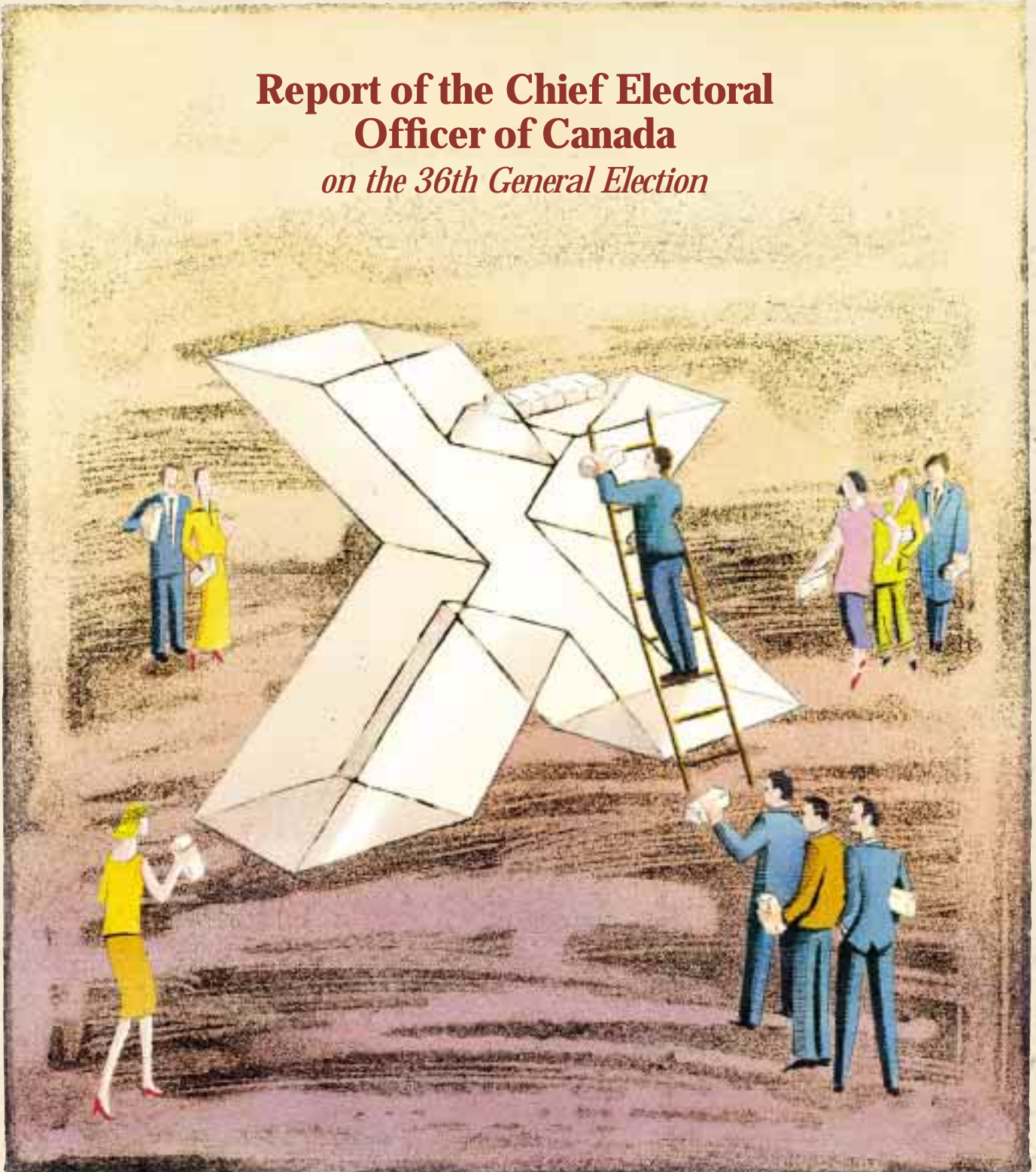




**Report of the Chief Electoral
Officer of Canada**
on the 36th General Election



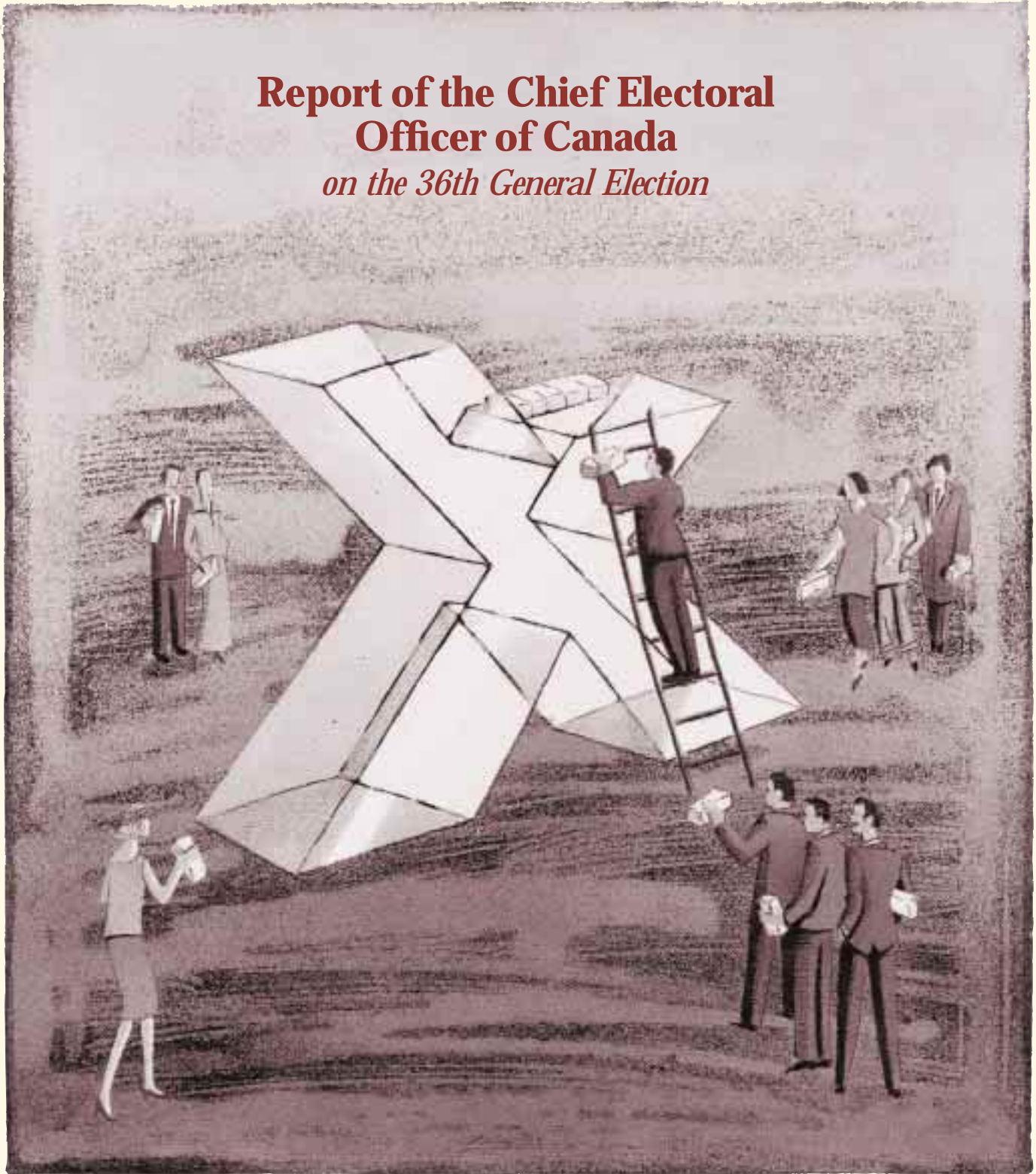
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A work in progress

Both an expression of popular will and an ideal that requires constant tending and improvement, democracy is represented by the “X” that is the traditional mark made on a ballot when voting. The “X” on the front cover, being constructed of glass bricks in a joint effort by all the participants in our electoral process, embodies the transparency and equity of the Canadian electoral system.



**Report of the Chief Electoral
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Canadian Cataloguing in Publication Data

Main entry under title:

Report of the Chief Electoral Officer of Canada on the 36th general election

Text in English and French on inverted pages.

Title on added t.p.: Rapport du directeur général des élections du Canada sur la 36^e élection générale.

ISBN 0-662-63167-6

Cat. no. SE1-1/1997

1. Canada. Parliament—Elections.

I. Elections Canada.

JL193.R47 1997 324.971'0648 C97-980369-1E

© Chief Electoral Officer of Canada, 1997

Catalogue No. SE1-1/1997

ISBN 0-662-63167-6

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Design: Souris & Petitti Advertising/Communications

The statistical data in this report are to be considered preliminary; final figures will be published in Thirty-sixth General Election 1997: Official Voting Results, in accordance with paragraph 193(a) of the Canada Elections Act.

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PRINTED IN CANADA

For enquiries, please contact:

Public Enquiries Unit

Elections Canada

257 Slater Street

Ottawa, Ontario

K1A 0M6

Tel.: 1 800 INFO-VOTE (1 800 463-6868)

Fax: (613) 954-8584

TTY/TDD: 1 800 361-8935

Internet: <http://www.elections.ca>

E-mail: eleccan@magi.com



The Chief Electoral Officer · Le directeur général des élections

August 22, 1997

The Honourable Gilbert Parent
Speaker of the House of Commons
Centre Block, House of Commons
Ottawa, Ontario
K1A 0A6

Dear Mr. Speaker:

I have the honour to submit my report, which covers the administration of my Office since the publication of my last report and, more specifically, the administration of the 36th general election held on June 2, 1997. I have included some recommendations for legislative amendments that, in my opinion, are desirable for the better management of the electoral system. My 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 return of the writs of election.

Preliminary information has been included on the results of the election, together with an account of the events. The official voting results will be published later, in accordance with paragraph 193(a) of the Act.

