévus à l'article 22, requérir par écrit de l'auteur de la demande qu'il lui fournisse les renseignements supplémentaires nécessaires.

Avis du directeur général des élections

26. Le directeur général des élections peut, lorsqu'il inscrit le nom d'un électeur au registre prévu à l'article 21, l'en informer par avis écrit en la forme prescrite.

Demande de renseignements supplémentaires

27. Le directeur général des élections peut à l'occasion demander à l'électeur dont le nom figure au registre établi en vertu de l'article 21 de fournir les renseignements supplémentaires qu'il peut juger nécessaires.

Radiation

28. Le directeur général des élections radie du registre le nom de l'électeur dans les cas suivants :

a) l'électeur ne lui a pas fait parvenir les renseignements prévus à l'article 27 dans le délai qu'il a fixé;

b) l'électeur lui a présenté une demande de radiation dûment signée;

c) l'électeur est décédé et une personne lui présente une demande de radiation, ac-

(*c*) who is deceased and in respect of whom a request, accompanied by the elector's death certificate or any other document constituting evidence of the elector's death, has been made to have the elector's name deleted from the registry;

(*d*) who returns to Canada to reside;

(*e*) who cannot be contacted; or

(*f*) who has resided outside of Canada for more than five consecutive years.

Sending of ballot paper, etc.

29. The Chief Electoral Officer shall, on approval of an application for registration and special ballot and after issuing the writs, send to each elector whose name is in the registry referred to in section 21, at the address referred to in paragraph 22(*e*) that has been provided by the elector, a ballot paper and an inner envelope and an outer envelope in the prescribed form.

Casting of vote

30. An elector who receives a ballot paper shall cast a vote by writing on the ballot paper the names or initials and the surname of the candidate of the elector's choice and, where there are two or more candidates with the same name, the elector shall also write the name of the applicable registered party or the word "independent", as the case may be.

Procedures by elector

31. After casting a vote, an elector shall place the ballot paper in the inner envelope, seal the inner envelope and place it in the outer envelope, which the elector shall sign and date.

Transmission of outer envelope

32. An elector shall transmit the outer envelope referred to in section 31 to the Chief Electoral Officer

(*a*) by mail or through any other system of delivery; or

(*b*) by delivering it to a Canadian Embassy, High Commission, Consular Office or Canadian Forces base or to such place as may be designated by the Chief Electoral Officer.

Deadline

33. The special ballot must arrive at the office of the Chief Electoral Officer not later than 4:00 p.m. on the Friday immediately preceding polling day in order to be counted.

compagnée du certificat de décès ou d'un autre document attestant le décès;

d) l'électeur revient au Canada pour y résider;

e) l'électeur ne peut être rejoint;

f) l'électeur a résidé hors du Canada pendant plus de cinq années consécutives.

Procédure

29. Le directeur général des élections, après approbation de la demande d'inscription et de bulletin de vote spécial et la délivrance des brefs, envoie à chaque électeur dont le nom figure au registre prévu à l'article 21, à l'adresse visée à l'alinéa 22*e*), un bulletin de vote, de même qu'une enveloppe intérieure et une enveloppe extérieure, en la forme prescrite.

Vote

30. Sur réception du bulletin de vote, l'électeur vote en inscrivant sur le bulletin les prénoms ou initiales et le nom de famille du candidat de son choix, ainsi que, si plusieurs candidats ont le même nom, le nom du parti enregistré auquel il appartient ou le mot « indépendant ».

Idem

31. L'électeur met le bulletin de vote dans l'enveloppe intérieure, la scelle et la met dans l'enveloppe extérieure sur laquelle il appose sa signature et la date.

Transmission au directeur général des élections

32. L'électeur transmet l'enveloppe extérieure scellée au directeur général des élections :

a) par la poste ou par tout autre mode de livraison;

b) en la remettant à une ambassade, à un haut-commissariat, à un consulat ou à une base des Forces canadiennes ou à tout autre endroit désigné par le directeur général des élections.

Délai

33. Le bulletin de vote spécial doit parvenir au bureau du directeur général des élections au plus tard à seize heures le vendredi

qui précède le jour du scrutin afin d'être dépouillé.

Electors Residing in Canada Voting by Special Ballot

Électeurs résidant au Canada qui votent par bulletin de vote spécial

Elector qualified to vote pursuant to Rules

34. Every Canadian citizen who is resident within Canada other than a Canadian Forces elector, and who is not subject to any disqualification set out in section 51 of the Act is qualified to vote at an election in accordance with these Rules if that person's application for registration and special ballot in the prescribed form is received between the date of issue of the writs and 6:00 p.m. on the fifth day before polling day.

Vote par bulletin spécial au Canada

34. Tout citoyen canadien qui réside au Canada, qui n'est pas un électeur des Forces canadiennes et qui n'est pas frappé d'une inhabilité à voter visée à l'article 51 de la loi est habile à voter à une élection conformément aux présentes règles si sa demande d'inscription et de bulletin de vote spécial selon la formule prescrite est reçue entre le jour de la délivrance des brefs et le cinquième jour avant le jour du scrutin, à dix-huit heures.

Application to vote pursuant to these Rules

35. The application for registration and special ballot may be made by such methods as are acceptable to the Chief Electoral Officer.

Demande de bulletin

35. La demande d'inscription et de bulletin de vote spécial peut être faite selon les modalités que le directeur général des élections estime acceptables.

Receipt in electoral district

36. An application for registration and special ballot must be received by a returning officer or other election officer in an electoral district or by the special voting rules administrator.

Personnes autorisées à recevoir une demande de bulletin

36. La demande d'inscription et de bulletin de vote spécial doit être reçue par un directeur du scrutin ou un autre fonctionnaire électoral dans la circonscription ou par l'administrateur des règles électorales spéciales.

Information required for application

37. (1) An application for registration and special ballot that is not made by an elector attending in person in the office of the returning officer shall contain such information as the Chief Electoral Officer may require, including

(*a*) the name of the applicant and the address of the applicant's residence in Canada;

(*b*) proof of the applicant's identity by reference to documents of a class prescribed by the Chief Electoral Officer; and

(*c*) the applicant's mailing address.

Demande présentée par un tiers

37. (1) La demande d'inscription et de bulletin de vote spécial qui n'est pas faite par l'électeur en personne au bureau du directeur du scrutin doit contenir les renseignements jugés nécessaires par le directeur général des élections, notamment :

a) le nom et l'adresse du lieu de résidence du demandeur au Canada;

b) une preuve de l'identité du demandeur par des documents d'une catégorie déterminée par le directeur général des élections;

c) l'adresse postale du demandeur.

Offence

(2) Every person who knowingly makes a false statement in an application referred to in subsection (1) is guilty of an offence.

Infraction

(2) Quiconque fait sciemment une fausse déclaration dans une demande d'inscription et de bulletin de vote spécial remplie conformément au présent article commet une infraction.

Additional information

38. The special voting rules administrator may, where an application for registration and special ballot referred to in section 37 does not contain all the information required

Demande de renseignements supplémentaires

38. L'administrateur des règles électorales spéciales peut, dans le cas où la demande d'inscription et de bulletin de vote spécial ne contient pas tous les renseignements prévus à

752

by that section, require, by notice in writing, an applicant to provide the special voting rules administrator with such additional information as the special voting rules administrator may require.

Attendance in person

39. (1) An elector may attend in person any office of a returning officer to complete an application for registration and special ballot before a designated election officer and shall on demand produce satisfactory proof of identity.

Elector to be given regular ballot

(2) Where the elector attends in person at the office of the returning officer for the elector's electoral district and presents a request to the returning officer, the elector shall be given a regular ballot after the regular ballots have been printed for inclusion in the inner envelope and if a regular ballot is given to the elector, the elector shall vote immediately.

Elector to advise election officer

40. (1) An elector who applies for a special ballot shall advise the election officer whether the elector's name is already on a preliminary list and in which electoral district the elector resides.

Name of elector previously included on list of electors

(2) If the name of the elector referred to in subsection (1) was previously included on a list of electors in an electoral district other than the one where the special ballot is to be cast, the special voting rules administrator shall inform the returning officer of the electoral district where the elector's name is already on the list and that returning officer shall indicate on the list that this elector has received a special ballot.

Name of elector not previously contained on list

(3) If the name of the elector referred to in subsection (1) was not previously included on a list of electors, the special voting rules administrator shall inform the appropriate returning officer who shall ensure that the elector's name is included on the appropriate list of electors and shall ensure that the list of electors indicates that the elector has received a special ballot.

Vote by special ballot only

(4) Once an elector's application for registration and special ballot has been accepted, that elector may only vote by special ballot.

l'article 37, requérir par écrit de l'auteur de la demande qu'il lui fournisse les renseignements supplémentaires nécessaires.

Demande présentée en personne

39. (1) Un électeur peut se présenter au bureau d'un directeur du scrutin pour y remplir une demande d'inscription et de bulletin de vote spécial en présence d'un fonctionnaire électoral désigné et il doit, si la demande lui en est faite, présenter une preuve suffisante d'identité.

Vote immédiat

(2) Si l'électeur présente en personne sa demande au directeur du scrutin de sa circonscription après que les bulletins de vote ont été imprimés, un bulletin de vote ordinaire lui est remis pour inclusion dans l'enveloppe intérieure; dans ce cas, il vote sans délai.

Renseignements à fournir

40. (1) L'électeur qui présente une demande d'inscription et de bulletin de vote spécial est tenu d'indiquer au fonctionnaire électoral si son nom figure déjà sur la liste électorale préliminaire et dans quelle circonscription.

Transmission des renseignements au directeur du scrutin compétent

(2) Si le nom de l'électeur visé au paragraphe (1) est déjà inscrit sur la liste électorale d'une circonscription autre que celle où doit être déposé le bulletin de vote spécial, l'administrateur des règles électorales spéciales en informe le directeur du scrutin de la circonscription en question et celui-ci indique sur la liste que cet électeur a reçu un bulletin de vote spécial.

Inscription sur la liste électorale

(3) Si le nom de l'électeur visé au paragraphe (1) n'est pas déjà inscrit sur une liste électorale, l'administrateur des règles électorales spéciales avise le directeur du scrutin qui veille à ce que le nom de l'électeur soit inscrit sur la bonne liste électorale et à ce que soit indiqué sur celle-ci que l'électeur a reçu un bulletin de vote spécial.

Exercice du droit de vote

(4) Une fois sa demande d'inscription et de bulletin de vote spécial acceptée, l'électeur ne peut voter qu'au moyen de ce bulletin.

Elector to receive ballot paper, etc.

41. On approval of the elector's application for registration and special ballot, the elector who has made the application shall receive a voting kit containing a special ballot.

Casting of vote

42. An elector who receives a special ballot shall cast a vote in the manner set out in sections 30 and 31 and paragraph 32(*a*).

Receipt of special ballot

43. An elector who has obtained a special ballot may vote by using the special ballot at any time during an election but the elector shall ensure that the return envelope is received

(*a*) if the special ballot is cast within the elector's electoral district of residence, by the office of the returning officer not later than 4:00 p.m. on the Friday immediately preceding ordinary polling day in order to be counted; or

(*b*) if the special ballot is cast outside of the elector's electoral district of residence, at the office of the special voting rules administrator not later than 4:00 p.m. on the Friday immediately preceding ordinary polling day in order to be counted.

Onus on elector to complete and deliver special ballot

44. (1) For the purposes of sections 20 to 43, the elector is solely responsible for ensuring that the application for registration and special ballot is completed and received by an election officer within the time period specified.

Responsibility of elector

(2) The elector is solely responsible for ensuring that the special ballot is received by the appropriate election officer within the time period specified.

Authority to establish programs to disseminate information

45. For the purposes of implementing sections 20 to 44, the Chief Electoral Officer shall have authority to establish programs for the dissemination of information outside Canada concerning the methods provided for in these Rules respecting voting by special ballot.

Forwarding of lists to chief agent

46. (1) Immediately after the issue of the writs, the Chief Electoral Officer shall forward lists of electors whose names appear on the registry established by section 21, organized by electoral district, to the chief agent of

Trousse électorale

41. Après approbation de sa demande d'inscription et de bulletin de vote spécial, l'électeur qui a fait la demande reçoit une trousse électorale contenant un bulletin de vote spécial.

Vote

42. Sur réception du bulletin de vote spécial, l'électeur vote en se conformant aux articles 30 et 31 et à l'alinéa 32*a*).

Transmission de l'enveloppe de retour

43. L'électeur qui a obtenu un bulletin de vote spécial peut voter au moyen de ce bulletin durant l'élection mais il est tenu de veiller à ce que l'enveloppe de retour parvienne :

a) si le bulletin de vote spécial est déposé dans la circonscription où est situé le lieu de résidence de l'électeur, au bureau du directeur du scrutin, avant seize heures, le vendredi précédant le jour du scrutin, pour être compté;

b) si le bulletin de vote spécial est déposé à l'extérieur de la circonscription où est situé le lieu de résidence de l'électeur, au bureau de l'administrateur des règles électorales spéciales, avant seize heures, le vendredi précédant le jour du scrutin, pour être compté.

Obligation de l'électeur

44. (1) Pour l'application des articles 20 à 43, il appartient à l'électeur seul de veiller à ce que sa demande d'inscription et de bulletin de vote spécial soit remplie et parvienne au fonctionnaire électoral compétent dans les délais fixés.

Idem

(2) Il appartient également à lui seul de veiller à ce que le bulletin de vote spécial parvienne au fonctionnaire électoral compétent dans les délais fixés.

Programmes d'information

45. Pour l'application des articles 20 à 44, le directeur général des élections est autorisé à établir des programmes de diffusion d'information à l'étranger sur les dispositions des présentes règles portant sur le vote par bulletin spécial.

Transmission des listes électorales aux partis

46. (1) Immédiatement après la délivrance des brefs, le directeur général des élections envoie à l'agent principal de tous les partis enregistrés et aux directeurs du scrutin les listes des électeurs dont le nom figure sur

all registered parties and to the returning officers.

Forwarding of lists to returning officers

(2) Twenty days after the issue of the writs, and then at 10 day intervals until polling day, the special voting rules administrator shall forward lists of electors whose names appear on the registry established by section 21, organized by electoral district, to the appropriate returning officer who shall immediately distribute them to candidates.

Transmission of lists to elected members and registered parties

(3) The Chief Electoral Officer shall, once a year, transmit

(*a*) to each elected member of the House of Commons one copy of the list of names entered in the registry established by section 21 for the electoral district for which that member is the elected member; and

(*b*) to each registered party that is represented in the House of Commons by at least one member who was elected as a representative of that party, one copy of each list referred to in paragraph (*a*).

Lists to be in alphabetical order

(4) The lists referred to in paragraph (3)(*a*) shall be arranged alphabetically and shall set out for each name the address provided by the elector.

Lists to be used for political purposes only

(5) No person shall use the whole or any part of any list prepared pursuant to these Rules, or the whole or any part of any list made in whole or in part from any such list, for other than political purposes and federal and provincial electoral purposes.

PART IV

QUALIFICATIONS AND ENTITLEMENT TO VOTE OF INCARCERATED ELECTORS

Qualifications and Entitlement to Vote

Entitlement of persons in correctional institutions to vote

47. (1) Every person who is incarcerated in a provincial correctional institution and who is otherwise qualified to vote under this Act is entitled to vote under these Rules on the tenth day prior to ordinary polling day.

le registre établi par l'article 21, présentées par circonscription.

Transmission aux directeurs du scrutin

(2) Vingt jours après la délivrance des brefs, puis à des intervalles de dix jours jusqu'au jour du scrutin, l'administrateur des règles électorales spéciales envoie les listes des électeurs dont le nom figure sur le registre établi par l'article 21, présentées par circonscription, au directeur du scrutin compétent, et celui-ci les distribue sans délai aux candidats.

Transmission des listes annuellement

(3) Le directeur général des élections transmet annuellement :

a) à chaque député une copie de la liste des électeurs de sa circonscription dont le nom figure sur le registre établi par l'article 21;

b) à chaque parti enregistré représenté à la Chambre des communes par au moins un député une copie de chaque liste visée à l'alinéa *a*).

Ordre alphabétique

(4) Les listes visées à l'alinéa (3)*a*) sont dressées selon l'ordre alphabétique des noms, chacun devant être suivi de l'adresse fournie par l'électeur.

Utilisation restreinte

(5) Nul ne peut utiliser, directement ou indirectement, une liste dressée en vertu des présentes règles, ou partie d'une telle liste, sauf à des fins politiques ou à des fins électorales fédérales et provinciales.

PARTIE IV

QUALITÉS REQUISES ET DROIT DE VOTE DES ÉLECTEURS INCARCÉRÉS

Qualités requises et droit de vote

Droit de vote

47. (1) Toute personne incarcérée dans un établissement correctionnel provincial qui est, par ailleurs, habile à voter en vertu de la loi est habile à voter en vertu des présentes règles le dixième jour précédant le jour du scrutin.

Exercise of right to vote

(2) An incarcerated elector is not entitled to vote under these Rules unless that person has signed an application for registration and special ballot pursuant to subsection 49(1) and a declaration described in section 66.

Exercice du droit de vote

(2) L'électeur incarcéré n'a le droit de voter en vertu des présentes règles que s'il signe une demande d'inscription et de bulletin de vote spécial conformément au paragraphe 49(1) et la déclaration mentionnée à l'article 66.

Vote to be in electoral district

(3) An incarcerated elector is entitled to vote under these Rules only for a candidate in the electoral district in which is situated the place of ordinary residence of the incarcerated elector as shown on the application for registration and special ballot made by the elector under subsection 49(1).

Vote dans la circonscription de résidence

(3) L'électeur incarcéré a le droit de voter en vertu des présentes règles uniquement pour un candidat dans la circonscription où est situé le lieu de sa résidence ordinaire indiqué sur la demande d'inscription et de bulletin de vote spécial qu'il a présentée.

Designation of liaison officers

48. When the writs are issued, the Chief Electoral Officer, in consultation with the Minister responsible for corrections in the province, shall make provisions in provincial correctional institutions for designating liaison officers to carry out the procedures contained in these Rules.

Agents de liaison

48. À compter de la délivrance des brefs, le directeur général des élections, en consultation avec le ministre responsable des services correctionnels dans chaque province, prend les mesures nécessaires à la désignation des agents de liaison pour mettre en oeuvre la procédure décrite dans les présentes règles.

Applications to be completed

49. (1) Prior to the tenth day before ordinary polling day, the appropriate liaison officers shall cause to be completed applications for registration and special ballot in the prescribed form for every eligible elector of the correctional institution, indicating the city, town, village or other place in Canada, with street address, if any, province and postal code in which is situated

(*a*) the residence of the elector prior to being incarcerated;

(*b*) the residence of a spouse, parent or dependent of the eligible elector;

(*c*) the place of arrest of the elector; or

(*d*) the last court where the elector was convicted and sentenced.

Fonctions des agents de liaison

49. (1) Avant le dixième jour précédant le jour du scrutin, les agents de liaison font remplir les demandes d'inscription et de bulletin de vote spécial, selon la formule prescrite, pour chaque électeur admissible des établissements correctionnels, avec indication de la cité, de la ville, du village ou de toute autre localité au Canada, y compris, le cas échéant, la rue, le numéro et le code postal, ainsi que de la province où se trouve l'un des lieux suivants :

a) la résidence de l'électeur avant son incarcération;

b) la résidence du conjoint, d'un parent ou d'une personne à charge;

c) le lieu de son arrestation;

d) le dernier tribunal où il a été déclaré coupable et où la peine a été prononcée.

Residence of elector

(2) For the purposes of completing the application for registration and special ballot, the residence of the eligible elector is the first of those places listed in paragraphs (1)(*a*) to (*d*), in the order that they are set out, that is known to the elector.

Détermination du lieu de résidence

(2) Pour la demande d'inscription et de bulletin de vote spécial, la résidence de l'électeur admissible est considérée comme se trouvant au premier des lieux énumérés aux alinéas (1)*a*) à *d*) qui est connu, selon l'ordre de ces alinéas.

Applications to be validated

50. All applications for registration and special ballot shall be validated with the

Certification

50. Les demandes d'inscription et de bulletin de vote spécial sont certifiées par ins-

name of the electoral district in which is situated the residence shown in the application and signed by the liaison officer who validates the application.

Dispute regarding designation of electoral district

51. Should a dispute arise as to the designation of an electoral district by an incarcerated elector, the elector may refer the matter to the returning officer for the electoral district within which the institution is situated, and the returning officer shall submit the matter to the regular process for revising lists.

Application to constitute list in province

52. The application for registration and special ballot shall constitute the list of incarcerated electors for taking the vote.

Applications to be returned to Chief Electoral Officer

53. After the taking of the vote, the applications for registration and special ballot of electors incarcerated shall be returned to the Chief Electoral Officer to be integrated in the final list of electors referred to in section 71.32 of the Act.

PART V

PROCEDURE FOR TAKING THE VOTES OF CANADIAN FORCES ELECTORS

Procedure under these Rules

Application

Application

54. This Part applies only to Canadian Forces electors and where the term "elector" is used it means a Canadian Forces elector only.

Duties of the Minister of National Defence

55. The Minister of National Defence shall

(*a*) designate a person as coordinating officer to work with the Chief Electoral Officer during and between general elections in carrying out the procedures set out in these Rules;

(*b*) where the person designated as coordinating officer dies or becomes incapable of acting or the person's designation as coordinating officer is revoked, designate another person as coordinating officer; and

cription du nom de la circonscription où est situé le lieu de résidence qui est inscrit dans la demande et sont signées par l'agent de liaison qui certifie la demande.

Contestation

51. En cas de contestation concernant la désignation de la circonscription par l'électeur incarcéré, celui-ci peut porter l'affaire devant le directeur du scrutin de la circonscription où est situé l'établissement, et le directeur du scrutin s'en remet à la procédure prévue pour la révision des listes.

Établissements provinciaux

52. Les demandes d'inscription et de bulletin de vote spécial constituent la liste des électeurs incarcérés pour le scrutin.

Retour au directeur général des élections

53. Après le jour du scrutin, les demandes d'inscription et de bulletin de vote spécial des électeurs incarcérés sont retournées au directeur général des élections pour être intégrées à la liste électorale définitive visée à l'article 71.32 de la loi.

PARTIE V

PROCÉDURE POUR RECUEILLIR LE VOTE DES ÉLECTEURS DES FORCES CANADIENNES

Procédure à suivre aux termes des présentes règles

Application

Application de la présente partie

54. La présente partie vise seulement les électeurs des Forces canadiennes et le terme « électeur » désigne uniquement un électeur des Forces canadiennes.

Obligations du ministre de la Défense nationale

55. Le ministre de la Défense nationale :

a) désigne un agent coordonnateur pour travailler, pendant et entre les élections générales, avec le directeur général des élections à remplir les formalités énoncées aux présentes règles;

b) en cas de décès, d'empêchement ou de révocation de l'agent coordonnateur, nomme un remplaçant;

c) informe le directeur général des élections des nom et adresse de l'agent coordonnateur nommé conformément aux

(*c*) inform the Chief Electoral Officer of the name and address of the person designated as coordinating officer pursuant to paragraph (*a*) or (*b*) and of any subsequent change in the name or address of the coordinating officer.

Initial procedures

56. (1) As soon as possible after the writs have been issued

(*a*) the Chief Electoral Officer shall inform the Minister of National Defence

(i) that the writs have been issued, and

(ii) of the location of the special voting territories and administrative centres; and

(*b*) the Minister of National Defence shall

(i) cause each commanding officer, under the Minister's direction for election purposes, to be informed that the writs have been issued,

(ii) designate one or more electors to act as liaison officers in connection with the taking of the votes of electors, and

(iii) inform the Chief Electoral Officer of the name and address of each liaison officer designated in accordance with subparagraph (*b*)(ii).

Duties of liaison officer

(2) Each liaison officer shall, immediately on receiving notice of the liaison officer's designation as such, communicate with every commanding officer of a unit serving in the voting territory, stating all necessary particulars relating to the vote at an election.

Idem

(3) Each liaison officer shall, during the election, cooperate with the Chief Electoral Officer in the administration of the taking of the votes of electors.

Duties of coordinating officers

57. (1) Within ten days after the date of the issue of the writs, the coordinating officer shall send to the Chief Electoral Officer

(*a*) a statement of the number of Canadian Forces electors who are eligible to vote at the election;

(*b*) five copies in printed and machine-readable format, where available, of lists of the Canadian Forces electors whose statements of ordinary residence have been

alinéas *a*) ou *b*) et de tout changement de nom ou d'adresse de cet agent.

Obligations du directeur général des élections et du ministre

56. (1) Aussitôt que possible après la délivrance des brefs :

a) le directeur général des élections informe le ministre de la Défense nationale :

(i) d'une part, que les brefs ont été délivrés,

(ii) d'autre part, du lieu où sont situés les territoires de vote et les centres administratifs;

b) le ministre de la Défense nationale :

(i) fait en sorte que chaque commandant soit informé que les brefs ont été délivrés,

(ii) désigne un ou plusieurs électeurs pour remplir les fonctions d'agents de liaison pour le scrutin,

(iii) informe le directeur général des élections des nom et adresse de chacun des agents de liaison ainsi désignés.

Obligations de l'agent de liaison

(2) Dès qu'il a été avisé de sa désignation, l'agent de liaison communique avec le commandant de chaque unité en service dans le territoire de vote et lui donne tous les détails nécessaires qui concernent le vote des électeurs lors d'une élection.

Idem

(3) Pendant l'élection, l'agent de liaison coopère avec le directeur général des élections à l'administration du vote des électeurs.

Agent coordonnateur

57. (1) Dans les dix jours après la date de la délivrance des brefs, l'agent coordonnateur transmet au directeur général des élections les documents suivants :

a) un état du nombre des électeurs des Forces canadiennes qui sont habiles à voter à l'élection;

b) cinq exemplaires sous forme imprimée et, si possible, sous une forme lisible par ordinateur des listes des électeurs des For-

validated as to electoral districts, setting out the place of ordinary residence of each elector, in the format specified by the Chief Electoral Officer; and

(*c*) except in time of war, when the Canadian Forces are on active service, such number of copies as the Chief Electoral Officer directs of the lists of electors referred to in paragraph (*b*).

ces canadiennes, dont la déclaration de résidence ordinaire a été certifiée par inscription du nom d'une circonscription, indiquant le lieu de résidence ordinaire de chaque électeur, présentés de la façon prévue par le directeur général des élections;

c) sauf si, en temps de guerre, les Forces canadiennes sont en service actif, le nombre d'exemplaires des listes visées à l'alinéa *b*) qu'ordonne le directeur général des élections.

Transmission of lists

(2) The Chief Electoral Officer shall, within fifteen days following the issuance of the writs, transmit to the returning officer of each electoral district a list of the names, military numbers and postal addresses of Canadian Forces electors whose ordinary residence is in the electoral district of the returning officer and the returning officer shall keep a copy and give a copy to each candidate in the electoral district who asks for one.

(2) Dans les quinze jours qui suivent la délivrance des brefs, le directeur général des élections transmet au directeur du scrutin de chaque circonscription une liste des noms, des numéros militaires et des adresses postales des électeurs des Forces canadiennes dont le lieu de résidence ordinaire se trouve dans la circonscription de ce directeur du scrutin. Le directeur en conserve une copie et en remet une à chaque candidat dans sa circonscription qui lui en fait la demande.

Remise des listes

Lists not to be open to inspection, etc.

(3) The lists referred to in paragraph (1)(*b*) shall not be open to inspection, copied or extracted except by the Chief Electoral Officer or the special ballot officer for the purpose of sorting outer envelopes.

(3) Les listes mentionnées à l'alinéa(1)*b*) ne peuvent être examinées ni copiées, en totalité ou en partie, sauf par le directeur général des élections ou les agents des bulletins de vote spéciaux lors du tri des enveloppes extérieures.

Utilisation restreinte

Use of lists not prohibited

(4) Nothing in subsection (3) prevents the use of the lists referred to in paragraph (1)(*b*)

(*a*) by the Canadian Forces concerned for official purposes; or

(*b*) in respect of a provincial election where it is necessary to establish the entitlement of members of the Canadian Forces to vote at that election.

(4) Le paragraphe (3) n'a pas pour effet d'interdire l'utilisation des listes mentionnées à l'alinéa (1)*b*) :

a) soit par les Forces canadiennes à des fins officielles;

b) soit pour une élection provinciale, lorsqu'il est nécessaire d'établir que certains membres des Forces canadiennes ont le droit de voter à cette élection.

Idem

Use of lists in provincial elections

(5) Subsection (3) applies, with such modifications as the circumstances require, in respect of the use of lists referred to in paragraph (1)(*b*) for a provincial election.

(5) Le paragraphe (3) s'applique, compte tenu des adaptations de circonstance, à l'utilisation des listes mentionnées à l'alinéa (1)*b*) lors d'une élection provinciale.

Application aux élections provinciales

Notices of election

58. (1) Forthwith after being informed pursuant to subsection 56(1) that the writs have been issued, each commanding officer shall publish as a part of unit orders, a notice in the prescribed form informing electors that an election has been ordered and of the date fixed as polling day.

58. (1) Immédiatement après avoir été informé conformément au paragraphe 56(1) de la délivrance des brefs, le commandant publie dans les ordres de l'unité un avis, selon la formule prescrite, informant les électeurs que la tenue d'une élection a été ordonnée et les

Publication d'un avis par le commandant

Idem

(2) In the notice referred to in subsection (1), it shall be stated that an elector may vote, before a deputy returning officer designated by the commanding officer who issues a notice, during such hours and on such days of the period of six days commencing on Monday the fourteenth day before polling day, and terminating on the ninth day before polling day, as may be fixed by the commanding officer.

Minimum period of time for polling station to remain open

(3) A polling station shall be open not less than three hours a day, and not less than three days.

Provision of facilities

(4) Each commanding officer shall provide all the facilities necessary to enable the electors to cast their ballots in the manner set out in these Rules.

Mobile poll

59. (1) Each commanding officer may establish a mobile poll in any area for the purpose of taking the votes of electors who cannot conveniently reach the voting places established at the elector's unit.

Idem

(2) A mobile poll shall remain in an area and be open for the taking of votes during such hours and on such days of the period of six days referred to in subsection 58(2) as the commanding officer deems necessary to give all electors in the area a reasonable opportunity to vote.

Publication of notice

60. On at least three days before the period fixed pursuant to subsection 58(2) for voting by electors and on every day on which such voting takes place, each commanding officer shall publish as a part of unit orders and post in a conspicuous location inside the office a notice stating

(*a*) the days and dates on which electors may cast their ballots;

(*b*) the exact location of each polling station other than a mobile poll, and the hours during which electors may cast their ballots at each polling station other than a mobile poll; and

(*c*) where a mobile poll is established, the areas in which the mobile poll is to be lo-

informant de la date fixée comme jour du scrutin.

Contenu de l'avis

(2) L'avis mentionné au paragraphe (1) prévoit qu'un électeur peut voter devant un scrutateur désigné par le commandant au cours des jours et des heures déterminés par celui-ci dans la période de six jours commençant le lundi, quatorzième jour avant le jour du scrutin, et se terminant le neuvième jour avant le jour du scrutin.

