



**Report of the
Chief Electoral Officer
of Canada**

*Following the
May 15, 2000
By-election held in
St. John's West*



www.elections.ca



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The Chief Electoral Officer • Le directeur général des élections

July 21, 2000

The Honourable Gilbert Parent
Speaker of the House of Commons
Centre Block, House of Commons
Ottawa, Ontario
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Dear Mr. Speaker:

I have the honour to submit this report, which covers the administration of the federal by-election held in the electoral district of St. John's West on May 15, 2000, and the administration of my Office since the publication of the previous report. This report is submitted in accordance with subsection 195(1) of the *Canada Elections Act*, R.S.C., c. E-2, within sixty days after the by-election writ was returned.

According to subsection 195(3) of the Act, this report shall forthwith be submitted by the Speaker to the House of Commons.

Summary information has been included on the results of the by-election, together with an account of the events. The official voting results will be published and made available on Elections Canada's Web site (<http://www.elections.ca>) by the end of December 2000.

Yours truly,

A handwritten signature in black ink that reads 'Jean-Pierre Kingsley'.

Jean-Pierre Kingsley

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Foreword

This report to the Speaker of the House of Commons describes the federal by-election held in the electoral district of St. John's West, Newfoundland, on May 15, 2000, and the administration of my Office since the publication of the previous report.

I conclude in my report that the by-election proceeded efficiently and successfully, and in accordance with our plans. Communications, revision and voting were all conducted without untoward incidents. Once again, a by-election has yielded a substantially smaller voter turnout than in the last general election in the electoral district – 44.3 percent, compared to 60.4 percent in St. John's West in the 1997 general election (the national turnout at that general election was 67 percent, the lowest since 1925).

The process of electoral reform has continued to be a major preoccupation since the previous by-elections on November 15, 1999. The Canadian electoral system has become known as a model of electoral democracy around the world. Over the years we have sought to put in place an electoral system that is modern, accessible, transparent, and efficient – one that ensures that the electorate can freely choose its elected leaders. A commitment to the improvement of electoral legislation has been one of the principal means for achieving these ends.

A Bill intended to replace the existing *Canada Elections Act* (first tabled on June 7, 1999, and reintroduced as Bill C-2 on October 14, 1999) received royal assent on May 31, 2000. The new *Canada Elections Act* will come into force on December 1, 2000, unless I publish a notice in the *Canada Gazette* before that date

stating that the necessary preparations for bringing the new Act into operation have been made, and that the new Act is now in force.

As we pursue our goal of a modern and efficient electoral system, we have been able to take advantage of technological developments to introduce improvements such as the National Register of Electors. The Register was used to produce the preliminary electoral list for the by-election; 5 311 revisions were made to that list, amounting to 7.6 percent of the 70 023 electors on the preliminary list. This relatively low percentage is an indication of the quality of the information in the Register.

We are pleased, too, at the high proportion of Canadians who are actively consenting to the transfer of their information from federal sources to maintain the Register, although the low response rate from young Canadians who have turned 18 is disappointing. Elsewhere in my report I discuss positive developments in our information-sharing agreements with our partners, information technology, publications and international activities.

Undoubtedly, as society and technology evolve, needs for additional legislative reform and further technological improvements will continue to emerge. In Canada, we have come to view electoral reform as an evolving and constant task: one undertaken by Parliament, on behalf of the Canadian people, in the knowledge that the results are fundamental to strengthening and upholding our democratic process. It is a privilege for me to serve Parliament and the Canadian people in this endeavour.

Jean-Pierre Kingsley

Elections Canada's activities since the previous report

Follow-up to the November 15, 1999, by-elections in Hull–Aylmer, Mount Royal, Saskatoon–Rosetown–Biggar and York West

Candidates' election expenses

Under the *Canada Elections Act*, candidates are required to file an election expenses return within four months of election day. Elections Canada is now reviewing financial returns from the 25 candidates who ran for office in the November 1999 by-elections in Hull–Aylmer, Mount Royal, Saskatoon–Rosetown–Biggar and York West, to ensure compliance with the Act and to determine the amount of reimbursement owed to candidates who qualified.

Legislative issues

Amendments to electoral legislation

The last report discussed the background to Bill C-2, *An Act respecting the election of members to the House of Commons, repealing other Acts relating to elections and making consequential amendments to other Acts*.