Yours truly,

Jean-Pierre Kingsley



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Highlights

As well as fulfilling the Chief Electoral Officer's statutory obligation to report on the 36th general election, this document outlines the changes that have taken place in Canada's electoral system in the four years since the last general election.

Amendments to the *Canada Elections Act* linked reimbursement of a political party's election expenses with its ability to obtain the support of voters; created a National Register of Electors to replace enumeration at federal electoral events; shortened the electoral calendar to a minimum 36 days; introduced staggered voting hours corresponding to time zones across the country; and improved the process for revising voters lists. A redistribution of electoral boundaries created a new electoral map of 301 electoral districts, six more than were involved in the 1993 general election, and resulted in the appointment of new returning officers, who are primarily responsible for administering electoral events in their ridings.

Less than four months after the passage of the new legislation in December 1996, it was implemented by Elections Canada in a final enumeration in April 1997, followed by a general election on June 2, 1997. The new legislation and electoral boundaries necessitated major revisions to technical and operational systems, public information materials, training programs for election officials, and briefing materials for candidates and political parties.

That both the enumeration and the election were carried out successfully reflects, in part, our continuing efforts to modernize our tools and procedures. Information technology, automated

business systems, integrated planning and ongoing evaluation all played a part in the delivery of efficient and high-quality services within aggressive time frames.

Innovations for the enumeration and election included a computerized election management data capture and retrieval system, computer-generated mapping services, an expanded site on the Internet, direct computer links with returning officers in each riding, and an electronic form for candidates' financial returns.

The National Register of Electors

After some four years of planning and development, Canada's new National Register of Electors was established on April 26, 1997, and was to be based on the preceding final federal enumeration (of April 10 to 16). The legislative amendment that enabled the creation of the Register also permitted the Chief Electoral Officer to use provincial voters lists if they had been compiled through an enumeration in the preceding 12 months. Recent lists compiled by Alberta and Prince Edward Island met this criterion; accordingly, Elections Canada purchased them in lieu of conducting an enumeration in those provinces.

Computer systems and procedures now being designed for the National Register of Electors will be in place by the end of 1997. Three basic principles are paramount: the privacy of electors must be safeguarded; electors must have the freedom to choose whether to participate, and to what extent; and the information must be used for



electoral purposes only. The Register will be updated with information supplied by provincial, territorial and federal data sources between electoral events, and by electors themselves during federal electoral events. Elections Canada has now signed agreements with the majority of data suppliers, including Revenue Canada, Citizenship and Immigration Canada, and most provincial and territorial sources for driver's licence and vital statistics data. Outstanding agreements are expected to be signed by the fall of 1997.

Generating preliminary voters lists for future federal electoral events through the Register rather than through enumeration is expected to save some \$30 million per general election. Additional savings to taxpayers could result from sharing the Register data with other electoral jurisdictions; the first agreement to explore the feasibility of this option is already in place, with the Government of New Brunswick.

Innovations in the Electoral System and Procedures

By eliminating the need for enumeration, it was possible to shorten the electoral calendar to a minimum 36 days, reducing election administration costs by \$8.1 million. In addition, changes in key dates allow candidates and parties to receive their spending limits and copies of voters lists earlier; and electors get four extra days in which to ensure that they are registered to vote. Voters list revision procedures now allow more flexibility for electors who wish to register or to change their information.

Minor corrections to the list can be made by phone or fax; and voters may now register at the advance polls as well as on polling day. The deadlines for delivery of special ballots have been extended.

The Elections Canada Web site was expanded to include media releases, the election calendar, riding maps, lists of candidates, and a registration form for the special ballot. Preliminary results were available on election night as well. The site also has an e-mail link to the Elections Canada Enquiries Unit. In general, Elections Canada is seeking ways to introduce interactive components in its information processes and promote feedback from the public. A controlled transition is under way from print to electronic communication, wherever this is appropriate.

During both the enumeration and the election, returning officers had the option of paying for certain expenses by corporate credit card. Use of the cards reduced the administrative burden on Elections Canada and facilitated purchases at the riding level. To further improve our management processes, we have upgraded our information technology systems, phone systems and office automation technology.

The Final Federal Enumeration and the 36th General Election

In preparation for the enumeration, forms and manuals were revised, and the ECAPLE (Elections Canada Automated Production of Lists of Electors) system was upgraded and adjusted to include 301 electoral districts. Returning officers received assistance in dealing with technical and procedural



problems through the Elections Canada Support Network; they could reach three levels of advisors by phone, e-mail or fax.

A total of 16 576 350 electors were enumerated between April 10 and April 16, 1997, in eight provinces and two territories.

To this number were added 1 857 273 electors from the lists established for the recent provincial elections in Alberta and Prince Edward Island, which had been purchased by Elections Canada. An additional 234 016 electors were added to the data base subsequently when they returned mail-in registration forms. The preliminary lists of electors for the 36th general election consisted of 18 753 094 names, including 13 322 incarcerated electors, 10 648 Canadians residing outside Canada, and 61 485 Canadian Forces electors.

The writs for the 36th general election were issued April 27, 1997 and the last writ was returned to the Chief Electoral Officer June 23, 1997. Early in the election period, the Chief Electoral officer was called upon to decide whether to invoke section 13 of the *Canada Elections Act* to postpone the vote in areas of Manitoba affected by the flooding of the Red River Valley. After a personal visit to the area and discussions with elected representatives, government officials, members of the Canadian Forces helping with flood control efforts, returning officers and potential candidates, the Chief Electoral

Officer ruled that Manitobans would be able to vote along with other Canadians on June 2. Special provisions were made as necessary under subsection 9(1) of the Act to accommodate flood circumstances. During the election, court rulings



The design of this poster, first produced for the March 1996 by-elections, has become the keynote of Elections Canada's voter information program for young people.



upheld the right of all inmates to vote, regardless of the length of their sentences, and continued the ban on publication of opinion poll results during the three days preceding election day.

Information campaigns addressed the needs of the general public, Aboriginal electors, ethnocultural groups, young voters, and electors with special needs. Elections Canada briefed candidates and their official agents on their responsibilities in recording and reporting their contributions and expenses, and the Support Network was available to answer their

questions, as well as those of returning officers. The Elections Canada Web site contributed to informing the public at every stage of the election calendar.

A total of 1 672 candidates ran for office, and 10 political parties received or retained registered status. Preliminary statistics show that 13 171 628 Canadians cast ballots in this election. Of those, 702 977 voted at the advance polls and 138 618 by special ballot, including 20 666 members of the Canadian Forces, and 9 161 incarcerated electors.



Foreword

An Essential Transformation

This report to Parliament, after the second general election of my term of office, gives me a welcome opportunity to put in perspective the changes that have taken place in Canada's electoral system and its management during the past five years.

The general election in 1993 followed significant amendments to the *Canada Elections Act*. At that time, attention was focused on voting rights and access to the electoral system. Bill C-114 brought in broader access to the special ballot and polling day registration. The Bill also widened Elections Canada's mandate to carry out public information and education programs, first introduced by Bill C-78. We had already introduced new planning tools at Elections Canada and were beginning to explore the uses of technology to create efficiencies in electoral administration. Over the course of the following year, Elections Canada developed and published the agency's first strategic plan.

Four years later, great strides have been made, both in Canada's electoral system and in its administration. The 36th general election followed closely on the heels of further amendments to the *Canada Elections Act*. Bill C-243 rationalized reimbursements to political parties of their election expenses, basing eligibility for repayment only on the number of votes gained. Bill C-63 created a computerized National Register of Electors to replace enumeration and a shortened 36-day electoral calendar. Both of these changes will reduce the costs of future federal elections. Improvements were also made to the voters list revision process, and staggered voting hours were introduced across the country to help ensure that polling results would be

known at approximately the same time everywhere in Canada.

Less than four months elapsed between the passage of the new legislation, in December 1996, and its implementation by Elections Canada in a final enumeration in April 1997, followed by a general election called for June 2, 1997. A new representation order was in force for these events, giving Canada 301 electoral districts in place of the previous 295. With the change in electoral district boundaries came a significant turnover in returning officers. Seventy-five percent of the returning officers for the 36th general election were new appointees, with little or no previous experience in election management. The changes in legislation and electoral district boundaries necessitated large-scale revisions to technical and operational systems, public information materials, and training materials for electoral officials, all on a demanding schedule.

Our organizational processes have matured. Elections Canada now routinely uses information technology, automated business systems and integrated planning to deliver high-quality electoral services and achieve greater efficiency in our internal operations. Monitoring and assessment mechanisms help us measure the results of our efforts and design improvements. For the recent electoral event, we implemented a variety of innovations, such as our completely computerized election management data capture and retrieval system.

The computerization of our cartographic services allowed us to produce approximately 55 000 new computer-generated electoral maps



for this election, including detailed polling division maps for the 301 electoral districts, together with related products such as riding profiles and street indexes.

Since October 1995, Elections Canada has increased public access to electoral information through a number of mechanisms, including our site on the Internet. During the 36th general election, electors with computer access could obtain information on their electoral districts, the addresses and phone numbers of their returning officers' offices, lists of candidates, key dates in the election calendar and other information via the Internet. An application form for registration under the Special Voting Rules could also be printed from the site by Canadians who wanted to vote outside their ridings. On June 2, 1997, preliminary voting results were posted on the Elections Canada site after the last polls closed at 10:30 p.m. Eastern Standard Time.

For this election (and the preceding enumeration), the modem took over functions that had previously been handled by fax. For the first time, all returning offices were electronically linked to Elections Canada, enabling direct data transmission and e-mail communication, speeding up information exchange and decreasing the paper burden. We also redesigned the system to process financial returns from candidates, and developed an electronic version of the return.

We field tested these and other operational innovations, to the extent possible, in the 10 federal by-elections during the 35th Parliament and also in the 1995 general election in the Northwest Territories.