Période minimale d'ouverture des bureaux de scrutin

(3) Les bureaux de scrutin sont ouverts pendant au moins trois heures par jour durant au moins trois jours.

Obligation du commandant

(4) Le commandant fournit tous les moyens nécessaires pour permettre aux électeurs de voter de la manière prévue aux présentes règles.

Bureau de scrutin itinérant

59. (1) Chaque commandant peut établir un bureau de scrutin mobile dans une zone à l'intention des électeurs qui ne peuvent commodément se rendre aux lieux de vote établis pour leur unité.

Période d'ouverture

(2) Le bureau de scrutin mobile demeure dans une zone et est ouvert durant les jours et heures au cours de la période de six jours mentionnée au paragraphe 58(2) que le commandant estime nécessaires pour donner à tous les électeurs qui se trouvent dans la zone une occasion raisonnable de voter.

Deuxième avis du commandant

60. Pendant au moins trois jours avant la période mentionnée au paragraphe 58(2) pour le vote des électeurs et chacun des jours du scrutin, chaque commandant publie, dans les ordres de l'unité, et fait afficher dans un lieu bien en vue dans son bureau un avis contenant les renseignements suivants :

a) les jours et les dates où les électeurs peuvent voter;

b) l'emplacement exact de chaque lieu de vote autre qu'un bureau de scrutin mobile et les heures pendant lesquelles les électeurs peuvent voter à chacun de ces lieux de vote autre qu'un bureau de scrutin mobile;

cated and the approximate periods during which it is to be so located.

Preparation of list of names

61. (1) Forthwith on being informed pursuant to subsection 56(1) that the writs have been issued, each commanding officer shall prepare a list of the names of the electors serving in or attached to the unit.

Lists arranged in alphabetical order, etc.

(2) The lists prepared pursuant to subsection (1) shall be arranged alphabetically as to names and shall contain, in the case of an elector, the surname, initials, rank and service number, and

(*a*) if the elector's statement of ordinary residence has been validated as to electoral district pursuant to section 19, the name of the elector's district; or

(*b*) if the elector's statement of ordinary residence has not been validated as to electoral district pursuant to section 19, the place of ordinary residence as indicated in that statement of ordinary residence.

Duties of commanding officer

62. (1) Within seven days of being informed pursuant to subsection 56(1) that the writs have been issued, each commanding officer shall

(*a*) designate a sufficient number of electors as deputy returning officers to take the votes of electors serving in or attached to the unit or serving at or attached to the unit;

(*b*) through a liaison officer, furnish the Chief Electoral Officer with

(i) a list setting out the name and rank of each deputy returning officer designated pursuant to paragraph (*a*), and

(ii) sufficient copies of the list prepared pursuant to subsection 61(1); and

(*c*) furnish each designated deputy returning officer with one copy of the list prepared pursuant to subsection 61(1).

Idem

(2) Forthwith on receiving election materials and lists of the names of candidates, a commanding officer shall

c) lorsqu'un bureau de scrutin mobile est établi, les zones à l'égard desquelles ce bureau est établi, ainsi que les périodes approximatives pendant lesquelles il demeurera dans chaque zone.

Liste électorale

61. (1) Dès qu'il a été informé conformément au paragraphe 56(1) de la délivrance des brefs, le commandant dresse la liste des électeurs en service dans son unité.

Idem

(2) Les listes dressées en conformité avec le paragraphe (1) sont présentées selon l'ordre alphabétique et donnent, dans le cas d'un électeur, ses nom de famille, initiales, grade et numéro militaire, ainsi que :

a) si la déclaration de résidence ordinaire de l'électeur a été certifiée par inscription du nom de la circonscription conformément à l'article 19, le nom de sa circonscription;

b) dans le cas contraire, son lieu de résidence ordinaire comme l'indique sa déclaration de résidence ordinaire.

Désignation des scrutateurs

62. (1) Dans un délai de sept jours après qu'il a été informé en conformité avec le paragraphe 56(1) de la délivrance des brefs, le commandant :

a) désigne un nombre suffisant d'électeurs à titre de scrutateurs pour recueillir les votes des électeurs en service dans son unité;

b) par l'entremise d'un agent de liaison, fournit au directeur général des élections :

(i) une liste donnant les nom et grade des scrutateurs désignés,

(ii) un nombre suffisant d'exemplaires de la liste dressée conformément au paragraphe 61(1);

c) fournit à chaque scrutateur un exemplaire de la liste dressée en conformité avec le paragraphe 61(1).

Matériel électoral

(2) Dès qu'il reçoit le matériel d'élection et les listes des noms des candidats, le commandant :

(*a*) distribute those materials in sufficient quantities to every deputy returning officer designated pursuant to paragraph (1)(*a*); and

(*b*) cause copies of those lists to be posted in a prominent place in the unit and, where appropriate, in other conspicuous places.

a) distribue ce matériel en quantité suffisante à chaque scrutateur désigné en conformité avec l'alinéa (1)*a*);

b) fait afficher, dans un endroit bien en vue de l'unité et, le cas échéant, d'autres endroits bien en vue, des exemplaires des listes des noms des candidats.

Ballot

63. (1) The ballot of every elector shall be cast before a deputy returning officer.

Vote

63. (1) L'électeur vote devant un scrutateur.

Joint voting place

(2) A commanding officer of a unit may establish a joint voting place for all electors in a locality where it appears that

(*a*) two or more units are in the same locality; and

(*b*) for the better administration of these Rules, it would be expedient that the electors who are entitled to vote at the units referred to in paragraph (*a*) cast their ballots before one deputy returning officer.

Bureau de scrutin commun

(2) Lorsqu'il apparaît :

a) d'une part, que plusieurs unités sont situées dans la même localité,

b) d'autre part, que, pour la meilleure application des présentes règles, il serait opportun que les électeurs qui ont le droit de voter dans ces unités votent devant un seul scrutateur,

les commandants de ces unités peuvent établir un lieu de vote commun à l'intention de tous les électeurs de leurs unités.

Duties of deputy returning officer

64. At each voting place during every period in which electors are casting their ballots, the deputy returning officer before whom the ballots are to be cast shall

(*a*) cause at least two copies of the instructions, in the prescribed form, to be posted in conspicuous places; and

(*b*) keep readily available for consultation by electors, one copy of these Rules, one set of street indexes, one guide to electoral districts and one list of the names of candidates.

Obligations du scrutateur

64. Dans tout lieu de vote et durant toute période de scrutin, le scrutateur devant qui les votes doivent être donnés :

a) d'une part, fait afficher, dans des endroits bien en vue, au moins deux exemplaires des instructions, selon la formule prescrite;

b) d'autre part, tient à la disposition des électeurs, pour consultation, un exemplaire des présentes règles, un ensemble d'indicateurs de rues, un guide des circonscriptions et une liste des noms des candidats.

Representative of registered party

65. Any Canadian citizen may, on delivering to the deputy returning officer who is taking the votes a declaration, in the prescribed form, completed and signed by a candidate at an election, act as a representative of that registered party to which the candidate belongs at the voting place during the taking of those votes.

Représentants des partis enregistrés

65. Un citoyen canadien peut, sur remise au scrutateur d'une déclaration, selon la formule prescrite, remplie et signée par un candidat à une élection, agir au lieu de vote lors du scrutin à titre de représentant du parti enregistré de ce candidat.

Declaration

66. Before delivering a ballot paper to an elector, the deputy returning officer before whom the vote is to be cast shall require the elector to make a declaration in the prescribed form and to sign the declaration.

Déclaration obligatoire devant le scrutateur

66. Avant de remettre un bulletin de vote à un électeur, le scrutateur devant qui le vote doit être donné est tenu d'exiger que l'électeur fasse une déclaration selon la formule prescrite et la signe.

Procedures on completion of declaration

67. (1) When an elector has completed a declaration pursuant to section 66 and any other document that the elector is required to complete before casting a ballot,

(*a*) the deputy returning officer shall hand the elector a ballot paper, an inner envelope and an outer envelope containing the elector's declaration;

(*b*) the elector shall thereupon

(i) cast a ballot secretly by writing on the ballot paper the names or initials and surname of the candidate of the elector's choice and, where there are two or more candidates with the same name, the elector shall also write the name of the applicable registered party or the word "independent", as the case may be, and

(ii) fold the ballot paper, and in the presence of the deputy returning officer,

(A) place the folded ballot paper in the inner envelope and seal the inner envelope,

(B) place the inner envelope in the outer envelope, and

(C) seal the outer envelope;

(*c*) the deputy returning officer shall inform the elector that, in order to be counted, the outer envelope must be received by the special voting rules administrator in Ottawa not later than 4:00 p.m. on the Friday immediately preceding polling day;

(*d*) inform the elector of the nearest post office, mail box or other facility through which the outer envelope may be dispatched; and

(*e*) the elector shall thereupon dispatch the outer envelope by ordinary mail or by such other facility as may be available and expeditious to the special voting rules administrator.

Spoiled ballot paper

(2) Where an elector has inadvertently dealt with a ballot paper in such a manner that it cannot be used,

Procédures

67. (1) Lorsque l'électeur a rempli la déclaration ainsi que tout autre document qu'il est tenu de remplir avant de pouvoir voter :

a) le scrutateur remet à l'électeur un bulletin de vote, une enveloppe intérieure et l'enveloppe extérieure contenant la déclaration de l'électeur;

b) l'électeur :

(i) vote secrètement en inscrivant sur le bulletin de vote les prénoms ou initiales et le nom de famille du candidat de son choix, ainsi que, si plusieurs candidats ont le même nom, le nom du parti enregistré auquel il appartient ou le mot « indépendant »,

(ii) plie le bulletin de vote et, devant le scrutateur :

(A) met le bulletin de vote plié dans l'enveloppe intérieure et la scelle,

(B) met l'enveloppe intérieure dans l'enveloppe extérieure,

(C) scelle l'enveloppe extérieure;

c) le scrutateur informe l'électeur que, pour être comptée, l'enveloppe extérieure doit parvenir à l'administrateur des règles électorales spéciales au plus tard à seize heures le vendredi précédant le jour du scrutin;

d) le scrutateur indique à l'électeur le bureau de poste, la boîte aux lettres ou tout autre service qui se trouve le plus proche et d'où l'enveloppe extérieure peut être expédiée;

e) l'électeur expédie l'enveloppe extérieure, par le courrier ordinaire ou par tout autre moyen à sa disposition et expéditif, à l'administrateur des règles électorales spéciales.

Bulletin de remplacement

(2) Lorsqu'un électeur s'est par inadvertance servi d'un bulletin de vote de manière à le rendre inutilisable :

a) il le remet au scrutateur;

(*a*) the elector shall return it to the deputy returning officer; and

(*b*) the deputy returning officer shall deface the ballot paper, classify it as a spoiled ballot paper and hand another ballot paper to the elector.

b) le scrutateur oblitère le bulletin de vote, le classe comme un bulletin de vote gâté et lui en remet un autre.

Replacement ballot

(3) For the purposes of this section, an elector may receive only one other ballot paper.

(3) L'électeur ne peut recevoir qu'un seul autre bulletin de vote en vertu du présent article.

Un seul bulletin de remplacement

Voting by deputy returning officer

(4) Subject to these Rules, a deputy returning officer before whom electors have cast their ballots may vote after completing the declaration printed on the outer envelope.

(4) Sous réserve des présentes règles, un scrutateur devant qui des électeurs ont donné leur vote peut donner son propre vote après avoir rempli la déclaration imprimée sur l'enveloppe extérieure.

Vote du scrutateur

Postage

68. Wherever outer envelopes are being mailed, the deputy returning officer shall ensure that the necessary postage is paid.

68. Dans tous les cas où des enveloppes extérieures sont postées, le scrutateur veille à ce que les enveloppes extérieures soient suffisamment affranchies.

Affranchissement

Transmission of documents

69. After the polling period fixed pursuant to section 58 has ended,

(*a*) each deputy returning officer shall transmit to the appropriate commanding officer

(i) every declaration required pursuant to section 66,

(ii) every outer envelope laid aside,

(iii) every unused or spoiled ballot paper and unused or spoiled envelope, and

(iv) in a separate and clearly identified parcel, every completed statement of ordinary residence in the form prescribed pursuant to section 19; and

(*b*) the commanding officer shall

(i) deal with and dispose of the originals and copies of the statements of ordinary residence transmitted to the commanding officer in accordance with these Rules, and

(ii) transmit to the Chief Electoral Officer all other documents and election materials received from the deputy returning officers.

69. Lorsque la période de scrutin fixée en application de l'article 58 a pris fin :

a) chaque scrutateur transmet au commandant :

(i) chaque déclaration visée à l'article 66,

(ii) chaque enveloppe extérieure mise de côté,

(iii) chaque bulletin de vote inutilisé ou gâté et enveloppe inutilisée ou gâtée,

(iv) dans un colis distinct et clairement identifié, chaque déclaration de résidence ordinaire remplie, selon la formule prescrite, en conformité avec l'article 19;

b) le commandant :

(i) traite les originaux et les exemplaires des déclarations de résidence ordinaire qui lui ont été transmises et en dispose conformément aux présentes règles,

(ii) transmet au directeur général des élections tous les autres documents et le matériel d'élection qu'il a reçus des scrutateurs.

Obligations du scrutateur et du commandant après le vote

Procedure where an Elector is Disabled

Electors with disabilities

70. (1) Where an elector is disabled so as to be unable to vote in the manner prescribed in these Rules,

(*a*) the deputy returning officer shall assist the elector by

(i) completing the declaration on the back of the outer envelope, including writing in the name of the elector in the space provided for the elector's signature, and

(ii) marking the ballot paper in the presence of and as directed by the elector and in the presence of another elector, selected by the disabled elector; and

(*b*) the deputy returning officer and the elector in whose presence the vote of the disabled elector is cast shall affix their signatures to a note on the back of the outer envelope stating that the vote was cast pursuant to paragraph 70(1) (*a*).

Witness to keep ballot secret

(2) Each person in whose presence a vote is cast pursuant to this section shall keep secret the name of the candidate for whom the ballot of the disabled elector is cast.

Procedure where Canadian Forces Elector is in a Hospital or Institution

Elector in hospital or institution

71. (1) An elector who is undergoing treatment in a Service hospital or convalescent institution during a period fixed for the taking of the votes of electors at an election shall be deemed to be a member of the unit under the command of the officer in charge of the hospital or convalescent institution.

Voting of elector confined to bed

(2) Where a deputy returning officer who is designated under these Rules to take the ballots of electors at a Service hospital or convalescent institution deems it advisable and the officer in charge of the hospital or institution approves, the deputy returning officer may go from room to room to take the ballots of electors who are confined to bed.

Procédure lorsqu'un électeur est incapable de voter sans aide

Déficiences

70. (1) Lorsqu'un électeur a une déficience qui le rend incapable de voter de la manière prévue par les présentes règles :

a) le scrutateur l'aide :

(i) d'une part, en remplissant la déclaration au verso de l'enveloppe extérieure, y compris l'inscription du nom de l'électeur à l'endroit prévu pour sa signature,

(ii) d'autre part, en marquant le bulletin de vote de la manière indiquée par l'électeur, en présence de celui-ci et en présence d'un autre électeur qui est choisi par l'électeur qui a une déficience;

b) le scrutateur et l'électeur en présence duquel est donné le vote de l'électeur qui a une déficience signent la note au verso de l'enveloppe extérieure énonçant que le vote a été donné conformément à l'alinéa 70(1)*a*).

Secret

(2) Chacune des personnes en présence de qui un vote est déposé en conformité avec le présent article garde secret le nom du candidat en faveur duquel est donné le vote de l'électeur qui a une déficience.

Procédure lorsqu'un électeur des Forces canadiennes est dans un hôpital ou un établissement

Hôpital ou établissement de convalescence

71. (1) L'électeur qui subit un traitement dans un hôpital militaire ou un établissement militaire de convalescence, durant un délai fixé pour faire voter des électeurs à une élection, est censé être un membre de l'unité sous le commandement de l'officier qui dirige l'hôpital ou l'établissement de convalescence.

Électeurs alités

(2) Le scrutateur qui est désigné en vertu des présentes règles pour faire voter des électeurs dans un hôpital militaire ou dans un établissement militaire de convalescence, s'il estime que cela est opportun et que cela est approuvé par l'officier qui dirige l'hôpital ou l'établissement, peut aller d'une chambre à une autre en vue de faire voter les électeurs qui sont alités.

Deputy returning officer who is to take vote of hospitalized electors

(3) Where a deputy returning officer is not designated for a Service hospital or convalescent institution, the deputy returning officer appointed for the unit to which the hospital or institution belongs may take the ballots of electors who are undergoing treatment in the hospital or institution.

Absence of elector from unit

72. Where an elector is absent from the elector's unit while on duty, leave or furlough where the elector is serving, during a period fixed pursuant to subsection 58(2), the elector may cast a ballot

(*a*) at the voting place in any unit in or outside Canada, and

(*b*) on production of satisfactory evidence that the elector is on duty, leave or furlough

before a deputy returning officer who is, when the elector applies to vote, engaged in that unit in taking the ballots of electors.

Voting by Canadian Forces under Procedures Prescribed in the Act

Voting under Act

73. An elector may vote at the place where the Canadian Forces elector would vote if the elector were not a Canadian Forces elector if, on polling day, the elector

(*a*) is actually ordinarily residing in the electoral district in which is located the elector's place of ordinary residence as shown in the statement of ordinary residence made under these Rules; and

(*b*) has not voted under the procedure set out in these Rules.

Transmission of lists by Canadian Forces coordinating officer

74. (1) The Canadian Forces coordinating officer shall, during the first two weeks of November in every year, transmit to the Chief Electoral Officer in respect of each electoral district such number of copies as the Chief Electoral Officer directs of a list of the electors whose places of ordinary residence are in the electoral district, except in a year in which

(*a*) a general election is in progress at any time during those two weeks; or

Scrutateur de l'unité

(3) Lorsqu'aucun scrutateur n'est désigné pour un hôpital militaire ou un établissement militaire de convalescence, le scrutateur nommé pour l'unité à laquelle appartient l'hôpital ou l'établissement peut faire voter les électeurs qui subissent un traitement dans l'hôpital ou l'établissement.

Électeur absent de son unité

72. L'électeur qui est absent de son unité alors qu'il est en service, en congé ou en permission, pendant le délai fixé en conformité avec le paragraphe 58(2), peut :

a) au lieu de vote dans une unité au Canada ou à l'étranger,

b) sur production d'une preuve satisfaisante établissant qu'il est en service, en congé ou en permission,

voter devant un scrutateur qui est, au moment où il demande à voter, occupé dans cette unité à la prise des votes d'électeurs.

Vote des électeurs des Forces canadiennes selon les formalités prévues par la loi

Vote au lieu de résidence

73. Peut voter au lieu où il pourrait voter s'il n'était pas un électeur des Forces canadiennes l'électeur qui, le jour du scrutin :

a) d'une part, se trouve en fait à résider ordinairement dans la circonscription où est situé le lieu de sa résidence ordinaire indiqué dans la déclaration de résidence ordinaire qu'il a faite en vertu des présentes règles;

b) d'autre part, n'a pas voté en vertu de la procédure énoncée aux présentes règles.

Envoi des listes électorales des Forces canadiennes au directeur général des élections

74. (1) L'agent coordonnateur des Forces canadiennes transmet, pour chaque circonscription, au directeur général des élections au cours des deux premières semaines de novembre de chaque année le nombre d'exemplaires, fixé par ce dernier, des listes des électeurs des Forces canadiennes dont le lieu de résidence ordinaire se trouve dans cette circonscription; cette disposition ne s'applique pas lorsque :

a) ces deux semaines coïncident au moins partiellement avec la tenue d'une élection générale;

(*b*) voting on the polling day at a general election took place less than two months before the last day of October.

Idem

(2) The list referred to in subsection (1) shall

(*a*) contain only the names of electors whose statements of ordinary residence have been validated as to electoral districts by the Chief Electoral Officer; and

(*b*) be arranged alphabetically by name, which names shall be followed by the current addresses of the electors.

Time of war

(3) Where, in time of war, the Canadian Forces are on active service in November of any year, subsection (1) does not apply in that year.

Transmission of list

(4) Forthwith after the Chief Electoral Officer receives the list referred to in subsection (1), the Chief Electoral Officer shall transmit

(*a*) to each elected member of the House of Commons, one copy, in printed or machine readable format, of the list that is received from the coordinating officer for the electoral district for which that member is the elected member; and

(*b*) to each registered party that is represented in the House of Commons by at least one member who was elected as a representative of that party, one copy of each list referred to in paragraph (*a*) in printed or machine readable format.

List to be used only for political purposes

(5) No person shall use the whole or any part of any list prepared pursuant to these Rules, or the whole or any part of any list made in whole or in part from any such list, for other than political purposes and federal or provincial electoral purposes.

b) le jour du scrutin à une élection générale précède de moins de deux mois le dernier jour d'octobre.

Contenu des listes

(2) La liste visée au paragraphe (1) :

a) contient uniquement les noms des électeurs dont la déclaration de résidence ordinaire a été certifiée par inscription du nom de la circonscription par le directeur général des élections;

b) est dressée selon l'ordre alphabétique des noms, chacun étant suivi de l'adresse actuelle de l'électeur.

Exception

(3) Le paragraphe (1) ne s'applique pas à une année si, en temps de guerre, les Forces canadiennes sont, en novembre de cette année, en service actif.

Transmission aux députés et aux partis

(4) Sur réception de la liste prévue au paragraphe (1), le directeur général des élections transmet sans délai :

a) à chaque député à la Chambre des communes une copie de la liste imprimée ou sous une forme lisible par ordinateur que l'agent coordonnateur lui a fait parvenir pour la circonscription de ce député;

b) à chaque parti enregistré représenté à la Chambre des communes par au moins un député une copie imprimée ou sous une forme lisible par ordinateur de chaque liste visée à l'alinéa *a*).

Utilisation restreinte

(5) Nul ne peut utiliser, directement ou indirectement, une liste dressée en vertu des présentes règles, ou partie d'une telle liste, sauf à des fins politiques ou à des fins électorales fédérales ou provinciales.

PART VI

PROCEDURE FOR TAKING THE VOTES OF INCARCERATED ELECTORS

Procedure under these Rules

Application

Application

75. This Part refers only to incarcerated electors and where the term "elector" is used it shall mean an incarcerated elector only.

Designation of coordinating officer

76. The Ministers responsible for corrections in the provinces shall each

(*a*) designate a person as coordinating officer to work with the Chief Electoral Officer during and between general elections in carrying out the procedures set out in these Rules;

(*b*) where the person designated as coordinating officer dies or becomes incapable of acting or the person's designation as coordinating officer is revoked, designate another person as coordinating officer; and

(*c*) inform the Chief Electoral Officer of the name and address of the person designated as coordinating officer pursuant to paragraph (*a*) or (*b*) and of any subsequent change in such name or address.

Initial procedures

77. (1) As soon as possible after the writs have been issued,

(*a*) the Chief Electoral Officer shall inform the Minister responsible for corrections in the provinces

(i) that the writs have been issued, and

(ii) of the location of the administrative centres; and

(*b*) the Ministers responsible for corrections in the provinces shall

(i) cause each coordinating officer under their direction, for election purposes, to be informed that the writs have been issued,

(ii) designate one or more electors to act as liaison officers in connection with the taking of the votes of electors, and

PARTIE VI

PROCÉDURE POUR FAIRE VOTER LES ÉLECTEURS INCARCÉRÉS

Procédure à suivre aux termes des présentes règles

Application

Champ d'application

75. La présente partie vise seulement les électeurs incarcérés et le terme « électeur » désigne uniquement un électeur incarcéré.

Obligations des ministres provinciaux

76. Les ministres provinciaux responsables des services correctionnels :

a) désignent un agent coordonnateur pour travailler, pendant et entre les élections générales, avec le directeur général des élections à remplir les formalités énoncées aux présentes règles;

b) en cas de décès, d'empêchement ou de révocation de l'agent coordonnateur, nomment un remplaçant;

c) informent le directeur général des élections des nom et adresse de l'agent coordonnateur nommé conformément aux alinéas *a*) ou *b*) et de tout changement de nom ou d'adresse de cet agent.

Procédure lors de la délivrance des brefs

77. (1) Aussitôt que possible après la délivrance des brefs :

a) le directeur général des élections informe les ministres provinciaux responsables des services correctionnels :

(i) d'une part, que les brefs ont été délivrés,

(ii) d'autre part, du lieu où sont situés les centres administratifs;

b) les ministres responsables des services correctionnels dans chaque province :

(i) font en sorte que les agents coordonnateurs qui sont sous leurs ordres pour le déroulement d'une élection soient informés que les brefs ont été délivrés,

(iii) inform the Chief Electoral Officer of the name and address of each liaison officer so designated.

(ii) désignent un ou plusieurs électeurs pour remplir les fonctions d'agents de liaison pour le vote des électeurs,

(iii) informent le directeur général des élections des nom et adresse de chacun des agents de liaison ainsi désignés.

Duties of liaison officer

(2) Each coordinating officer shall, immediately on receiving notice of the liaison officer's designation, communicate with those officers responsible for registration and voting of incarcerated electors, stating all necessary particulars relating to the taking of the votes of electors at an election.

(2) Dès qu'il a été avisé de la désignation des agents de liaison, l'agent coordonnateur communique avec eux et leur donne tous les détails nécessaires qui concernent le vote des électeurs lors d'une élection.

Obligation de l'agent coordonnateur

Idem

(3) Each liaison officer shall, during the election, cooperate with the Chief Electoral Officer in the administration of the registration and the taking of the votes of the electors.

(3) Pendant l'élection, l'agent de liaison coopère avec le directeur général des élections à l'administration de l'inscription et de la prise du vote des électeurs.

Obligations de l'agent de liaison

Notice of election

78. (1) Forthwith on being informed pursuant to subsection 77(1) that the writs have been issued, each liaison officer shall cause to be posted in a prominent place in a correctional institution a notice in the prescribed form informing electors that an election has been ordered and of the date fixed as polling day.

78. (1) Immédiatement après avoir été avisés conformément au paragraphe 77(1) de la délivrance des brefs, les agents de liaison d'établissements correctionnels font en sorte que soit affiché, dans un lieu bien en vue dans les établissements, un avis, selon la formule prescrite, informant les électeurs que la tenue d'une élection a été ordonnée et les informant de la date fixée comme jour du scrutin.

Affichage d'un avis

Idem

(2) In the notice referred to in subsection (1), it shall be stated that each elector may vote on the tenth day before polling day.

(2) L'avis prévu au paragraphe (1) informe les électeurs qu'ils peuvent voter le dixième jour avant le jour du scrutin.

Contenu de l'avis

When polls to be open

(3) The polls shall be open at the hour of 9:00 a.m. and be kept open until every qualified elector has voted, but not kept open later than 8:00 p.m.

(3) Les bureaux de scrutin ouvrent à neuf heures et demeurent ouverts jusqu'à ce que tous les électeurs aient voté, mais au plus tard jusqu'à vingt heures.

Heures d'ouverture des bureaux de scrutin

Provision of facilities

(4) Each liaison officer shall provide all the facilities necessary to enable the electors to cast their ballots in the manner set out in these Rules.

(4) Les agents de liaison prennent toutes les mesures nécessaires au déroulement du scrutin en conformité avec les présentes règles.

Obligation générale des agents de liaison

Mobile poll

79. (1) Each liaison officer shall, when required, establish a mobile poll within a correctional institution to take the votes of those electors confined to their cells or in the infirmary.

79. (1) Chaque agent de liaison met sur pied, sur demande, un bureau de scrutin mobile à l'intérieur d'un établissement correctionnel pour recueillir le vote des électeurs confinés à leur cellule ou à l'infirmerie.

Bureau de scrutin mobile

Idem

(2) A returning officer, in cooperation with liaison officers, may create a mobile poll for correctional institutions of less than fifty electors that are within the boundaries

(2) Le directeur du scrutin, en coopération avec les agents de liaison, peut établir un bureau de scrutin mobile pour les établissements correctionnels comptant moins de cin-

Bureau commun à plusieurs établissements

of the same electoral district and within reasonable travelling distance from one another.

Appointment of deputy returning officers

80. (1) Prior to the twenty-eighth day before polling day, each returning officer in whose electoral district a correctional institution is situated, in cooperation with the liaison officer, shall appoint a sufficient number of persons in each institution to act as deputy returning officers and poll clerks to take the votes of electors.

Duties of liaison officer

(2) Forthwith on receiving election materials and lists of the names of candidates, the liaison officer shall

(*a*) distribute those materials in sufficient quantities to every deputy returning officer appointed pursuant to subsection (1); and

(*b*) cause copies of those lists to be posted in a prominent place in the correctional institution and, where appropriate, in other conspicuous places.

Duties of deputy returning officer

81. At each voting place during the period in which electors are casting their ballots, the deputy returning officer before whom the ballots are to be cast shall

(*a*) cause at least two copies of the instructions, in the prescribed form, to be posted in conspicuous places; and

(*b*) keep readily available for consultation by electors, one copy of these Rules, one set of street indexes, one guide to electoral districts and one list of the names of candidates.

Representative of registered party

82. (1) Any Canadian citizen may, on delivering to the deputy returning officer who is taking the votes of electors a declaration, in the prescribed form, completed and signed by a candidate at an election, act as a representative of the registered party to which the candidate belongs at the voting place during the taking of those votes.

Prior authorization

(2) Notwithstanding subsection (1), registered party representatives must obtain prior authorization from correctional authorities in order to be present at the voting place in a correctional institution.

quante électeurs qui se trouvent à l'intérieur des limites de la même circonscription et à une distance raisonnable l'un de l'autre.

Scrutateurs et greffiers

80. (1) Avant le vingt-huitième jour précédant le jour du scrutin, chaque directeur du scrutin dans la circonscription duquel est situé un établissement correctionnel nomme dans chaque établissement, en collaboration avec l'agent de liaison de l'établissement correctionnel, un nombre suffisant de personnes à titre de scrutateurs et de greffiers pour prendre les votes des électeurs.

Obligation de l'agent de liaison

(2) Dès qu'il a reçu le matériel d'élection et les listes des noms des candidats, l'agent de liaison de l'établissement correctionnel :

a) distribue ce matériel en quantité suffisante à chaque scrutateur désigné en conformité avec le paragraphe (1);

b) fait afficher, dans un endroit de l'établissement et, le cas échéant, d'autres endroits bien en vue, des exemplaires des listes des noms des candidats.

Obligations du scrutateur

81. Dans tout lieu de vote et durant la période de scrutin, le scrutateur devant qui les votes doivent être donnés :

a) d'une part, fait afficher, dans des endroits bien en vue, au moins deux exemplaires des instructions, selon la formule prescrite;

b) d'autre part, tient à la disposition des électeurs, pour consultation, un exemplaire des présentes règles, un ensemble d'indicateurs de rues, un guide des circonscriptions et une liste des noms des candidats.

Représentant des partis

82. (1) Un citoyen canadien peut, sur remise au scrutateur d'une déclaration, selon la formule prescrite, remplie et signée par un candidat à une élection, agir au lieu de vote lors du scrutin à titre de représentant du parti enregistré de ce candidat.

Autorisation nécessaire

(2) Malgré le paragraphe (1), les représentants des partis enregistrés sont tenus d'obtenir des autorités correctionnelles l'autorisation d'être présents au lieu de vote dans un établissement correctionnel.