The Bill received royal assent on May 31, 2000. The new *Canada Elections Act* will come into force on December 1, 2000, unless the Chief Electoral Officer publishes a notice in the *Canada Gazette* before that date stating that the necessary preparations for bringing the new Act into operation have been made, and that the new Act is now in force. In that case, the new Act would come into force on the date on which the notice was published. Until then, the current *Canada Elections Act* will continue to apply.

The new Act takes into account several recommendations made by the Royal Commission on Electoral Reform and Party Financing in 1992, by the Chief Electoral Officer of Canada in reports to Parliament in 1996 and 1997, and by the House of Commons Standing Committee on Procedure and

House Affairs in a report tabled in 1998. It also addresses decisions by the Alberta Court of Appeal (*Somerville*, 1996), the Supreme Court of Canada (*Thomson Newspapers*, 1998 and *Libman*, 1997), and the Ontario Court (General Division) (*Figueroa*, 1999). The new measures build on significant earlier amendments to the *Canada Elections Act* in 1992, 1993 and 1996.

The key changes are as follows.

- The *Canada Elections Act* is reorganized and clarified to make it easier to apply.
- Outdated statutes such as the *Dominion Controverted Elections Act*, the *Corrupt Practices Inquiries Act* and the *Disfranchising Act* are repealed.
- Election advertising by third parties is regulated. Third parties are groups or persons other than candidates, registered parties or electoral district associations of registered parties.
- The publication or broadcasting of election advertising and new election opinion surveys is prohibited on election day, until the closing of all polling stations in the electoral district. The first media outlet to release the results of an election opinion survey, and any other outlet broadcasting or publishing them during the next 24 hours, must provide information about the survey methodology.
- Disclosure of financial information by registered parties is subject to more rigorous reporting requirements.
- The Commissioner of Canada Elections is empowered to enter into compliance agreements and to seek injunctions during an election campaign to require compliance with the Act.
- The new Act provides for other administrative changes to improve the accessibility of our electoral system.

For complete information about the new *Canada Elections Act*, see the Elections Canada Web site at www.elections.ca.

Recent court decisions

In the case of *Figueroa v. Canada (Attorney General)*, the constitutionality of certain provisions relating to registered political parties is at issue. The Ontario Court (General Division) held in March 1999 that political parties would need to nominate only two candidates to become registered, rather than the 50 indicated in the current Act; that parties fulfilling the requirement to field two candidates would be entitled to have their names shown on the ballot; that the assets of a party that failed to endorse 50 candidates would not be automatically liquidated; and that a candidate no longer had to obtain at least 15 percent of the vote to be eligible for a refund of the entire \$1 000 nomination deposit.

The federal Attorney General appealed this ruling to the Ontario Court of Appeal, limiting the appeal to two issues: the number of candidates required for registration and the party name on the ballot. The court heard the appeal on March 2 and 3, 2000, and has reserved judgment.

The Chief Electoral Officer intervened in this appeal as a friend of the Court. He specifically asked the Court of Appeal to indicate how its judgment would apply to many other provisions of the *Canada Elections Act* that deal with registered parties.

The new *Canada Elections Act*, once it comes into force, no longer makes reimbursement of the candidates' deposits dependent on receiving a percentage of the vote, and parties' assets will no longer be automatically liquidated.

The National Register of Electors

Maintaining the National Register of Electors

Between general elections, the National Register of Electors is kept as up-to-date and accurate as possible, so that it is ready at any time to generate reliable preliminary lists of electors for federal general elections, referendums and by-elections, such as that called in St. John's West.

The Register is continually updated with data from the Canada Customs and Revenue Agency, Citizenship and Immigration Canada, and provincial and territorial motor vehicle and vital statistics registrars, and from electoral agencies in British Columbia and Quebec, where there are permanent lists of electors. Electoral lists from provincial and territorial elections are also used to update the Register. Agreements are in place or in negotiation for access to those lists from every province and territory.

The *Canada Elections Act* stipulates that active consent is required from individuals for the transfer of their information from federal sources to maintain the National Register of Electors. For the 1999 tax year, 85 percent of tax filers (as of May 2000) have consented to the transfer of their information to update the Register. Similarly, 86 percent of new Canadians have consented to be added to the Register.

During its regular Register maintenance activities in March and April 2000, Elections Canada once again conducted a mailing to individuals who turned 18 to confirm their citizenship and to ask their consent to be added to the National Register of Electors. They were identified using Canada Customs and Revenue Agency or driver's licence information.