Elections Canada's relationship with the Northwest Territories has also reached a new stage. To facilitate timely and efficient management of the NWT election, I delegated specific powers to the Clerk of the Legislative Assembly and Chief Plebiscite Officer. This approach proved to be successful. NWT electoral officials have professionally managed two general elections and two by-elections in the past five years, and accordingly I have recommended that my role as overseer of NWT electoral events come to an end and that a Chief Electoral Officer for the territory be appointed.

The road to operational innovation has not been without its challenges. A particular area of concern remains the process for selecting and appointing returning officers; the increasing sophistication of the electoral system and the electorate it serves puts great demands on the managerial abilities of these officers.

Our experience at this election underlines the fact that, while much has been achieved in the past four years, much still remains to be done, both in terms of legislative improvements and management practices. The Canadian electoral process has served us well for more than three quarters of a century. Amendments to the legislation over that time have more fully expressed the principles of participation, fairness and transparency, and Canada has earned international recognition for the quality of its electoral management.

However, the requirements of the modern age are straining the seams of this venerable structure. We have a more sophisticated, knowledgeable electorate; we continue to be guided



by the principle of fiscal restraint; and while increased reliance on technology can help provide the quality of service electors demand, the electoral process must be supported and directed by streamlined and modernized legislation. It is essential that the Act reflect the technological, demographic, political and socio-economic changes occurring in Canadian society.

It is also essential to fill the gaps in our electoral legislation. The provisions governing election financing, for instance, were introduced more than 20 years ago and are now outdated. Certain elements of party and election financing continue to be unregulated by the Act. The time has come to take a new look at election financing, to ensure that the public's right to know and the right of all participants in the electoral process to a level playing field are met. Also to be addressed are inequalities in the representation in the House of Commons of certain groups in society, including Aboriginal persons, women and members of ethnocultural groups. The provisions governing publication of the results of public opinion polls received widespread media attention during the election, as did the issues of proportional representation and use of the Internet for party advertising and publication of opinion poll results. There is a need to empower the Chief Electoral

Officer to test new procedures and technology during by-elections, to speed up the transition of innovations from theory to practice in a controlled manner.

These and other issues have been raised before by the Royal Commission on Electoral Reform and Party Financing, by the House of Commons Special Committee on Electoral Reform, and in *Strengthening the Foundation*, the Annex to my report on the 35th general election. The recommendations made previously and those outlined in the Recommendations section of this report are based on a commitment to the participation of all Canadians in the electoral process, to a fair and inclusive system that is accessible to the entire Canadian electorate, and to the integrity and openness of an electoral process that is managed in a modern, cost-effective and professional manner.

Our strategic plan identifies this Office's support for parliamentary efforts to revise electoral legislation as a top priority. In fact, Elections Canada has played an increasingly important role in electoral reform in recent years, particularly as a source of expert advice and counsel to the House and the Senate. It is in this context, to initiate dialogue and assist Parliament in its work as it relates to electoral matters, that I draw the attention of Parliament to the need for further legislative change.

Jean-Pierre Kingsley



Recommendations

Recommendations for amendments to electoral legislation were made by the Royal Commission on Electoral Reform and Party Financing in 1992 and in the Annex of the 1993 Report of the Chief Electoral Officer of Canada, tabled on February 29, 1996. Many of these remain valid and await action by Parliament. However, with the passage of time and events, a different approach to updating the Act than previously recommended becomes appropriate in some cases. This report presents recommendations that, while building on some of the earlier work, reflect the new circumstances of the electoral system.

Appointment of Returning Officers

To begin with, the full import of recommendation 105 of the Annex, concerning the appointment of returning officers by the Chief Electoral Officer, became obvious during the recent election. Some three quarters of the returning officers were appointed between June and October 1996; they attended their nine-day training course and then went on to face an electoral event. The remaining 25 percent were appointed between November 1996 and April 1997, with even less time to assimilate their new tasks. It is important to note that these new returning officers are no more or less competent or willing than their predecessors; rather, it was the number of returning officers who had no previous experience with electoral administration – 75 percent – that made the 36th general election so demanding to administer. Like any corporate entity, Elections Canada must have a competent and experienced

work force that it can rely on to help it deal with its electoral responsibilities; no corporate entity could allow itself such a turnover in managerial personnel, at such a critical juncture.

Furthermore – and this remains a fundamental issue – the current procedure of appointment by the Governor in Council is anachronistic. It is time for such appointments to be made by the Chief Electoral Officer, who would hold a formal competition open to all Canadians in any electoral district where there is a vacancy. The selection would be based on an objective test of competence. This recommendation should be implemented gradually, that is, as the present returning officers resign or reach the end of their terms when electoral boundaries change. New returning officers would be appointed for a 10-year term. The Chief Electoral Officer could relieve them of their duties in the event of incompetence or unsatisfactory performance.

Voting Rights of Returning Officers

As a corollary, the whole question of the right of returning officers to vote, which at present is exercised only in the event of a tie, should be reviewed. They should have the same right to vote as all other Canadians. Provision should be made for a second ballot, to be held according to the rules for a by-election, within time limits to be specified in the statute.

Nomination of Candidates

Under the current Act, returning officers are legally responsible for accepting candidates' nominations



in their electoral districts. This procedure should be modified. First of all, the deadlines specified in the Act cannot be changed under the current legislation, even through the intervention of the Chief Electoral Officer. During the recent election, a situation arose where certain documents submitted in support of a candidate's nomination would have benefited from closer scrutiny to verify, for example, whether the names and addresses of the sponsors were legitimate and whether an individual was, in fact, generally known by a particular surname. The Act should clearly establish such verification as the responsibility of returning officers and should allow them a reasonable period of time for carrying out this duty. In other words, the submission of documents should not be the only requirement for a nomination; candidates should also obtain a document from the returning officer within 48 hours to confirm their nomination.

Second, nomination procedures should be simplified so that they are easier for election officers to administer and easier for prospective candidates to understand. In particular, the formalities of signatures and witnesses established by section 80 of the *Canada Elections Act* need to be simplified.

Revision of Electoral Boundaries

The last Parliament had the opportunity to consider Bill C-69, which proposed, in particular, that electoral boundaries be revised every five years, instead of every 10 years as the current legislation provides. The *Electoral Boundaries Readjustment Act* should be reviewed and the relevance of revising the

boundaries every 10 years re-examined, in light of the rapid population growth in various areas of the country.

Once Statistics Canada has transposed the results of the May 1996 quinquennial census (for which data were collected on the basis of 295 electoral districts) to correspond to the 301 electoral districts proclaimed in the Representation Order of 1996, Elections Canada will determine in which electoral districts the 25 percent variance in population established by law is exceeded. On the basis of such data, we can determine which provinces would undergo a redistribution of electoral boundaries every five years, in the event that legislation requiring such redistributions should come into effect.

Third Party Intervention

Third parties, during an election campaign, are individuals and groups who are neither candidates nor political parties. It should be remembered that the sections of the Act limiting the election advertising expenses of such third parties to \$1 000 were declared unconstitutional by the Alberta Court of Appeal. That judgment was not appealed to the Supreme Court by the Attorney General of Canada.

The present situation creates an anomaly, since registered political parties and candidates are subject to certain rules regarding their funding and the expenses they may incur to promote their candidacy or challenge that of their opponents, while third parties are not subject to any such constraints. In the



long run, it can be expected that this situation, if not remedied, will erode the financial foundation of the electoral system. Both parties and candidates will feel at a disadvantage compared with third parties, who will be able to organize and fund their activities in the shadows without any limits on the expenses they may incur while pursuing their goals.

Consideration should be given to including in the *Canada Elections Act* provisions that govern third party intervention during an election campaign. The *Referendum Act* can serve as an example. Any group or individual that expects to spend above a certain threshold (currently \$5 000 under the *Referendum Act*) will have to register with, and receive authorization from the Chief Electoral Officer, just as referendum committees must do at the time of a referendum. Names of the groups and individuals will have to be disclosed. The Chief Electoral Officer will publish all authorizations, as they are issued, so that all Canadians can be aware of the activities of these third parties. Consideration should also be given to establishing legislated spending limits for advertising to support or oppose a political party or a candidate. The limits might take into account the average amounts that the various political parties and candidates normally spend on advertising and will be lowered accordingly. This would make it possible to reach the objective of a level playing field that underlies the financial provisions of the present Act.

Any third party that received authorization from the Chief Electoral Officer would have to submit a report of its income and expenditures, and disclose all contributions pledged or received

for the period from one year prior to the registration date to six months following election day. Where a company or union is concerned, the report must include the date and the resolution passed by the governing body authorizing it to intervene in the campaign. To make the system as airtight as possible, the Act will have to include provisions prohibiting collusion between candidates and third parties and among the third parties themselves. Penalties would be levied for any contravention of the Act. All Canadians have the right to know, at a minimum, who is intervening in the political debate and who is doing so through financial support; they are also entitled to know that spending limits apply to all participants. The rules governing registration and the requirements for submitting reports would have to be assured the same administrative flexibility as provided under the *Referendum Act*. It should be noted that the above provisions could be modified and adapted to address the matter of issue advocacy.

Blackout Provisions

Amendment of the blackout provisions in the Act goes hand in hand with updating the sections relating to third party intervention during an election campaign. At present, a blackout on advertising applies at the start of the campaign and, above all, on the day before election day and on election day itself. The blackout applies to all political parties but does not apply to either candidates or third parties. This is a secondary effect



of the Alberta Court of Appeal judgment mentioned earlier. This anomaly created confusion among broadcasters, candidates and political parties and should be rectified.

Access to Buildings for Candidates

It would also be advisable to enlarge the scope of legal access by candidates when canvassing electors. At present, the Act stipulates that candidates must have access to multiple-family dwellings. It would be appropriate to extend access to other types of buildings, such as commercial or educational sites, and any public building.

Staggered Voting Hours

The introduction of staggered voting hours to accommodate the country's different time zones proved successful and achieved the desired results, although electors in part of Saskatchewan were the last to cast their ballots. According to the established objectives, the people of British Columbia were to be the last to vote. However, since Saskatchewan remains on standard time in summer, while the rest of the country moves their clocks ahead, the Act will need to be changed if lawmakers wish to obtain in summer the result that would occur if an election took place while the whole country was on standard time. In practical terms, the Act could be amended to include an explicit provision that, during the period when most of the country is on daylight saving time, the

Chief Electoral Officer may adjust voting hours in electoral districts in a time zone that does not switch to daylight saving time.