Declaration

83. Before delivering a ballot paper to an elector, the deputy returning officer before whom the vote is to be cast shall require the elector to make a declaration in the prescribed form and to sign the declaration.

Procedure on completion of declaration

84. (1) Where an elector has completed the declaration and any other document the elector is required to complete pursuant to section 83 and the deputy returning officer has completed the certificate printed under the declaration

(*a*) the deputy returning officer shall hand the elector a ballot paper, an inner envelope and an outer envelope containing the elector's declaration; and

(*b*) the elector shall thereupon

(i) cast a ballot secretly by writing on the ballot paper the names or initials and surname of the candidate of the elector's choice and, where there are two or more candidates with the same name, the elector shall also write the name of the applicable registered party or the word "independent", as the case may be, and

(ii) fold the ballot paper and, in the presence of the deputy returning officer,

(A) place the folded ballot paper in the inner envelope and seal the inner envelope,

(B) place the inner envelope in the outer envelope, and

(C) seal the outer envelope.

Dispatch of outer envelopes

(2) All outer envelopes containing votes cast in correctional institutions shall be dispatched to the special voting rules administrator by the liaison officer to be received by the special voting rules administrator in Ottawa no later than 4:00 p.m. on the Friday immediately preceding ordinary polling day.

Spoiled ballot paper

(3) Where an elector has inadvertently dealt with a ballot paper in such a manner that it cannot be used

(*a*) the elector shall return it to the deputy returning officer; and

Déclaration de l'électeur

83. Avant de remettre un bulletin de vote à un électeur, le scrutateur devant qui le vote doit être donné exige que celui-ci fasse une déclaration, selon la formule prescrite, et la signe.

Vote

84. (1) Lorsque l'électeur a rempli la déclaration ainsi que tout autre document qu'il est tenu de remplir avant de pouvoir voter, et lorsque le scrutateur a rempli le certificat imprimé au-dessous de la déclaration :

a) le scrutateur remet à l'électeur un bulletin de vote, une enveloppe intérieure et l'enveloppe extérieure contenant la déclaration de l'électeur;

b) l'électeur :

(i) vote secrètement en inscrivant sur le bulletin de vote les prénoms ou initiales et le nom de famille du candidat de son choix, ainsi que, si plusieurs candidats ont le même nom, le nom du parti enregistré auquel il appartient ou le mot « indépendant »,

(ii) plie le bulletin de vote et devant le scrutateur :

(A) met le bulletin de vote plié dans l'enveloppe intérieure et la scelle,

(B) met l'enveloppe intérieure dans l'enveloppe extérieure,

(C) scelle l'enveloppe extérieure.

(2) Les agents de liaison expédient toutes les enveloppes extérieures contenant les votes donnés dans les établissements correctionnels à l'administrateur des règles électorales spéciales qui doivent parvenir au plus tard à seize heures, le vendredi précédant le jour du scrutin.

Bulletin de remplacement

(3) Lorsqu'un électeur s'est par inadvertance servi d'un bulletin de vote de manière à le rendre inutilisable :

a) il le remet au scrutateur;

(*b*) the deputy returning officer shall deface the ballot paper, classify it as a spoiled ballot paper and hand another ballot paper to the elector.

Replacement ballot

(4) For the purposes of this section, the elector may only receive one other ballot paper.

Transmission of documents

85. After polling day as fixed pursuant to section 78 has ended,

(*a*) each deputy returning officer shall transmit to the appropriate liaison officers

(i) every declaration required pursuant to section 83,

(ii) every outer envelope laid aside,

(iii) every unused or spoiled ballot paper and unused or spoiled envelope,

(iv) every completed application for registration and special ballot; and

(*b*) the liaison officers shall thereupon transmit to the special voting rules administrator all documents and election materials received from the deputy returning officers.

PART VII

PROCEDURE FOR THE RECEIVING, SORTING AND COUNTING OF VOTES CAST PURSUANT TO THESE RULES

Administration

Canadian Forces—Incarcerated—Canadians Voting Under These Rules

Administration

86. Except as otherwise provided, every operation relating to the receiving, sorting and counting of the ballot papers marked by electors shall be conducted, under the supervision of the special voting rules administrator, by special ballot officers who shall work in pairs, each pair consisting of persons representing different political interests.

b) le scrutateur oblitère le bulletin de vote, le classe comme un bulletin de vote gâté et en remet un autre à l'électeur.

Un seul bulletin de remplacement

(4) L'électeur ne peut recevoir qu'un seul autre bulletin de vote en vertu du présent article.

Procédure après le vote

85. Lorsque la période de vote fixée en application de l'article 78 a pris fin :

a) chaque scrutateur transmet à l'agent de liaison :

(i) chaque déclaration exigée en application de l'article 83,

(ii) chaque enveloppe extérieure mise de côté,

(iii) chaque bulletin de vote et enveloppe inutilisés ou gâtés,

(iv) chaque demande d'inscription et de bulletin de vote spécial dûment remplie,

b) les agents de liaison transmettent à l'administrateur des règles électorales spéciales tous les documents et le matériel d'élection qu'ils ont reçus des scrutateurs.

PARTIE VII

PROCÉDURE RELATIVE À LA RÉCEPTION, AU TRI ET AU COMPTE DES VOTES CONFORMÉMENT AUX PRÉSENTES RÈGLES

Administration

Électeurs des Forces canadiennes, électeurs incarcérés et autres Canadiens qui votent conformément aux présentes règles

Responsabilité des agents des bulletins de vote spéciaux

86. Sauf disposition contraire, chaque opération se rapportant à la réception, au tri et au compte des bulletins de vote remplis par les électeurs est, sous la surveillance de l'administrateur des règles électorales spéciales, accomplie par les agents des bulletins de vote spéciaux; ces agents exercent leurs attributions par groupes de deux, chaque groupe se composant de personnes représentant des tendances politiques différentes.

772

Directives

87. The Chief Electoral Officer shall, for the purposes of these Rules, prescribe

(*a*) security instructions for the safekeeping of ballot papers, inner envelopes, outer envelopes and all other election documents; and

(*b*) instructions for the receiving, sorting and counting of the ballot.

Instructions du directeur général des élections

87. Pour l'application des présentes règles, le directeur général des élections prend :

a) des instructions relatives à la sécurité applicables à la protection et à la garde en lieu sûr des bulletins de vote, des enveloppes intérieures et extérieures et des documents d'élection;

b) des instructions relatives à la procédure à suivre lors de la réception, du tri et du compte des votes.

Counting of votes

88. The counting of votes cast pursuant to these Rules, except those cast by electors voting inside their electoral district, shall commence on a date to be fixed by the Chief Electoral Officer or, if no such date is fixed, on Wednesday, the fifth day before polling day.

Moment du dépouillement

88. Le compte des votes donnés conformément aux présentes règles, à l'exception des votes d'électeurs qui ont voté dans leur circonscription, commence à la date fixée par le directeur général des élections ou, si aucune date n'est fixée, le mercredi cinquième jour avant le jour du scrutin.

Deadline for receipt of ballot papers

89. Only ballot papers received in Ottawa by the special voting rules administrator before 4:00 p.m. on the Friday immediately preceding ordinary polling day may be counted.

Bulletins admissibles

89. Ne peuvent être comptés que les bulletins de vote reçus à Ottawa par l'administrateur des règles électorales spéciales avant seize heures le vendredi précédant le jour du scrutin.

Procedure where outer envelope is incomplete or received late

90. (1) An outer envelope shall be laid aside unopened where, during the receiving and sorting of outer envelopes, it is ascertained on examination of an outer envelope that

(*a*) in respect of any vote other than a vote taken under section 70, an outer envelope does not bear the signature of an elector;

(*b*) the correct electoral district of the elector whose ballot is contained in the outer envelope cannot be ascertained;

(*c*) the outer envelope has been received by the special voting rules administrator after 4:00 p.m. on the Friday immediately preceding ordinary polling day; or

(*d*) the outer envelope relates to an electoral district in which a candidate endorsed by a registered party has died between the fifth day prior to nomination day and polling day.

Mise de côté

90. (1) Une enveloppe extérieure est mise de côté sans être décachetée lorsque, durant la réception et le classement des enveloppes extérieures, il est constaté lors de son examen que, selon le cas :

a) en ce qui concerne un vote autre qu'un vote donné en vertu de l'article 70, elle ne porte pas la signature de l'électeur;

b) il est impossible de déterminer la circonscription de l'électeur dont le bulletin est contenu dans l'enveloppe;

c) elle a été reçue par l'administrateur des règles électorales spéciales après seize heures, le vendredi précédant le jour du scrutin;

d) elle se rapporte à une circonscription dans laquelle un candidat parrainé par un parti enregistré est décédé entre le cinquième jour précédant le jour des présentations et le jour du scrutin.

Procedure where elector votes more than once

(2) Where, after receiving and prior to counting the outer envelopes, it is ascertained that an elector has voted more than once, the outer envelopes relating to the elector shall be laid aside unopened.

Électeur qui a voté plus d'une fois

(2) Lorsque, après la réception et avant le dépouillement des enveloppes extérieures, il est constaté qu'un électeur a voté plus d'une fois, les enveloppes extérieures se rapportant

Disposition of outer envelopes that are laid aside

(3) Where an outer envelope is laid aside unopened pursuant to subsection (1) or (2),

(*a*) the outer envelope shall be endorsed by the special voting rules administrator with the reason why it has been laid aside;

(*b*) at least two special ballot officers shall initial the endorsement; and

(*c*) in the case of an outer envelope laid aside pursuant to subsection (1), the ballot paper contained in the outer envelope shall be deemed to be a spoiled ballot.

Special report

(4) The special voting rules administrator shall prepare a report in respect of the number of outer envelopes that are laid aside.

Duties of special ballot officers

91. The special ballot officers shall count the votes for only one electoral district or part of an electoral district at a time.

Counting of votes

92. (1) In counting the votes of electors, the special ballot officers shall reject all ballot papers

(*a*) that do not appear to have been supplied for the election; and

(*b*) that have not been marked in accordance with these Rules.

Disputed ballots

(2) Where a dispute arises as to the validity of a ballot, it shall be referred to the special voting rules administrator, whose decision shall be final.

Idem

(3) The number of disputed ballots and the electoral district in which they are to be cast are to be noted by the special ballot officers.

Elector's intent

93. No ballot paper shall be rejected for the sole reason that the elector has incorrectly written the name of a candidate, if the ballot clearly indicates the elector's intent.

Statement of the count

94. Each special ballot officer shall prepare a statement of the count in the form and manner prescribed by the Chief Electo-

à cet électeur sont mises de côté sans être décachetées.

Enveloppes mises de côté

(3) Lorsqu'une enveloppe extérieure est mise de côté sans être décachetée conformément aux paragraphes (1) ou (2) :

a) le motif pour lequel elle a été mise de côté est inscrit par l'administrateur des règles électorales spéciales sur l'enveloppe extérieure;

b) au moins deux agents des bulletins de vote spéciaux paraphent l'inscription;

c) le bulletin de vote contenu dans l'enveloppe extérieure mise de côté en vertu du paragraphe (1) est censé être un bulletin de vote gâté.

Rapport

(4) L'administrateur des règles électorales spéciales établit un rapport du nombre d'enveloppes extérieures mises de côté.

Obligations des agents des bulletins de vote spéciaux

91. Les agents des bulletins de vote spéciaux comptent les votes pour une seule circonscription ou partie de circonscription à la fois.

Bulletins rejetés

92. (1) En comptant les votes des électeurs, les agents des bulletins de vote spéciaux rejettent tous les bulletins de vote :

a) qui ne paraissent pas avoir été fournis pour l'élection;

b) qui n'ont pas été marqués conformément aux présentes règles.

Décision de l'administrateur

(2) En cas de différend quant à la validité d'un bulletin de vote, l'affaire est portée devant l'administrateur des règles électorales spéciales dont la décision est définitive.

Prise en note

(3) Le nombre de bulletins de vote litigieux et la circonscription où ils s'appliquent sont pris en note par les agents des bulletins de vote spéciaux.

Règle d'application

93. Aucun bulletin de vote ne peut être rejeté du seul fait que l'électeur a écrit incorrectement le nom du candidat, si le bulletin de vote indique clairement l'intention de l'électeur.

Relevés du compte

94. Chacun des agents des bulletins de vote spéciaux prépare un relevé du compte en la forme et de la manière prévue par le direc-

ral Officer and deliver it to the special voting rules administrator who shall retain it in safe custody until the day following the communication of the results pursuant to section 168 of the Act and, on that day, the special voting rules administrator shall, where a special ballot officer has requested the return of a copy of the statement of the count, return a copy thereof to that special ballot officer.

Copy of statement of count

95. A special ballot officer shall receive a copy of each statement of the count that the special ballot officer has signed.

Final Duties

Chief Electoral Officer to be informed of results of vote

96. (1) Forthwith after the counting of the votes for every electoral district has been completed, but no later than the Saturday immediately preceding polling day, the special voting rules administrator shall inform the Chief Electoral Officer of

(*a*) the number of votes counted for each candidate in every electoral district in Canada in respect of which votes were counted in headquarters in Ottawa;

(*b*) the total number of votes counted in headquarters in Ottawa in respect of each such electoral district; and

(*c*) the number of rejected ballots in each electoral district.

Compilation and communication of result of voting

(2) On being informed, pursuant to subsection (1), of the results of the voting under these Rules at an election, the Chief Electoral Officer shall

(*a*) forthwith compute the total number of votes counted under these Rules for each candidate nominated in an electoral district; and

(*b*) communicate, in the manner prescribed by the Chief Electoral Officer, the result of the voting to the appropriate returning officer after the closing of the polls.

teur général des élections et le remet à l'administrateur des règles électorales spéciales; ce dernier garde en lieu sûr jusqu'au lendemain de la communication des résultats prévue à l'article 168 de la loi les relevés du compte que lui ont remis les agents des bulletins de vote spéciaux et, le jour de cette communication, en remet un exemplaire à l'agent qui le lui demande.

Remise à l'agent

95. L'agent des bulletins de vote spéciaux reçoit une copie de chaque relevé de compte qu'il a signé.

Dispositions générales

Communication des renseignements au directeur général des élections

96. (1) Dès que le compte des votes pour chacune des circonscriptions est terminé, mais au plus tard le samedi précédant le jour du scrutin, l'administrateur des règles électorales spéciales informe le directeur général des élections :

a) du nombre de votes comptés pour chacun des candidats dans toutes les circonscriptions du Canada à l'égard desquelles des votes ont été comptés dans le bureau central;

b) du nombre total de votes comptés dans le bureau central pour chacune de ces circonscriptions;

c) du nombre de bulletins de vote rejetés pour chacune des circonscriptions.

Obligations du directeur général des élections

(2) Après avoir été informé, en conformité avec le paragraphe (1), du résultat en vertu des présentes règles, le directeur général des élections :

a) calcule sans délai le nombre de votes qui ont été comptés en vertu des présentes règles pour chacun des candidats dans une circonscription;

b) communique le résultat du scrutin, de la manière qu'il détermine, au directeur du scrutin compétent après la fermeture des bureaux de scrutin.

Transmission of election documents

97. Forthwith after the counting of the votes for every electoral district has been completed, the following shall be transmitted by the special voting rules administrator to the Chief Electoral Officer:

(*a*) the list of electors furnished to the special voting rules administrator; and

(*b*) in parcels separate from those transmitted pursuant to paragraph (*a*),

(i) all other documents and election supplies received by the special voting rules administrator from

(A) commanding officers,

(B) deputy returning officers, and

(C) special ballot officers,

(ii) the oaths of office, and

(iii) the complete files of correspondance, reports and records that are in the possession of the special voting rules administrator.

Fonctions de l'administrateur des règles électorales spéciales

97. Dès que le compte des votes pour chacune des circonscriptions est terminé, l'administrateur des règles électorales spéciales envoie au directeur général des élections les documents suivants :

a) les listes des électeurs qui lui ont été fournies;

b) dans des envois distincts de ceux visés à l'alinéa *a*) :

(i) tous les autres documents et le matériel d'élection qu'il a reçus :

(A) des commandants,

(B) des scrutateurs,

(C) des agents des bulletins de vote spéciaux,

(ii) les serments de fonctions,

(iii) la correspondance, les rapports et les registres en sa possession.

PART VIII

VERIFICATION AND COUNTING OF SPECIAL BALLOTS IN THE OFFICE OF THE RETURNING OFFICER

PARTIE VIII

PROCÉDURE RELATIVE À LA VÉRIFICATION ET AU COMPTE DES BULLETINS DE VOTE SPÉCIAUX DANS LE BUREAU DU DIRECTEUR DU SCRUTIN

Appointment of deputy returning officer and poll clerk

98. (1) The returning officer shall appoint a deputy returning officer and a poll clerk for the purpose of verifying and counting the special ballots issued to electors in the electoral district and received in the office of the returning officer.

Nomination d'un scrutateur et d'un greffier du scrutin

98. (1) Le directeur du scrutin nomme un scrutateur et un greffier du scrutin pour vérifier et compter les bulletins de vote spéciaux délivrés aux électeurs de la circonscription et reçus au bureau du directeur du scrutin.

Idem

(2) More than one deputy returning officer and poll clerk may be appointed where the number of votes warrants it.

Idem

(2) Dans le cas où le nombre de votes le justifie, plusieurs scrutateurs et greffiers du scrutin peuvent être nommés.

Assignment of duties

(3) The returning officer shall assign duties so that a deputy returning officer chosen from among the persons recommended by the registered party for which the candidate finished first in the previous election in the electoral district works with a poll clerk chosen from among the persons recommended by the registered party for which the candi-

Représentation équitable des partis

(3) Le directeur du scrutin répartit les fonctions de façon à ce qu'un scrutateur choisi parmi les personnes recommandées par le parti enregistré dont le candidat a remporté l'élection précédente dans la circonscription travaille avec un greffier du scrutin choisi parmi les personnes recommandées par le parti enregistré dont le candidat est arrivé deuxième lors de cette élection.

date finished second in the previous election in the electoral district.

Notification of persons appointed

(4) The returning officer shall, as soon as possible, notify the candidates of the name and address of the persons appointed as the deputy returning officer and the poll clerk.

Candidate present at counting

99. A candidate or candidate's representative may be present for the verification and counting of special ballots received at the office of the returning officer.

Ballots kept secret

100. (1) The returning officer shall ensure that the ballots returned to the office of the returning officer are kept sealed until they are given to the deputy returning officer.

Return outer envelopes

(2) All outer envelopes received after the prescribed deadline shall be kept separate and sealed and shall be initialled by the returning officer and marked with the date and time of their receipt.

Verification of special ballots

101. (1) At the moment established by the Chief Electoral Officer, a deputy returning officer and a poll clerk shall verify the special ballots received at the office of the returning officer and the returning officer shall notify the candidates of the date, time and place of verification of the special ballots.

Application for registration and special ballot

(2) The deputy returning officer shall be provided with the applications for registration and special ballot received before the deadline, along with any other materials that may be required.

Procedure when verifying special ballots

(3) When verifying the special ballots, the deputy returning officer and poll clerk shall open the return envelopes containing the ballots and shall, in accordance with the directives of the Chief Electoral Officer, ascertain whether the elector is entitled to vote in the electoral district.

Special ballot not accepted

102. (1) The deputy returning officer shall not accept a special ballot if

(*a*) the elector's identification does not correspond to the application received at the office of the returning officer;

(*b*) more than one special ballot has been issued to an elector;

(*c*) the elector was not registered in the electoral district prior to the deadline; or

(4) Le directeur du scrutin avise les candidats sans délai des nom et adresse des personnes nommées à titre de scrutateurs et de greffiers du scrutin.

Avis aux candidats

99. Un candidat ou son représentant peut être présent pour la vérification et le compte des bulletins de vote spéciaux reçus au bureau du directeur du scrutin.

Présence du candidat

100. (1) Le directeur du scrutin veille à ce que les bulletins de vote retournés à son bureau restent sous scellés jusqu'à ce qu'ils soient remis au scrutateur.

Obligation du directeur du scrutin

(2) Les enveloppes extérieures reçues après le délai fixé sont gardées séparément, restent scellées, sont paraphées par le directeur du scrutin et portent la date et l'heure auxquelles elles ont été reçues.

Enveloppes reçues après l'expiration du délai

101. (1) Au moment fixé par le directeur général des élections, le scrutateur et le greffier du scrutin vérifient les bulletins de vote spéciaux reçus au bureau du directeur du scrutin et celui-ci avise les candidats de la date, de l'heure et de l'endroit de la vérification.

Vérification des bulletins de vote spéciaux

(2) Les demandes d'inscription et de bulletin de vote spécial reçues avant la date limite ainsi que tout autre document nécessaire sont remis au scrutateur.

Remise des demandes

(3) Au moment de la vérification des bulletins de vote spéciaux, le scrutateur et le greffier du scrutin ouvrent les enveloppes de retour contenant les bulletins de vote et, en conformité avec les instructions du directeur général des élections, vérifient l'habilité de l'électeur à voter dans la circonscription.

Vérification

102. (1) Il est interdit au scrutateur d'accepter un bulletin de vote spécial dans les cas suivants :

Cas de rejet des bulletins de vote spéciaux

a) l'identité de l'électeur ne correspond pas à celle qui figure sur la demande reçue au bureau du directeur du scrutin;

b) plus d'un bulletin de vote spécial a été délivré à un électeur;

(*d*) the return envelope was received after the prescribed deadline pursuant to paragraph 43(*a*).

Registering objections

(2) When the special ballots are verified, the poll clerk shall register any objection to an elector's right to vote in the electoral district in the prescribed form.

Rejection of special ballot

(3) The deputy returning officer shall, without breaking the seal, set aside any special ballot that the deputy returning officer considers not acceptable to be counted, note the reasons for the rejection on the outer envelope and initial the envelope along with the poll clerk.

Rejection of special ballots

103. (1) The deputy returning officer and the poll clerk shall count all valid outer envelopes.

Inner envelopes

(2) The deputy returning officer and the poll clerk shall open the outer envelopes and put all the inner envelopes in a ballot box provided by the returning officer.

Counting the votes

(3) After the close of the polls, the deputy returning officer shall open the ballot box and the deputy returning officer and the poll clerk shall open the inner envelopes and count the votes.

Rejection of special ballots

104. (1) When counting the special ballots, the deputy returning officer shall reject any special ballot that

(*a*) does not appear to have been supplied for the election;

(*b*) is not marked in favour of a candidate;

(*c*) is marked in favour of more than one candidate; or

(*d*) is marked in a way that identifies the elector.

Special ballot not to be rejected

(2) The deputy returning officer shall not reject a special ballot for the sole reason that the elector has incorrectly written the name of a candidate, if the ballot clearly indicates the elector's intent.

Idem

(3) The deputy returning officer shall not reject a special ballot for the sole reason that the elector has written, in addition to the

c) l'électeur n'a pas été inscrit dans la circonscription avant la date limite;

d) l'enveloppe de retour est reçue après le délai fixé en vertu de l'alinéa 43*a*).

Oppositions

(2) Au moment de la vérification des bulletins de vote spéciaux, le greffier du scrutin inscrit toute opposition au droit d'un électeur de voter dans la circonscription, selon la formule prescrite.

Rejet et paraphe

(3) Le scrutateur met de côté, sans le desceller, tout bulletin de vote spécial qui, à son avis, ne peut être accepté pour être compté, indique les raisons du rejet sur l'enveloppe extérieure et la paraphe en même temps que le greffier du scrutin.

Compte des enveloppes extérieures

103. (1) Le scrutateur et le greffier du scrutin comptent les enveloppes extérieures valides.

Enveloppes intérieures

(2) Le scrutateur et le greffier du scrutin ouvrent les enveloppes extérieures et mettent les enveloppes intérieures dans l'urne fournie par le directeur du scrutin.

Dépouillement

(3) Après la fermeture des bureaux de scrutin, le scrutateur ouvre l'urne et, avec le greffier du scrutin, ouvre les enveloppes intérieures et compte les votes.

Bulletins rejetés

104. (1) Au moment du compte des bulletins de vote spéciaux, le scrutateur rejette tout bulletin de vote spécial qui :

a) ne semble pas avoir été fourni pour l'élection;

b) n'est pas marqué en faveur d'un candidat;

c) est marqué pour plus d'un candidat;

d) est marqué d'une façon qui permet d'identifier l'électeur.

Règle d'application

(2) Le scrutateur ne peut rejeter un bulletin de vote spécial uniquement parce que l'électeur a écrit incorrectement le nom du candidat, si le bulletin indique clairement l'intention de l'électeur.

Idem

(3) Le scrutateur ne peut rejeter un bulletin de vote spécial uniquement parce que l'électeur a ajouté au nom du candidat celui

name of a candidate, the name of the registered party or the word "independent", as the case may be, if the ballot clearly indicates the elector's intent.

PART IX

PROHIBITION, OFFENCES AND SUPPLEMENTARY PROVISIONS

General Prohibition

Prohibition

105. An elector is not, by reason of any provision of these Rules, entitled to and shall not, at an election, vote more than once in respect of an electoral district or vote in respect of more than one electoral district.

Offences

Offences

106. Any person is guilty of an offence who, inside or outside Canada,

(*a*) attempts to obtain or communicate any information as to the candidate for whom any ballot paper has been marked by an elector otherwise than as provided for by these Rules;

(*b*) interferes with, or attempts to interfere with an elector when marking a ballot paper, or otherwise attempts to obtain any information as to the candidate for whom any elector is about to vote or has voted;

(*c*) knowingly applies for a ballot paper to which that person is not entitled;

(*d*) makes any untrue statement in the declaration signed by that person before a deputy returning officer;

(*e*) makes any untrue declaration in the statement of ordinary residence completed by that person;

(*f*) prevents or endeavours to prevent any elector from voting at an election; or

(*g*) at the counting of the votes, attempts to obtain any information or communicates any information obtained at the counting as to the candidate for whom any vote is given in any particular ballot paper.

Offences

107. Every person is guilty of an offence where, in order to induce or compel an elec-

d'un parti enregistré ou la mention « indépendant » si le bulletin indique clairement l'intention de l'électeur.

PARTIE IX

INTERDICTION, INFRACTIONS ET DISPOSITIONS SUPPLÉMENTAIRES

Interdiction générale

Interdiction

105. Aux termes des présentes règles, un électeur n'est pas autorisé à voter et ne peut voter plus d'une fois, à l'égard d'une même circonscription ou à l'égard de plus d'une circonscription, à une élection.

Infractions

Infractions

106. Est coupable d'une infraction quiconque, au Canada ou à l'étranger :

a) tente d'obtenir ou de transmettre des renseignements relatifs au candidat en faveur de qui un bulletin de vote a été marqué par un électeur;

b) intervient ou tente d'intervenir auprès d'un électeur lorsqu'il marque son bulletin, ou essaye autrement de savoir en faveur de quel candidat un électeur est sur le point de voter ou a voté;

c) fait sciemment la demande d'un bulletin de vote auquel il n'a pas droit;

d) fait une fausse déclaration dans la déclaration signée par lui devant un scrutateur;

e) fait une fausse déclaration dans la déclaration de résidence ordinaire établie par lui;

f) empêche ou s'efforce d'empêcher un électeur de voter à une élection;

g) pendant le dépouillement du scrutin, cherche à obtenir quelque renseignement ou à communiquer un renseignement obtenu pendant le dépouillement au sujet du candidat pour lequel un vote est exprimé dans un bulletin de vote en particulier.

Infractions

107. Est coupable d'une infraction quiconque, au Canada ou à l'étranger, directe-

tor to vote for any candidate or to refrain from voting, or on account of the elector having voted for any candidate or refrained from voting at an election, the person, inside or outside Canada, directly or indirectly, personally or through any other person,

(*a*) uses or threatens to use any force, violence or restraint, inflicts or threatens to inflict any injury, damage, harm or loss or in any manner practises intimidation on or against an elector; or

(*b*) by abduction, duress or any false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of an elector.

Supplementary Provisions

Validity of election not affected by non-compliance

108. The validity of an election shall not be questioned

(*a*) on the ground of any omission or irregularity in connection with the administration of these Rules, if it appears that the omission or irregularity did not affect the result of the election; or

(*b*) on the ground that, for any reason, it was found impossible to secure the vote of any elector under these Rules.

Application of provisions

109. Sections 177 to 185 of the Act, relating to a recount, apply, with such modifications as the circumstances require, to all ballot papers that have been counted and rejected after having been cast by electors under these Rules and that have been transmitted to and received by the Chief Electoral Officer.

Application of provisions

110. The provisions of the Act relating to the custody, inspection and production of election documents apply, with such modifications as the circumstances require, to documents transmitted to and received by the Chief Electoral Officer.

ment ou indirectement, personnellement ou par l'intermédiaire d'une autre personne :

a) emploie ou menace d'employer la force, la violence ou la contrainte, ou occasionne ou menace d'occasionner quelque blessure, dommage, tort ou perte à un électeur ou de quelque manière l'intimide,

b) par enlèvement, contrainte, ou quelque machination, prétexte ou artifice faux ou frauduleux, empêche, arrête ou entrave de quelque autre manière le libre exercice du droit de vote d'un électeur

soit afin d'induire ou de forcer l'électeur à voter en faveur d'un candidat ou à s'abstenir de voter, soit parce que l'électeur a voté en faveur d'un candidat ou s'est abstenu de voter à l'élection.

Dispositions supplémentaires

Validité des élections

108. La validité d'une élection ne peut être mise en doute :

a) soit en raison d'une omission ou d'une irrégularité dans l'application des présentes règles, s'il apparaît que l'omission ou l'irrégularité n'a pas affecté le résultat de l'élection;

b) soit parce que, pour une raison quelconque, on a constaté qu'il était impossible de recueillir le vote d'un électeur en vertu des présentes règles.

Application des articles 177 à 185 de la loi

109. Les articles 177 à 185 de la loi, relatifs au recomptage, s'appliquent, avec les adaptations nécessaires, à tous les bulletins de vote qui ont été comptés et rejetés après avoir été déposés par des électeurs en vertu des présentes règles et qui ont été envoyés au directeur général des élections et ont été reçus par lui.

Application de certaines autres dispositions de la loi

110. Les dispositions de la loi, relatives à la garde, à l'inspection et à la production de documents d'élection s'appliquent, avec les adaptations nécessaires, aux documents qui ont été envoyés au directeur général des élections et ont été reçus par lui.