This second outreach initiative targeted 392 000 18-year-olds. The group consisted of 248 000 individuals who turned 18 between January 1, 1999, and December 31, 1999, and 144 000 individuals in Ontario, Newfoundland, the Northwest Territories and Nunavut, who were not part of the initial mailing in spring 1999 because of recent or impending provincial or territorial elections. The mailing did not include individuals residing in Quebec, since the Directeur général des élections du Québec automatically adds new 18-year-olds to the information it provides to Elections Canada to update the Register. The preliminary response rate to date, a disappointingly low 24 percent, is consistent with the 1999 results.

As part of the outreach initiative, a pilot mailing of 27 000 reminder postcards took place in April 2000. They were posted to 18-year-olds in Vancouver, Winnipeg and Halifax who had already been sent the

request for consent and confirmation of citizenship, encouraging them to complete the form and return it to Elections Canada. In summer 2000, Elections Canada will undertake a qualitative and quantitative review of the initiatives to date, including the reminder postcard mailing.

Sharing National Register of Electors data

Data-sharing partnerships are a priority for Elections Canada. They help to ensure that the National Register of Electors is of consistently high quality, both during and between elections. Revised lists of electors from other jurisdictions can be used to augment the standard Register update sources, further enhancing Register quality.

Since the last report, three new partnerships have been formalized. A five-year sharing agreement was signed with the Chief Electoral Officer of Newfoundland and Labrador, under which Elections Canada provided National Register data to establish and maintain the provincial register. An agreement was signed with the Ontario Property Assessment Corporation, the agency responsible for establishing preliminary lists of electors for the Ontario municipal elections to be held in November 2000. The corporation conducted a study matching the National Register of Electors to the Property Assessment database and, based on the success of the study, signed the formal agreement on December 8, 1999. Under the terms of the agreement, the corporation received an extract from the Register to compare with its database; the match rate was over 50 percent and the corporation was able to avoid the cost of a mail-out enumeration of over two million households in Ontario. Through an open-ended agreement signed with the city of Winnipeg, the city will use National Register data for all future municipal elections. Under all of these agreements, Elections Canada will receive revised electoral data in return, to update the National Register.

Each agreement includes mandatory security measures. Electoral data is personal information that is protected by the *Canada Elections Act* and the *Privacy Act*. Under the *Canada Elections Act*, the information may be used for electoral purposes only.

The second meeting of the Advisory Committee to the National Register of Electors was held on April 19, 2000. The committee provides an opportunity for data suppliers and users to exchange information on new data-sharing projects. Topics discussed at the meeting included data-transfer security and address-management issues.

Information technology: Maintaining election readiness

The Year 2000 transition

Elections Canada's planning for the Year 2000 computer problem began in 1997, and it paid off on the night of December 31, 1999 – January 1, 2000. Overall, the transition process went smoothly: only a few minor incidents were reported, and were dealt with immediately.

A transition plan dealt with the periods before, during and after the midnight rollover period, covering the essential resources, monitoring and a schedule of events for which special actions were required. Staff was on call and on site throughout the period. Activities for the transition were co-ordinated by the Year 2000 Transition Co-ordinator, working with a special Crisis Response Team, the Executive Committee, the Year 2000 Project Director and other senior staff.

Registration in electoral districts: New software is put to the test

Elections Canada is currently replacing the Elections Canada Automated Production of Lists of Electors (ECAPLE) system with the REVISE system. The new system improves the preparation of electoral lists using data from the National Register of Electors, and will be able to handle changes resulting from the recent amendments to the *Canada Elections Act*.

Used for the first time in the St. John's West by-election for revising the lists of electors, the system met Elections Canada's expectations; it is now being adopted and tested for the more demanding requirements of a general election.

New computer network and equipment for returning officers and headquarters

The REVISE registration system uses a computer network consisting of individual local area networks for each returning office. IBM was the successful bidder for a four-year contract to provide the new computer hardware, software, service and support needed by the returning officers and Elections Canada to run federal electoral events, including some 3 500 personal computers, 602 printers and 301 servers.

Improving registration

The agency has begun a review of registration procedures to identify potential improvements. Included in the review are the procedures for registering new electors, for electors correcting their personal information on the electoral lists, for targeting new housing developments and high-mobility areas to encourage new electors to register, and for sending information to electors about the registration process. Improvements found to be advisable will be made in time for the next general election.