Conclusion

While considering any amendments to the Act, it would be appropriate for Parliament to consider a consolidation of the Act, to allow clearer numbering of the sections and make referring to the legislation simpler and more effective. In addition, attention should be directed to the recommendations that Mr. Peter S. Grant, the Broadcasting Arbitrator, makes in his report, which appears as Appendix D of this document.

Furthermore, during the coming months, Elections Canada staff, together with returning officers and their staff, will carry out an in-depth evaluation of the administration of the recent election. Fresh modifications to the Act may be suggested as a result of that examination. If such is the case, an additional report will be submitted to the Speaker of the House or to whatever committee of the House or Senate is responsible for reviewing amendments to the *Canada Elections Act*.

Given the continually evolving nature of the electoral process and the dynamics that affect it, the time has come to recommend a more systematic and formalized process for considering legislative changes. To follow up on the recommendations of the Royal Commission report, which is still under consideration by the responsible parliamentary committee, and to proceed with the necessary review of the electoral legislation, it is recommended



that Parliament consider the merits of establishing a House of Commons special committee. Given the workload, which promises to be substantial, there would be every advantage to setting up such a committee.

Finally, it is important to remember that the House committee responsible for review of the *Referendum Act* was not able to carry out its task during the last Parliament. The review was to be performed three years after the Act was passed in May 1992.



The National Register of Electors

Amendments to the *Canada Elections Act* that came into effect on December 18, 1996, enabled the creation of a National Register of Electors that will eliminate the need for enumeration in future federal electoral events. The Register is a computer data base that includes the name, address, gender and date of birth of Canadians qualified to vote. Once it

is fully operational, the Register will be updated using existing federal, provincial and territorial data sources; information supplied by electors when they register to vote or revise their information during federal electoral events; and proven electoral lists from other Canadian jurisdictions.

Evolution of the Register Project

The concept of a register of electors began to evolve when the Elections Canada Automated Production of Lists of Electors (ECAPLE) system was successfully introduced for the 1992 federal referendum. It was widely acknowledged that the time had come to modernize voter registration. Traditional door-to-door enumeration was the single most time-consuming and costly activity of the electoral process. It was increasingly difficult to recruit the 110 000 enumerators required to carry out a Canada-wide enumeration. It was equally difficult to find electors at home and willing to open their doors to strangers. Enumerators were concerned about their safety in certain areas.

Following legislative amendments, the ECAPLE system made it possible to reuse the 1992 referendum lists of electors as the preliminary lists for the 35th general election in 1993, in all provinces except Quebec. (Quebec conducted a referendum under its own legislation.) This experience demonstrated that use of an electronic list of electors could be cost-effective and increase the efficiency of the electoral process.

In January 1995, a small project team was established at Elections Canada to examine the



Treasury Board President Marcel Massé presents Elections Canada's Judy Charles (Director of Strategic Planning and Intergovernmental Affairs) with an Award of Excellence for her dynamic leadership of the National Register of Electors project.



feasibility of a register of electors. By March 1996, the team's research showed that such a register would be both feasible and cost-effective, could shorten the electoral period by eliminating enumeration, and could significantly reduce costs and duplication of effort across Canada. Two surveys of public attitudes, conducted in the summer of 1996 by Environics and Angus Reid, confirmed that the majority of Canadians would support a permanent register. Also encouraging was support for the concept of a shared register from potential data suppliers and provincial and territorial electoral agencies.

The House of Commons Standing Committee on Procedure and House Affairs was briefed throughout the development of the project, and members indicated their support. In October 1996, the appropriate legislation was introduced in the House of Commons; Bill C-63 was passed by the House and the Senate and received Royal Assent on December 18, 1996.

Bill C-63 directed that a final enumeration be held to gather initial elector information to serve as the basis for the Register of Electors. The Bill also allowed the Chief Electoral Officer to consider using provincial voters lists compiled through an enumeration within the preceding 12 months where he deemed this feasible. Recent enumerations in Alberta and Prince Edward Island fell within this time frame. Although British Columbia has a permanent voters list and development of such a list was under way in Quebec, their last enumerations fell outside the 12-month limit prescribed by Bill C-63. In Ontario, a municipal enumeration was scheduled for the end of April, but the late passage

of the required provincial and federal legislation and the difficulties in reconciling federal and provincial electoral geography made it impossible to mount a joint effort in the time available. Accordingly, a final federal enumeration was held between April 10 and 16, 1997, except in Alberta and Prince Edward Island, to serve as the basis for the new National Register of Electors.

Initial Data Base of the Register

The final voters lists from the March 1997 provincial election in Alberta and the November 1996 provincial election in Prince Edward Island were purchased by Elections Canada for the national Register. Elections Canada paid \$125 000 to Prince Edward Island and \$1.5 million to Alberta for these lists. Since a federal enumeration in those provinces would have cost \$400 000 and \$7.2 million, respectively, all three jurisdictions benefited from their agreement to share information.

On the basis of these formal agreements, Alberta and Prince Edward Island had previously amended their electoral legislation to permit them to collect additional information in preparing their provincial voting lists and sharing data with Elections Canada. Both provinces had also realigned their polling division boundaries to match federal boundaries to pave the way for the initial transaction. In addition, Elections Canada adapted the ECAPLE software for use in Alberta's 1996 provincial enumeration, enabling the province to generate voters lists for all 83 electoral districts by computer for the first time. ECAPLE was also used to



consolidate data from the 27 provincial electoral districts in Prince Edward Island into the four federal ridings.

In the remaining provinces and territories, federal enumerators asked electors for their full name, mailing address, municipal (street) address, gender and date of birth. Date of birth and middle name were considered critical to differentiate among electors with the same name during Register updates. Because the 36th general election was called immediately following the enumeration, the information just obtained was used to prepare preliminary lists of electors for this election. The Register will now be based on the final voters lists from the 36th general election, which will be more up-to-date than the initial data collected during enumeration.

Basic Principles

As part of a democratic electoral system, the Register is built on three basic principles: the privacy of electors must be safeguarded; electors must have the freedom to choose whether to participate, and to what extent; and the information must be used for electoral purposes only.

In devising ways to actualize these principles, Elections Canada sought advice from many experts and from the Office of the Privacy Commissioner of Canada. The Commissioner has the right to audit the entire process at any time – examining how information for the Register is collected, stored, updated and used – to ensure that the elector’s right to privacy is respected.

The confidentiality of personal information is protected through both statutory and electronic means. For instance, provisions in the *Canada Elections Act* allow Register information to be used for electoral purposes only. Improper use of the information by anyone is an offence punishable by law.

Lists of electors will be shared with registered political parties and Members of Parliament each year, as well as with candidates during an electoral event, but they will not contain all the information stored in the Register. They will, in fact, contain less information than previously. They will no longer show an elector’s gender, nor will they show an elector’s date of birth. Table 1 shows the information collected for the Register and that provided to parties and candidates. Lists of electors are not posted in public; this practice was abolished before the 1988 federal election.

Canadians have the right to gain access to their personal information in the Register. They also have the freedom to choose whether to participate, and to what extent. For instance, electors adding their names to the Register can request that their personal information not be shared with any other jurisdiction or electoral organization; and they may, through a request to the Chief Electoral Officer, have their information deleted from the Register without jeopardizing their right to vote. Persons whose names are not on the Register or on the preliminary lists of electors can register to vote during a lengthened revision period, at the advance polls or on polling day.

The principle of active, informed consent is also applied to the Register of Electors. Elections



Table 1

Elements of Register shared with political parties, candidates and Members of Parliament

Data collected	For use in Register	Data on restricted lists to parties and candidates	
		1993	1997
Name	✓	✓	✓
Gender	✓	✓	-
Birth date	✓	N/A	-
Address	✓	✓	✓

Note: The Register of Electors itself is not shared with political parties, candidates or Members of Parliament. Only the above elements of the list are shared, and only for electoral purposes. N/A, not applicable.

Canada will continue its programs to inform electors about their rights in relation to the Register, its uses, the information that is collected and the reasons for collecting it, and the methods for updating this information. Information from federal data suppliers (Revenue Canada and Citizenship and Immigration Canada) will be passed on to Elections Canada only with the consent of the individuals. Revenue Canada is adding a box to income tax returns, beginning with the 1997 taxation year, that filers can check off if they consent to have only specified data (name, address, date of birth) forwarded to Elections Canada. A similar change has been made to citizenship application forms so that new Canadians can provide their consent.

Agreements with provincial and territorial data suppliers are based on there being sufficient legislative authority in each jurisdiction for disclosure of names, addresses and dates of birth. Individuals who turn 18 will receive a letter from the Chief Electoral Officer asking them to confirm their

eligibility to vote and to consent to being included in the Register.

Finally, the Register will incorporate security technology and procedures that prevent unauthorized access to elector data. Elections Canada will receive data from suppliers by diskette or tape; the Register's computers will not be linked on-line with data suppliers. At Elections Canada, on-site physical security measures are being implemented for the Register, and only security-cleared personnel will have access to Register data.

Maintenance of the Register

Once the Register is operational, the information it contains must be kept current between electoral events, since about 20 percent of elector information changes each year.

Table 2 shows the expected changes and the data suppliers that will capture them for the Register.

Much of the work during the initial phases of Register development has been devoted to the complex task of identifying and evaluating appropriate data sources and laying the groundwork for agreements with potential suppliers and partners. *Suppliers* were eventually defined as federal, provincial and territorial government departments that will provide information to keep the Register current but get none in return; *partners* were defined as provincial and territorial electoral organizations, with which information exchange can go both ways, provided the appropriate legislation and agreements



Table 2
Annual changes to elector information and the sources of data for the Register

Change	Number of electors	Percentage	Data suppliers
Address	3 200 000	16	Revenue Canada; provincial and territorial motor vehicle registrars
18-year-olds	360 000	2	Provincial and territorial motor vehicle registrars; Revenue Canada
New citizens	200 000	1	Citizenship and Immigration Canada
Deaths	195 000	1	Provincial and territorial vital statistics registrars

have established a framework for information sharing. The federal legislation now permits Elections Canada to conclude arrangements with partners that are ready to exchange processes and data, provided those partners have the corresponding authority to conclude agreements.