780[115]

FORM TO BE USED PURSUANT TO THE SPECIAL VOTING RULES

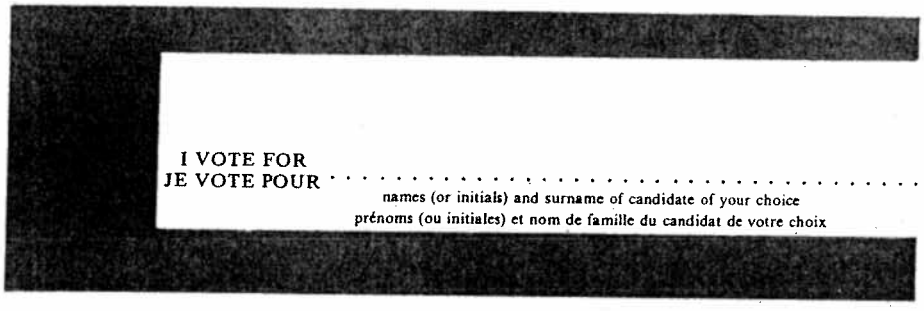
FORM OF BALLOT PAPER

Front of ballot paper

FORMULE À UTILISER CONFORMÉMENT AUX RÈGLES ÉLECTORALES SPÉCIALES

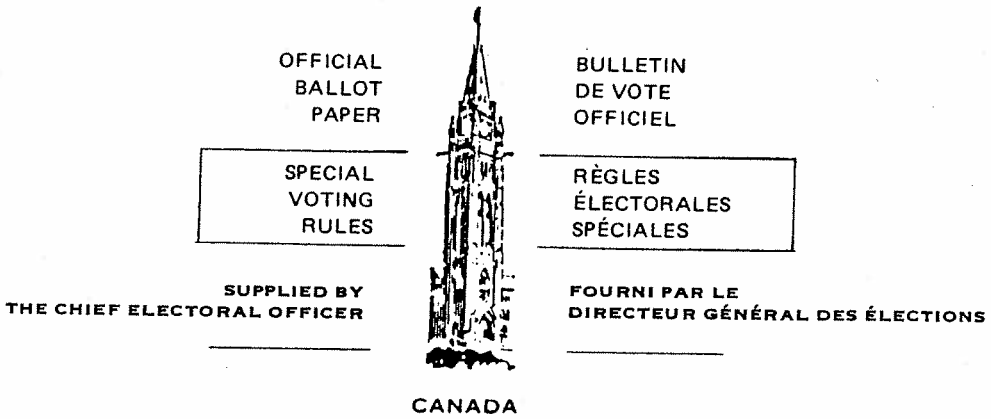
FORMULE DU BULLETIN DE VOTE

Recto du bulletin de vote



Back of ballot paper

Endos du bulletin de vote



Supplied by the Chief Electoral Officer, pursuant to the *Special Voting Rules*.

Fourni par le directeur général des élections, conformément aux *Règles électorales spéciales*.

127. Schedules IV and V to the said Act are repealed.

127. Les annexes IV et V de la même loi sont abrogées.

QUEEN'S PRINTER FOR CANADA © IMPRIMEUR DE LA REINE POUR LE CANADA
OTTAWA, 1993

This is Exhibit ....**"R"**.... referred to in

the affidavit of ....**Jean-Pierre Kingsley**.....

sworn before me, this 11th day of

May, 2012

.....

A Commissioner of Oaths, etc.

Completing the Cycle of Electoral Reforms

Recommendations from the Chief Electoral Officer of Canada on the 38th General Election

CANADA

EC 94338 (09/05)

www.elections.ca

Elections Canada

Introduction

This is the first of two reports following the 38th general election that will be made under section 535 of the *Canada Elections Act*. This first report focuses primarily on matters that are not related to the political financing reforms to the Act, which came into effect on January 1, 2004, with S.C. 2003, c. 19 (Bill C-24). The second report, to be submitted later, will deal primarily with matters related to those political financing reforms. The purpose of this unusual bifurcation of the reporting process is to allow sufficient time to complete analysis of a full fiscal cycle under the financial reforms of all regulated entities.

The electoral process is constantly under dynamic and evolutionary pressures to grow and adapt to the social circumstances of evolving Canadian democracy. Today, these pressures are particularly evident and come from many quarters: scrutiny of the basis of representative selection in the House of Commons, concerns about financial propriety, evolving democratic rights under the *Canadian Charter of Rights and Freedoms*, and speculation about possibilities offered by technical innovations.

The recommendations in this report aim to complete the natural evolution of a process that began in 1920 with the creation of the Office of the Chief Electoral Officer – an independent office with a national vision, taking on the functions of planning, preparation, supervision and reporting previously performed by the government in the delivery of elections. The completion of this evolutionary cycle is expressed particularly in the report's recommendations on the Office of the Chief Electoral Officer, the concept of candidature and the registration of electors.

Despite the evolution of the Chief Electoral Officer's role since 1920, elections at the electoral district level continue to be delivered through 308 separate and independent returning officers, whose powers and duties are geographically described and locally limited. The full integration of these 308 separate offices and the Office of the Chief Electoral Officer for the delivery of elections, and the enhancement of the powers of this integrated office, will provide a stronger, more efficient and flexible organization; together, the Chief Electoral Officer and returning officers will be better able to deliver modern elections and to respond to the substantive changes in the electoral process that may arise as a result of the ongoing evolution of Canadian democracy.

Since 1920, Canada has seen the evolution of many important aspects of the electoral process, particularly in the emergence of the concepts of registered political parties, registered electoral district associations and third parties. In each case, the legal status of these entities has evolved; this report recommends a similar evolution in the concept of candidature, which has changed little since its inception. The recommendations of this report will bring the legal status of candidature into line with the modern reality that being a candidate, in practical terms, is no longer solely a matter of the election and the immediate follow-up period.

The report's recommendations on the registration of electors will complete the evolution of the federal electoral registration process – from the use of provincial lists, to a federal, event-driven enumeration process, and then to the creation of a continuing electoral registry. These recommendations will facilitate the inclusion of electors in the National Register of Electors, enhance the operation of the Register as the basis of a national registration system, and maximize its use for the purposes of communication of electoral information to electors.

Thus, the recommendations of this report may be seen as the natural end to the cycle of electoral reform that began in 1920.

It may also be seen as the conclusion to a cycle of reform initiated through the Royal Commission on Electoral Reform and Party Financing (the Lortie Commission). When the Lortie Commission issued its report in 1992, it had considered and made significant recommendations on many areas of federal electoral practice, including the right to be a candidate, the role and the financing of political parties and their electoral district associations, election expenses controls, public funding, disclosure, enforcement, voting by special ballot, a voters register and broadcasting. In the 13 years since the Lortie Commission issued its report, reform has been introduced in the bulk of these areas. While the cycle of reform might not have always reflected the Commission's specific recommendations, the guiding spirit of the Commission report has been evident throughout the evolution of the electoral process since that time.

This cycle of reform can now be seen as coming to an end: much of either the Commission's specific recommendations or the spirit of those recommendations has been implemented or encompassed by the reforms of the past 13 years. This evolution has created an electoral reality quite different from that which existed at the time of the Commission's first hearings.

The further evolution of a fully modern, effective, independent and objective structure for the conduct of elections will facilitate the development and implementation of reforms to that system. As well, the recommendations in this report complement the evolution of substantive aspects of the right to vote – particularly in the equalization of political parties' ability to communicate with the electorate through the free-time broadcasting system. Recommendations such as the removal of the limitation on the right to vote by Canadian citizens abroad can be seen as a natural extension of the rights enunciated by the courts in decisions such as *Sauvé v. Canada (Chief Electoral Officer).*

Some of the recommendations in this report are also intended to enhance the confidence of Canadians in the process itself.

The recommendations in this report – notably those aimed at enhancing the review authority of the Office of the Chief Electoral Officer and extending the limitation period for the enforcement of the Act – are intended to enhance the transparency of the electoral process, which contributes to an informed vote, and to strengthen the enforcement and deterrence aspects of the Act.

One last point: while no recommendation is made at this time on the practice of bulk purchases of political party memberships – which take place, mainly, in the course of nomination contests – this issue remains a matter of concern given that it takes place in what constitutes the first step of the electoral process. This matter is not addressed in the *Canada Elections Act* except if the individual who makes these bulk purchases does so for an amount exceeding his or her own contribution limit or is not disclosed as the contributor. Still, I would like to reiterate my view that Canadians have a right to expect that each new member of a political party actually wanted to join the party, did so at least 30 days before the nomination contest, and has paid his or her own way to do so. My Office will monitor the practices of parties and the reaction of Canadians (negative up to now) and will address this matter more formally in a subsequent report, if required. The elimination of the practice of purchasing memberships for the recruitment of "instant" party members would be another way through which political participants may enhance the confidence of Canadians in the electoral process.

Jean-Pierre Kingsley

The maximum period for which an adaptation under section 17 of the Act may be in effect is the duration of the election period in which it was made. Therefore, the adaptation must be re-made for every election. The need for these adaptations will continue until Parliament provides a legislative response to the Supreme Court's ruling in *Sauvé*. Technically, adaptations may be made under section 17 only with respect to emergencies, unusual or unforeseen circumstances or errors. It is likely that the lack of any process for a segment of the population to exercise its right to vote might be considered to fall within one of these grounds; however, as the adaptations are identical for each election, a legislative amendment of the provisions in question along the same lines would remove the need for the Chief Electoral Officer to exercise the extraordinary adaptation power and remove any question as to the availability or need for the adaptation. In the event that Parliament legislatively responds to the *Sauvé* decision other than by repealing paragraph 4(*c*), the proposed amendments to sections 246 and 247 might either not require adjustment or be adjusted as part of the same exercise.

1.16 Voting by Electors Absent from the Country for More Than Five Consecutive Years

The limitation contained in paragraph 11(*d*) of the *Canada Elections Act* that prohibits voting by persons who have been absent from Canada for five consecutive years or more, and who intend to return to Canada as residents, should be removed.

The Special Voting Rules for electors temporarily resident outside Canada found in Division 3 of Part 11 of the Act (more particularly sections 222, 223 and 226) should consequently be reviewed to allow these persons to apply for registration or to remain listed in the register of electors absent from Canada, which is maintained by the Chief Electoral Officer.

Currently, the Act provides that persons who have been absent from Canada for less than five consecutive years and who intend to return to Canada as a resident may vote in accordance with the Special Voting Rules set out in Part 11 of the Act. The absence of a mechanism to allow those who have been absent from Canada for five consecutive years or more to vote effectively deprives this latter group of individuals of their right to vote, a right protected by the *Canadian Charter of Rights and Freedoms.*

In light of the Supreme Court of Canada's decision in *Sauvé*,[18] it is questionable whether a Court would find that denying the right to vote to individuals who have been absent from Canada for a long time but who intend to return as residents is a reasonable limit on the right that can be demonstrably justified in a free and democratic society. It is indeed difficult to explain what pressing objective is served by distinguishing between those who have been absent from the country for five years as opposed to six, ten or twenty years. While it may be true in some cases that after a number of years of absence from Canada one's awareness of Canadian current affairs may diminish, the correlation between absence from the country and the level of knowledge of public affairs occurring in the country may not be sufficiently clear

[18] Cf. recommendation 1.15 above.

to constitute a reasonable ground to deprive someone of their right to vote. It should also be noted that awareness of current public affairs is not required from Canadian citizens living in Canada for them to have the right to vote. Finally, there is no significant operational impediment in extending the application of the Special Voting Rules currently available to Canadians living outside the country to those Canadians who have been absent from the country for more than five consecutive years.

This report therefore recommends that the above-mentioned prohibition from voting be removed.

The Special Voting Rules found in Part 11 of the Act should consequently be adjusted to allow individuals who have been absent for five years or more and who intend to resume residence in Canada to apply for registration or to remain listed in the register of electors absent from Canada, which is maintained by the Chief Electoral Officer.

1.17 Review of the Special Voting Rules

Parliament should review the entire process for electors who do not fall under the specialized circumstances, detailed in Division 4 of the Special Voting Rules (ss. 231–243.1), to vote by special ballot. This should be a far-ranging review that considers whether the right, the process and the protections set out in those rules are appropriate to current needs and technological capabilities, with a view to ensuring that electors are best able to exercise their democratic rights.

The preceding two recommendations set out specific reforms to particular aspects of the Special Voting Rules. However, the time has come to reconsider the Special Voting Rules in their entirety –as they apply to voting by electors who do not fall under the specialized circumstances for voting by special ballot.

Special Voting Rules were first introduced during the First World War for Armed Forces electors. Since then, they have been developed and expanded, to the current form of universal access for all electors, which was achieved in 1993.

The Special Voting Rules provide an additional means for electors who can vote neither in an advance poll nor at their polling station on election day. There are four different procedures specified for voting by special ballot, according to the circumstances:

- electors temporarily residing outside of Canada
- Armed Forces electors
- incarcerated electors
- electors residing in Canada

This is Exhibit ....**"S"**.... referred to in

the affidavit of .....**Jean-Pierre Kingsley**.....

sworn before me, this 11th day of

May, 2012

.....

A Commissioner of Oaths, etc.

House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 009 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, June 1, 2006

Chair

Mr. Gary Goodyear

Also available on the Parliament of Canada Web Site at the following address:

http://www.parl.gc.ca

Standing Committee on Procedure and House Affairs

Thursday, June 1, 2006

● (1110)

[*English*]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): I call the meeting to order.

Ladies and gentlemen, I would remind members that this meeting is in public today. The purpose of the meeting is to continue the committee's review of the Canada Elections Act.

I should probably let the witnesses who are here today know briefly what the committee has been doing so far. There have been a number of reports in the past that have made recommendations on how to improve the Canada Elections Act. We have had Mr. Kingsley as a witness as well. The committee has taken a considerable amount of time reviewing almost every recommendation we've read, and now we have invited all the parties in Canada to submit reports. Indeed, the four main parties have been asked to appear before the committee as witnesses.

If representatives from each of the four parties want to take their seats at the back, that would be very helpful. We will try to focus our comments today on how to decrease the fraud and decrease the mistakes within the electoral process in Canada, as well as improve the accuracy of the elections lists.

First, I would like to thank each and every one of you for coming today. I know that sometimes we don't get the opportunity for a whole bunch of notice, but we do know that you guys and gals have been very diligent in getting your ideas together. Indeed, some of these ideas, I understand, have been coming along for years.

The first thing I would like to do is take a minute or two for you to introduce yourselves. Once we've had the chance for all the committee to be introduced to you, we will start the process.

[*Translation*]

Mr. Eric Hébert (Federal Secretary, New Democratic Party): My name is Éric Hébert, and I'm from the New Democratic Party.

Mr. Martin Carpentier (Director, Bloc Québécois): My name is Martin Carpentier, and I'm from the Bloc québécois.

Mr. Gilbert Gardner (General Director, Bloc Québécois): My name is Gilbert Gardener, and I'm from the Bloc québécois.

Mr. Steven MacKinnon (National Director, Liberal Party of Canada): My name is Steven MacKinnon, and I'm from the Liberal Party of Canada.

[*English*]

Mr. Michael D. Donison (Executive Director, Conservative Party of Canada): Mike Donison, executive director of the Conservative Party of Canada.

[*Translation*]

Mr. Paul Lepsoe (Legal Counsel, Conservative Fund of Canada, Conservative Party of Canada): My name is Paul Lepsoe, and I'm legal counsel with the Conservative Party.

[*English*]

The Chair: Welcome, and thank you very much for coming.

I think the process I will follow right now is to give each party five minutes. I regret that I will try to hold you to five minutes. Ultimately, we have a very tight meeting. If there are points that you are not able to get across in your five minutes, there will be opportunity as the meeting carries on to get those points across.

I will start with the Conservative Party of Canada. You have five minutes, and welcome.

Could you introduce yourself? Thank you.

Ms. Jess Turk-Browne (Assistant Federal Secretary, New Democratic Party): Jess Turk-Browne from the NDP.

The Chair: Thank you very much.

Mr. Donison, please.

Mr. Michael D. Donison: *Merci, monsieur le président.* Thank you, Mr. Chairman, and members of the committee, for the opportunity for the political parties represented in the House of Commons to address your committee this morning.

You've given each party five minutes, Mr. Chair. I'm just going to make a couple of remarks, and then I want Mr. Lepsoe, who is legal counsel to the party, to make a couple of remarks. I'm a lawyer by training as well, so to get two lawyers to combine in five minutes, Mr. Chair, I think is something we should report in *The Hill Times*.

Basically, I focused on going through Mr. Kingsley's report *Completing the Cycle of Electoral Reforms*, which was tabled in the last Parliament on September 29. Of course, there are an awful lot of recommendations, and I want to mention just a few that I commend to this committee and to this Parliament.

First, from an administrative side—and this has now been adopted in the province of British Columbia—I really like the idea of nominations before the writ. The writ is called and everyone is scrambling around to find the 100 names. I'm sure Mr. MacKinnon and all the parties have this problem of how they are going to get all 308 candidates nominated by the deadline. So once a candidate has received his party's nomination, I really commend the idea of allowing political parties to be able to file with Elections Canada and having all that paperwork done even before the writ is dropped. I strongly recommend that, and I know that's been Mr. Kingsley's recommendation.

There are a couple of others that I think are very useful. One of the areas where we are finding a great deal of growth is with the use of the special ballot. I think part of the whole purpose of the Canada Elections Act is to make sure—and there are the issues of fraud that you've dealt with—that we maximize the opportunity for legitimate voters, in this busy society of ours, to be able to cast a ballot and not be restricted simply to the advance polls or polling day. So the special ballot I think is something that's working very, very well.

My suggestion would be—and we can get into the details later—that the special ballot be expanded so that any eligible Canadian should be able to attend at the office of any returning officer anywhere in Canada, apply for the special ballot, and cast the ballot right there, rather than necessarily having to mail it back it back to Ottawa. I've raised that already with Mr. Kingsley.

I think the idea of the removal of the five-year limitation for out-of-country voters is very fundamental. If you're a Canadian citizen and you're living abroad for more than five years, you should also be able to cast your ballot. Mr. Kingsley has recommended that, and I would commend that to the committee as well.

The other area, of course, and one I gather you have had a lot of discussion about, is this whole issue of identification at the polling place. Again, I'm not getting into a lot of details about that, but I think everybody agrees that this absolutely has to be tightened up. If you combine that with the problems of the permanent voters list.... For instance, I notice that Mr. Kingsley, in his most recent report on the 39th general election, stated that there were 3.5 million changes to the voters list between the issuance of the preliminary voters list and the final list. That in itself says something about the accuracy of the list.

Those are the key things I think the committee should be focusing on: ID, quality of the list, and the pre-nomination process.

I'm going to ask Mr. Lepsoe to speak for a few moments, if you'll allow him, Mr. Chairman.

Thank you.

• (1115)

The Chair: Absolutely, there are two minutes left.

Please.

[*Translation*]

Mr. Paul Lepsoe: Thank you, Mr. Chairman. I'd like to add a minor point that doesn't have anything to do with the report of the Chief Electoral Officer. Mr. Kingsley referred to allowances for auditors.

[*English*]

I've distributed a small package that refers to a provision in the Manitoba act, which I'd like to refer for your consideration. When I appeared on Bill C-24, which I guess was three years ago now, having acted as legal counsel to a party for a long time, I was very concerned about the new compliance burdens that would be placed for the first time on riding associations, nomination contestants, and leadership contestants, as well as new burdens on parties and so on. I made a reference at that time to the Manitoba provision, and I'd just like to take another stab at it.

The Bill C-24 process was very compressed. Maybe with a bit more leisure, this committee could have a look at this Manitoba provision, which essentially excludes, as a contribution, the services of someone acting, and it says on page 2, "as an auditor, financial agent, official agent or legal counsel". On page 3 is a possible amendment to the Canada Elections Act along the lines of Manitoba. I just put that out there for your consideration. Compliance is an issue, and I think we see that increasingly under the legislation. There is such a great need now for financial accounting under Bill C-24.

This might be something the committee might want to look at. If people who are incorporated or giving more than $1,000 are willing to help out a riding association on these financial compliances, should it really be deemed to be an illegal contribution? I just put that forward for your consideration.

The Chair: Thank you very much. We won't have to call *The Hill Times* in, because that was 20 seconds over.

Mr. MacKinnon.

Mr. Steven MacKinnon: I think this is perhaps a moment of rare agreement between myself and my friends from the Conservative Party. I could short-circuit my entire presentation by saying I essentially agree—although without prejudice to reviewing my friend's amendment—with everything they've just said.

I do have prepared remarks. With your indulgence and that of the committee, I'm going to try my best to get through it, and if you deem that I'm going on too long, then I'm in your hands, Mr. Chair. But I can undertake to provide the entirety of these remarks to the committee.

[*Translation*]

Thank you very much, Mr. Chairman, committee members,

[*English*]

thank you for this opportunity to speak on observations our party has on the state of the Canada Elections Act and its administration.

As the national director of the Liberal Party of Canada, I had the opportunity to hear comments from all corners of Canada, both favourable and critical, reflecting the experiences of Liberals on the campaign trail and their dealings with Elections Canada before, during, and after the election period.

[*Translation*]

Despite the fact that these remarks will necessarily put the emphasis on the points on which we've noted deficiencies in the electoral process, I must take a few moments to mention that, in general, this way of doing things in fact works.

Thousands of Canadians who work for Elections Canada, whether it be for a few months or even a single day, and also all those who work for the organization on a full-time basis are people who render an invaluable service to the entire Canadian population with regard to the preservation and maintenance of our democracy. Most of them do a remarkable job. The country owes them all a big thank you.

[*English*]

With the greatest of respect to the best efforts of so many, there are nevertheless failings in the system, some profound, some merely frustrating. I would like, in the short time available to me, to highlight just a few of these and to encourage you to consider the need for amendments to the Canada Elections Act.

The first topic I would like to discuss is the registration process. Perhaps our single greatest concern, if not a source of outright alarm, is the registration process. As several of this committee's members know from their own experiences, the provision of a valid residential address is not something that Elections Canada seems to put much weight on. We have experienced voters registered as living in supermarkets, U-Store-It facilities, business office towers, non-existent addresses, and a university bookstore.

The problem here is twofold. In our view, Elections Canada places little or no emphasis upon verifying or validating residential addresses contained in the register of electors. The Chief Electoral Officer often points out that lack of resources is never an issue for his office. With respect, the resources may well be there, but the will is not.

In one particular electoral district where problems of this nature were identified by us in extreme proportions, Trinity—Spadina, such concerns arising from the 2004 election went unaddressed in the 2006 election—

● (1120)

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Mr. Chairman, he is speaking so quickly that the interpreter has to speak quickly. It makes no sense for me in French.

Mr. Steven MacKinnon: I gave the interpreters the French version of my remarks. I'll be pleased to give it to all committee members.

[*English*]

The Chair: Is that acceptable, Pauline? We'll distribute a list and you can read along.

[*Translation*]

Ms. Pauline Picard: You have it in both languages?

Mr. Steven MacKinnon: I have a reading copy here.

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): Are you telling me it's impossible for you to slow down?

[*English*]

The Chair: Order. Could we speak through the chair, please? Thank you.

I will give you your two minutes to start over. We will distribute the French copies.

[*Translation*]

Mr. Steven MacKinnon: Mr. Chairman, I'm trying to give all my presentation in the time allotted to me.

[*English*]

The Chair: We don't have copies for everyone else, which is part of the deal that we have made, that copies would be distributed to all members of the committee in both official languages.

I regret that this report is not in both official languages. I'm going to move to question period for Mr. MacKinnon and cut the discussion off.

Did you have a comment, Mr. Hill?

Hon. Jay Hill (Prince George—Peace River, CPC): My understanding is that he does have it in both official languages, but it hasn't been distributed to individual members.

The Chair: One copy was delivered to the interpreters.

Hon. Jay Hill: With respect, Mr. Chair, I would suggest that you at least grant him the remainder of his five minutes.

The Chair: Is that acceptable to the committee? I will accept the will of the committee.

We are going to reset the clock to 2 minutes and 30 seconds, and perhaps we can do the rest of it, if you can, Mr. MacKinnon, in French, to assist them, and the interpreter can speak in English. Is that acceptable to the committee?

Mr. Marcel Proulx (Hull—Aylmer, Lib.): The question on the table, Mr. Chair, is that our colleagues are finding that he is speaking so quickly to meet the five-minute deadline that the interpreters have to interpret or read the copy they have so fast that it is difficult for them to take notes as we go along.

May I suggest that maybe the notes can be looked at after we get the blues from the committee, which doesn't help for question period, but at least let our representative of the Liberal Party tell you what he wants to tell you this morning within the five-minute debate. That is why we are here. Take it from there.

The Chair: Mr. MacKinnon, is there any way that if we give you two and a half more minutes you can summarize that report and get the details out?

Mr. Steven MacKinnon: With respect, Mr. Chair, I doubt it, but I will do my best.

With the committee's indulgence, I'm certain that I won't abuse your patience.

The Chair: Thank you very much. We will reset the clock, please.

Thank you, committee.

Mr. Steven MacKinnon: I'll pick up where we were. We were at the University Book Store.

The problem here is twofold. In our view, Elections Canada places little or no emphasis upon verifying or validating residential addresses contained in the register of electors. The Chief Electoral Officer often points out that lack of resources is never an issue for his office. With respect, the resources may well be there, but the will may not be. In one particular electoral district where problems of this nature were identified by us in extreme proportions, Trinity—Spadina, such concerns arising from the 2004 election went unaddressed in the 2006 election.

But on the other side of the coin is the ability of interested parties to raise specific objections. Under sections 103 and 104 of the act, the opportunity to make objection to a name on the list arises only in an election period, because you may only object to a name on the list of electors, not a name on the permanent register of voters.

● (1125)

[*Translation*]

We need a way to proceed that is effective so that we can remove invalid names from the permanent register and be able to do so on a continuing basis, and also so that we can remove those names from the list of electors at the time of an election. We must insist positively with Elections Canada so that, in addition to putting in place a reliable procedure for raising objections, these names are subsequently deleted.

We recommend that an effective process be established by Elections Canada and that the political parties be consulted with regard to that process.

[*English*]

The next issue is voter identification cards, Mr. Chair. The misuse of voter information cards is quite simply out of control. We have reports of neighbourhoods where individual single-family dwelling mailboxes, not apartments, were systematically de-mailed of such cards, and with the greatest of respect to the Chief Electoral Officer when he appeared before you in April, he mischaracterized the entire problem. It is not about using the cards as identification for the purpose of registering, an absurd notion, since the very existence of a card demonstrates that a person with the name and address that appears on the card is already registered. It is about using the cards as identification when voting. It is about walking into a polling place with a card in your hand, presenting it to an official without so much as uttering a word, and being issued a ballot.

This abuse happens constantly. Subsection 143(1) of the act requires that an elector "shall give his or her name and address", and there is no doubt in my mind that this requires the person to state their name aloud, but in the interest of efficiency it seems that more and more no time is lost on that trifling detail.

A rhetorical question for the committee to consider is this. If you vote this way under the name of someone else without ever saying that you are the person named on the card, is it even an offence, and shouldn't it be?

We recommend that this committee continue to delve more deeply into the issues of this card. We encourage you to continue to pursue these issues in some depth with Canada Post and with Elections Canada.

I am going to try to cut this short. I was going to comment on Mr. Hawn's observation about the bus with 40 people. Suffice it to say that we are concerned, as he seems to be, about what we call serial vouching, and we are profoundly troubled by the number of on-site registrations: 55,000 at advance polls, plus 795,000 at election day polls, for a total of 840,000, or an average of over 2,700 people per riding. Assuming this number to be roughly consistent riding to riding, it means that your voters list did not allow you to identify 2,700 of your electors in advance, that the local spending limit was around $1,400 less than it could have been if these people were on the list earlier, and that national party limits are reduced by about $600,000.

But it is not an even distribution. The Liberal Party of Canada has asked Elections Canada to provide a riding by riding breakdown of on-site registration levels. We want to know where registration levels were simply excessive. The committee may wish to ask for this information as well.

In Trinity—Spadina alone we understand there to have been 12,000 election day registrations. There are people who were on the list who gave up waiting in line to get into some polling places because they were just too congested.

The Chair: Thank you very much, Mr. MacKinnon. It's great information. We're already a minute and a half over, and I do apologize for interrupting you, but I've given you an extra minute and change.

We'll move on to the Bloc Québécois, please.

[*Translation*]

Mr. Gilbert Gardner: Thank you, Mr. Chairman.

We are pleased to see that all parties are now in favour of one of Mr. Kingsley's main recommendations, that returning officers be appointed by the Chief Electoral Officer, thus echoing a recommendation that the Bloc québécois has often made. The last time, in December 2004, Mr. Guimond introduced a bill containing a provision that does not appear in Mr. Kingsley's recommendations and which, we think, should be included, and that is that the said appointments should be made following a public competition.

Under the Quebec statute, this procedure has been followed in Quebec for 25 years. It was updated in 1989. Section 503 of Quebec's Election Act very clearly describes the public competition process. I believe that this is what is lacking for the appointment of returning officers to be done in a manner such that those officers have all the neutrality and objectivity we are entitled to expect.

Mr. Carpentier.

● (1130)

Mr. Martin Carpentier: We agree with Mr. Kingsley on two other points, to which we return election after election. They are the date of birth and the single elector number. I've had discussions with Elections Canada on the subject, and they have studied the matter to determine what would be possible to do.

The problem is that, depending on the version of the list we receive—during an election, we receive three lists and a final list is subsequently sent to us—the elector sequence numbers, which are one way of recognizing electors in the polling divisions, are constantly changed. Consequently, supporters who work in the various electoral districts after the election campaign have trouble dealing with the information they have gathered on election day.

The other problem that this could solve is the problem of elector information cards. All parties agree on that. Their distribution by Canada Post in apartment buildings poses a problem. Letter carriers simply take the cards and leave them at the entrance, so that anyone who goes to a polling station with the voter information cards of all the residents in his building can vote.

If we had the date of birth, when a person whose date of birth was 1928 and who looked 20 presented himself, the clerk and the deputy returning officer could ask him questions to determine whether he is really the person registered.

These are the three main recommendations we wanted to talk to you about. However, a number of Mr. Kingsley's other recommendations could be discussed during the question period.

Mr. Gilbert Gardner: As regards the date of birth, we don't feel the privacy issue is a problem, since this provision has been in effect in Quebec for a long time. Some provisions require those in possession of electoral lists to undertake not to use them except for electoral purposes. This information is already in the possession of the returning officers. It should be made available to the parties that receive the official lists.

[*English*]

The Chair: Thank you very much. It was very brief, and I appreciate that very much.

We'll turn to the NDP now, please.

[*Translation*]

Mr. Eric Hébert: Thank you very much.

The NDP agrees on a number of the views previously expressed. In our view, if we could implement Mr. Kingsley's recommendations on the advance registration of candidates, we would solve half a dozen problems. I don't see why we couldn't do it, if we all agreed. So I ask you to correct this fairly serious problem.

I'd also like to talk briefly about audit fees. How can auditors contribute to campaigns? That could be a way to view the problem. There's another way to see the problem. Currently, auditors are paid differently, depending whether they audit the financial statements of electoral district associations or candidates' returns. That's a problem and a dilemma. Things should at least be unified for the auditors.

As for bank accounts of nomination contestants, there's also a fairly serious problem. In the NDP, nomination contestants do not always spend a lot of money. Often, a candidate will print 50 or so copies of a pamphlet on his printer at home. However, he is required to open a bank account, because he has spent money for goods and services. It's ridiculous; it makes no sense. We must absolutely review the obligation that nomination contestants have to open bank accounts, in which there will be no official transactions. The impact of the act was a bit unexpected, and it should be corrected.

There's also the question of membership fees. Bill C-24 set a limit on contributions, and that limit did not include membership fees in a political party, which in itself was very good. That means that, if you spend $25 for a membership, you're not entitled to a $25 tax credit. Consequently, someone who gives more than that $25 amount receives a greater benefit with respect to tax receipts than another person who only paid the membership fee. I believe that's another problem inherent in the Elections Act that could not be anticipated at the outset. So we're proposing this change. We don't see any objection to it being excluded from the maximum, but this must be considered as a contribution and must grant entitlement to a tax receipt.