Since the last report, we have asked returning officers to consult the local associations of political parties that presented candidates in 1997. This consultation had two purposes: to set up polling divisions and polling sites, and to discuss targeted revision. We had first written to all political parties asking for the name of a contact for each electoral district, and a meeting took place when a party provided a contact. We required agreement from the parties on locations in the electoral district where door-to-door visits would be conducted to confirm voter registration, and to register any electors not yet listed. These locations include new residential areas and other areas where the population is thought to be very mobile. Since areas where people move often are not strictly defined, we wanted the parties to agree on the target neighbourhoods identified by the returning officer.

The Tariff of Fees now provides for the creation of the new position of liaison officer. An electoral district with an Aboriginal population (on or off reserve) of at least 10 percent of electors, or an ethnocultural population of at least 10 percent, will have a liaison officer to ensure that the needs of these groups are met. We expect that 129 electoral districts will be affected. We will also ask the officers to deal with associations for the homeless, to make it easier for homeless electors to vote.

Relations with Parliament and registered political parties

Appearance of the Chief Electoral Officer before House of Commons and Senate committees

On March 31, 2000, the Chief Electoral Officer appeared before the House of Commons Standing Committee on Procedure and House Affairs to inform the members about new electoral maps planned for the next election. The maps will include features identified in a user survey of returning officers and political parties. They will show up-to-date road names and features, municipal names and boundaries, and electoral administrative boundaries. They will also show lots and concessions in Ontario, and townships and ranges in the Prairie provinces. Elections Canada will increase the number of maps produced, for greater detail and legibility. The database used to produce the maps was developed in partnership with Statistics Canada.

The Chief Electoral Officer appeared before the Standing Senate Committee on Legal and Constitutional Affairs on April 12, 2000, during the committee's consideration of Bill C-2, the new *Canada Elections Act*. During his appearance before the committee, he emphasized what he considers to be the most important aspect of the Bill: extending spending limits and financial disclosure requirements to third parties – that is, groups and individuals who advertise during an election campaign, but who are not candidates, electoral district associations

or registered political parties. He also took the opportunity to express his support for measures in the Bill aimed at furthering the principles of transparency and the right of the public to know who is influencing the electoral debate.

The full text of the statement made by the Chief Electoral Officer at his appearance before the committee, and all his other public statements, are available on the Elections Canada Web site at www.elections.ca.

Advisory Committee of Registered Political Parties

Since the previous report, the Advisory Committee of Registered Political Parties has met twice. The December 3, 1999, meeting gave the registered political parties an overview of new technologies at Elections Canada, such as improvements to the agency's Web site, the new elector field registration system, the election payments system, the candidates' electronic return and the election management system.

At the March 3, 2000, meeting, discussions focused on event readiness planning, new electoral geography products to be used at the next general event, and the organization of the returning office, especially the returning officers' qualifications and the newly created position of liaison officer. A liaison officer is available to all electoral districts where there is a significant Aboriginal or ethnocultural population, to help make voting as accessible as possible by aiding communications between those communities and the office of the returning officer.

Political party's name change

On March 27, 2000, the Reform Party of Canada presented the Chief Electoral Officer with a three-part request: to change the party's registered name from "Reform Party of Canada" to "Canadian Reform Conservative Alliance", to change the short form of the name from "Reform" to "Canadian Alliance", and to change the party's logo. He received and studied submissions from the Reform Party of Canada, the Progressive Conservative Party of Canada, the

Canadian Action Party and the Rest of Canada Party, and several letters and e-mails from the public.

On April 2, the Chief Electoral Officer announced his decision that the full name, the short form and the proposed logo do not so nearly resemble those of another party in the Elections Canada registry as to be likely to be confused with that other party, and that he accepted the proposed change in the name, short form and logo of the Reform Party of Canada, in accordance with the *Canada Elections Act*. The Reform Party of Canada is now registered as the Canadian Reform Conservative Alliance, retroactive to March 27, 2000, when the Chief Electoral Officer received the application. In French, the new full name is *l'Alliance réformiste conservatrice canadienne*, and the short form is *Alliance Canadienne*. The Elections Canada Web site has a section showing the names and logos of all registered federal political parties.

On May 2, 2000, the Progressive Conservative Party of Canada filed an application asking the Federal Court to review the Chief Electoral Officer's decision. As of June 2000, the court has not yet set a date for hearing the application.

Allocation of political broadcasting time

The most recent allocation of political broadcasting time was issued on December 22, 1999. Under the *Canada Elections Act*, another allocation will have to be made during 2000. The rules for allocating broadcasting time do not apply to by-elections. For the 1999 allocation, see the Elections Canada Web site.