Putting this Canada-wide co-operative effort into place was a lengthy and intricate process. Amendments to provincial and federal legislation; rounds of negotiations with government officials and elected representatives at federal, provincial and territorial levels; reviews by Privacy Commissioners and Cabinets; and procedural changes to make information sharing more cost-effective had to be planned and carried out. Procedural changes involved additions to the information collected by various jurisdictions and harmonization of polling division boundaries to enable data transfer.

Over time, the Register will be tied into Elections Canada's Geographic Information System (GIS), enabling customized voters lists to be generated for any Canadian jurisdiction's polling

divisions. This information could be shared with municipalities and school boards, as well as with provincial and territorial electoral organizations.

Data Suppliers and Partners

Since its inception, the Register of Electors has evolved through a number of federal and provincial initiatives. The long-term development and success of this important project are dependent on continuing federal and provincial co-operation and partnerships, managed through administrative agreements.

Elections Canada signed agreements with Revenue Canada and Citizenship and Immigration Canada – the federal data suppliers – in the early spring of 1997. In preparation for launching the data transfer process, the Register team worked with both federal suppliers to develop active consent mechanisms, to provide background information and to develop communications strategies.



At the time of writing, Elections Canada has concluded agreements with motor vehicle registrars of Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan and the Northwest Territories, and with the vital statistics registrars of Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Ontario, Saskatchewan, British Columbia and the Northwest Territories. Cabinet approval was sought in five jurisdictions. Agreements with the remaining provincial and territorial registrars are expected to be signed by the fall of 1997.

Agreements with the provincial Chief Electoral Officers are also an important element in the maintenance of the National Register of Electors. For instance, on July 2, 1997, the Chief Electoral Officer of Canada and the Chief Electoral Officer of Quebec reached agreement on the acquisition of consolidated provincial data from Quebec's permanent voters list. A similar agreement is expected to be signed with the Chief Electoral Officer of British Columbia in the fall of 1997.

Sharing the Register

On February 6, 1997, the Chief Electoral Officer signed an agreement with New Brunswick, covering two-way information exchange. While Elections Canada will have access to provincial data for updating the Register, New Brunswick would have access to Register data for developing and updating its own proposed provincial registry. The Province of Ontario and Elections Canada are discussing possible joint initiatives involving the Register, as a result of the passage of the provincial *Fewer Politicians Act*

(which essentially aligns provincial electoral districts with the federal boundaries) and amendments to the *Municipal Elections Act* which allow the creation of municipal lists of electors from sources other than mail-in enumeration. An umbrella agreement to share data, systems and expertise is in the final stages with Elections British Columbia; other initiatives have occurred with Nova Scotia, Quebec, Manitoba and Ontario municipalities.

Next Steps

With the initial data base in hand and negotiations with data suppliers close to being concluded, Elections Canada is now developing the organizational and technical structures that will support the operation and maintenance of the Register.

The National Register of Electors will be managed by a new directorate at Elections Canada. The quality of the Register data will be constantly monitored. Data coming in from the suppliers will be matched to electors in the Register by name, address and date of birth. These data may include spelling and name variations, as well as errors. Matching rules and standards consistent with established statistical practices are being established to deal with these problems. Most matching will be done by computer, but rules and standards will be periodically adjusted after manual reviews of matched cases.

In addition, ongoing liaison with data suppliers will be necessary. As well as setting up mechanisms for problem solving at the operational level, these liaisons will serve to monitor legislative or administrative changes that may affect our sources and thus the maintenance of the Register. The Register team will



also be mandated to improve methods of data collection and operating processes for the Register.

Development of new computer applications for the Register is a priority. The initial Register data base was built using Elections Canada's ECAPLE system, which was developed for decentralized use in the ridings. Elections Canada will maintain the Register using a centralized computer system with the ability to process large quantities of data (for instance, a quarterly shipment of driver's licence information from a province) as well as individual transactions (for instance, an elector's request to be added to the Register). The system will be compatible with the existing information technology infrastructure at Elections Canada and flexible in terms of inputs, so that when a data supplier changes file formats, the data can still be processed by Elections Canada.

In addition, the Register will be meshed with Elections Canada's GIS in a process linking each elector to an address and each address to a data base of digital maps. Linkage with electoral maps is what will enable Register information to be shared with other jurisdictions. The GIS will be capable of sorting geographical information by any set of boundaries. If a province, for instance, supplies the Register with its own electoral district or polling division boundaries, these can be used to sort the elector information into lists that are customized for use by that jurisdiction. Elections Canada will also be able to provide the necessary maps and, if required, appropriate software for use by other jurisdictions.

A request for proposals for development of the Register system was issued and, in February 1997,

Science Applications International Corporation Canada (SAIC) was awarded the contract. Because Elections Canada had undertaken extensive research on feasibility and system requirements, the contractor was able to complete the functional design phase by April 1997. Design of specific applications is now under way.

Once the Register is fully operational, late in 1997, a regular schedule of updates will be put in place. Most data suppliers will ship diskettes or tapes to Elections Canada on a quarterly basis; the frequency of updates may increase when a general election is expected, to ensure that the preliminary list of electors is as current as possible.

Costs and Savings

The development costs of the Register are estimated at \$13.3 million, including development of computer systems, purchase of computer hardware and software, and acquisition of data from federal, provincial and territorial sources. Also included are the costs of changes to the systems, procedures and manuals of Revenue Canada and Citizenship and Immigration Canada. This amount excludes the cost of the final enumeration.

The annual cost of maintaining the Register is estimated at \$5 million. This includes the cost of obtaining active consent from taxpayers, new citizens and 18-year-olds, and the cost of producing new data files for organizations supplying data to Elections Canada, as well as the administrative costs of the Register itself.



By using the Register to replace door-to-door enumeration, Elections Canada will reduce voter registration costs in the next two general elections by approximately \$30 million each. The full cost of the initial investment in the Register, including the cost of the final enumeration, will be recovered

after the 38th general election, based on current dollars. The projected cost savings will be some \$30 million per electoral event at the federal level alone. Further savings are to be expected when provinces and municipalities begin using Register data for their own electoral purposes.



Other Changes in the Electoral System

The 36-day Electoral Calendar

Eliminating the need for enumeration made it possible to shorten the electoral calendar from a minimum 47 days to 36 days in time for the 36th general election. This change carries out the thrust of the majority of briefs submitted to the Royal Commission on Electoral Reform and Party Financing, and has been receiving growing support over the past decade from the public and political parties.

The shorter calendar is expected to reduce election administration expenditures by \$8.1 million. Under the previous system, 110 000 enumerators had to be hired and trained in the first 19 days of an event.

Changes in key dates and procedures that follow from the shortened electoral calendar and from the existence of the Register are shown in Table 3.

Easier Access for Electors

Amendments brought in by Bill C-63 and procedural changes initiated by Elections Canada have improved access to information, registration and voting for Canadian electors.

Revision Process

An improved revision process has made it easier for electors to ensure they are registered to vote. Electors who move to another address within the same electoral district where they were registered may transfer their registrations by phone. Minor

changes, such as spelling corrections, can also be taken over the phone. Forms requesting amendments to the voters list may now be mailed or faxed by electors to the returning officer, along with proof of identity. Registrations during the revision period will, in future, include electors who have exercised their right to opt out of the Register and new electors who have not given their consent to be included in the Register. The position of revising officer and sittings for revision have been eliminated, at an estimated cost saving of more than \$2 million. Those duties, including hearing objections, have been assumed by the returning officer. Electors against whom an objection has been lodged may now choose to fax or mail eligibility information, appear in person, or have a representative appear for them.

Each future revision period will include five days of targeted revision where necessary, to reach electors in high-mobility or newly built residential areas, in institutions and in chronic care centres. Information will be collected through the mail and personal contact. Registration kits will also be dropped off at institutional facilities and homes in new residential developments. In addition, registration centres may be established – where the returning officer deems necessary – at locations such as university campuses and shopping malls.

Extended Registration and Voting

Unregistered voters can now register at the advance polls as well as on polling day. The deadlines for



Table 3
Key changes to calendar

Activity	New 36-day calendar	Old 47-day calendar	Notes
Issue of the writs	Day 36	Day 47	
Returning offices open	Days 36–30	Days 47–36	Returning officers open and organize their offices, hire and train staff
Preliminary lists to returning officers	Day 34	Day 26	Electronic copy of preliminary lists of electors sent to ridings from Elections Canada
Revision of voters lists begins	Day 33	Day 28	Revision period of 28 days (vs. 24 in old calendar); includes 5 days of targeted revision, if necessary
Preliminary lists to candidates	Day 31	Day 24	One printed copy, one electronic copy
Actual spending limits announced for candidates	Day 31	Day 24	Limits will now take into account electors living outside Canada and in the Canadian Forces
Actual spending limits announced for registered parties	Day 17	Day 24	
Confirmation of Registration Notice to electors	Mailed from days 26–24	Days 35–29	
Nomination day	Day 21	Day 28	
Revised lists to candidates	Day 11	Day 10	Up to five printed copies, plus one electronic copy
Advance polls	Days 10, 9, 7	Days 9, 7, 6	Electors may now register at these polls
Revision ends; deadline for special ballot registration	Day 6	Day 5	Allows more time to produce official lists
Special ballot deadline	Day 0 (polling day)	Day 3	Compensates for shorter registration and voting period for special ballot users

delivery of special ballots have been extended from the Friday before polling day to polling day itself, at 6:00 p.m., Ottawa time, for persons voting outside their electoral districts, and to the close of polls locally for persons voting by special ballot in their own electoral districts.