We can transfer surpluses from campaigns and candidates, and the same should be true for debts, it seems to me. If a candidate has a debt, he should be able to transfer that debt to his riding association, if it is in agreement. Things should be made so that this is possible.

Let's talk about eligibility for public financing. Do you remember that there was an eligibility threshold for political parties with regard to that amount of $1.75—which is not $1.83, I believe—per vote received by a political party. We of the NDP believe that a proportional arrangement would be fair and would give all votes equal value. In the same vein, the same is true with regard to political party financing.

● (1135)

[*English*]

I'll tell you that I don't think our party would benefit in any way from this particular change. It would actually probably benefit many of our opponents, but from a purely justifiable position, it seems to me that if somebody votes for the Libertarian Party of Canada, their vote should have the same value as the vote that somebody might cast for our party or for one of the bigger parties. That is a serious undervaluing in the votes, and I think it doesn't do justice to our system.

Finally, I'd like also to recommend that we seriously consider the possibility of having limits on the spending of leadership candidates. All other campaign-related activities are subject to limits in our system, with the exception of leadership contestants. Nomination contestants are required to follow strict limits, but our leadership contestants are not. I think that would be a step toward greater accountability as well.

The Chair: Thank you very much.

Again, I appreciate the information we've received so far. Committee members will know that some of it we've heard before, and I'm sure we'll have lots of time for discussion later.

I will open the first round of questions. Try to hold it to seven minutes, please. Let's try not to get into a discussion, because that will eat up your time. If we can keep our questions short and our answers short and to the point, we'll have lots of rounds.

Monsieur Proulx first, please.

[*Translation*]

Mr. Marcel Proulx: Thank you, Mr. Chairman, and thanks to the witnesses for travelling here to meet us this morning.

I would like to address two topics, and I would appreciate it if the representatives of the four parties briefly gave us their comments on both.

The first subject concerns the process followed on election day. The parties must organize a system for transmitting information from the polling stations to their organization offices to determine which voters voted at what time in the day. That's commonly called the bingo card system because that information is transmitted. There's currently a similar system at the municipal level. I'll give you the example of my municipality, Gatineau. As the day advances, the returning officer himself provides multiple copies, at regular intervals, of the list of people who have already voted. Every hour or 90 minutes, the parties or candidates go to pick up their copies. I'd like to know what you think of that.

Second, in the changes to the Elections Act, reference is made to the right of access to residential buildings for all candidates, but there appears to be a problem with regard to what are called gated communities. I use that term because that's how we know them. Then I'd like to ask you whether we should also allow candidates to have access to public places, that is to say shopping centres, stores or places of that kind.

So I await your answers, and I thank you.

● (1140)

[*English*]

Mr. Michael D. Donison: On the first question concerning the Canada Elections Act, having a handout during the course of the election day—who has voted—I would welcome that. That would reduce the resources the parties have to put to scrutineering.

Most of the resources in scrutineering now are really to identify the vote. It's not so challenging. So if there's a way to officially get that, I have no problem with it. I think it would be a good idea.

With regard to gated communities, obviously the same access should be granted to them. I think Mr. Kingsley has suggested the current act covers it, but if not, perhaps a tight legal amendment needs to be made to the statute. If you have access to apartment buildings, you should be able to have access to a gated community.

Mr. Marcel Proulx: What about stores and shopping centres?

The Chair: I want to hear from all the witnesses, so we're going to extend the time a little bit here, but we need to go very quickly, please.

Mr. MacKinnon.

Mr. Marcel Proulx: Excuse me, but I didn't get an answer on shopping centres.

Mr. Donison, as with gated communities, should we include shopping centres giving access to candidates?

Mr. Michael D. Donison: Do you mean during the course of the campaign or—

Mr. Marcel Proulx: Yes.

Mr. Michael D. Donison: Well, I guess that's an issue of the ownership, the owner of the shopping mall. I am not sure of the answer. I have to think about that. It's something to consider.

Mr. Steven MacKinnon: On the second one, I think in principle anything that ensures access of Canadians to their elected representatives or candidates is a good thing, and if that access is not wide enough, then we ought to look at widening it.

On the first point, and in the interests of time, I will simply say that I agree with both the member and my friend from the Conservative Party.

The Chair: Thank you.

Mr. Gardner, or someone from the Bloc.

[*Translation*]

Mr. Martin Carpentier: There are also list clerks in Quebec City too. There's a form that's distributed to the parties. They're called the "pale" forms, and the returning officer pays for them.

Another attempt was made in the context of municipal elections to computerize the lists. The problem arose with one of the companies that supplied the system. The advantage of that was that the political parties or candidates had received hourly computerized statements containing all the information as well as the names of the electors who had voted.

Mr. Gilbert Gardner: As regards access to public places, I think the act should absolutely guarantee candidates unlimited access to public places. That was corrected in the past with regard to signage, but there were obstacles. The act clarified that, and I think we have to proceed the same way as regards access.

[*English*]

The Chair: Mr. Hébert.

[*Translation*]

Mr. Eric Hébert: With respect to the role of deputy returning officers, it isn't just a matter of bingo cards. All the parties admit that we have to be able to verify voters' identities and to ensure that those voters indeed have to vote at that place. We don't want to eliminate deputy returning officers, but we're absolutely not opposed to the idea of having this kind of system.

As regards access to buildings and shopping centres, we agree, in the context of an election campaign, we should have access to the public in all possible places.

[*English*]

The Chair: Thank you.

Your time is definitely up. I'm sorry. I'll add your name to the next round.

I want to thank our witnesses, because I felt you kept that very brief. I know we have a couple of extra people at the table, but could we have just one spokesperson from each party?

Mr. Reid is next, for eight minutes.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): Thank you, Mr. Chairman.

My first question is not really so much a question as a request for all the participants. We have the written presentation of Mr. Lepsoe and our representatives from the New Democratic Party, but not from the other two parties. I'm hopeful that if you have notes, you'd be willing to hand them to our clerk, who could arrange to have them translated and distributed. That would be very helpful for us.

One of the problems we have in this committee, and all committees, is that it takes a long time for the committee Hansard to get done and get back to us. They're a lower priority than the Hansard for the House. It can take a number of weeks; sometimes it doesn't happen until over the summer, and if we're trying to come to some kind of decision, it would be very helpful, rather than trying to go from our notes and from memory, to have your notes. If you could do that, I would be very grateful. I'm sure the other members of the committee would be as well.

Having made that pitch, I'd like to use the rest of my time to ask Mr. MacKinnon, who had a very interesting presentation for which he didn't estimate his time quite right, if he could continue where he left off.

● (1145)

The Chair: That's exactly what we should do. Yes, please.

Mr. Steven MacKinnon: Thank you very much.

It's most appreciated. I apologize for underestimating the amount of time I had, or underestimating how long this would take.

I'll perhaps just pick it up where I left off, if you like, for the record, but I did give English and French versions of this to the clerk. I did not bring enough copies. It's not the clerk's fault. She gave it to the translators, and either we will supply them or she can retrieve them and get them to you.

[*Translation*]

We talked about the riding of Trinity—Spadina, in downtown Toronto. In that riding, deputy returning officers who tried to see what was going on with regard to the registration procedure realized that it was pointless since they had no right to do so.

Sections 143 and 144 of the act state that a deputy returning officer at a polling station has a right to ask an elector for his or her name and to require the person to show satisfactory proof of identity and residence. However, the legal department at Elections Canada has taken the liberty of stating firmly, once again, that these rights were non-existent at another registration desk, since, under subsection 161(3), deputy returning officers may be present on the premises; they have no right to say or require anything.

In fact, they were not even given the opportunity to see the pieces of identification of a potential elector who wanted to register or to ask questions concerning documents which clearly were inadequate and that they nevertheless perceived. And yet that was the case, even when it violated directives published by Elections Canada.

[*English*]

In essence, if someone registered to vote on the basis of a photocopy of a cable bill or with a magazine label, they were powerless to bring their disquiet to the attention of officials. Those who did were told they would be removed from the polling station.

At the University of Toronto, the university administration provided lists of the names of resident students to Elections Canada in advance of election day. A student on such a list only needed to provide proof of identity, not of residence, in order to register, yet our scrutineers were never, either before or on election day, permitted to see these lists—not to contact the potential voter, not to question whether the person still lived there, not to look into whether they might be citizens, and certainly not to investigate whether they had voted at an advance poll at their parents' residence.

We strongly recommend that the act be amended to provide for effective representation of candidates at all stages of the process, and in particular in all aspects of election day.

Next is targeted revision. Given the statistics Elections Canada likes to present as to how registration accuracy and comprehensiveness exceed goals, we continue to be surprised at the extent to which there are pockets throughout the country in which the registry is a poor reflection of reality. Whether this is due to high mobility rates or low interest is immaterial. The system is predicated upon the notion that we have adequate lists of voters in all areas. Not only do spending limits depend on this, but if you don't know who the voters are, it makes it rather awkward for political parties to locate them to communicate or to keep track of their voting intentions.

[*Translation*]

A detailed list is a thing of the past. In far too many places, not enough people open their doors, but a serious and precise review is essential; otherwise, there is too great a risk that the registration system in the country will be determined by political motivation to register voters, with parties trying to register voters in the proper manner provided they vote for their party. In the Canadian system, we need an approach that is both neutral, oriented toward the government and dynamic in order to make specific changes to the procedure for registering voters. An amendment to the present act could prove necessary in order to reinforce the idea that this need is part of Elections Canada's mandate.

[*English*]

Therefore we recommend targeted revision be increased.

In what little time I have left, I would like to touch briefly on some election finance issues. We could discuss many such issues at greater length with significant benefits, so we would welcome an opportunity for a further visit with you in the future, but here are three key concerns.

When an election is called, your supporters naturally want to start giving, but if they give to your campaign right at the beginning, they can't get a tax receipt. Those are not available for any donations received prior to the day Elections Canada accepts your nomination. In each election, some candidates and donors run into trouble over this.

The solution is exceptionally simple, as my colleagues have indicated. In Ontario, under the Election Finances Act, a candidate may pre-register for campaign purposes. In the absence of an election writ, this pre-registration has no legal meaning, but on the day the election is called, the candidate is registered for financial purposes and may start accepting receivable contributions. Amendments to both the Canada Elections Act and the Income Tax Act would be required to streamline the rather less rational federal status quo.

Second, as all of you know, your financial returns for the last election were due on May 23. What you may not know is what happens not only if you are late but if your return is missing even one single yet essential document, such as the auditor's checklist. Prior to May 23, if there was a problem that made it difficult for you to meet the deadline, you could simply request and routinely receive an extension from the Chief Electoral Officer, but after May 23 he lost that power.

There is now a two-week window following May 23 to get dispensation from a judge on a formal court application to permit a late filing. The legal costs of such applications run into the thousands of dollars. What's worse, though, is that the political costs are higher. The sitting member who is in default is legally prohibited from sitting or voting in the House of Commons. See subsection 463(2).

In one case after the 2004 election, a filing was late because a candidate's official agent had been diagnosed with cancer the day prior to the deadline. In another case, the auditor's report had been obtained and was inadvertently left out of the envelope.

We need strict deadlines, but clearly, reasonable extensions should be possible.

The last point I'd like to make, and I will conclude on it, is related to the point my friend from the Conservative Party made about the overall compliance burden on volunteers in local ridings. We think it is crazy. We think Bill C-24 did not contemplate the kind of work involved in complying with the act at the local level. As we all know, complying at the national level is hard enough.

We recommend that Elections Canada conduct a thorough review of the process with a view to cutting the red tape and lessening the burden on all of the volunteers, who could put their energies to better use in supporting our candidates in our respective parties.

Thank you very much. I appreciate the time granted to me by the member.

● (1150)

The Chair: Thank you very much, Mr. MacKinnon, and thank you, Mr. Reid, for allowing this.

We will now go to Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: Thank you, Mr. Chairman.

I want to go back to the voter identification procedure. The members around the table have all campaigned and, like me, have had occasion to observe that, in election campaigns, when we enter residential buildings, multiple-unit dwellings, at the entrance, where the mail boxes are, we see a series of voter information cards in the blue recycling bin or else outside scattered across the lawn. In the 2004 election, I brought back approximately 150 to the office of the returning officer. You know that's the preferred method for identifying voters.

First, I'd like to hear from the Bloc québécois representative, then from those of the other parties. I began making my colleagues around the table aware of the need to improve the Elections Act in this regard, and I sense that progress has been made. I refer you to what is in effect in Quebec. The Quebec system doesn't have the reputation of working poorly. No one has questioned the democratic principle of elections and referendums in Quebec. I refer you to section 337 of Quebec's Election Act, which states:

> Each elector shall declare, to the deputy returning officer and the poll clerk, his name and address and, when so required, his date of birth.

I can say that I'm Bill Clinton and give a date of birth and an address. Perhaps I'm suffering from a split personality, and I'm inwardly convinced that I am Bill Clinton. That's why the act provides that the elector shall state certain information and also provides:

> In addition, each elector shall produce as identification [...]

It then lists various documents that may be used to establish one's identity in Quebec: the health insurance card issued by the Régie de l'assurance maladie du Québec, driver's licence issued by the Société de l'assurance automobile du Québec, Canadian passport issued by the Department of Foreign Affairs Canada or any other document that has been issued by the government and is determined by regulation of the government, where there is another identification document that may be appropriate.

I would therefore like the representatives of each party to give us their opinion. Would it be a good idea to have the equivalent of that or something similar in the federal act? Of course, things are progressing. Among other things, there is the fact that we have the date of birth on the electoral lists. I don't know whether that's attributable to the change of government—I don't want to incense the Conservatives—but that kind of information is very useful. For example, in Lac-Saint-Jean, there may be 112 persons with the name of Marcel Tremblay. One was born in 1922, and the person before us seems to be 24, unless he's had access to the fountain of youth and has stayed young...

I'd like to have your comments on voter identification.

● (1155)

[*English*]

The Chair: The Bloc, please. Mr. Gardner.

[*Translation*]

Mr. Gilbert Gardner: We entirely agree on the idea of drawing on the section from the Quebec Election Act. I don't think that's excessive. It doesn't delay the conduct of the vote. On the contrary, Quebec's voter turnout rates are generally higher than those of Canada. In addition, the polling stations are open for virtually the same number of hours.

So it doesn't delay the conduct of the vote and is not excessive, but it makes it possible to ensure that the person who is before the deputy returning officer or the clerk is the right person and that that person can democratically exercise his or her right to vote. That is definitely desirable.

As for the date of birth, I want to point out to you that this isn't yet a reality. In any case, it's no longer in the act. There now appears to be a greater openness in this regard, but there has to be a legislative amendment so that the political parties can get a hold of dates of birth.

[*English*]

The Chair: Thank you. Would the NDP like to comment briefly?

[*Translation*]

Mr. Eric Hébert: Definitely.

It would be useful to have proof of identity. I'm not sure about the kind of proof that should be requested or the scope that should be attached to this requirement. Some people don't have the necessary pieces of identification. In some cases, they may provide only a Hydro-Quebec bill or something similar. It is possible to apply a system, but I would like us not to get to the point where we prevent people from voting, all the more so people who have just moved, because they don't have any pieces of identification.

Mr. Michel Guimond: I can answer that.

In Quebec, a table is set up for checks of that kind. A voter who has none of the required documents is directed to a table where he is checked. There is an oath-taking procedure.

So it is ultimately provided that the elector can exercise his right to vote. However, I believe that no one wants to see a voter use 34 votes, as has previously occurred.

[*English*]

The Chair: Mr. MacKinnon, would you like to respond?

[*Translation*]

Mr. Steven MacKinnon: I entirely agree. I find it completely reasonable that voters should be asked to submit a more or less official document, preferably with a photo, which proves their identity and place of residence.

In the riding I mentioned earlier, there were magazines containing addresses. There is an endless number of examples. I hesitate to use the word "fraud", but when you hear about 12,000 persons on the very day of the election, it's no minor matter. Moreover, we filed a complaint on the matter with the Commissioner of Elections.

I think the idea of adopting the Quebec system at the federal level is desirable. I have known the system and I find it reasonable. It's not inappropriate to ask voters who come to exercise their democratic right to vote to provide pieces of identification or documents that moreover are used everywhere.

[*English*]

The Chair: Mr. Donison, do you have a final word?

[*Translation*]

Mr. Paul Lepsoe: I'll answer.

I'm not sure we should go that far. I don't believe that the date of birth is the entire solution. However, I agree with Mr. MacKinnon: we should at least specify the right of candidates' representatives to ask questions. Perhaps we should also determine which pieces of identification would be considered acceptable by returning officers.

● (1200)

Mr. Michel Guimond: Don't resort to double talk, Mr. Lepsoe.

Mr. MacKinnon said he agreed with the idea of requiring proof of identity. A list of the documents in question could be drawn up, but, for the moment, I'd like to know whether you agree on the principle. It isn't just a matter of the deputy returning officer's right to ask questions. That's not what I was talking about.

[*English*]

The Chair: Order, please. I'm sorry, the time has already run out. I would like to allow the witness to respond.

[*Translation*]

Mr. Paul Lepsoe: Mr. MacKinnon was talking about clarifying the right of candidates' representatives. That's what I said.

[*English*]

The Chair: Thank you.

Ms. McDonough, please.

Ms. Alexa McDonough (Halifax, NDP): Thank you very much, Mr. Chair.

I assume that at the end of the day this committee is going to be trying to find some reasonable consensus around some of these issues. I regret that I was not here at the very beginning, but I wonder if I might ask each of the witnesses to address the three recommendations that were brought forward by the New Democratic Party representative that have financial implications, the first being the recommendation that membership fees be tax receiptable in the same way that contributions are, so that you don't penalize those who are least able to afford to make larger contributions.

Secondly, with respect to the transferring of debts, I'm wondering whether there is agreement in the same way that a candidate can transfer their surplus to their electoral district association, that they should have the opportunity to do so with respect to debts, which seems to eliminate the need for a campaign account being kept open for considerable periods of time.

Thirdly, with respect to leadership contestant spending limits, I know this is an issue that doesn't arise directly out of the most recent election, but it does arise I think as a serious concern a lot of people have about whether in fact or in perception, because of the lack of any real limits on leadership contestant spending, there can be the sense that a candidate has actually bought their way into the leadership, and the absence of accountability around that.

Could the witnesses indicate whether they agree or have a different point of view on those three recommendations?

The Chair: Thank you. We'll move to the panel now.

There are three points, if you can keep it as short as you can, please.

The Conservative Party of Canada first.

Mr. Paul Lepsoe: With respect to membership fees, I'm not sure we have strong views either way.

I was in favour of the amendment in Bill C-24 that said there wouldn't be contributions. I think the idea was that membership fees would be taken right out of the act so you wouldn't get into the complications of transfer rules, and they wouldn't be considered donations for certain disclosure purposes, and so on. I think that was the idea, to try to simplify. If you're saying it's almost having the opposite effect, and making it more complicated for some people, maybe it should be looked at. Making them straightforward contributions across the board does have some complications.

With respect to the transfer of debts, I'm not sure I fully understand that, because it's possible to do that right now. A riding association can simply pay the candidate's debts. That's perfectly permissible under the law right now. I don't think it's fair to third-party creditors to transfer these debts to someone else. If the riding association wants to absorb them, they simply pay off the third-party creditors and deal with the fundraising themselves.

With respect to leadership contestant spending limits, this is the first major party under Bill C-24 to have a leadership contest, so I don't know if we really have the data to have a position on that.

The Chair: Thank you.

Mr. MacKinnon, would you like to comment?

Mr. Steven MacKinnon: Again, without needing to repeat, I share the views of my Conservative friend on my ambivalence on membership fees and on the debt thing, but I think we'd be open to any change that would make it easier and would be a reasonable one.

With respect to what you call an absence of accountability with respect to leadership spending limits, I must respectfully remind you that the Liberal Party, as the first party to go under Bill C-24—you'll recall the Conservatives acted in great haste to make sure their leadership election was conducted under the previous rules, and did so very, very quickly and mysteriously on New Year's Eve. They were able to escape the rather new regime of Bill C-24.

The Liberal Party has gone above and beyond the Elections Act and has declared a spending limit. All spending must be declared publicly through Elections Canada. All contributions must be declared publicly. I note some discussion around those. The leadership expenses committee, which is a quasi-judicial tribunal in our Liberal world, is there to enforce those rules. We have published those rules and made it clear that any transgressions will not be tolerated. The Liberal Party has acted with extreme accountability, extreme transparency, in running our leadership campaigns. We set the limit based on our party's constitution, based on the fact that we need a nine-month process to have a leadership race. It's a big country, and we want to be able to get from Halifax to Acadie—Bathurst.

● (1205)

Ms. Alexa McDonough: The real question is whether you think the voluntary imposition of limits is good enough or whether there should actually be limits specified in legislation.

Mr. Steven MacKinnon: As a general principle, I think it's possible to go too far. I don't accept the fact that political parties are not mature and have not evolved enough to run their own affairs, to run their own nomination meetings, and to conduct leadership conventions. At the end of the day, we respond to and are judged by the public. I know we are sensitive to that. I'm sure my colleagues on this panel are sensitive to that in formulating all rules. We make them public. You can read them. They are there for all to read. I don't think we've received any criticism for establishing an unreasonable limit, given the contribution limits leadership candidates must live under in the present context. Frankly, I doubt any of our leadership contestants will spend the limit we've allowed.

The Chair: Ms. McDonough, I'd like to give the others an opportunity. We can put you on the list for another question.

Thank you.

Mr. Gardner, please.

[*Translation*]

Mr. Gilbert Gardner: As regards the idea of classifying membership fees and contributions, I don't see anything against it, in principle. However, guidelines should be established because there could be membership fees for honorary members representing several hundreds, even thousands of dollars. So some guidelines should be set, taking into account the different cultures within the various parties. We should also take into consideration the fact that these membership fees include membership-related costs. Should they be subtracted from the total amount? A membership can be sold for $25 and cost the party $10 in administrative fees. Is that $10 amount eligible or not? That question should be considered.

As for debts, the act already provides that registered riding associations borrow and transfer funds to the candidate. Consequently, the candidate has no debts as such. Furthermore, candidates must have paid off all their bills before they can file their financial return, and do so within 90 days. So the act already contains provisions on loans.

As for the limits included in the act for leadership races, a trend has emerged in the past 15 years or so, in that the acts limit the amounts that can be spent in the context of a nomination. There remain leadership expenses. The cultures of the different parties and the different types of parties have to be taken into account. Obviously, a party that has a number of candidates won't adopt the same procedures for its leadership race as another party. However, I think we should start thinking about this and eventually include provisions on spending limits in the act.

● (1210)

[*English*]

The Chair: Thank you very much.

I'll allow the NDP the final comment, if you have one. Thank you.

Mr. Eric Hébert: Of course, as you might imagine, we agree with our brief.

Some hon. members: Oh, oh!

Mr. Eric Hébert: In terms of its debts, just to be clear, a riding can of course embark upon the debt to begin with. But at the end of the day, the expenses—not necessarily a loan of that nature—must all be paid by the candidate, who can have unpaid claims up to 18 months after an election. All of these sorts of provisions exist, which means that at the end of the day we're stuck with a situation where an account has to be left open because it has to be paid from the campaign account. All of these different aspects become problematic from an administrative perspective. So it seems like a fairly simple thing to be able to correct.

On membership fees, just to be clear again, as far as I'm concerned, these fees should not be counted in the $1,000 limit. I'm not suggesting that that contribution be considered part of the limit, but I do think we shouldn't be preventing it from being tax receiptable; I think that's the problem we've created. The vast majority of the people who give to political parties in this current context don't give huge amounts of money, and when they give, usually their membership contribution is one of the first portions of the money they give. And it's a bit unfair to those who can't afford much more than their $25, or $10, or whatever, membership fee not to grant them the tax credit but allow moneys over that amount to be tax creditable. I don't think that was the intention of Bill C-24 and I think it's something that needs to be corrected.

The Chair: Thank you.

We are entering our second round of questions. As you can probably tell, I'm giving a lot of leniency to the time we're spending, particularly on the answers. We'll start the second round at five minutes, and I would hope that we can keep the questions as short and succinct as possible so that we can hear from the witnesses.

Round two, Monsieur Simard.

[*Translation*]

Hon. Raymond Simard (Saint Boniface): Thank you very much, Mr. Chairman.

First, for information purposes, I'd like to go back to Mr. Proulx's remarks. In Manitoba, in two ridings in particular—mine and Saint-Boniface—the returning officer indeed posted the names of people who had voted, every hour or every two hours. Consequently, that's already being done. Personally, I assumed, and I assume that it's legal. That was done in Manitoba; that's what I wanted to tell you.

[*English*]

Mr. Chair, I'd like to pose three questions, if I could, and then have our panel respond.

I'd just like to know if Mr. Kingsley consulted you prior to tabling his report. I would imagine that he would have consulted the parties, being that you are involved in this on a daily basis. I would assume that would have been done.

My second question deals with what is probably one of the toughest issues we'll have to deal with here, the whole issue of fraud and registration. I'm assuming you have already determined some solutions for that. Could we hear what some of the solutions might be? I'm assuming that you probably won't have time to give us all the answers, so I think the members here would appreciate it if you could submit something to us in terms of possible solutions, because we will be struggling with them. So we would really appreciate some documentation on that from all four parties, if that's possible.

The third thing is that we're struggling and throwing around a lot of ideas right now, and while we have you here, I wonder if we could pick your brains on, for instance, the 100 signatures. Some people have indicated that's an issue. Is that a problem? What about the requirement for a photo ID, for instance, at the polls, and having advertising warning people that it is an offence to do illegal things? Are those things we should be looking at? There's also, for instance, voting on a Sunday to be able to increase voter turnout. Those are issues to consider, because it's our job here not only to analyze Mr. Kingsley's report, but also to make recommendations on how we can improve the system.

So if I could leave those questions with you, please....

The Chair: It could be tough to answer five questions, but please remember the questions. These are good questions. Perhaps in a submission after today we could get those answers. We will start with the Conservative Party.

Do your best, Mr. Donison.

Mr. Michael D. Donison: Thank you, Mr. Chair.

For the record, Mr. Chair, the leadership of the Conservative Party in 2004 was not governed by Bill C-24. We had self-imposed limits, full disclosure, and I believe the expenditure limits were less than the current Liberal one. In fact, on the website of our party for over two years, every single leadership candidate had to post every single donation.

The Chair: Please answer the questions, since we're using up the member's time.

Mr. Michael D. Donison: I wanted to put that on the record, Mr. Chair.

As far as tabling his report, Mr. Kingsley consults with the parties two or three times a year, but he doesn't specifically ask us to review his reports before they're tabled. We don't get a complete look at them before he tables reports before Parliament, and I'm sometimes as surprised as honourable members at what shows up in the report, but not always.

I think the ID issue in the polls is the most central issue you're facing. I think the photo ID is something you have to seriously consider as a basic requirement. I really do.

On the signatures, I like the idea of pre-nomination anyway, and I'm not so sure you'd need signatures. I'm all for candidates just being able to file their papers with Elections Canada, having been certified by the party that they've obtained a nomination and they're the nominated candidate.

On advertising, absolutely, there should be all sorts of warnings around polling stations—breach of this, breach of that, and the gendarmes are going to come and put you in jail. I'd be all in favour of that.

On voting on a Sunday, I'm going to have to think about that one. I'm not so sure about that one.

● (1215)

The Chair: Thank you very much for that brief answer.

Mr. MacKinnon, answers, please.

Mr. Steven MacKinnon: I would indicate the Conservative leadership race did not happen with the contribution limits as envisaged by Bill C-24.

The Chair: We're going to cut you off if we don't get answers to the questions.

Thank you.

Mr. Steven MacKinnon: Voting on Sunday is something that seriously has merit. With the risk of sounding like a heathen, it is something that should be seriously examined. Voting on a Sunday is something that would tangibly and manifestly increase voter turnout.

On the signatures, again, I agree with my friend on most of these administrative details, and as a general note it should be considered that frankly on most of the issues we agree most of the time. We have common experiences with respect to the administration of elections.

Photo ID should be seriously considered, and I would go one further. Proof of citizenship where required is something that should be considered.

I've done it as best I can, Monsieur Simard.

[*Translation*]

The Chair: Thank you, sir.

Mr. Martin Carpentier: Let's talk about the consultation following the last election. The Chief Electoral Officer did not even consult the advisory committee to tell it about the report he was going to submit. We weren't consulted on his recommendations or on what he wrote in his report.

The registration issue is one that affects a lot of things. I have questions even for Quebec. We also spoke with the Elections Canada people. In Canada, they use a permanent list that is compiled from data from the Régie de l'assurance maladie du Québec and from the Société de l'assurance automobile du Québec. Consequently, people are automatically on the electoral list from the time they turn 18. That's not the case of the National Register of Electors at the federal level.

There's also the entire matter of research. How do you go about registering youths and how do you get them to participate more in elections? Elections Canada should also ask itself some questions on that subject. If they start thinking about it, we should do so as well. We need a mechanism to allow that at the Canadian level, as is being done in Quebec.

In Quebec, they use two data bases to constitute the permanent voters list, which is updated every month. Surely there's a way to do the same thing in Canada. Unfortunately, there's too much data overlap. That's why the lists are incorrect. If Quebec only used the permanent list, that would already be a major step forward. Unfortunately, there is overlap with Revenue Canada and Citizenship and Immigration Canada. That's what causes all the problems and all the duplication you see on the list.

[*English*]

The Chair: Thank you very much.

I'm just going to remind the witnesses that there were three other questions. Could I get just a yes or no for the member on photo ID, advertising or warnings at polls, and Sunday voting. Are there any comments on that?

No? Thank you.

The NDP, please.

Mr. Eric Hébert: On documentation for protecting against fraud, I agree something needs to happen that's a bit better than just saying who you are. I agree with that; I just don't want it to become so onerous that we're actually disenfranchising people. I'm sure we can find ways amongst us to figure it out, but I think we have to be very careful.

Concerning the 100 signatures, it's a bit ridiculous. I don't think anyone finds the process actually makes it easier, better, or more authentic for a particular candidate to be a candidate by virtue of having found 100 people to say it was okay for them to be a candidate. I find that a bit weird and I'd be quite happy to see it go.

On advertising about illegal actions, sure, as often as possible, wherever possible; we're okay on that.

Concerning voting on Sunday, I'd certainly be more open to the voting on Sunday issue, and this despite being an active church-goer, than I would be to creating a national holiday, which was something else that was suggested: that voting day, on a Monday, become a national holiday. I fear that, because what it does is create a long weekend, and people leave. It doesn't exactly provide you with the right incentive. That would be my only comment on it.

● (1220)

The Chair: Thank you very much.

Mr. Preston, please.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): Thank you.

I'm happy to hear some of the comments on the use of ID, perhaps photo ID, and I'm with you: I don't want to disenfranchise anyone. I think we're now talking about such a small minority of people without ID that to ask for ID at the polling place may be an easier way to go. I'm happy to see that we're talking about that way.