New publications

Compendium of Election Administration in Canada

Elections Canada released the 1999 *Compendium of Election Administration in Canada* on its Web site. A comparative analysis of federal, provincial and territorial electoral legislation, the Compendium deals with such aspects of election administration as redistribution, registering electors, voting, nominating

and registering candidates, political parties, local associations and third parties, and election financing. The Compendium is prepared annually for the Conference of Canadian Election Officials, and was last updated for the Conference that took place in June 1999. It is available on-line in PDF and HTML formats.

The ACE Project

Elections Canada has completed its undertaking to co-ordinate the French translation of the first-ever electronic encyclopedia of elections, a major compilation of analytical and comparative texts and good-practice examples for organizing, supporting and studying free and fair elections. The Administration and Cost of Elections (ACE) Project, is an initiative of the International Institute for Democracy and Electoral Assistance, the International Foundation for Election Systems, and the United Nations Department of Economic and Social Affairs. The agency has posted the French version 0.1 on the World Wide Web at www.aceproject.org.

International activities

Elections Canada received a delegate from Slovakia in November 1999. The purpose of the visit was to learn more about the eligibility of voters, advance polling, the organization and appointments of riding and poll officials, registration of contributors, the appeals systems and recounts, by-elections, postponements, campaigning restrictions, duties of the Chief Electoral Officer and his officials and appointees, and transparency and good governance.

In December 1999, Elections Canada received a delegate from the Ralph Bunche Institute on the United Nations, who was seeking information on international activities that might help Japan conduct a program of international electoral assistance.

In January 2000, Mr. Mikhail Khvostov, Ambassador of Belarus in Canada, and Second

Secretary and Vice-Consul Pavel Shidlovsky met Ron Gould, Assistant Chief Electoral Officer of Canada, International Services, to discuss the electoral needs of Belarus.

Elections Canada received a delegation from the Public Office Commission of Ireland in February 2000, to look at Canadian election financing, electoral law and electoral reform.

In March 2000, Elections Canada received a delegation from Mexico to discuss the forthcoming July 2000 federal elections in Mexico. The delegation consisted of Messrs. José Woldenberg Karakowsky, President Councillor; Manuel Carrillo, Chief of Staff, International Affairs; Victor Avilés, Head of the Press Office; and Ms. Lourdes Gonzalez, Director of International Links and Political Affairs.

Elections Canada also received a delegation of three journalists from Ethiopia in February.

In April we received Professor Karel Vasak, advisor to the Tricontinental Institute of Parliamentary Democracy and Human Rights, and former legal advisor to the Secretary General of UNESCO. The purpose of his visit was to discuss preparatory work concerning electoral activities under the auspices of La Francophonie.

In April and May 2000, Elections Canada provided Canadian support by sending three consultants to the West Bank and Gaza Strip for the Palestinian Electoral Project.

In February, April and May 2000, Mr. Kingsley met with Boutros Boutros-Ghali, Secretary General of La Francophonie, in Paris. During his visits he took part in seminars preparing for the forthcoming Symposium international sur le bilan des pratiques de la démocratie, des droits et des libertés dans l'espace francophone.

At the request of the Canadian International Development Agency, Elections Canada provided six Canadian experts to the International Organization for Migration to work on the Out-of-Area Registration project in Kosovo.

Disposition of offences under the *Canada Elections Act*

On November 23, 1999, Mr. Randy Wells, candidate in the electoral district of Humber–St. Barbe–Baie Verte, Newfoundland, pleaded guilty to failing to transmit or cause to be transmitted to the returning officer a declaration respecting the candidate’s election expenses, within four months of the June 2, 1997, general election, contrary to subsection 236(2) of the *Canada Elections Act*. Mr. Wells was fined \$200, to be paid within a period of 60 days. Since this offence constitutes an illegal practice, Mr. Wells loses his right to vote or to be a candidate, or to hold an office where appointment is made by the Crown or Governor in Council, for five consecutive years.

On November 23, 1999, Mr. Brian John Sheppard, official agent in the electoral district of Humber–St. Barbe–Baie Verte, Newfoundland,

pleaded guilty to failing to transmit to the returning officer the auditor’s report and a candidate’s return respecting election expenses within four months of the June 2, 1997, general election, contrary to subsection 236(2) of the *Canada Elections Act*.