Internet Access

Statistics Canada estimated that, in 1994, only about 8.5 percent of Canadian households had a computer and modem to connect to the Internet; since then, the proportion has increased so rapidly that Elections Canada now considers the Internet an



important tool that Canadians can use to obtain electoral information.

Elections Canada is making as much information as possible available at its Web site for the convenience of electors, candidates and political parties. Interested persons can obtain general information about Canada's electoral system; and

during elections there are riding maps, each returning officer's address and phone number, lists of candidates, the election calendar with key deadline dates, news releases describing the various stages of the election process, statements by the Chief Electoral Officer and election night results.

Voters outside their ridings can also print out a special ballot registration form from the site. Those who cannot find the answers they need can communicate directly with Elections Canada through an e-mail link.



Elections Canada Web site has a new easy-to-read format and a wealth of information. On election night, the main feature was a continuous display of voting results as they were being tabulated.

A New Electoral Geography

Canadian electoral districts are readjusted following every decennial census to reflect movement and changes in the population. The most recent redistribution of electoral boundaries resulted in the 1996 representation order that was in effect for the 36th general election. The representation order changed the boundaries of 264 of the 295 previous electoral districts, created six new ones, and left 31 unchanged, for a total of 301 ridings. Ontario has four additional seats in the 36th Parliament, and British Columbia's representation increased by two seats.

Preparing the cartographic products required by this new alignment of electoral districts was the first large-scale test of Elections Canada's electronic mapping



system, the development of which has been a priority for three years. The GIS data base and associated computer applications now make it possible to generate computer-drawn maps and related material for each federal riding, at levels of detail ranging from electoral districts down to polling divisions and including textual material, such as street indexes and poll keys. Basic to these advances in electoral cartography have been new developments in software that make possible the integration of spatial and textual data, as well as co-operation with other organizations, chiefly Statistics Canada.

The resulting computer system opens the door to greater efficiencies in election administration. It has become possible to produce, with minimal time and effort, up-to-date versions of electoral lists and a range of maps and other documents that make planning and conducting the vote more efficient. The address-based nature of the system will also make it possible to share both maps and lists of electors with other jurisdictions, making the data base a resource for all of Canada.

Following the redistribution process, Elections Canada used the GIS to carry out the transposition of votes exercise, required by the Act to determine which political parties have the right to appoint election officials in each riding. Maps of every electoral district were made available for the first time in a bound set of booklets, one for each



Elections Canada now produces digitized electoral maps – all of Canada is available on a CD-ROM.

province and the Northwest Territories. (Because the Yukon has only one electoral district, it was not affected by redistribution.)

Due to the lag in returning officer appointments under the new representation order and the necessity of maintaining election readiness for two sets of electoral districts for the 15 months between the proclamation of the new representation order and its coming into force with the dissolution of Parliament, the GIS proved valuable in revising polling division boundaries for the 36th general election to reflect population changes. Based on the new polling division maps and related documentation, Elections Canada also prepared street indexes for use by election officials, as well as a new edition of the *Guide to Federal Electoral Districts*.



A Co-operative Effort

Elections Canada is continuing to refine the GIS. Particularly vital is our partnership with the Geography Division of Statistics Canada; we are working to eliminate duplication of effort in pursuit of savings to both organizations. Previous co-operation has already resulted in efficiencies. Statistics Canada provided Elections Canada with the original digital street network files for urban areas, on which the GIS is based. Once these were in our system, we were able to update them with the new addresses coming in from returning officers and municipal and provincial notifications. The updated files were shared with Statistics Canada to eliminate duplication of updating efforts; further updates from the 1996 census and 1997 enumeration will also be shared. Elections Canada has harmonized its coding structure for electoral districts with that of Statistics Canada to facilitate such exchanges.

Elections Canada is seeking to develop partnerships with Canadian public- and private-sector organizations in the geo-spatial data management field. We participate in a number of inter-agency committees dealing with geographical information and attempting to develop better ways of working together. One obstacle in the path of efficient information sharing is Canada's system of licensing data. For instance, Elections Canada has purchased data files on rural areas from Natural Resources Canada to include in our GIS; however, these data are still owned by Natural Resources. One result is that although Elections Canada can disseminate printed maps to political parties and candidates for electoral uses, we cannot distribute digital files.

We are seeking a co-operative resolution of the data ownership issue with potential partners.

Redistribution of Electoral Boundaries

Elections Canada's role in electoral geography goes beyond the production of maps and related materials. The last redistribution process, which was to commence in April 1992 with the Chief Electoral Officer's receipt of the official census return from the Chief Statistician, was suspended twice. The first year-long suspension (Bill C-67) from April 27, 1992, to June 19, 1993, was to accommodate the activities of the 1992 federal referendum. After the 11 federal electoral boundaries commissions had completed their public hearings in June 1994, a second suspension was created by the passage of Bill C-18, also for the period of one year. This suspension was to enable the government to review the *Electoral Boundaries Readjustment Act* and introduce new legislation to amend that Act.

Elections Canada provided extensive consultation services to the Committee on Procedure and House Affairs in this legislative review, and also provided much of the information the Committee used to draft Bill C-69 to amend the *Electoral Boundaries Readjustment Act*. Elections Canada staff also assisted the Senate Committee that reviewed the Bill. Bill C-69 died on the order paper when Parliament was prorogued in the summer of 1995, leaving the way clear for the implementation of the boundaries commissions' recommendations without change.

To make electoral administration more efficient, the *Electoral Boundaries Readjustment Act* must be modernized, like the *Canada Elections Act*.

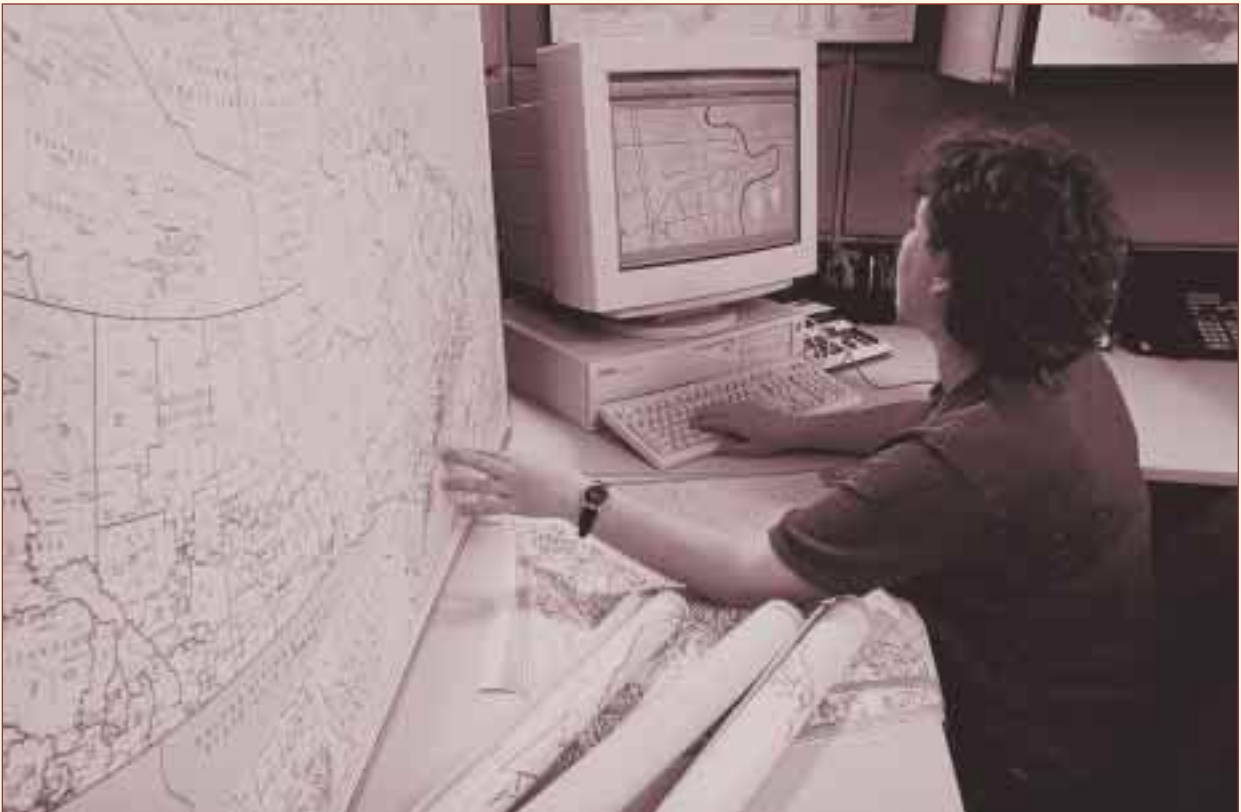


As set out in the Recommendations section of this report, the *Electoral Boundaries Readjustment Act* should be reviewed and the relevance of revising the boundaries every 10 years re-examined. Rapid population growth in some areas of the country indicates that adjustment of some electoral boundaries every five years would be more conducive to achieving an equitable distribution of population among ridings at each electoral event.

Certain other elements of Bill C-69 would also be worth another look in any future review of the redistribution process. For instance, a second round

of public hearings by the electoral boundaries commissions may be warranted when the final commission report includes major changes to the original boundary proposals. Allowing the Chief Electoral Officer more discretion to choose the most effective means of publicizing the boundaries commission proposals might also assist in meeting more fully the Act's requirement for adequate public input to the process.

More than 11 months after the proclamation of the 1996 representation order, on December 18, 1996, the passage of Bill C-347 changed the names of



Elections Canada staff adapted digital map files from various sources to produce computer-generated electoral maps for 301 ridings.



22 electoral districts. By this time, the cartographic products needed for the 36th general election had all been printed; rather than undergoing the expense of reprinting these, Elections Canada prepared notices of amendment that were attached to all copies of materials pertaining to these electoral districts. A review of the electoral boundaries redistribution process could help ensure that issues of electoral district names are dealt with as part of this process to the satisfaction of all concerned, before the finalization of the commission reports.