Someone mentioned the citizenship requirement, which is another one that's been really bothering us, as to how we know. Some of these people are put on the electors' list from their tax return by their inadvertently checking a box when they're not Canadian citizens. Where is the challenge spot for that? As you've mentioned, there's also a great deal of hardship for scrutineers in challenging someone at the poll.

The third part, and I guess where I really want the answer is, this comes down to verifying against a list of electors. I think we can put all these other pieces in place to verify against a list, whether it's photo ID, citizenship proof, or anything else, but how do we make the list better in the first place? It's really coming down to the list's having an error rate greater than anyone would accept in any other way, shape, or form.

You mentioned 840,000 registrations on election day. These are people who wanted to be on the list and weren't there, but how many people aren't on the list in total? Mr. Kingsley admits an error rate, I believe, of 15% from his own surveys, and I would bet it's closer to double. I ask for your views on that.

Here are a couple of other quick ones. For alternative forms of voting, since we brought up Sunday voting, what about online and text voting?

The Chair: We'll start in reverse order, please, with the NDP first, if that's okay.

Mr. Eric Hébert: Concerning online voting, there's a part of me —and this is by no means an official party position—that worries considerably about online voting in the sense that.... Right now, in fairness, special voting regulations mean that people can be voting in their houses right now. At the same time, there's something less concrete and I fear more subject to...not fraud, necessarily, but more subject to problems.

Mr. Joe Preston: Something worse than where we are.

Mr. Eric Hébert: Yes. I think it goes an extra step beyond my personal level of comfort.

On your previous point—

Mr. Joe Preston: How do we make the list better?

Mr. Eric Hébert: That part of the problem, to some degree, is that we need to do targeted revision in a bigger way. I think this has been mentioned before: we have areas of high turnover, particularly in urban areas, where there are ridings that turn over every year. Even when we have minority Parliaments that have elections every year, it seems to mean that people are moving, and that sort of thing.

We talked to Mr. Kingsley about targeted revision at his last meeting with the political parties. One of the points we brought up with him is that we really need to be able to devote more resources to this. He said in large part the problem was that returning officers were afraid to engage in allowing parties to say a particular area really needs to be targeted for revision, and that now that he would have more control over returning officers, it might help. I'm hoping it's going to assist.

Finally, having a specific ID number for voters I think will go a long way to making the list better as well. I think all of us tend to agree that having that type of number not only will assist us in the work we do on election day, but will also help to make the list better, because when somebody moves out of the riding, their number goes with them. It would help from that perspective.

The Chair: Mr. Gardner, please.

[*Translation*]

Mr. Gilbert Gardner: On the one hand, I think that, if a list were really permanent, it would be possible to improve it, to correct it permanently. That would be one way to improve the list. Using a single and permanent voter number, regardless of moves that occur over time, is also another way to locate electors very easily and quickly and to avoid repetitions that undermine the precision of the electoral list. I believe these measures are easy to implement and would make the list much clearer and more precise than it is today.

● (1225)

[*English*]

The Chair: Thank you very much.

Mr. MacKinnon, would you like to make a brief comment?

Mr. Steven MacKinnon: On the issue of the validity of the list, the best I can say is that my friend from the Bloc has given us a good suggestion. Let's have better sources for that data. It is optional on your tax return, as you know. I don't know why it is an option. I don't know what the downside is for having your name on a permanent list of electors. If you do not avail yourself of your right to vote, then so be it.

That would be my fundamental observation. This has to be the priority for Elections Canada, simply put.

The Chair: Mr. Donison, you have a final word.

Mr. Michael D. Donison: On the improvement of the list, I think the specific ID number is a good one; it follows the voter. We should also be able to challenge the permanent list between elections. We could organize our parties at the ground level to do that. There isn't enough time during the normal 36 days—well, it was 55 this time.

On the issue of online voting, again I'm expressing my own personal view. I'm not expressing the party view—okay Joe? We've already been talking about ID problems. Wow. Can you imagine the potential for fraud if human beings do not have to physically show up and apply?

Mr. Joe Preston: They only have to show up with a magazine label; I'm not certain we have good enough security.

Mr. Michael D. Donison: I'm instinctively opposed. I think public voting should be public voting.

The Chair: Okay. Thank you very much.

Madam Picard is next, please.

[*Translation*]

Ms. Pauline Picard: Thank you, Mr. Chairman.

The question I wanted to ask the Bloc québécois representatives has already been asked. Improving the voters list by ensuring that voters are identified by a single number was a priority for the Bloc québécois. Everyone answered and seemed to agree. That would be a great improvement. Using a number would help those who prepare the list and those who identify individuals.

[*English*]

The Chair: Thank you.

You may go ahead, Monsieur Plamondon.

[*Translation*]

Mr. Louis Plamondon (Bas-Richelieu—Nicolet—Bécancour): I'd like to have your opinion on the tradition of having a representative from each party at the voting table during the election. There's the clerk, the deputy returning officer and a representative of each party. As we are heading into a century of extensive democratization and creation of a number of parties, one day there could be a clerk, a deputy returning officer and 12 individuals representing the parties at the table. Do you think it would be possible for the returning officer to appoint a person and to assign a person a list? That person would circle the names of individuals who vote, and that sheet would be posted at the door and would be available for all parties. Do you understand what I mean?

[*English*]

The Chair: Could you give very quick answers, Mr. Gardner, please?

[*Translation*]

Mr. Gilbert Gardner: On the one hand, before you got here, the principle that the returning officer gives the numbers of electors who have voted—with a single number, that would be easy—was already referred to. I would add, with regard to the clarification of the electoral list, that, if we also have the voter's date of birth, we'll then have another tool available to all parties that would make it possible to clean up the voters list.

[*English*]

The Chair: Are there any further comments?

We will hear from the NDP, please.

[*Translation*]

Mr. Eric Hébert: I'd like to add this. If there is to be a table where checking is done and the representatives are there to check and attest that the checking procedure is official, then perhaps it's less important to have people at each table.

[*English*]

The Chair: Mr. MacKinnon, you're okay?

Mr. Donison, would you have any comments?

● (1230)

[*Translation*]

Mr. Paul Lepsoe: I believe everyone will agree that the deputy returning officer, or the clerk, hands over completed bingo cards during the day. However, I think that the principle of the right of candidates' representatives to be there is important, for other reasons. Perhaps it would be enough for them to be at another identification table. Whatever the case may be, I believe we should maintain the principle of the right of candidate representatives to be there.

[*English*]

The Chair: Monsieur Plamondon, are you okay?

Thank you very much, sir.

Mr. Godin.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): I'd like to continue in the same vein as Mr. Plamondon. I don't know whether Elections Canada has monitored this phenomenon, but witnesses from certain political parties are being paid $75 to appear. It looks like there's not even any control: they're fighting to find out who can pay whom in order to be there.

I remember that, one time, a person came to conduct an audit at one of the polling stations. That person represented a political party and had been paid $75. I checked that day to see whether anyone had voted for that political party; however, no one had.

I see there's a flaw in the act. Without accusing anyone, I can nevertheless say that someone is going around with a big roll of cash and paying people to be there. That wasn't even reported to Elections Canada. Perhaps there should be a limit, I don't know. You've no doubt heard about it, and I'd like to hear your comments on it.

Furthermore, with regard to donations for leadership races, do you think the age of donors should be stated? Is it normal for an 11-year-old child to be able to give a candidate $5,000? I know it's becoming increasingly ridiculous. In these kinds of situations, we see that Canadians or other individuals no longer respect certain things. We introduced Bill C-24, and I'm proud of it. Unfortunately, people are finding flaws. If I wrote a $5,000 cheque to my 11-year-old child, I'd be surprised if he was very proud to learn at 21 that I had withdrawn $5,000 from his bank account. Just imagine! Seeing an amount of $5,400 withdrawn from the account! I'd really like to know what you, as a representative of a political party, think of that, and to hear your recommendations for putting a stop to these practices. Don't tell me no one's violated the act! I don't want to hear that. I'd like to have recommendations for putting a stop to these stupidities because we're the laughing stock of a lot of people. We pass bills guaranteeing that we have the best solution. A political party introduced Bill C-24, but we're caught in ridiculous situations, and we're being laughed at.

I'd like to hear from you all. What solutions, what proposals or what comments can you give us to put a stop to these kinds of situations?

[*English*]

The Chair: Thank you.

We can start now with the Conservative Party.

[*Translation*]

Mr. Paul Lepsoe: As regards the payments to candidates' representatives, I believe it's a special tradition in the Maritimes that I'm not very familiar with. It's something...

Mr. Yvon Godin: No, it happened in Toronto this time.

Mr. Paul Lepsoe: Oh, that's nice. I thought it was unique to the Maritimes.

[*English*]

The Chair: Order.

Can we just answer the question, please?

[*Translation*]

Mr. Paul Lepsoe: The issue of donations made by youths is an example of the technical problems caused by Ms. McDonough's proposal. I don't know whether you were here, but the NDP is proposing that the purchase of a membership be considered a donation. Will we have to say that a person under 18 years of age may not become a member of a party because that would constitute a donation? That's a minor example of a technical problem.

● (1235)

Mr. Yvon Godin: We're not talking about $5,400.

Mr. Paul Lepsoe: That's a minor example of a technical problem. If we say that membership fees constitute a form of donation, that causes technical problems that have to be taken into consideration. In principle, I believe that, in all parties, a person 14 or 15 years of age may take part in the party's activities. Can we deny that person the right to make a donation? I don't know. I believe the act is clear: to make a gift, you have to use your own money. If the act is complied with, is there really a problem? I don't know, but the act is very clear in that regard: you have to use your own money.

[*English*]

The Chair: Thank you.

Mr. MacKinnon, would you like to comment?

[*Translation*]

Mr. Steven MacKinnon: Mr. Godin and I come from the same province, and we are familiar with the political traditions with regard to deputy returning officers. There is indeed a tradition of paying people who work at the polling stations in the Maritimes. I don't see anything inappropriate about it, as long as those payments are recorded on the list of candidates' expenses.

As for contributions from youths under 18 years of age, I have learned that one of our party's leadership candidates repaid those kinds of contributions. We have responded to a public reaction in his case. I think that's appropriate in the circumstances.

Having said that, I share the view of my friend Mr. Lepsoe. Can we afford to go to court to prohibit a youth under 18 years of age from making contributions? Can a youth make a contribution to the political process provided it involves his or her own money? You have to be at least 14 years old to vote for a candidate for the leadership of the Liberal Party of Canada. You have to be at least 14 to be a young Liberal registered on our delegate list. We've previously seen youths taking part in a democratic exercise in a political party. In my opinion, we must act with extreme care in this regard.

I'll close by asking you whether you are sure that no one under 18 years of age has contributed to the New Democratic Party, and whether your procedures for remedying this kind of situation are adequate.

[*English*]

The Chair: We're not in a debate. Just an answer to the question would be appreciated.

Mr. Gardner.

[*Translation*]

Mr. Gilbert Gardner: It's nevertheless strange that, at the very time the government wants to lower the age of consent for other things, we're having a discussion about a person who can make a contribution.

More seriously, each party establishes rules regarding the minimum age for membership in the party. It seems to me that's a standard. I believe that no political party accepts 11-year-old children as members. That seems to me to be a bit much at that age.

The age of membership could serve us as a guide for determining whether it's possible for a person to contribute. If you consider that, at 16, a person may become a member of a political party, then that person can also support the democratic life of that party by contributing to it.

As to representatives' expenses, that's already provided for in the act. They must be reported. If people don't report them, they violate the Canada Elections Act and are subject to prosecution. To the extent that's done in accordance with the act, we don't have a problem, whether it happens in the Maritimes or Toronto.

The Chair: Thank you.

Mr. Eric Hébert: Mr. Godin raises a fairly important question concerning the representatives of political parties. That appears in the candidate's return, but it's now required that that be done in the candidate's personal expense return. That means it isn't accounted for in that political party's election expenses at the local level. To resolve this situation, it seems to me they should be told that, if they want to pay their representatives, that's an election expense subject to the expense limit. In my view, that would be the way to solve the problem, and we could examine that solution.

As for a person's ability to contribute, I also share Mr. Godin's concerns, but the present act allows a person to pay for someone else's membership. That already happens and it's not illegal. It happens, and we've consulted Elections Canada on the subject.

● (1240)

[*English*]

The Chair: Direct the comments to the chair, please. Thank you.

[*Translation*]

Mr. Eric Hébert: Yes, absolutely.

As regards nomination races, people can legally buy memberships for other people, and that's considered as a contribution by them. This procedure already exists, although I find it somewhat bizarre. I believe this arrangement can be used to enable a 12-year-old to become a member of a party because, in general, 12-year-olds don't have enough income on their own.

I believe there are ways to resolve the membership issue and to establish sensible criteria for those who can contribute, particularly amounts of money, as we've recently seen.

[*English*]

The Chair: Thank you very much.

We're going to move very quickly to our third round. We are running out of time, but this is an interesting and important discussion. I'm going to ask that we go to a three-minute round. Keep your questions short. If we could have short answers, it would be great. Pick your best questions.

Mr. Maloney is next.

Mr. John Maloney (Welland, Lib.): I go back to photo ID. There's a growing consensus that it would go a long way towards preventing voter fraud. There's a practical problem in that some people don't have photo ID—seniors who don't drive any longer, who use an old Ontario health card that doesn't have a photo on it, and who don't have a passport. If you were going to put in the requirement of needing a photo ID, would there be an exception, and what proof would you require for the types of individuals I have just described?

The Chair: Is that question directed to anyone specifically?

Mr. John Maloney: It is to the panel.

The Chair: Thank you.

Let's start with the NDP on that side.

Mr. Eric Hébert: Once again, it's all about making sure we're not disenfranchising people, particularly those who aren't as well off as others, or seniors, or young people. I think photo ID per se is where we start crossing the line into the area you and we are concerned about.

As long as I think there is some mechanism by which people can swear an oath or be able to do something along those lines that actually.... If they have to show ID and they don't have ID, then the exception is that they can swear an oath. I think that might be the way to do it, because right now they don't need to show ID at all.

If we go to the step of ID and then provide the oath as the backup for the ID, it might be the best way. Then you can also track who had to swear an oath because they didn't have ID, and you can track how many people asked for that particular approach. That would help us, I think, solve any problems that could happen in the future.

The Chair: Mr. Gardner.

[*Translation*]

Mr. Gilbert Gardner: I believe 90% of Quebeckers and Canadians have these kinds of documents. There should be exceptional measures for people who don't have them. If this measure is implemented, Elections Canada could advertise to encourage people to take those pieces with them when they go to vote. Those who don't have them could go to a mediation table, where people would be called upon to solve this kind of problem. Then, once the auditors were satisfied, the person would be allowed to vote on a certain number of conditions.

[*English*]

The Chair: Mr. MacKinnon, please.

Mr. Steven MacKinnon: I think anything that encourages participation, that ensures that we ensure people's proper identity is established, but that has the *souplesse* needed to mediate, as my friend says, or swear an oath or whatever, to establish identity... whether that is challengeable is I think a fair one. I would have, very clearly, some latitude for people who do not possess photo ID, and ways in which they can establish their identity. Other parties or people would be able to challenge that identity if necessary.

The Chair: Thank you.

Mr. Donison, you're on board.

Mr. Michael D. Donison: I think the photo ID should be the base. There may have to be some exceptions—you gave an example—but I think we should start from the base, the principle. Everybody should know that's the operating principle.

Perhaps in the case of people who don't have them, as I say, an oath could be sworn at a registration table with representatives of all the parties there. Perhaps we could do what you do in the old world polls: you get someone whose ID has already been verified, who has already voted in the same polling station, to vouch for the person. That may be another way to deal with seniors and people like that.

There would probably have to be some exceptions, but I think the base operating principle should be that photo ID is required.

The Chair: Thank you very much.

Mr. Allison, give us your best question.

Mr. Dean Allison (Niagara West—Glanbrook, CPC): Thank you, Mr. Chair.

It's all been talked about so many times in terms of the list. We go back to that. I agree with the statements made by the witnesses who said we should be able to challenge that list over the course of time.

We go back to Mr. MacKinnon. You talk about Trinity—Spadina, the 12,000 added on election day—whatever the case was—and being able to go back and verify that over the course of the year. With regard to that, Mr. Donison, you talked about a special ballot and the idea that we should probably be able to go in anywhere and be able to deal with that. How would we verify it? Would that be handled in the same way as adding someone to the list?

I wanted the other witnesses' comments and thoughts on the special ballot. Should we try to make it more accessible across the country as well?

● (1245)

The Chair: Thank you.

Mr. Donison, please.

Mr. Michael D. Donison: Currently, with the special ballot, you can fax in to Elections Canada as a way to prove your ID. I'm just suggesting that people should be able to do it at the returning office. There's enough time before polling day. Instead of the trouble of having to mail it to make it arrive, perhaps the returning officer can simply facilitate in getting it to the other riding or, in this case, Elections Canada.

We should encourage the use of the special ballot as much as we can. We're a busy society now, and people often just can't make the other times.

The Chair: Is there further comment?

Mr. Steven MacKinnon: To pick up on that, we're a busy society, a society in constant motion, in which in urban areas especially, people are in different ridings, and so on.

I think in terms of the principle of yes, you must establish your identity, we need to firm up those procedures and make balloting more accessible. Wherever you may be or live—whether you're overseas, in another riding, or wherever—we should be establishing a fundamental principle in the process and in the act.

The Chair: Thank you.

Mr. Gardner, do you have any comment?

[*Translation*]

Mr. Gilbert Gardner: There's not really any problem with polling stations for those who have special ballots. However, we are told that more and more people think they can vote anywhere, even on election day. Until the electoral list has been computerized, it's completely unrealistic to think that we can allow people to vote wherever they want, at any polling station. As long as we record votes manually, that will be impossible, because a person can go to 25 different locations and we'll never know whether that person has already exercised his or her right to vote.

[*English*]

The Chair: Thank you very much.

NDP, you have the last word.

Mr. Eric Hébert: On the special voting regulations, in particular, I think one of the problems we have is this period between E minus 6 and election day. For whatever reason, if you intend to vote on election day but are hospitalized, or there are other problems, there's that window of disenfranchisement, as I call it. I think this is the problem with the special voting regulations. If there's some way to tighten that, we should be looking at it.

The Chair: Thank you.

Madam Picard.

[*Translation*]

Ms. Pauline Picard: In his presentation, Mr. Gardner suggested that, to make the process more transparent, we should recommend that returning officers be appointed by the Chief Electoral Officer, as provided in Bill C-2, but only after running in a competition open to the public, so that things are more transparent and we can get the most qualified people to perform this high office.

I'd like to know whether the other parties agree on this recommendation.

Mr. Steven MacKinnon: Yes.

Mr. Eric Hébert: Yes.

[*English*]

The Chair: Perfect.

Is there any Conservative comment?

Are there comments from the Bloc?

[*Translation*]

Mr. Gilbert Gardner: The Conservatives didn't make any comment. I'm prepared to wait if they want to think about it.

We're obviously entirely in favour of that. I think it's the only way to ensure transparency, in the eyes of Quebeckers and Canadians, with regard to the first step in the democratic process, which is the appointment of returning officers.

[*English*]

The Chair: Merci.

A voice: Absolute power already, Mr. Chair.

Some hon. members: Oh, oh!

The Chair: Are there further comments?

Mr. Michael D. Donison: I was asked that question in committee this morning.

The new Accountability Act sets up some strict criteria for merit appointment. I would trust Mr. Kingsley and the Canada Elections Act people to do that. An open, public competition, I suppose.... I think being a returning officer is a particularly unique job, and the act, if it becomes law, will bring enough protection.

The Chair: Thank you.

Madam Picard, are you fine?

[*Translation*]

Ms. Pauline Picard: Yes. Thank you.

[*English*]

The Chair: Monsieur Godin, you have the last word.

[*Translation*]

Mr. Yvon Godin: I want to go back to the youth issue. It troubles me a bit.

You didn't say this, but I believe it would be almost discrimination against young people to prevent them from taking part in the life of a political party. However, the act allows a parent to use the name of a one-year-old child, which is contrary to the spirit of the act. There is indeed no age limit. It was said that you need to be at least 14 to become a member of a political party and that, consequently, young people can give money from the age of 14. We won't start playing around with three or four-year-old children.

The government is currently very serious about children not having sexual relations before the age of 16. I believe that's discrimination in that regard. It wants the age of consent to be set at 16, but there's no problem when it comes to a 14-year-old who wants to give money to a political party. That was just a comment.

The other problem concerns signatures in order to become a candidate. We have to be careful. The number can be lowered to 50, but, if it's lowered to zero, anyone on the street can become a candidate. There would be no control. Someone has to be able to support a person who wants to run as a candidate. If the person who wants to run as a candidate can't gather 50 signatures, in the public's view, that person should not be a candidate because he or she doesn't have enough support. There wouldn't be all these people giving $1,000. On the other hand, if a person who wants to run as a candidate doesn't need 50 signatures, anyone can give him $5,000 because he wants that person to run.

So signatures are a form of protection, and I think we have to be careful about that.

● (1250)

[*English*]

The Chair: Are there comments from the panellists on that? I didn't hear a question in that. Are there any comments? We have exactly one minute and sixteen seconds.

Mr. Yvon Godin: If there are no questions, I would like to hear the comments on what I have said.

The Chair: Thank you.

Mr. Gardner, please.

[*Translation*]

Mr. Gilbert Gardner: We agree on the idea of keeping the number of registered voters per candidate at 100 so that a person can run as an official candidate. This practice exists. It's not a problem for us, and it guarantees a minimum degree of serious intent in candidates appearing on the list. There shouldn't be any homonyms simply to undermine the conduct of the vote.

[*English*]

The Chair: Is there any further comment?

Yes, Mr. Lepsoe.

[*Translation*]

Mr. Paul Lepsoe: I want to emphasize that the act is clear: a parent cannot make a donation on behalf of his one-year-old child. It is very clear that the child's own funds must be used to make donations. That's already provided by the act. I don't know whether that addresses your concerns.

Mr. Yvon Godin: We should conduct a survey on the way cheques are written. You're dreaming in technicolor if you think a five-year-old child has $5,000 in the bank and wants to give it to a political party. Let's not dream in technicolor. Shouldn't we add a form of protection in the act to prevent these things from occurring and to prevent abuses?

[*English*]

The Chair: We'll take that under review.

Right now we have finished our third round, and I must thank everybody, members and witnesses alike. We've got through a lot of business today.

I would like to take a special moment to thank all the witnesses from the Conservative Party, the Liberal Party, the Bloc, and the NDP. I must say that you came very well prepared. You answered our questions directly. I suspect that our clerk will make sure that we have copies of your reports distributed to all members in both official languages.

I would also request that maybe if some of the members have other questions, they may get a hold of you in the next few days to seek answers, or if you think of things that you would like the committee to know about that you did not have a chance to get out today, please feel free to submit them to me. I will make sure that all members get a copy.

And finally, in closing, I just want to express our sincerest thank you. I know it was a busy day and a short time period. We appreciate you showing up before the committee.

Before the members leave, I'd like to just cover some reminders to the committee members. Next Tuesday we will be dealing with private members' business. The following meeting we will not have the Chief Electoral Officer or the commissioner here. We will continue with our conversation about this the meeting after that, when they will be available. There was a conflict in their schedules.

Is there any further business?

Thank you very much. The meeting is adjourned.

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May, 2012

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A Commissioner of Oaths, etc.

House of Commons
CANADA

Standing Committee on Procedure and House Affairs

PROC • NUMBER 014 • 1st SESSION • 39th PARLIAMENT

EVIDENCE

Thursday, June 15, 2006

Chair

Mr. Gary Goodyear

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Standing Committee on Procedure and House Affairs

Thursday, June 15, 2006

● (1105)

[*English*]

The Chair (Mr. Gary Goodyear (Cambridge, CPC)): Let's bring the meeting to order, ladies and gentlemen. Thank you so much again for coming.

I do want to remind members that this meeting is in public; however, I would like to bring to the attention of the committee that draft reports are generally considered in camera, basically because the reports are confidential until they are tabled in the House. However, I'm happy to proceed any way the committee wants to proceed as a group, of course. If the committee wants to proceed in public, then that's what we'll do, but I would simply like to remind the committee members. Perhaps I can read a quote here:

> Committee reports must be presented to the House before they can be released to the public. The majority of committee reports are discussed and adopted at *in camera* meetings. Even when a report is adopted in public session, the report itself is considered confidential until it has actually been presented in the House.

I would just simply ask the committee once again for their agreement to stay in public, otherwise we will go in camera. Is there an agreement to stay in public, or is there a change of opinion?

Mr. Proulx.

Mr. Marcel Proulx (Hull—Aylmer, Lib.): I think yesterday's meeting went very well in the sense that it was public, but everybody knew we were working on a draft report. I don't see any problems in continuing in public.

The Chair: I see everybody nodding. There's nobody with a concern.

Some hon. members: Agreed.

The Chair: Okay, then, thank you very much for that permission. We'll stay in public.

Monsieur Godin.

[*Translation*]

Mr. Yvon Godin (Acadie—Bathurst, NDP): I would simply like to add that this must not become a habit. The Committee must sit in camera when there is a reason to do so, and we must set the example. You are right in saying that the Standing Orders stipulate that draft reports must not be published. Furthermore, a report can only be published once all of the work is finished and it has been tabled in the House. This is a matter that requires reflection.

I would not like to see the other committees say that the Standing Committee on Procedure and House Affairs set the example by not sitting in camera. There are good reasons to proceed in this way, namely in order to give parliamentarians the opportunity to prepare a report that will be made public. There is nothing to be hidden from the public, but we are dealing here with the work of the Committee.

[*English*]

The Chair: I think what we'll do, Monsieur Guimond, is we really only have a little time here, but we'll talk about this for another moment.

Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond (Montmorency—Charlevoix—Haute-Côte-Nord, BQ): It is odd, Mr. Chairman, that you are constantly saying that we only have a little time right before I speak. In my paranoia, I get the impression that your comment is directed at me. I will therefore be very quick.

I am sensitive to Mr. Godin's explanations. However, given that we have nothing to hide, we thought we could work in a public session.

I would like to propose a middle-ground solution to my colleagues on the Committee. We are still at the report stage. It is true that we must respect the Standing Orders, that stipulate that reports must not be made public before being presented in the House. Otherwise, this clause would have no meaning whatsoever. Given that in law the legislator does not say things just for the sake of it, I would suggest to the group that the meeting we will hold to study the report proper, before its tabling, perhaps next week, be held in camera.

● (1110)

[*English*]

The Chair: Okay. It was my opinion that we would discuss it at the beginning of each meeting, and in fact, Monsieur Guimond, that was exactly my thought.

So let's proceed, ladies and gentlemen. We have about four hours left—not today—it's two hours today, thank you, and two hours on Tuesday. We are coming to most of the points that we've had all the information on.

Yesterday we left off with recommendation 1.15, so we will proceed today with recommendation 1.16, "Voting by Electors Absent from the Country for More Than Five Consecutive Years". The Chief Electoral Officer is of the view that this provision deprives certain individuals of the right to vote and could be contrary to section 3 of the Charter of Rights. It says:

> Section 11(d) of the Act prohibits voting by persons who have been absent from the country for a period exceeding five consecutive years. The Chief Electoral Officer recommends removing this limitation for persons who intend to return to Canada as residents.

Any discussion on that?

Hon. Raymond Simard (Saint Boniface, Lib.): I think I'd probably be in favour of this.

I'm only wondering how the CEO would confirm that these people are actually coming back to Canada. I don't know how you would manage that, but I think the principle is fine. If somebody has been out of the country and working somewhere—in Saudi Arabia—and is planning on coming back in six years, they should still be allowed to vote in Canada. But how do you confirm that? They are not now residents of that place.

The Chair: Mr. Reid.

Mr. Scott Reid (Lanark—Frontenac—Lennox and Addington, CPC): As someone who actually used to live in a foreign country, I'm not sure you can determine that easily. I was a resident of Australia for certain purposes and I was a resident of Canada for other purposes. For income tax purposes, I did my taxes here as opposed to there, but I was working there. Actually, I was a permanent resident of Australia.

What I'm getting at is that I think Mr. Simard has a good point. It's basically impossible to determine in the absence of a declaration, unless somebody has gone out and actually done something like rejecting their Canadian citizenship in order to become a citizen of another country, which some countries require.

The Chair: I'll ask Jamie to give us a bit more enlightenment on this.

Mr. James Robertson (Committee Researcher): This has been in the act since the early 1990s, I believe. The current provision reads:

> Any of the following persons may vote in accordance with Part 11:
>
> 11(d) a person who has been absent from Canada for less than five consecutive years and who intends to return to Canada as a resident.

The question is the intention, not whether the person actually returns. I think for intention it is up to the individual to declare whether they have the intention. A person who has left Canada, has established a domicile somewhere else, and has severed all ties with Canada would presumably not have the intention to return to Canada. So I think it's a question of fact in individual cases, but it would be up to the individual, in most cases, to assert their intention.

The Chair: Shall we put that in there, that the individual must assert their intention to return to Canada?

Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: I do not know if James could help us out with this.

My understanding is that the right to vote is directly linked to one's citizenship. A person who has been living in the Bahamas for 15 years and who has retained his or her right to vote might very well have become very disinterested in politics but, technically, if he or she has remained a Canadian citizen, he or she has the right to vote.

With this provision, the voting rights of people who have remained Canadian citizens would be revoked for other reasons. Conversely, we do not want non-citizens to be entitled to vote. We are asking that Neo-Canadians and newcomers supply us with proof of citizenship if they wish to vote. And inversely, we do not want Canadian citizens who no longer reside in Canada to lose their right to vote.

There is another question that comes to mind. Where does this five year rule come from? Why five years? One of my brothers married an American and lives in Denver, Colorado. If he has been gone for four years and eight months, he would have the right to vote. But if he has been gone for five years and two months, then he no longer has the right to vote. Did this rule fall from the sky or out of a tree?

● (1115)

[*English*]

The Chair: It's a very good point. I'm seeing a lot of nods around the table.

Shall we simply remove this clause, that if you're a Canadian citizen you have a right to vote?

I'm only stirring up trouble here so I get some more comments.

Monsieur Godin, and then Mr. Reid.

[*Translation*]

Mr. Yvon Godin: Mr. Chairman, I agree. A Canadian citizen is a Canadian citizen. There are Canadians who live in regions where they are able to go and vote. For example, in embassies, there is an area where you can vote. They can even send their ballot by mail.

I simply wish to underscore that a Canadian is a Canadian.

[*English*]

The Chair: Mr. Reid, then Monsieur Proulx.

Mr. Scott Reid: This is paragraph 11(d) of the act. The logical thing would be to make the wording "a person who is absent from Canada". Currently it says:

> a person who has been absent from Canada for less than five consecutive years and who intends to return to Canada as a resident.

I'm assuming we could say that a person who is eligible to vote by a postal ballot would include "a person who is absent from Canada", period.

The Chair: Monsieur Proulx.

Mr. Marcel Proulx: I think I understood the last comment to mean the same thing that I wish, in the sense that as long as they're Canadian citizens, regardless of whether they live in Canada or outside of Canada, they should have the right to vote.

As candidates, we are all aware of citizens who are working outside the country who have registered with Elections Canada. As an example, National Defence gives us lists. So presumably, somebody who lives outside of Canada who is a Canadian citizen would need to register with Elections Canada—and bingo, they should have the right to vote.