Mr. Sheppard was granted a conditional discharge with a nine-month probation period. Since this offence constitutes an illegal practice, Mr. Sheppard loses his right to vote or to be a candidate, or to hold an office where appointment is made by the Crown or Governor in Council, for five consecutive years.

Information on all convictions arising from the October 1992 referendum and the October 1993 and June 1997 general elections can be found in the Sentencing Digest on the Elections Canada Web site.

The by-election in St. John's West

On January 31, 2000, Mr. Charlie Power, Progressive Conservative Party Member of Parliament for St. John's West, resigned his seat in the House of Commons.

On April 9, 2000, the Governor in Council announced that a by-election to fill the vacancy in the electoral district of St. John's West would be held on

May 15, 2000. Following this announcement, the Chief Electoral Officer issued a writ to the returning officer of the electoral district, directing him to conduct a by-election. Table 1 provides an overview of the important milestones during the period from the issue of the writ to its return.

Table 1
Key dates for the May 15, 2000, by-election in St. John's West

Date	Election calendar day	Event
April 9	Day 36	Issue of the writ; preparations made to open the office of the returning officer
April 9 to 15	Days 36 to 30 (midnight)	Advertising blackout period for political parties
April 12	Day 33	Revision of lists of electors begins
April 12	Day 33	Proclamation published: candidates may file nominations
April 19 and 20	Days 26 and 25	Notices of Confirmation of Registration mailed to all registered electors
April 24	Day 21 (2:00 p.m.)	Nominations of candidates close
April 25	Day 20	Targeted revision begins
May 4	Day 11	Revised lists of electors distributed
May 5, 6 and 8	Days 10, 9 and 7	Advance polls
May 9	Day 6 (6:00 p.m.)	Revision and special ballot registration end
May 12	Day 3	Official lists of electors distributed
May 14 and 15	Days 1 and 0	Advertising blackout period for political parties
May 15	Day 0	Election day
May 16	Day -1	Official addition
May 23	Day -8	Writ returned

Communicating with electors

An important part of Elections Canada's task in the by-election, as in all electoral events, was to generate awareness of the by-election and the key dates in the election period among the general public, political parties, candidates, and the media.

The principal means of communicating with the general public was the householder, a pamphlet distributed to all households within days of the issue of the writ. The householder provided the name and phone number of the returning officer, information about the National Register of Electors, and details of how to have names added to, or corrected on, the lists of electors. It also gave information on deadlines for voting by special ballot and the return of special ballots, key dates for advance polls, procedures for registering and voting on election day, and the residence requirements for voting in a by-election. The pamphlet alerted electors that they would receive a notice of Confirmation of Registration shortly, and stressed the importance of keeping the notice until election day.

The notices were addressed individually to electors whose names appeared on the preliminary lists of electors. Arriving immediately after the householder, they provided details of where and when electors could vote, including several alternatives that Elections Canada provides for electors unable to go to their polling stations on election day.

All public information was produced in both official languages. Census data revealed no ethnocultural or Aboriginal communities whose numbers would warrant translating information into other languages. Key information was made available on request in alternative formats, including Braille, large print, and audio-cassette.

During the November 15, 1999, by-election in Saskatoon–Rosetown–Biggar, Elections Canada tested the effectiveness of using radio advertising to announce the arrival of the householder. As a result of the success of the test, radio advertising was used again

in the St. John's West by-election. Radio ads were also aired on election day to remind electors of their right to register and to vote, giving the telephone number of the returning officer for those who needed further information.

A print advertisement was run in daily and community newspapers in the final days of the election period to remind electors that their polling station location was printed on their notice of Confirmation of Registration, and that they could register to vote at the polls. The advertisement was based on the approach used at the last general election.

Elections Canada worked closely with local media to ensure that electors had the necessary information. It distributed a media information kit with the launch news release, an electoral district profile, and a calendar of key dates. The kit also included background information on several topics, ranging from the electoral process and the role of Elections Canada to the Special Voting Rules, the National Register of Electors, and election expenses and contributions guidelines for candidates and parties.

Over the course of the 36-day campaign, Elections Canada issued ten news releases highlighting key dates, election day reminders, and clarification of what the media could and could not report on the weekend preceding election day.

A special by-election section was posted on Elections Canada's Web site. The section included the list of official candidates, the electoral district map, the address and telephone number of the returning office, and general information on the voting process and voting by special ballot. On election night, results were posted on the Web site as they became available.