Other issues related to redistribution that require legislative attention have to do with the Northwest Territories. The commission used the boundaries that will divide the Northwest Territories into the new jurisdictions of Nunavut and the as-yet unnamed western territory on April 1, 1999. Because there will now be three territories in northern Canada, and because the electoral districts under the 1996 representation order follow these boundaries, corresponding amendments are required to subsection 15(3) and section 30 of the *Electoral Boundaries Readjustment Act*, as well as to subsection 51(2) of the *Constitution Act of 1867*.

Changes for Parties and Candidates

Candidates and political parties at the 36th general election were affected by two sets of legislative amendments.

On October 22, 1996, Bill C-243, *An Act to amend the Canada Elections Act (reimbursement of election expenses)* received Royal Assent. This amendment

changed the eligibility requirements for reimbursement to registered political parties of 22.5 percent of their election expenses. Previously, a political party became eligible for that reimbursement if it spent more than 10 percent of its allowable election expenses. Now, a party becomes eligible for the reimbursement if it receives at least 2 percent of the valid votes cast nationally or at least 5 percent of the valid votes cast in the electoral districts in which it endorsed a candidate. The amendment replaces subsection 322(1) of the *Canada Elections Act*.

The main effect of the amendment is to limit reimbursement to those registered political parties that receive a minimum level of support from the electorate, rather than reimbursing them based on their ability to spend money.

Part of the impact on parties and candidates of Bill C-63 fell in the areas of spending limits and the effects of changes to the election calendar. Party media purchasing had to start earlier than under the 47-day calendar to fit the 28-day window for advertising into the shortened electoral period. Because of the existence of the Register, the preliminary lists of electors for each riding now include voters registered under the Special Voting Rules for Canadian Forces electors and electors residing outside Canada.

The actual spending limits for candidates in each electoral district were available 31 days before election day, five days after the writs were issued, rather than halfway through the electoral period as previously. The deadline for nomination of candidates was earlier in the calendar, compressing



the time available for nomination meetings, and also fell 21 days before election day, rather than 28 days before. The official spending limits

for parties, based on the number of electoral districts in which they officially nominated candidates, were available five days after the close of nominations.



New at Elections Canada

A Permanent Home

Elections Canada relocated to permanent quarters at 257 Slater Street in Ottawa following the unforeseen sale of its leased offices at 1595 Telesat Court. To minimize disruption during a heavy work schedule dictated by the event readiness planning cycle, equipment and furniture were moved during the weekend of September 21, 1996. On Monday, September 23, Elections Canada staff reported to the new site.

Before the move, a state-of-the-art communications cable management system was installed on floors to be occupied by Elections Canada. This innovation supports the increase in communications and the system upgrades needed to deliver an electoral event quickly and economically. New training facilities for returning officers were incorporated into the building retrofit as well. These rooms are equipped for multi-media electronic presentations.



Elections Canada staff gathered outside their former rented office building for a farewell photo just before the move to permanent headquarters in downtown Ottawa.



New Developments in Training and Support for Returning Officers

The redistribution process, suspended for a year (from June 1994 until June 22, 1995) by Bill C-18, also delayed the appointment of returning officers for the new electoral districts. Although the new representation order was proclaimed in January 1996, the appointment of returning officers by the Governor in Council did not begin until June 1996, cutting the time available for training in half. Appointments trickled in until the fall, obliging Elections Canada to shorten some training sessions to fit in the majority of returning officers during the months before the enumeration and election.

Training and Instructional Materials

Because of lags in the appointment process and multiple resignations, which necessitated new appointments, Elections Canada had to run continuous training sessions for returning officers from February 1996 until well into the enumeration period in April 1997.

New returning officers participated in a comprehensive nine-day training program. Reappointed returning officers attended four-day

refresher courses in which Elections Canada staff reviewed changes in procedures since the last electoral event. A total of 308 returning officers came to Ottawa for training in 19 English-language sessions and 7 French sessions.

Training sessions were enhanced with new instructional videos and computer-assisted slide presentations. One video, on the code of conduct for returning officers, clarified and illustrated the

Table 4
Timing of returning officer appointments and resignations

		Number of returning officers appointed	Number of returning officers who resigned
1996	January	0	0
	February	0	0
	March	2	0
	April	0	0
	May	0	0
	June	106	1
	July	0	3
	August	109	2
	September	24	3
	October	12	4
	November	4	2
	December	0	3
Total 1996		257	18
1997	January	4	3
	February	5	2
	March	7	2
	April	1	1
	May	0	0
	June	0	1
Total 1997		17	9



companion written code; another provided guidelines for the management of supplies for an electoral event. Elections Canada also produced new or revised videos, procedures manuals and lesson plans to assist returning officers in training their staff.

The basic objectives in revising the training materials and manuals were to improve clarity and to make them applicable to both elections and referendums, eliminating a redundant set of instructional materials. The enumerator's manual included a new set of practical exercises, enabling users to check whether they understood how to apply what they had learned in training. This addition was well received by returning officers and was extended to materials for other election officials, notably revising agents.

Following the passage of Bill C-63, Elections Canada revised the manuals for all election officers to take into account the changes to legislation and administrative procedures. A new manual for returning officers was prepared for the enumeration period, which fell outside the electoral calendar. New manuals for both the enumeration and the election were prepared for the returning officer's office staff. New forms were developed to reflect changes in voter registration procedures under the new legislation; other forms were appropriately revised. The nine-day training sessions for returning officers appointed in February and March were modified to include the new procedures.

In February and March of 1997, Elections Canada staff travelled to Vancouver, Calgary, Edmonton, Winnipeg, Toronto, Montreal, Quebec City and Halifax to hold regional training sessions on

the changes brought about by Bill C-63, the specific calendar for the final enumeration, and revised operational procedures. These two-day sessions were attended by returning officers, their assistants, and the automation co-ordinators who would be responsible for processing the registration data, almost 900 people in all. These sessions increased the confidence of returning officers and their staff – for most, the enumeration would be their first experience with electoral administration. The sessions also helped returning officers start to prepare for enumeration, identifying the personnel they would need to operate their offices (enumeration supervisors, training officers, ECAPLE technicians, data preparation and verification clerks, data entry operators and support staff), as well as beginning to locate office space and suppliers.

Support Systems and Payment Procedures

The ECAPLE software, used for the production of electoral lists, was reviewed to correct minor technical deficiencies brought to light during previous uses and to ensure that it would accommodate the additional information to be collected under the new legislation. Multiple simulations were carried out to test the software before the enumeration. The deployment of informatics equipment was also reviewed, based on experience during the 1993 general election and the 1995-96 by-elections. New forms and manuals were produced. The address-based enumeration process, previously tested during by-elections, was prepared for use in all ridings.



All the returning offices, for the first time, were linked by modem to Elections Canada. With e-mail and direct data transmission, returning offices no longer had to rely as much on fax machines. Rather than purchasing additional computers for those offices, Elections Canada made arrangements to lease the necessary hardware, saving on post-event storage costs and ensuring that the best equipment was available.

In October 1996, Elections Canada started planning the Support Network, a phone-in system that provided on-the-spot assistance to returning officers and their staff if they ran into technical or procedural problems during the enumeration or election. Our own staff were augmented by advisors who received training on the operational, logistical, financial and informatics responsibilities of returning officers. In addition, some 60 specialists in electoral procedure, election financing and information

technology were available to provide help when the first line of support network advisors ran into unforeseen situations. Also involved were 15 Elections Canada managers in the appropriate functional areas, who handled the third and highest level of assistance.

A new Tariff of Fees for returning officers and their staff was prepared to reflect the changes in tasks and responsibilities resulting from the new legislation. Fees were adjusted to allow for an enumeration period outside the electoral calendar and for the shorter 36-day calendar itself. Some rates of pay were amended to establish equity among election officials.

At the moment, election workers working less than 25 days are exempt from Employment Insurance deductions. A recent move by Human Resources Development Canada (HRDC) to revoke this exemption as of January 1, 1998, is cause for

concern and may necessitate a further review of the Tariff. In many areas of the country, it is not easy to recruit the large temporary work force required to staff polling stations on election day and at the advance polls. Most of these people work for only one day. In addition to imposing the administrative burden on Elections Canada of processing Employment Insurance deductions on well over 100 000 pay cheques,



A group of Support Network advisors attend a training session on the Election Results System, preparing to help returning officers get the results out on election night.



removal of the exemption could undermine the ability of returning officers to find enough workers. Many potential candidates for these temporary positions would see a reduction of social assistance or Employment Insurance benefits if they accepted even one day's work from Elections Canada, in addition to the direct deduction for premiums. Accordingly, Elections Canada has informed HRDC of the potential impact of the proposed change. If maintenance of the exemption is not possible, the Tariff will have to be reviewed and possibly amended upward to compensate for the potential losses to election officials, and the administrative burden to Elections Canada would remain.

During both the enumeration and the election, Elections Canada gave returning officers and their assistants the option of paying bills for office supplies by corporate credit card. Both single-purchase and overall credit limits were established. Purchases of specified goods and services could be made by the returning officer and the assistant returning officer. Monthly consolidated electronic invoices were sent to Elections Canada, which paid the bills.

Use of the credit card system facilitated purchases at the riding level and also streamlined the payment process for Elections Canada. Instead of paying some 6 000 individual invoices, the Election Financing Directorate had to deal with three consolidated invoices that included charges for all cardholders. For control purposes, the electronic invoice listed amounts by type of purchase; Elections Canada staff could spot check these and review and verify receipts as needed. The credit cards were automatically deactivated after the election.

Improved Systems and Support for Candidates and Parties

Elections Canada revised the election financing handbooks for candidates and parties and carried out briefings to acquaint parties, parliamentarians and their staff with the new legislation before the enumeration. Two staff seminars were sponsored by the Library of Parliament, as well as briefings requested at caucus sessions of the Liberal, Reform and Bloc Québécois parties. A briefing for all parties was also held at Elections Canada in February 1997. In addition, preparations were made for seminars for candidates and their official agents during the election.