The Chair: I think we're debating the obvious here, but I do find this confusing. Part 1, section 3, states that, "Every person who is a Canadian citizen and is 18 years of age or older on polling day is qualified as an elector." So, boom.

Mr. Marcel Proulx: But it seems they're excluded. According to 1.16, paragraph 11(d) of the act prohibits voting by persons who have been absent from Canada for a period exceeding five consecutive years.

Mr. Scott Reid: That's not quite right. Section 11 of the Elections Act has paragraphs (a) through (f), and says, "Any of the following persons may vote in accordance with Part 11." I think part II of the act has the rules on how you vote by postal ballot.

Mr. Marcel Proulx: What does paragraph 11(d) say?

Mr. Scott Reid: I'm actually going to bring it over so you can see it.

The Chair: Section 11 says, "Any of the following persons may vote in accordance with Part 11." Paragraph 11(d) says, "A person who has been absent from Canada for less than five consecutive years and who intends to return to Canada as a resident."

Mr. Marcel Proulx: Therefore, if they're away for over five years, Mr. Chair, they're excluded.

The Chair: That's what it is saying. So I'm suggesting we delete the clause.

Mr. Marcel Proulx: We delete that.

The Chair: I'm just going to allow Mr. Proulx to be clear, and then we'll move on, because I want everybody to hear this.

We're going to continue discussion here now that that is over.

Monsieur Guimond, and then Monsieur Godin.

Did you want to say something, Mr. Guimond?

[*Translation*]

Mr. Michel Guimond: There is much confusion. Does the Chief Electoral Officer wish to give them back their right to vote, even if they have left the country? What is the meaning of this amendment?

● (1120)

Mr. Marcel Proulx: Yes. He wants to give them back their right to vote if they plan on returning to Canada, even after an absence of more than five years.

I would therefore suggest that we delete paragraph 11 d). In this way, there would no longer be any exclusion for Canadian citizens having lived outside the country for more than five years.

Mr. Michel Guimond: My colleague, Pauline Picard, mentioned the case of a NATO military attaché who was posted to Brussels for seven years and that of a diplomat who spent five years in Morocco and three years in Tunisia. Would these people lose their right to vote? That is absurd!

[*English*]

The Chair: Mr. Godin, and then I think we've got a consensus on this.

Mr. Godin.

[*Translation*]

Mr. Yvon Godin: Mr. Chairman, we need further information in this regard.

Our researcher might be able to tell us the reason why the legislator decided on five years. Who did the legislator want to exclude at that time?

I would like to give you an example. Our country welcomes a lot of immigrants and these people obtain their Canadian citizenship. If they go back to their native country after ten years and never return to Canada, are we going to authorize them to vote in Canada until they die simply because they are Canadian citizens?

I would simply like to know why this was set at five years. Could there be exceptions for the military, diplomats, etc.?

[*English*]

The Chair: Order, please.

Mr. Robertson.

Mr. James Robertson: Until the 1990s, provision was made in the act for people who were working for the Canadian government and who were posted abroad. If you were part of the military, if you were working as a diplomat, if you were working for a United Nations or other agency, you had the right to vote in Canadian elections. No other persons living abroad were entitled to vote.

In the early 1990s, I believe as a result of the recommendation of the Lortie commission and the introduction of the Charter of Rights and Freedoms, the act was amended to allow citizens who are abroad for less than five years and are planning to come back to vote. I think the five years was brought in because there was a feeling there needed to be some connection and intention to return, and because it was an extension of a rule, that previously people had not been allowed to vote if they lived outside the country.

At this point in time there would be no problem that I see with removing either the five-year limitation or, if you wish, removing the requirement that they intend to return to Canada. It was just that in the early 1990s, because they were bringing in a new rule, a new provision, they built in those two requirements.

The Chair: Mr. Hill.

Hon. Jay Hill (Prince George—Peace River, CPC): I want the question. Put it to a vote.

The Chair: Oh, you want the question, I'm sorry.

Well, let's put it to a vote. What I'm sensing from the committee is that the simple solution is to eliminate this particular clause, just to eliminate it.

All in favour, please signify.

Some hon. members: Agreed.

The Chair: Thank you. It's gone.

Section 1.17 may again be dealing with the ability to have mobile polling stations. Let me just read it to the committee:

1.17 Review of Special Voting Rules

> Currently, the special voting rules in sections 231 to 243.1 of the *Canada Elections Act* allow voting by special ballot only in four cases: electors temporarily residing outside Canada, Armed Forces electors, incarcerated electors, and electors residing in Canada. The procedures established for special ballots effectively exclude many electors who may be unable to exercise the vote, such as persons unexpectedly admitted to hospital in the days leading up to polling day. The Chief Electoral Officer calls for a far-ranging review of these rules to consider whether they are appropriate in light of changing technologies and expectations.

I believe the committee and certainly some of the parties that presented here encouraged a greater use of special ballots. We have discussed mobile polling stations. Are there any comments, or should we...?

Mrs. Redman, and then Mr. Preston.

● (1125)

Hon. Karen Redman (Kitchener Centre, Lib.): Thank you, Mr. Chair.

I believe this is the appropriate section to deal with this. I have some notes from Nancy Karetak-Lindell talking about some of the special issues that happen in the far north. Clearly, weather is a huge issue. Nancy puts in her notes that she had electors who were stuck because of weather in Iqaluit until January 23, which was the day of the election, and they therefore missed the advance polls in other regions.

They're often asked to go to other communities, because they have no roads up there, which causes some people to incur a cost of $600 to fly to another community because that's where the polling station is. She mentions people in Clyde River who had to go to Pond Inlet to do the advance poll. Again, they had to pay for the flight.

I think it's unique to Nunavut. I don't know if there are similar cases in other northern ridings, but I know for Nancy it has been an ongoing concern. She said that through the past four elections, after every election she has made presentations to Elections Canada and nothing has changed. So I would hope that if we're able to, we can maybe seize on this opportunity.

She also cites voters who have to go out of the community for health care, and very often, if they only speak their native tongue, they will have to have another family member go with them. It happened that one couple was unable to vote because they had to fly to Toronto for some medical attention. I think that's just a reality of living in the far north.

The other huge issue for her is that while everyone recognizes that we have two official languages, there are many people in her communities who speak their native tongue, and not having interpretation and not having ballots and other information in that language is a huge handicap for them, and actually can, in some cases, disenfranchise them.

She's also asking if there could not be more flexibility in having people in the community designated to vouch for these people, rather than asking them to fly to other communities such as Iqaluit where the deputy returning officer is; that they be able to have people deputized to identify them, to take the identification, and to explain that there may be situations beyond their control, such as weather, where they had every good intention of meeting the deadlines or going indeed to where Elections Canada would have them go but they're unable to.

She also states—and this isn't the right section, but if people will indulge me, I'll just put it on the record—that as a candidate, she has a real problem with getting her documentation signed. We've already covered off the fact that there are fewer signatures needed in places such as Nunavut. It's very difficult. She has to fax the papers and physically ship them counter to counter by air, which again can sometimes put a candidate in jeopardy or delay when they're actually the official candidate.

So I'd like to have a discussion as to how we can perhaps, under this section, make some accommodations. I see nodding heads, so there must be other communities that are remote that are dealing with some of these issues as well.

The Chair: Indeed...folks who have had heart attacks or something tragic and are in the hospital and aren't capable of getting out that day.

Mr. Preston, and then Monsieur Proulx.

Mr. Joe Preston (Elgin—Middlesex—London, CPC): We're asking for the special ballot to be used up until election day to handle the case you just mentioned, of someone who went to hospital under an emergency situation.

But I'm not certain we couldn't also handle most of Ms. Karetak-Lindell's problems with the transfer certificate we've also talked about. They could present themselves at any poll and show that it's through extraordinary circumstances that they're at that poll. Then a transfer certificate should be able to be issued by the deputy returning officer at that poll and they'd be allowed to vote there.

We didn't do that under transfer certificates, but it may be a case where we can catch this.

● (1130)

Hon. Karen Redman: Some communities have no polls.

Mr. Joe Preston: So there are some places where there isn't a poll. Okay, I understand, then, the use of the special ballots right up to the end. So they can be received within what period of time after the election, or something to that effect, then.

The Chair: Mr. Proulx, and then Mr. Reid.

Mr. Marcel Proulx: A big part of the problem in changing the paragraph for advance polls is that, remember, it used to be for two polls or more, and now we've changed it to one. So in a particular case where there'd be a village or whatever, they could decide to have an advance poll specifically there.

Secondly, as far as the special vote is concerned, we allow it for people who go south to be in the sun. We should allow it for people who decide to stay north in the cold.

The Chair: You're right.

May I just remind committee members that the recommendation is simply that the committee authorize or support a stronger review of this issue. It sounds to me like that's exactly what we need to support. He's not really asking us to change the law or come up with a solution. He's just asking that the committee recommend that this issue be strongly reviewed.

We'll continue discussions for a moment. We'll have Mr. Reid, then Mr. Godin, and then Ms. Picard.

Mr. Scott Reid: That's very good. I wonder if Nancy would be all right with it if it could be translated and then handed out to everybody, if it's sufficiently....

I think there are a number of points that would come logically into a number of different sections of the act, and it's sort of hard to discuss them under this section of the act. So if it could be done, maybe it could be given to us so we'd have time to look at it for our Tuesday meeting, and we could probably incorporate a number of points.

The advance poll was one that I.... When I was just getting into full flight about the past meeting, it was about Nunavut, because Nancy had mentioned this very problem to me. Similarly, on the whole issue of nominations and the 100 signatures, that's where that came from. Do you remember that I kept talking about Nunavut? It was because Nancy had mentioned this problem.

I think to actually hear her problems well, we'd have to be able to take it and divide it up, because it sounds like she has about seven or eight points.

The Chair: Mrs. Redman, are you comfortable handing that in? We are compiling responses from outside the committee. So if you're comfortable handing that to the clerk, we'll keep a copy of it.

May I move on then to Mr. Godin? Then I think we'll go to Madame Picard. And I'm going to call the question, because I think we've already established consensus here.

Monsieur Godin.

[*Translation*]

Mr. Yvon Godin: Mr. Chairman, this is important for those people who are hospitalized.

You will remember that I told Mr. Kingsley that we were doing everything we could so as to allow those people outside the country to vote. However, a person who is hospitalized two or three days before an election will be unable to vote. It might be someone who has voted all of his or her life, who wants to go and vote and who lives two steps away from the polling station.

I believe that this is a move in the right direction.

[*English*]

The Chair: Thank you. I agree.

We'll now have Madame Picard.

[*Translation*]

Ms. Pauline Picard (Drummond, BQ): Mr. Chairman, I am very sensitive to what other members have said and to what Ms. Redman told us. The idea here is to review all of the special voting rules. This is what we have been asked to do, and the Bloc is in agreement.

[*English*]

The Chair: May I call the question? The committee is suggesting, then, that we support this, that there needs to be a review. And we can add some of the comments from the committee this morning for those who ultimately review this. Agreed?

Some hon. members: Agreed.

The Chair: Thank you.

We have dealt with section 1.18, ladies and gentlemen, and 1.19 is likely to be dealt with in Bill C-4. So we are on to what I would consider the even more interesting things.

We are on chapter 2, section 2.1, "Registration Through Income Tax Returns". I will remind the committee that we did hear from the Privacy Commissioner that in fact if the individual consents to allowing this information to be transferred to Elections Canada, there is no problem with it, indeed. Even asking, as Mr. Kingsley has requested, that the person check off a box to say that he or she is a Canadian citizen is apparently allowed, with consent.

I see all the members reading that section. Shall I read it, or are we ready to discuss it? Are you okay with it, or did you want to comment?

Mr. Preston.

Mr. Joe Preston: I would like to comment, if I could.

We said it yesterday, and we'll say again today, that Mr. Kingsley has always had the ability under the Privacy Act to do this. We found that out from the Privacy Commissioner yesterday. So if he's asking us to let him do his job, then great, let him do it. The income tax returns may be one of the best places to get it.

But we were also told yesterday that we were going to get some information by this morning about the use of census or Statistics Canada data.

● (1135)

The Chair: Apparently they called and said the issue is much more in-depth than they thought, and they couldn't get it. They're hoping to get it by the end of the meeting. That's the best they could do.

May I just remind members that it's the Canada Revenue Agency that seems to feel that they don't have enough authority to pass this information on. I suspect that we perhaps are privy to information they don't have.

Are there any other comments on this?

Mr. Proulx.

Mr. Marcel Proulx: I have a brief comment on your comment. Did the commissioner say when they could supply us with their opinion?

The Clerk of the Committee: It will be today, maybe by 1 p.m.

Mr. Marcel Proulx: Okay, it was too complicated for 11, but it would be okay for later on today. I'm not being sarcastic; I just want to understand. That's fine.

The Chair: That's what I hear. They're looking into it in more detail.

I'm not sure, however, that there was any question about this issue. My understanding, and correct me if I'm wrong, is that the Privacy Commissioner said fairly clearly that if there was consent, it was okay.

Mr. Marcel Proulx: Could we rearrange 2.1 to include the possibility for Elections Canada to go further than strictly using income tax returns and to go to census information through Statistics Canada? Statistics Canada's statistics have to be the best source in the land. Can we rearrange this wording so that we encourage that?

The Chair: I'm seeing most folks nod.

May I extend it further to ask that a box be put on the income tax forms to indicate whether you are a Canadian citizen?

Mr. Marcel Proulx: I thought we had already agreed to that.

The Chair: I think we have. It's coming up in chapter 5. .

Everybody agreed?

Some hon. members: Agreed.

The Chair: We will make sure that happens.

We have already dealt with 2.2, 2.4, and 2.5.

On 2.6, "Authority to Determine When to Send Out Voter Information Cards", I will read this:

> The Chief Electoral Officer seeks greater flexibility in determining when to issue Voter Information Cards. Currently, they are to be sent as soon as possible after the issuance of the writ, but not later than the 24th day before election day. The Chief Electoral Officer notes that while this process functions well, greater flexibility is needed to avoid situations where Cards are required to be issued before all the information required on the Card is gathered (polling station, advance polling station, dates and hours of voting).

I'm going to open this one up for comments.

Mr. Preston.

Mr. Joe Preston: As we stated yesterday, the information on the voter card is nothing but your name, address, and what poll you go to. We felt that the name and address may be information that's causing it to be used as an identification card. Why are we not using bulk mail saying that you vote at such-and-such a polling place? It doesn't need to be addressed.

The Chair: Monsieur Proulx.

Mr. Marcel Proulx: I think it sounds great, but I have a suspicion that there are problems as far as Canada Post goes. All of a postal code area would not necessarily vote at the same polling station.

I think our options are either to address them directly or eliminate them. I don't think we can discuss eliminating these cards because it's the only information they get from Elections Canada. I think what the CEO is trying to do is to cover his rear end, in case they have not worked quickly enough to issue the cards with the proper information. Then when we complain, they can say, well, the law allows a delay on this.

I appreciate that it's a major problem. The period of time for the revision of the list brings a lot of changes, and before they can cope with these changes, that date arrives. However, if we are successful in forcing Elections Canada to have a better permanent list, then there won't be as many changes in the revision period and it would be easier for them to reach their goals.

● (1140)

The Chair: I would just like to add to the conversation about the school boards that choose to cancel out on the Chief Electoral Officer at the last minute. I think he's well aware of that potential problem, and he should probably be ensuring that it doesn't happen by doing a little more work. Again, if fixed election dates come along, I don't personally see the problem here.

Mr. Godin, for a final comment.

[*Translation*]

Mr. Yvon Godin: It is important that card be addressed to the person. It has already been demonstrated that the address of the polling station indicated on voter cards is not always the right one or that it is not the same as that on the card of a person living at the same address, for example. In such cases, a call can be placed to Elections Canada, and they will make the necessary correction.

I believe that we should add the fact that the card should be inserted in an envelope so as to put an end to any confusion with regard to people's home addresses. Mr. Kingsley confirmed to us that he was prepared to accept that these cards be placed in an envelope, in order that people not simply receive a little card.

[*English*]

The Chair: I'm going to Mr. Reid, and then to Monsieur Proulx and Mr. Preston. I think we can call the question after that.

Mr. Reid.

Mr. Scott Reid: I don't think his request has anything to do with problems with getting people on the list. I think his concern is the sort of situation that happened in Monsieur Simard's riding, where polling stations changed.

Mr. Marcel Proulx: It happens when the list is revised by the number of voters.

Mr. Scott Reid: That's a good point. What I'm thinking of here is the case of what happened with Mr. Simard. I don't think changing the date on which the voting cards get sent out to a later date is really going to resolve the problem. The problem is that if they had an incentive not to act irresponsibly, the school board would have acted differently. I don't know if we're dealing with it at any point in the draft report, but I would have a recommendation that once you sign on, there's a penalty for withdrawing your polling location, as there would be for breaching any other contract. I think that's the way to deal with this, instead of changing the date on the cards.

The Chair: Okay.

Monsieur Proulx.

Mr. Marcel Proulx: I'm not convinced that we have to impose on Elections Canada to send these cards in an envelope. This would cost a lot more money...more complicated...more handling. I think what we should do is somewhere in our report have a recommendation addressed to Canada Post to make sure they deliver according to what they're supposed to do for the price that is being paid by Elections Canada.

The Chair: We are going to be dealing with that issue later on, so let's just stick to this. This is a request to have more flexibility on this 24 days. I'm sensing that the committee is not in agreement with allowing that. The status quo is working?

Mr. Joe Preston: While we're on the voter identification card, I was going to add another point, that they're not to be used as ID at the poll.

Are you going to bring that forward somewhere else?

The Chair: We're dealing with that later on.

Okay, Madame Picard, and then we're finished with this one.

[*Translation*]

Ms. Pauline Picard: Mr. Chairman, I do not know if I am on the right point. I do not know if we are discussing point 2.6. The only thing that the CEO is asking for is that the process for setting the date be somewhat loosened. At present, he is obligated to send out the cards at a set date. Often, as he stated, everything works well, but it does happen that he not receive all the information. He is asking that we give him a little bit more room to manoeuvre with regard to the date. It seems to me that we are now discussing placing the card in an envelope, and I do not believe that it is that that we should be voting on.

[*English*]

The Chair: No, I don't want to discuss envelopes or anything to do with the voter ID card. This happens to be about whether or not we allow this date to change. It's not later than the 24th day before the election.

I'm going to call the question, that we not approve this, that we leave it the way it is. Okay?

Some hon. members: Agreed.

The Chair: Thank you very much.

I think we have dealt with 2.7 in a number of ways. Let me just read the clause. I'm sure the members remember the Privacy Commissioner's information on this. It reads:

> 2.7 Addition of Year of Birth on Lists of Electors Used on Polling Day
>
> The Chief Electoral Officer recommends amending section 107(2) of the Canada Elections Act to require that a voter's year of birth be indicated in the official lists of electors for each regular and advance poll. The Chief Electoral Officer has expressed concern about discarded voter identification cards....

Isn't that an information word? It's a voter information card, my apology.

> ...being used by persons not eligible to vote....

We've all been through this. A date of birth could be used as a cross-reference. I think the committee is quite aware of where this is going.

Monsieur Guimond.

● (1145)

[*Translation*]

Mr. Michel Guimond: I am lost. Are we still dealing with point 2.7?

[*English*]

The Chair: Correct.

[*Translation*]

Mr. Michel Guimond: Is there consensus, in light of what the Commissioner told us yesterday? She told us that the act pertaining to her does not take precedence over the Canada Elections Act and that this responsibility was that of the legislator. I believe that we should recommend that not only the year of birth but also the date of birth appear on the list.

The Chair: Thank you very much.

Mr. Preston.

[*English*]

Mr. Joe Preston: I agree with Monsieur Guimond that the year of birth does nothing to narrow it. It just simply narrows the amount of possible fraud, whereas the date of birth would almost completely eliminate it. Simply putting the year of birth means anybody who looks to be approximately that age could still identify themselves as that voter. It would be about as good as putting down colour of hair or colour of eyes. So date of birth sounds to me like a further solution to that. We've also discussed other ways to eliminate the fraud piece. We would not need the date of birth on the list if indeed we as voters are using photo ID.

The Chair: With respect to this particular section, everybody, I'm hearing that date of birth is acceptable. We will probably discuss later whether or not a scrutineer or who at the polls has the right to confirm and ask that person.

Mr. Proulx.

Mr. Marcel Proulx: We are told that the Chief Electoral Officer has expressed concern about discarded voter information cards being used by persons not eligible to vote. We're doing a lot of micromanagement now, but let's tell him that these dates are not to be put on the information cards mailed out to the voters. This information should be strictly on the list.

The Chair: All right, we'll be very clear in the report, then.

Do I have agreement from the committee?

Some hon. members: Agreed.

The Chair: Thank you.

A voice: Date of birth or year of birth?

The Chair: No, date of birth. I heard date of birth, on the list only, not on the voter information card.

All right, under recommendation 2.8, "Retention of Statutorily Authorized Personal Identifiers for Later Use":

> Section 46 of the *Canada Elections Act* authorizes the Chief Electoral Officer to draw upon various sources of information to update the National Register of Electors, including: information that electors have provided to him, information held by government departments where the elector consents to the release of that information, and information collected pursuant to provincial statutes listed in Schedule II of the Act, provided the elector consents to the release of that information. Not all of the information from these sources may be incorporated into the National Register of Electors. Information such as a driver's licence number and vital statistics, for example, may not be used. The Chief Electoral Officer seeks an amendment to permit him to *incorporate* such information in the National Register of Electors.

We did speak to the Chief Electoral Officer. It seems the Privacy Commissioner would have some issues with all of this information, but of course our commitment is to increase the accuracy of the list.

An hon. member: She didn't.

The Chair: I know she didn't, but I'm sure she would have.

Are there any comments?

Monsieur Proulx.

Mr. Marcel Proulx: I was going to say, Mr. Chair, she certainly didn't appear to be somebody who minded yesterday when we asked her. I think she was very open, for election purposes.

The Chair: For election purposes, correct.

Ms. Redman.

Hon. Karen Redman: I think we have to be very careful about collecting people's data. The way I read this—and just work with me here—it says things like a driver's licence number and vital statistics, for example, may not be used.

Well, I don't see any movement to using the driver's licence as an identifier. I think we've moved to the date of birth.

I am very much in support of StatsCan supplying that kind of information for the purpose of the database for electors only, but does this open us up to social insurance numbers being somehow merged in some data bank, anywhere, whether we get it at the polling stations or not?

I think you have to put some parameters around this, so I'd like to know exactly what this means. It seems like a no-brainer as to how to update the electoral list, but I don't want to throw this wide open so that now, all of a sudden, when I get a driver's licence, that becomes part of the data bank, or you're accessing the social insurance number, or anything like that.

The Chair: It's very open-ended, isn't it?

Hon. Karen Redman: It's too open-ended, I think.

● (1150)

The Chair: I will refer the committee to the next point we're going to discuss, which is 2.11, "Stable, Unique Identifiers for Electors".

Are there any further comments on this issue?

Mr. Proulx.

Mr. Marcel Proulx: Mr. Chair, I think the CEO is telling us that for all kinds of different reasons that we obviously don't necessarily understand....

Yesterday the commissioner was saying, no, it doesn't apply that way. But anyway, he keeps telling us that he has all kinds of restrictions.

If recommendation 2.8—and Jamie can answer me on this—is to remove all the potential or the presumably existing restrictions in the eyes of the CEO, let's tell him that he can waive them and go ahead with it.

I think there are two things: there's one of gathering the information and one of giving out the information. I don't see anywhere in this that he's asking us permission to give out this information.

Mr. Scott Reid: Elsewhere he talked about giving it out for emergency purposes.

The Chair: Yes, in recommendation 2.9.

Mr. James Robertson: On this particular recommendation, he specifically says:

> Elections Canada would not be authorized to disclose this corollary information except to the elector (when requested by the elector under section 54 of the Act) or to the original source of the data.

The Chair: It's agreed?

Mrs. Redman.

Hon. Karen Redman: Maybe I'm the small "yeah, but" here. I think this is way too broad-based. I mean, I'm all for defining what we.... I see no reason for Elections Canada to have my social insurance number or my driver's licence. Somebody walk me through this, if there's a reason why that should be retained by Elections Canada.

To me, that's what the illustration is here that's specifically used, and I don't see why they should have that information.

Mr. Joe Preston: Maybe I can help. The answer that Mr. Kingsley gave was that it's another database he can verify against.

If indeed you move, and there ends up being two Karen Redmans at another address, or two different addresses, he could check through the driver's licence number that you are the one he's looking for, under the latest database.

So he's using other people's databases as a way of qualifying that, ah, you did move. You didn't tell Elections Canada, but you told the motor vehicle people.

The Chair: Mr. Reid.

Mr. Scott Reid: You have a situation where we're putting in people's date of birth. So we're going to know it's the Karen Redman born on July 30, 1970, as opposed to any other—do you see what I mean?

A voice: One is on a voters' list.

Mr. Scott Reid: How many Karen Redmans in different...?

A voice: You meant born in 1980, right?

Some hon. members: Oh, oh!

The Chair: Order. Order. I'm trying to be as nice as I can here.

Madame Picard.

[*Translation*]

Ms. Pauline Picard: In answer to Ms. Redman I would state that, in any event, the Chief Electoral Officer already uses driver's licences. In Quebec, he uses the automobile insurance registry of Quebec for information purposes. There is therefore nothing new here.

[*English*]

The Chair: I think we have to call the question specific to this recommendation, that we open it up or we don't. Let's call the question.

We'll record that the majority of the committee recommends it.

Recommendation 2.11—the rest we have in fact dealt with. Section 2.11 is "Stable Unique Identifiers for Electors".

The Chief Electoral Officer recommends.... Did I already hear "agreed"?

Some hon. members: Agreed.

The Chair: Are we all happy?

We heard yesterday that the Canada Elections Act is not subject to the Privacy Act. I don't want to open a can of worms here, but does anybody want to discuss that?

Mr. Hill.

● (1155)

Hon. Jay Hill: On the issue of identifiers, we've had a thorough discussion at different times about the requirement for photo ID. We all recognize that there are individuals who don't have photo ID. Is there someplace else in our recommendations, or are we going to consider...? As we all agreed, the biggest issue that we need to grapple with is to eliminate, as much as we can, any potential for voter fraud.

My thought is that if we were to have a recommendation that the voter be required to show photo ID, but didn't have any, he or she could provide some other form of identification, which is already required.

In addition, if someone showed up at a polling station without photo ID and had other pieces of identification, automatically the poll clerk would look at the list and say what is your date of birth? To me, that should pretty much eliminate it, if there was a requirement of the polling clerk that if you don't have photo ID, I'm going to ask you what your date of birth is to identify that you are who you say you are.

The Chair: Mr. Hill, section 5 of this report deals with all those issues, photo ID, and so on, so if it's okay, I can simply defer that.

Mr. Godin, go ahead, please.

Mr. Yvon Godin: I have to leave in a minute. I just want to say that I'm not for mandatory photo ID. Jay has suggested an alternative for someone who doesn't have it. We're totally against requiring that someone have photo ID. It's good to look out for fraud, but at the same time, we want Canadians to be able to vote, and we have lots of people who don't have photo ID.

The Chair: It has been so recorded. Thank you very much, Mr. Godin.

Let's move on, please. We'll probably get to this issue next Tuesday anyway, so I think we can have this discussion on Tuesday.

Right now we're going to move to section 2.12, "Distribution of Lists of Electors to Registered and Eligible Parties". This deals with the other half of Mr. Proulx's concern about what we do with this information. It reads:

> The Chief Electoral Officer repeats a recommendation made in an earlier report, *Modernizing the Electoral Process* (2001) to amend sections 45 and 109 of the *Canada Elections Act* to permit the distribution of voters' lists to eligible parties, whether or not they ran candidates in the electoral districts for which they are requesting the list in the previous elections. Currently, only registered parties are entitled to the lists.

Of course, there are some parties who are running candidates in areas in which they did not run in the previous election, and under current rules, they're not entitled to those lists. I think this makes sense. Is there any comment, or can we just pose the question?

Yes, Mr. Proulx.

Mr. Marcel Proulx: I want to check the French version, but when they say, "Currently only registered parties are entitled to the lists," we don't want unregistered parties to have these lists, so what am I not understanding here?

Mr. James Robertson: Eligible parties are parties that have been accepted for registration subject to their complying with certain requirements and actually running candidates in the next general election. These are parties who have applied for registration between elections.

Mr. Marcel Proulx: It means that they would not necessarily have a candidate. In other words, they're not fully registered.

Hon. Jay Hill: A point of order.

The Chair: We'll go to the point of order

Hon. Jay Hill: We're on 2.12. Right at the end, it says that the committee rejects this recommendation. Why are we revisiting it?

The Chair: It says in parentheses, "To be addressed by Chief Electoral Officer...". I apologize. It sounds like we were going to reject it again anyway.

Section 2.13 is done. On 2.14....

Is there another point of order?

● (1200)

Mr. Marcel Proulx: It's a continuation of Mr. Hill's point. When did we reject this recommendation? I don't think I agree with this recommendation, but....

The Chair: It was rejected at the first meeting.

[*Translation*]

Mr. Michel Guimond: I remember it very well but just look at the notes we wrote on the document we rejected. We wrote: "No more discussion needed. Reason for recommendation? Figueroa?" The Chief Electoral Officer confirmed that this was based on the decision of the Supreme Court in the Figueroa case. So we had our answer. It has been rejected.

[*English*]

The Chair: I appreciate that. Thank you very much.

We're supporting recommendation 2.16. Recommendation 2.17 is done. The next one is 2.18.

We wanted to talk to the Chief Electoral Officer about this—updating lists during elections on the basis of information from the National Register of Electors. It reads:

> Express statutory authority is sought to enable returning officers to update lists of electors on the basis of information in the National Register of Electors. Currently, there is only implicit authority for a returning officer to update electoral lists....

Sounds like a bit of an administrative issue. Are we agreed on this?

Some hon. members: Agreed.

The Chair: We are now at 2.19, on provincial use of data from the National Register of Electors. It reads:

> The wording of sections 55(3) and 56(e) of the *Canada Elections Act* makes it unclear whether provincial authorities are prohibited from using the provincial list of electors if information in the provincial list originally came from the National Register of Electors. The Chief Electoral Officer seeks an amendment to make it clear that neither section precludes the use of provincial lists of electors according to provincial law.

Are we agreed?

Some hon. members: Agreed.

The Chair: We are now on 2.20, "Sharing Elector Data with Provincial Electoral Authorities for Updating Purposes". I think this is more of the same. It reads:

> Section 55 of the *Canada Elections Act* authorizes the Chief Electoral Officer to share electoral information in the National Register of Electors with provincial election authorities. He cannot, however, share information that has not been incorporated into the Register, thus restricting Elections Canada from sharing source or preliminary data. This data is useful for provincial authorities in updating their registers. The Chief Electoral Officer seeks an amendment to the Act to enable him to share all the information from which he is authorized to update the Register.

Mr. Joe Preston: It may need some clarification.

Are we saying that although we can share the whole list with the provinces, the provinces are asking us to share source and preliminary data with them? Now we get back to what Madam Redman was afraid of.