Staff of the Elections Canada Enquiries Unit were available through the 1 800 INFO-VOTE telephone line and the Internet to answer questions and fill requests for publications about the electoral process.

Communicating with candidates, official agents and auditors

To help candidates, official agents and auditors understand and comply with the financing provisions of the *Canada Elections Act*, Elections Canada presented a seminar in St. John's West on April 14, 2000. An agency official offered instructions for completing the *Candidate's Return Respecting Election Expenses* and demonstrated the *Electronic Candidate's Return*.

Revising the lists of electors

For the eighth time since its establishment in 1997, data from the National Register of Electors were used

to produce the preliminary lists of electors for a by-election. The returning officer for the electoral district reported 3 234 additions, 1 115 moves within the electoral district, 560 removals and 402 corrections recorded during the event on the preliminary lists of electors, including electors voting under the Special Voting Rules who were added to the lists. This represents 7.6 percent of the 70 023 electors on the preliminary lists.

Of the 5 311 revisions performed during the event, including electors voting under the Special Voting Rules, 2 061 took place during the actual revision period from April 12 to May 9. An additional 3 250 revisions were performed as a result of registrations at the polls on election day. Table 2 shows the details of the revision transactions.

Table 2
Lists of electors – revision transactions

Calendar	Revision transactions	Cumulative totals	
Day 33 to Day 11	<i>Preliminary lists</i>	70 023	
	Additions	280	
	Corrections	233	
	Removals	481	
	Moves	338	
	Total	1 332	
Day 10 to Day 6	<i>Revised lists</i>	69 822	
	Additions	446	726
	Corrections	75	308
	Removals	78	559
	Moves	130	468
	Total	729	2 061
Election day	<i>Official lists</i>	70 190	
	Additions	2 508	3 234
	Corrections	94	402
	Removals	1	560
	Moves	647	1 115
	Total	3 250	5 311
	<i>Final lists</i>	72 697	

Voting in the by-election

Voter turnout

In total, 32 210 of 72 697 registered electors cast their ballots in the by-election. For those unable to vote on election day, advance polls were held on May 5, 6 and 8. Most electors voted on election day, May 15, at one of the 214 polling stations located throughout the electoral district. All polling stations were open for 12 hours from 8:30 a.m. to 8:30 p.m., local time.

Each of the 129 voting locations provided level access. Table 3 shows the details of polling station locations and accessibility.

Voter turnout was 44.3 percent. At the 1997 general election, the voter turnout in the riding was 60.4 percent. The voter turnout is always lower at a by-election than at a general election. The national turnout at the last general election in 1997 was 67 percent, the lowest since 1925 (66.4 percent) and second-lowest since 1896 (62.9 percent, the lowest ever). During the 20th century, Canada has held 28 general elections, and the average turnout has been about 73 percent. The highest national turnout since Confederation in 1867 was 79.4 percent, in the 1958 general election.

Table 3
Polling sites

Location of polling sites

Building types	Number of sites	Percentage
Community centre	45	34.87%
Church hall	23	17.83%
Municipal or township hall	13	10.08%
Residential	13	10.08%
Educational	12	9.30%
Elderly hostel	9	6.97%
Commercial site	7	5.43%
Other	3	2.32%
Fire hall	1	0.78%
Hospital	1	0.78%
Office of the returning officer	1	0.78%
Royal Canadian Legion	1	0.78%
Total	129	100%

Types of polling stations

Ordinary	Mobile	Advance	Total
213	1	13	227

Polling station accessibility

Total number of polling stations	Accessible polling stations	Percentage
227	227	100%

As is always the case during elections or by-elections, residents of the electoral district who were unable to vote at the advance or ordinary polls, and residents travelling or temporarily residing outside Canada, could vote by mail-in ballot under the Special Voting Rules. Canadians abroad could obtain information about how to cast their ballots from the Department of Foreign Affairs and International Trade, through its diplomatic missions and consular posts. Canadian Forces electors, whether based in

Canada or elsewhere, were informed of their right to vote by the Department of National Defence.

Table 4 shows the number of registrations for voting by special ballot. The three lists of electors registered under group 1 of the Special Voting Rules are separate from the lists that are revised during an event. The electors registered under group 2 of the Special Voting Rules are also entered on the revised lists of electors.