Mr. James Robertson: I think what this is directed to is that where the register has not yet been updated by information that Elections Canada has received and a provincial election is taking place, they can send the register as well as the un-inputted data that will be added to the register to the province to assist the province in running their election.

The Chair: Mr. Guimond.

[*Translation*]

Mr. Michel Guimond: Mr. Chairman, we have a duty to reciprocate. We ask the provincial chief electoral officers to send us their data, but we are telling them that we will not send them ours. It is a matter of reciprocity. These are public officers, people under oath according to the rules of their province. I do not believe they would sell this information. We must be consistent.

[*English*]

The Chair: Thank you.

Mr. Hill, and then Ms. Jennings.

Hon. Jay Hill: Well, I guess my argument for supporting this recommendation would be that if we don't support it, we're suggesting that somehow Elections Canada is infallible. Regardless of what province it is, if they're updating their list, I think the reason they might want to double-check the source of that information or the preliminary data that Elections Canada used to arrive at that change in the Elections Canada registry would be to make sure it's accurate, so we don't have a situation where a mistake on the national list is then duplicated on the provincial list and they end up with the same mistake the Elections Canada people made. That's why I would support this.

In fact, it might be helpful, in a case where there would be an unintentional mistake made by Elections Canada...the province might catch it by saying, "Wait a minute. There's a typographical error, or whatever, because what you claim was a new address for this registered voter does not match this source material that you say you got it from. Somebody typed in the wrong....".

So I don't see why we would prevent the provinces from having access to that.

● (1205)

The Chair: Ms. Jennings.

[*Translation*]

Hon. Marlene Jennings (Notre-Dame-de-Grâce—Lachine): There is a discrepancy between the English and the French versions. The English version says:

[*English*]

> He cannot, however, share information that has not been incorporated into the Register, thus restricting Elections Canada from sharing source or preliminary data.

In the French version, *on dit*:

[*Translation*]

"mais non des renseignements qui n'y ont pas été incorporés, ce qui empêche, par conséquent, Élections Canada de communiquer des données préliminaires."

[*English*]

So "*données préliminaires*" is "preliminary data". It mentions nothing about source data. In the French version—I happen to like the way it's done—it's the data that would normally be on the national register, which can be shared with the provinces, but has not yet been listed on the national register; therefore, he's asking to be able to provide it even though it has not yet been listed.

In the English version we're talking about source data, which is completely different from preliminary data.

The Chair: That's an interesting comment.

Mr. Reid.

Mr. Scott Reid: Well, Marlene's right to point to the difference. Unfortunately, it looks as if the English version is the one that's closest to what Mr. Kingsley is actually asking for. It says he'd like to expand the.... Sorry, I'll just find the exact wording here. He wants to include all information from which the Chief Electoral Officer is authorized to update the register. So this is unrefined data.

We all have databases, right? There was all kinds of unrefined data before we put it into our databases—people who have written to us for casework and so on—that it really is not our business passing on before we've gone through the preliminary stage. I think this is a real danger, particularly since we just passed a resolution earlier saying we're going to permit a wide range of sources. I would think this particular version is unwise.

I can bring it over so you guys can take a look at this, but I—

Hon. Karen Redman: That's fine.

Jamie, when you were qualifying it, why don't we use that language? The database and any un-inputted data—that's where it's destined. I have a comfort level with that, but to share all the source data, as Joe said, speaks to my earlier concern.

The Chair: I think we've hit common ground. So we agree, as long as the wording is a little bit more specific on the fact that it's not un-inputted data. Is that acceptable?

Hon. Jay Hill: Or eliminate "source", so it's just "preliminary data".

Mr. Marcel Proulx: What difference is there between source and preliminary data?

Hon. Jay Hill: Ask Marlene, because she's the one who raised it.

The Chair: "Source data" is pretty raw data, and the sense may not be accurate in the first place.

How about we reword it that way? We'll have another look at the wording in this clause. We'll reword it and I hope take into consideration the will of the committee.

Mr. Reid.

Mr. Scott Reid: I want to make sure we don't end up doing the same thing, changing the word and not accomplishing anything. I think the worry about "preliminary" not necessarily restricting him very much makes me a bit nervous. I'd really like to make sure we find out.... I don't think it's illegitimate to write back to him and say, "What do you mean by this? Give us a bit more information here."

The Chair: Ms. Jennings, on the same point.

Hon. Marlene Jennings: It's exactly the same point, so I don't need to remake it.

The Chair: Okay, the chair will do that today. We'll get hold of Mr. Kingsley and ask him for clarification on that.

We're just about finished. Interestingly enough, section 2.22, "Verification of Eligibility at Polls".... We are dealing with other issues, such as photo ID and so on, in section 5.

Let me just read this, and we'll maybe broaden the discussion a little bit to incorporate some of these other issues about voter identification, citizenship proof, and so on. This reads:

> The Chief Electoral Officer repeats a recommendation made in his 2001 report calling for an amendment to section 144 of the *Canada Elections Act* to require a written affidavit or solemn affirmation of eligibility from a potential elector at a poll where there is reasonable doubt about that person's eligibility to vote.

Now, the committee has already supported this recommendation. I thought, though, I would bring it up one more time today to see if we want to discuss at this point or to add to this section some of the issues of these identifiers. I'm happy if the committee just wants to let it go and deal with them under their separate issues.

Is there any need to change this, or are we all comfortable if we deal with it later?

Some hon. members: Agreed.

The Chair: I'm happy with that. I just wanted to know.

Then, in fact, we are finished chapter 2. Congratulations to all the committee.

Chapter 3 is pretty much dealt with on the broadcasting issues.

Chapter 4.0, "Financial Matters".

Section 4.1, "Examination and Inquiry Powers for the Chief Electoral Officer". I'm not going to read all of these. I think there were some concerns from the committee that this was extending his powers too far, but I will let everyone read this for themselves.

May I just improvise a few comments here so the committee can get the thrust of this:

> Power to examine any document that relates or should relate....
>
> Power to compel a political entity to provide any document or additional information.
>
> Power to enter premises and compel the occupant to provide required information or answer questions.

Do I need to go further?

Mr. Proulx.

● (1210)

Mr. Marcel Proulx: We are already forced to submit an audited report. I remember that when the CEO was here, he was complaining, saying he doesn't get...let's call them vouchers; he doesn't get this, he doesn't get that. How many verifications, how many audits does he need?

The Chair: May I just pose the question? Committee, is anyone in favour of this? Those opposed?

I think we can record that it's unanimous that this is opposed. Thank you.

Section 4.2, "Reports of Volunteer Labour". "The Chief Electoral Officer recommends amending the *Canada Elections Act*...." I think we've been through this. I remember specifically discussing this issue with the Chief Electoral Officer when he was here.

Any comments or questions?

Monsieur Proulx.

Mr. Marcel Proulx: It's again a situation, Mr. Chair, where we're going to be bogged down with filing reports after reports. We already are. Now we're going to have a stopwatch and a punch clock.

The Chair: Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: I am aware of the incredible amount of work this would entail. We must not forget where this comes from. At the Gomery Commission, some people were hired by a political party to do "voluntary" work and they benefited from a kickback system. Others were on the payroll of their advertising agency.

An honourable member: This is already against the law.

[*English*]

The Chair: Order. Please address comments to the chair.

Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: We want to compel them to report volunteer work. Although Mr. Reid says this is already well covered, we need to think twice before rejecting this. I know it will be complex. For example, a lady came to help us answer the phone at my campaign office for two hours during a 36 or 42 day election campaign. I know this will mean a lot of work. We want to prevent the kind of fraud that was revealed at the Gomery Commission.

● (1215)

[*English*]

The Chair: Next is Mr. Simard, and then Mr. Hill.

Hon. Raymond Simard: I understand Mr. Guimond's comment, but at the same time, I don't think you base policy on the exception. There are 308 people who will have to do a lot of work.

This happened once, and I just think that in the future...I'm not prepared to start holding a stopwatch to the volunteers coming to work for me, whether they've worked 50 or 40 hours a week. It's absolutely ridiculous. This is for me a non-starter.

The Chair: Mr. Hill.

Hon. Jay Hill: I agree. I think most of us agree with the general intent of what they're trying to get at here. It's to prevent someone being given a huge advantage by having a whole bunch of paid volunteers who in effect aren't really volunteers—some company is paying them to work on my campaign or someone else's campaign.

As Mr. Simard says, it's gotten to the point now that.... When the CEO was here, we should have asked him how many returns—and we have to submit all this paper—are found to be in compliance now. It's getting ridiculous. There's a huge deterrent to most people to run for public office, because you take a look at what you have to do and...you have to have an accountant now to be your official agent. It wasn't so many years ago that just about anybody competent to run a calculator could be an official agent if they wanted to donate the amount of time required. It's getting more and more onerous on the candidates and on the parties.

I think we owe it as well to the smaller parties that aren't represented on our committee to also try to represent them. The Green Party certainly objected to this, and I would suggest that anybody considering running as an independent often has to rely even more than we do on volunteers, because they're unable to raise the same amount of money that most people running for a recognized party could.

I think it might be well-intentioned, as with a lot of the recommendations—give them the benefit of the doubt—but I think it's not workable for a lot of people, and it will provide another deterrent for people to seek public office.

The Chair: Thank you.

Madame Picard is next.

[*Translation*]

Ms. Pauline Picard: I agree with Mr. Hill that it would be very difficult to comply with such a requirement. In a riding where you have 45 municipal governments, a large industrial city with a population of 80,000 people and rural municipalities, and where 500 people work on your campaign, how are we supposed to know how many hours such and such a person worked, who arranged to be replaced by somebody else, etc.?

I find this totally utopian. How could we keep track of all the hours put in by people who work for parties during an election campaign? And we have been talking about one candidate only. When you have five or six candidates, that is a lot of people wandering about. In my view, no political party will be able to account for all the volunteer work.

[*English*]

The Chair: I'm hearing the same thing from everyone. Does anybody have anything to add?

I'm hearing from the committee that although this is a well-intentioned thing to do, it's not necessary and there may be another way to do it. We don't support it; we reject it. Thank you.

We have dealt with recommendation 4.3. We rejected recommendation 4.3, by the way.

Next is recommendation 4.4

Recommendation 4.4 is "Extension of the Deadline Process for Candidates' Returns". I believe we have dealt with that; we supported it.

Next is recommendation 4.5, "Candidate Audit Fees". We can simply deal with this. It is an administrative thing. It reads:

> An amendment to section 466 of the *Canada Elections Act* is sought to expressly establish the amount of the candidate audit fees as the amount of the audit expense, to a maximum of 3% of the candidate's election expenses and $1,500, whichever is less. The minimum audit fee would be $250.

Mr. Reid is next, please.

● (1220)

Mr. Scott Reid: When Mr. Kingsley was here, I asked him why we have the audits at all. He audits our returns after we submit them. Aside from trying to create jobs, why do we have our own external audits? We don't do this with income tax, where you are audited and then they audit your audit. They select people on a random basis and do the audits on those people. I'm completely mystified by the point. And when he was here, I didn't think he gave a very coherent explanation.

The Chair: Perhaps members could correct me, but I think his reasoning for doing the audit a second time was that he did not have access to your receipts and so on. Am I incorrect in assuming that?

Mr. Scott Reid: I think he said something like that.

I'm not saying we should get rid of his audit. Keep that one, the internal one. They can pick the people they think it's most appropriate to look at. It doesn't have to be random. It can be based on their suspicions and so on.

But if they're competent people who are being used, then the audit is completely unnecessary.

The Chair: Monsieur Proulx.

Mr. Marcel Proulx: My understanding is that this particular audit, the one we obtain and submit to Elections Canada, is the audit of the elections report. That's why we're forced to use recognized accountants, whether they be chartered or general accountants. The only difference is that I don't think there was the 3% that applied previously; I think it was just a rounded figure.

I think this audit is fine. I've had the circumstances where we made mistakes in preparing the report. The auditor found it. We corrected it within two days. It saved us from having to deal with this for probably two or three months with Elections Canada. So I have no objection to this audit. I think it's fine.

The Chair: Are there any further comments before I call the question on section 4.5?

Do we support section 4.5?

Some hon. members: Agreed.

The Chair: There is one opposed.

Ladies and gentlemen, we are doing very well.

We'll move to section 5. A lot of the sections that we're going to deal with now are those that have been brought up by other witnesses and members of the committee.

Let's go to section 5.01, "Identification at the Polls":

> Members of the Committee are extremely concerned about the potential for fraud and misrepresentation in voting. We have no means of knowing whether this concern is warranted or not....

I'm not going to read this entire thing.

Ultimately, what we're dealing with is what the committee feels is a reasonable amount of identification. I can remind the committee that in Quebec they do ask for two of three pieces of identification. That's basically the gist of this. We are all in agreement that we need to tighten up identification at the polls. How do we do that?

Mr. Hill.

Hon. Jay Hill: Without going through this, I think everybody was here when I remarked a while ago what at least one step is that we could undertake. There's no point in me going over that.

The base should be photo ID. I think the vast majority of Canadians have photo ID, as has been pointed out by my colleague, Mr. Preston, and others, during the discussions we've had over the last number of weeks. That would take care of most people. For those who don't have that ability, I think there are other ways we can do it.

My suggestion was basically that Elections Canada have some policy where the poll clerk is required to ask a question. I think part of the problem is that people at the polling stations are reluctant or shy—or whatever term you want to use—to confront someone. They might even be suspicious, but they're not sure they have the right to ask that person to identify themselves. So in many cases they just don't do it.

If it became standard procedure, where it's written into the act that if you don't have photo ID, you're required to produce some other identification.... In addition, the poll clerk would be required to ask for the date of birth. They would have that information in front of them. To me, it's a very simple check, that people identify who they are.

● (1225)

The Chair: Ms. Crowder please.

Ms. Jean Crowder (Nanaimo—Cowichan, NDP): Thank you. Forgive me, because I wasn't here for the earlier discussion, but I'm sure I'm reiterating a point that Monsieur Godin would have made, which is that photo ID is a problem for a percentage of the population and it would be really important that there are alternatives to photo ID. I just wanted to be on record to state that.

The Chair: That's fine. Thank you.

Mr. Guimond, please, and then Monsieur Proulx.

[*Translation*]

Mr. Michel Guimond: Under the Quebec legislation, someone who is 88 years old might not have a driver's licence anymore or never had one, but he or she probably has a health card. We also accept the Canadian passport. Fifteen percent of people have a passport. We also accept any other card with photo ID. This means any other photo identification issued by the government. This way, we put all the chances on our side.

I fully agree with Mr. Hill's comments. We should not leave this responsibility to scrutineers since under our system they are not agents appointed by the returning officer but election agents appointed from lists submitted by the party. It could turn out that a scrutineer appointed by a given party systematically sends people to attestation, which could penalize some other party.

It has to be clear in the act. In his advertising, the Chief Electoral Officers can make voters aware that the voter card will not be sufficient and that they need to show photo identification, but that they could still vote since there will be a process for swearing an oath as to one's identity. If the message is clear, the responsibility will not rest solely on the scrutineer who might sometimes be embarrassed to ask a voter to swear an oath to establish his or her identity. This scrutineer might be accused by others of systematically delaying the vote if there is a line-up at the identification table. It has to be clear in the act.

Contrary to what Mr. Kingsley might think, everybody recognizes in 2006 that the voter card is an outdated system that facilitates fraud. Whether the Chief Electoral Officer places that card in a sealed or a scented envelope will change absolutely nothing.

[*English*]

The Chair: Thank you very much.

Before we ask Mr. Proulx to continue, I will remind folks that Quebec requires that voters provide their name, address, and, if asked, their date of birth. They must also produce as identification one of the following: driver's licence, health insurance card, Canada passport, or other government body document.

We have had discussions about a driver's licence, a health card, something with a date of birth on it, a photo ID, a passport, a senior's card. I have heard comments from members that this could decrease voter turnout. I did my own study, comparing Quebec turnout and Ontario, Quebec, and Manitoba, and indeed there is no statistically significant difference between voter turnouts. So this does not appear to be a deterrent.

I just wanted to make those comments. We'll continue our discussion and then we'll ask the question. I would focus the committee on the two pieces of identification, what would they be, or two of three, so that nobody is restricted perhaps. That's just a suggestion.

Monsieur Proulx, please.

● (1230)

Mr. Marcel Proulx: Thank you.

I agree with Mr. Guimond's conclusion, although I don't necessarily agree with his reasons for arriving at that conclusion. I think scrutineers, whether they be recommended by one party or the other, once they are sworn in by Elections Canada, as far as I'm concerned, are doing their job.

I don't want to do micromanagement, but it's very important that we not leave identification using other pieces of identification to the voting table, because it's going to create havoc. But there's no problem for the card. I think we have to go with photo ID, and we could specify that it be any card with a photo, as Mr. Guimond was mentioning, which we have in the province of Quebec, issued by a government, whether it be municipal, provincial, or federal, including passports, including a driver's licence.

A voice: Age of majority.

Mr. Marcel Proulx: Does that exist with photos? I don't know.

A voice: Yes, it has a photo in Ontario.

The Chair: Could we have further discussion, please?

We'll have Mr. Simard and then Madam Jennings.

Hon. Raymond Simard: Thank you very much, Mr. Chair.

There should be a correction on line 4. I believe it should be "voter info card" again, as opposed to "ID".

Also, one of the reasons I think we're running into this potential fraud—and I think Mr. Hill hit it right on the nose—is that there's no process. It seems to me that one of the most important things you do in a democratic nation is vote. We haven't talked about what is not acceptable. For instance, is a magazine label proper identification? It seems to me that should be totally outlawed, but right now it is acceptable. We haven't talked about that.

It seems to me that with the photo ID you will probably resolve about 70% of the issues. That is the first question you asked, and it is a fundamental question. That's the first thing you do. But what is step two? What is a secondary acceptable piece of identification? It's not a magazine label. So we should have that as well, and maybe a step three.

If you don't meet these three requirements, you don't vote. At one point we have to be serious about this, and I don't think we're there yet. I don't think a magazine label is an acceptable piece of identification, and right now it's accepted. We haven't dealt with that.

The Chair: One thing I am hearing—and we should deal with this right now—is that we should come up with which pieces of identification are acceptable, and everything else will not be. The first suggestion I'm hearing is for some form of government-issued photo identification, but we will continue the discussion on that pathway if we could.

Ms. Jennings, go ahead, please.

Hon. Marlene Jennings: Yes. I actually like the statement that Mr. Simard just made. I would just ask the committee that if we do in fact recommend photo ID, along with all the various steps, including asking for the birth date, that the wording include photo identification issued by a provincial, municipal, or federal government, but also include that issued by aboriginal groups that are party to a self-government agreement ratified by an act of Parliament, and any other agencies. You will have aboriginals, a very small number, who may not necessarily have some kind of photo ID that is issued. If they're of age they probably will drive and therefore have a provincial driver's licence, but there will be some who will not have any photo ID. So that as well would be acceptable.

The Chair: Okay. That's a good point. Thank you.

Could we have Mr. Preston, and then Ms. Crowder?

Mr. Joe Preston: Well, I agree with all that's been said, and I really don't mind the way the rule for Quebec reads in the document we have been handed. I continue to want to force the issue that the voter information card is in no way a piece of identification. It should not be used at the polls to the point that—I think Mr. Reid made the point that we should take the names off them. It can be mailed to an address to indicate that people at the address vote at a certain polling station, but it in no way identifies who a voter is at that address.

The other problem I still have is that someone can vouch for someone. I think it leads us to an improper form of identification. I recognize in the vouching system in Quebec you can vouch for one person if you have indeed shown all of your proper identification.

I think we're asking for a higher level of identification. I just don't know about the vouching piece.

The Chair: Go ahead, please, Ms. Crowder, and then we'll have Mr. Reid.

Ms. Jean Crowder: I would like a point of clarification. Are we saying that every voter must have photo identification?

The Chair: We haven't gotten there yet.

● (1235)

Ms. Jean Crowder: Okay, because I need to reiterate the point that there are particularly aboriginal peoples who do not have photo identification. They may be status members, and their status cards do not have photo ID on them; they are not self-governing so they would not necessarily have a piece of government ID. There needs to be some mechanism to allow people who show up without photo ID to vote.

A voice: Absolutely.

The Chair: What I'm hoping to achieve here is to listen to all the comments and then come up with a recommendation that I think will satisfy all committee members.

Could we have Mr. Reid? He's the last speaker I have. If anybody wants to speak to it, please put up your hands.

Mr. Scott Reid: I just wanted to address the voter notification card that we get. It actually does say this is not ID. I think the point to be made here is that obviously it already says that, but it's being used informally, probably not as proof of identity but as proof of address.

What seems to me to be reasonable to do is to just say to the occupant, "If you live at this address, you vote at this location", end of story. The point is you're sending it out to an address. Whoever lives at this address votes at this poll. That's why it says, "To Scott Reid or Occupant". So why not? I think that would eliminate anybody using it for any other purpose. I think the committee should consider this.

The Chair: Without trying to get too far off track, can we get an agreement that we instruct the Chief Electoral Officer to simply use "occupant"?

Some hon. members: Agreed.

The Chair: Perfect.

Now, since there are no other speakers, may I take the liberty of proposing that we word this.... We will review it on Tuesday so that everybody's comfortable with the wording, but ultimately, the gist or the sense would be that the primary thing we want is a piece of photo ID that's issued by a government, or, failing that, if you don't have that, then two pieces of other ID, specifically, health card, driver's licence, senior's card. If you don't have any of those items, then you must take an oath that you are a Canadian citizen and you are eligible to vote. You take that oath before a panel or some authority at the polling station. Frankly, our next item of business, that we've already agreed to, is that we will advertise at polls the offences of lying about that.

On top of that, I would like to have wording in there that voter information cards, magazine subscriptions, hydro bills, etc., are not acceptable forms of identification.

Are we happy with that? We'll bring the wording back to the committee—

A voice: What was the last one?

The Chair: That we simply add to the clause that voter information cards, magazines subscriptions, etc., are not acceptable pieces, simply to clarify that, no, you can't use these. Okay?

That's how I'm proposing we reword this, and we'll discuss it further on Tuesday.

Mr. Hill, further comment, and then Mr. Preston.

Hon. Jay Hill: Only that you didn't address my point, which was that when the poll clerks are being trained—not the individual scrutineers or whatever—we have a process so they clearly understand that it is mandatory for them to ask.... You've got Joe Blow in front of you, and you ask, "Do you have government-issued photo ID?" If the answer is, "Well, no, I don't," they must be asked, "Do you have these other two recognized pieces of ID?" If neither of those other recognized pieces of ID that we identify has their birth date on it, they should be required to ask that person, "What is your date of birth?" And they should know that.

The Chair: I apologize. I do recognize that that point was made, and I think that's easy to add into the wording, that this is mandatory and this is the process.

Mr. Preston, then Monsieur Guimond...Mr. Simard first, I'm sorry.

Mr. Joe Preston: Very quickly, the magazine piece or the utility bill piece is, to me, a perfectly legitimate second piece of identification. If I have photo ID that shows me and the other shows that I live at the address, then I think that's a legitimate piece of identification, and it has been used in other cases.

I can't go to vote with only a magazine, but if I vote with a picture card that shows me...as well as the magazine, which shows that I live at that address....

The Chair: I think that's too confusing, to be quite honest with you. I would not want to open that can of worms. That's my opinion.

Mr. Simard, and then Monsieur Guimond. My apologies, Mr. Simard was up first, please.

Mr. Simard, are you wanting to say anything?

● (1240)

Hon. Raymond Simard: Yes. One thing we don't have and that we did not ask the CEO is, what are actual legitimate pieces of identification right now? Mr. Preston was talking about a phone bill. If they're using magazines with labels that you can actually print and stick on there, what else are they using? I don't know, and I would like to know that, if I could.

The Chair: Again, I don't want to pre-empt the committee, but it's my thinking that we don't even go to magazines and hydro bills and stuff. Those are not acceptable forms of identification—

A voice: But they are used now.

The Chair: —and I'm suggesting that we word this very carefully, that that is no longer the case. A driver's licence, a health card, a passport, a senior citizen card, a birth certificate, proof of citizenship —we can expand the list. Any of those two....

Are we comfortable with that so far?

Some hon. members: Agreed.

The Chair: Monsieur Guimond.

[*Translation*]

Mr. Michel Guimond: I would like to get back to Mr. Hill's comment regarding the date of birth. This should not be used as proof of identity but only as a validation. It is easy to find out the birth date of anyone. This must be recognized.

Suppose I shaved my head for a campaign in favour of Leucan before having the picture taken for my health card and that three years later I show this picture to the scrutineer. Since my appearance will have changed greatly, this scrutineer could, on his own initiative, ask my date of birth. So this would be a tool for validation, but not identification.

I am going to explain how things are done in Quebec. All this screening takes place when people who come to vote enter the polling station. There is always an agent designated by the returning officer in charge of directing people to the proper table. Depending on their address, he directs them to a given section. It is also this individual who asks voters to show photo identification. If the voter says he does not have any, he or she is immediately directed to the attestation table. This is not being done at the polling table.

[*English*]

The Chair: We'll get the wording to encompass all of these great ideas and we'll bring it back on Tuesday.

We'll hear a final comment from Mr. Hill, please.

Hon. Jay Hill: Since there may be some confusion about what I was suggesting, I wasn't suggesting it be used as a form of identification, but as a validation, simply as what Mr. Guimond is suggesting; that is, if you don't have photo ID and are using two other acceptable types of identification—whatever we have agreed they are—then as further validation you should be asked your birth date.

It sounds as though that's what's already done in Quebec. Quebec is a step ahead, in the sense that the voters there won't be surprised if the federal process is the same as the one they're already used to.

As Mr. Simard seemed to suggest, it's potentially going to take a bit of an advertising and educational program for the rest of the country, and maybe it'll be different province by province, if people have grown accustomed to using a magazine label as being sufficient at a polling station. If it's no longer sufficient, we're going to have to educate them not to show up like that, because they're going to be disappointed and angry, and then they may go away and not vote.

None of what we're doing here is to try to deter people from voting. In fact, it's quite the opposite. We want to encourage them to know that the system is fraud-proof to the extent that they can rely on the results and therefore be encouraged to cast their ballot.

The Chair: I couldn't agree more.

I'm going to recommend that we reword this clause and revisit it Tuesday morning at our next meeting.

We have time to deal with one final thing—it's not in the list—and that is just confirmation from the committee regarding advertising at the polling stations: that it is an offence, and saying what those offences are. Whatever they are, we'll look in the act and we'll instruct—

A voice: A poster.

The Chair: It could be a poster, correct, or perhaps more than one —a minimum of three.

● (1245)

Mr. Michel Guimond: What number is this?

The Chair: I'm sorry, Monsieur Guimond; it's not in there. It was left out accidentally. But since we're running out of time, I'm trying to deal with some of the issues I know the committee was supportive of.

Are we in agreement on advertisements at the poll indicating that it is an offence and what those offences are?

Mr. Yvon Godin: In the two official languages.

The Chair: In the two official languages. *Merci beaucoup*. I think that goes without saying, but I appreciate your pointing it out.

Mr. Yvon Godin: I wish it went without saying, but....

The Chair: Well, I was quite aware.... You didn't have to tell me, Mr. Godin.

Mr. Proulx.

Mr. Marcel Proulx: I would be very interested to see if Elections Canada could tell us whether there are communities where it should be in additional languages, whether aboriginal or.... I'm not going to name any, because I'm going to forget some, but some communities.... We would again get that information through Statistics Canada.

Mr. Joe Preston: I think we already communicate in those languages in certain polls.

Hon. Jay Hill: That's an excellent point.

Mr. Scott Reid: The logical way to do it is to say that when X% of the population in a riding—we already have statistics by riding given to us—are of a non-official language....

Mr. Marcel Proulx: Where do you get the statistics?

Mr. Scott Reid: Statistics Canada.

The Chair: Again, I don't want to open a can of worms. I just want to try to get the wording down. It's in the two official languages and in any other languages that are appropriate for the riding. Is that an acceptable wording? I'm getting agreement on that. Thank you.

Was there more comment?

Hon. Raymond Simard: I'd just like to go back a little bit. I'm not sure if we didn't miss something here. Jamie just wrote me a little note saying that he thinks Mr. Kingsley said that the magazine labels are used for proof of address, not identity.

One of the fraud issues is where you live, your residency. You can prove who you are, right? You have your ID and all that, but you could vote 10 times. You could have a magazine label from here; you could have a magazine label from the next riding. That is apparently what's happening. We've dealt, I think, with identification. I'm not sure we've dealt with proof of residency. Or have we?

The Chair: If I may just interject, when we ask for photo ID or for two alternative pieces of identification, my notes say that they would have to incorporate name and address and that we are implying that magazine subscriptions are not proof of address.

Are you okay with that, Mr. Simard?

Hon. Raymond Simard: That's what they do. They make tons of labels, put them on magazines and walk into five different places.

The Chair: That's the point that we have to make very clear. I think that's the obvious situation. However, if you're comfortable with that, we'll come up with the proper wording.

I will take two more comments on this, because I don't want to leave it go.

Mr. Reid, you had your hand up, and then we'll have Mr. Proulx.

Mr. Scott Reid: Actually, you dealt with it, Mr. Chair.

The Chair: You're good?

Mr. Proulx.

Mr. Marcel Proulx: As a proof of address, maybe we should revert to what it is now and say utility bills, not magazines. Maybe we could talk about utility bills.

Mr. Scott Reid: A number of people in this room have a home in their constituency and a home in Ottawa where they pay utility bills that come in their names. So a utility bill actually doesn't really accomplish that goal. Currently, I'm getting three or four utility bills.

The Chair: We'll reword it and move on.

We do seem to be doing well. However, I think we'll stop here.

Are there any further comments? We're kind of running out of time anyway. The committee has done exceptionally well. This has been a marathon, but it has been very creative, very thoughtful, and there have been great comments.

I would like to remind the committee that Tuesday's meeting is the next meeting. It will be the final meeting. You will receive the next draft report, which will be very close to the final version, on Monday afternoon. I would ask the committee to tell me whether that meeting is in camera or in public. I'm suggesting that it's in camera, since we're dealing with a final version. I'm getting lots of nods.

The next meeting will be Tuesday at 11 o'clock. It will be in camera.

Mr. Proulx.

● (1250)

Mr. Marcel Proulx: About the wording on 1.14—this is the one about gated communities and shopping centres and excluding schools and so on—when are we going to look at that?

The Chair: That's on our list to review next week. We're going to remove some of it and change this wording.

Mr. Marcel Proulx: In the meantime, Mr. Chair, I received—and I think a lot of the members received—a communication from Mrs. Fry, who is suggesting that we go one step further and that we:

> ...propose that the Canada Elections Act be amended to require managers of apartment buildings, condominium buildings and other multiple residence buildings, to post, in a location accessible to the public, a phone number which candidates or their representatives could use to arrange a date and time to canvass the building.

I don't think we should burden owners and force them to do this. I think it's up to us to contact the buildings and explain the law. This is an additional burden. But I wanted it put on the record, unless somebody else thinks it's a great idea.

The Chair: It is duly noted that the committee has heard that and we are not in favour of it for those reasons.

Any further discussion?

Mr. Marcel Proulx: We'll bring new ideas next week.

The Chair: Please bring all the new ideas, and we'll just go into the summer.

Thank you very much. The meeting is adjourned.

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