Table 4
Registrations under the Special Voting Rules

Categories of electors asking to vote under the Special Voting Rules	Number of ballots requested
Group 1¹	
Members of the Canadian Forces	588
Incarcerated electors	0
Electors temporarily residing outside Canada	7
Group 1 subtotal	595
Group 2²	
Electors temporarily outside their electoral district	24
Electors voting in their electoral district	479
Group 2 subtotal	503
Total number of registrations for voting by special ballot	1 098

¹ The three lists of electors registered under group 1 of the Special Voting Rules are separate from the list that is revised during an event.

² The electors registered under group 2 of the Special Voting Rules are also entered on the revised list of electors.

Table 5
Preliminary statistics on the number of ballots cast and voter turnout

Number of electors on final lists	Ordinary polls	Advance polls	Special Voting Rules	Total votes cast	Rejected ballots	Total valid votes	Voter turnout
72 697	30 629	1 061	520	32 210	103	32 107	44.3%

The candidates and by-election results

The deadline for the nomination of candidates was 2:00 p.m. on April 24, 2000. The deadline for withdrawal or for making corrections to information on candidates' nomination papers was 5:00 p.m. that same day.

Of the 10 registered federal political parties, four chose to nominate candidates in the by-election: the Canadian Reform Conservative Alliance, the Progressive Conservative Party of Canada, the New Democratic Party and the Liberal Party of Canada. One candidate had no affiliation with a registered political party.

Once nominations closed, the list of official candidates was transmitted to Canadian diplomatic missions and consular posts by the Department of Foreign Affairs and International Trade, and to Canadian Forces bases by the Department of National Defence. The list was also posted on the Elections Canada Web site.

On election night, the Election Results System used in the electoral district was linked to Elections

Canada's central computer; as votes were counted, they were transmitted to the server in Ottawa for posting on the Web site.

Progressive Conservative candidate Loyola Hearn received the most votes (see Table 6), and was elected Member of Parliament for St. John's West.

Special permission

The week before election day, the Chief Electoral Officer made a ruling under subsection 9(1) of the *Canada Elections Act*, which allows him to adapt provisions of the Act in keeping with the intent of the legislation. This case concerned subsection 126(4), which permits transfer certificates for deputy returning officers and poll clerks working at polling stations other than the one at which they may vote, if they are appointed after the advance polls. The Chief Electoral Officer extended this provision to central poll supervisors, information officers, registration officers and their assistants, and persons responsible for maintaining order. These officials would otherwise have been deprived of their right to vote, because they may not leave the polling stations where they work.

Table 6
Preliminary statistics on valid votes obtained, by candidate

Candidate	Political affiliation	Valid votes obtained	Percentage
Frank Hall	Canadian Reform Conservative Alliance	1 315	4.09%
Loyola Hearn	Progressive Conservative Party of Canada	11 392	35.48%
Greg Malone	New Democratic Party	11 036	34.37%
Anthony G. Sparrow	Liberal Party of Canada	8 032	25.01%
E. Sailor White	No Affiliation	332	1.03%
Total		32 107	100%

Commissioner's report

The Commissioner of Canada Elections, Raymond A. Landry, C.M., is responsible for ensuring compliance with and enforcing of the *Canada Elections Act*. At the time of writing, the Commissioner had received four complaints alleging an offence under the *Canada Elections Act* related to the November 15, 1999, by-elections in Hull–Aylmer, Mount Royal and Saskatoon–Rosetown–Biggar. The complaint files concerning voting, advertising and financial matters have been closed.

One complaint of an alleged offence under the *Canada Elections Act* was brought to the Commissioner's attention following the May 15 by-election in St. John's West. The file is under review.

The Commissioner may institute an investigation or a prosecution either on his own initiative, or if he receives a complaint in writing alleging that an offence has been committed, within six months of its commission. Prosecutions must be instituted within 18 months from the commission of the offence. These deadlines have not yet expired.

Conclusion

This report fulfils the statutory obligation of the Chief Electoral Officer to report on the by-election held in the electoral district of St. John's West on May 15, 2000.

The by-election proceeded efficiently and successfully, and in accordance with our plans. Communications, revision and voting were all conducted without untoward incidents. The by-election also gave Elections Canada an opportunity to refine our procedures and to test recent technological advances in preparation for the next federal general election, while at the same time providing electors and candidates with progressive electoral administration and services.

As is customary, this report has reviewed other developments since the previous by-elections in November 1999, highlighting both legislative reform and technological developments. We continue to innovate as we pursue our goal of a Canadian electoral system that is a model of modern practices, accessibility and transparency.