The Election Financing Directorate carried out a feasibility study on an electronic version of the candidates' financial return at the March 1996 by-elections. The candidates' official agents were invited to submit the returns using a prototype electronic form, provide feedback on the form itself and indicate their willingness to file returns electronically in the future.

The study indicated that there is interest in using a computerized form, and work proceeded on a computer application for optional use by candidates in the 36th general election. The expected benefits include ease of completion and time savings for candidates and their official agents, increased accuracy, improved disclosure, and the capture of other information useful to candidates and their parties. In addition, processing by Elections Canada would be simplified and more cost-effective. When development of the application



was completed, the necessary kits were distributed to those official agents who requested them.

New Developments in Voter Education

During and between electoral events, Elections Canada educates Canadians about the electoral process and their democratic heritage. As well as programs for the general public, the agency has information initiatives to assist those who may experience difficulty exercising their franchise: electors with disabilities, new citizens, members of ethnic minorities, Aboriginal peoples, young people, first-time voters, and Canadians eligible to vote by special ballot, such as those residing temporarily outside Canada.

Over the past two years, our communications programs have begun to focus more on responsiveness to user needs and the use of advanced technology to improve presentations and create efficiencies. Elections Canada carries out extensive pre- and post-testing of major communications initiatives, and seeks ways to introduce interactive components and promote feedback from the public. A controlled transition is under way from print to electronic communication, wherever this is appropriate, as exemplified by the broadened scope of our Web site.

Recent Initiatives

The agency's youth program has two new products. *Election off the Shelf* is a how-to kit, created in response to requests from various post-secondary students' associations for help in administering their elections. Informative articles, step-by-step guidelines and sample forms are packaged in a three-ring binder. Prepared in consultation with and including contributions from election officials of 12 students' associations across Canada, the kit will be distributed in the fall of 1997 to all 250 colleges and 88 universities in Canada.

Choosing Our Mascot is a junior election simulation kit for kindergarten to grade four,



Elections Canada targets communications to specific audiences wherever possible. Canada's Electoral System is meant for older students and adults; Choosing Our Mascot will educate children through a simulated election process; and I Can Vote presents information in plain language for those who have difficulty reading.



developed in partnership with the Northwest Territories. Featuring Inuit art and music and four arctic animals as candidates, the kit is available in English, French and Inuktitut, and includes posters, an activity booklet and a cassette of campaign songs, as well as a ballot box, a voting screen, and other election materials. The kit will be launched in September 1997 in the Northwest Territories.

Now available at various levels of sophistication, from grade five up to high school, is our senior election simulation kit, *Canada at the Polls*. In addition to background material and instructions for holding a simulated election, the kit includes an electronic game component, in which students playing the parts of candidates must run an election campaign within specified spending limits.

Elections Canada's annual involvement in Quebec's *Salon Pepsi Jeunesse* and the national Forum for Young Canadians continues to create awareness among young people about the federal electoral process and the importance of voting. Two other annual youth-oriented events have been added to our outreach program: Quebec's *Salon des Ami(e)s*, which offers an election simulation program to children aged 5-11, and the CRB Foundation's Kingston Heritage Fair. At the fair in 1996, young people aged 9-13 and the general public could visit an Elections Canada booth and vote for the historical monument of their choice; in 1997 the program was expanded to include English and French workshops and a simulation of a historical election.

An interactive CD-ROM, *Exploring Canada's Electoral System*, is under development. Designed for young people up to the age of 24, it will provide a tour of the electoral system and a game in which users can test their knowledge. In addition, Elections Canada has developed an illustrated plain-language kit, *I Can Vote*, with information for people who experience difficulty reading in either English or French.

The popular travelling exhibit, *Serving Democracy/Behind the Ballot Box*, has been revised to reflect current legislation and is once more on tour. The new exhibit opened in February 1997 at the Public Archives of Nova Scotia, and includes a video on the evolution of the franchise and election simulations.

To be published in 1997 are *Canada's Electoral System* – a recently revised booklet summarizing the elements of the electoral process for general readers – and Elections Canada's 75th anniversary volume, *A History of the Vote in Canada*. The latter chronicles the evolution of the franchise, from pre-Confederation days to the present. It makes a contribution to our understanding of Canadian history by tracing the 200-year process by which Canadians overcame barriers to voting to achieve a universal, constitutionally entrenched right to vote. Archival photographs and cartoons illuminate the social and political environment in which the vote evolved.

Our Internet Presence

In keeping with our policy to migrate toward electronic communication, Elections Canada significantly expanded and revised its Web site



At the opening of the circulating exhibit Behind the Ballot Box in Halifax, the Chief Electoral Officer shares a moment with Nova Scotia's Chief Archivist, Carman Carroll; the Hon. James Kinley, Lt.-Gov. of Nova Scotia; and a cardboard suffragette.

to use the medium to the best effect for the April enumeration and following election.

The site was planned as a dynamic presentation, with information changing each day of the enumeration and election. The design and visual effects were co-ordinated with the advertising program to reinforce Elections Canada's visibility and recognizability.

Ease of use was paramount in the site's redesign. Point-and-click navigational tools are repeated on each page so that users can easily switch languages or reach other areas of the site. Links are available through graphics and plain text, and the look is clean, crisp, and easy to read and print.

Over time, the site will be augmented with sections for sub-markets, such as youth and

international users. Negotiations are under way for a co-operative effort with SchoolNet. Also planned are articles and presentations that will help explain Canada's democratic system to foreign visitors, together with a section on the evolution of the franchise. The flexibility of a Web site also provides potential for archiving material of interest to researchers, such as statistical material, statutory reports and possibly the financial returns of parties and candidates. Elections Canada has recently hired a full-time Web co-ordinator to carry out these plans and to represent the agency on various Internet-related committees. The long-term plan is to establish Elections Canada as a major source of electoral information on the Internet.

Improvements to Internal Systems and Processes

As Elections Canada's planning, administrative and operational processes grow more sophisticated, our technology also grows in scope and sophistication. Several initiatives and improvements to existing systems were completed or in progress before the 36th general election.

Information Technology

When Elections Canada began to use information technology, a significant number of operational, financial and supplies management functions were assigned to the VAX system, the best option at the



time. To meet today's more complex needs, it became necessary to look at new options. The agency is now converting to ORACLE and Powerbuilder as its standard for new systems development, with ARC/INFO coming into use for the GIS. With the complete integration of our existing systems through a central data base of critical information, data can be shared across the whole organization.

Conversion of VAX systems has been planned in stages. Those essential for the enumeration and election have already been implemented; others will follow starting in the fall of 1997. New functionality

has been added during the conversion to enhance productivity. Affected are such functions as the election expense system for candidate returns, control of authorizations to returning officers and supplies management system; the production of electoral district and returning officer profiles, lists of candidates, and data on official additions and recounts.

A major project following the redistribution was the development of new software to support the conversion of the corporate data base to the new electoral geography of 301 ridings. The ability



Directors and other staff met daily with the Chief Electoral Officer during the enumeration and election to review key information gathered by the Election Management System and ensure that operations stayed on track.



to supply the ECAPLE system with the necessary data for creating address-assisted enumeration books for the new electoral districts also followed from this conversion.

We also replaced or upgraded equipment to ensure sufficient capacity and efficiency for the stresses of the enumeration and election. Servers were upgraded to support the April enumeration, and storage capacity was added; work stations were upgraded, the conversion to MS Office was completed and printers were replaced. New data wiring was installed to connect the headquarters building with the distribution centre to accommodate the increased flow of shipping instructions.

The local area network (LAN) that links Elections Canada staff needs to function efficiently under increases and decreases of staff as an electoral event approaches and departs. The agency purchased and installed virtual LAN technology, which permits the quick addition of new users and allows segmentation and improved manageability of the network.

As well as upgrading the phone system for all staff, the agency leased and installed a management information system for the Enquiries Unit, to produce reports on call statistics. This system supplemented the automated call distribution technology (linked to Enquiries Canada, which provides the first level of assistance to people who call Elections Canada Enquiries during an electoral event), to ensure efficient call management. Also installed for the help desks was software that staff could use to log requests

for assistance, creating an electronic file for resolution or transfer to specialists. Called the Action Request System, this software tracks calls, generates statistical reports, and facilitates quality assurance checks on the timeliness and effectiveness of solutions provided.

SHL Systemhouse developed new office automation technology for the offices of returning officers to permit e-mail between the ridings and Elections Canada and direct transmission of data for the election payment and management systems. The dial-in modem pool was upgraded to provide a fall-back connection between returning officers and the headquarters building; the main connection was routed through AT&T.

Direct data transmission was considered essential for efficient event administration both in the returning officer's office and at Elections Canada. The previous system had been mostly manual. Event management data, information required for rental and other payments at the electoral district level, election results and payroll data were sent to Elections Canada on diskette or by fax or phone. Information received by fax or phone had to be re-keyed by headquarters staff. The process was labour-intensive and introduced delays in time-sensitive information. Now instructions and other materials to and from returning officers can be sent by e-mail.

Election Management System

The Election Management System (EMS) is a collection of systems and activities that provides the Chief Electoral Officer and senior executives



with decision support information critical to the management of an electoral event. It collects information from four main sources: incoming enquiries to Enquiries Canada and our own Enquiries Unit, by number and type of call; trouble ticket information from the REMEDY system used by the telephone support network for returning officers; and a question and answer file that is electronically transmitted to returning officers, completed and returned. EMS then consolidates this information into a briefing format for daily use during an election.

This system was redeveloped in time for the enumeration, to help eliminate faxes and to introduce improvements such as built-in exception reporting and immediate analytical capability. Senior managers were able to obtain instant answers to questions that arose during their daily reviews of the event. EMS displays information from the highest levels down to the finer levels of operational detail at headquarters and in any electoral district. It is possible to monitor progress on most aspects of the administration of the event, from the status of special ballots to the number of new names that have been added to the electoral list in each riding. This enables quick identification of problems and a timely response to the needs of returning officers. In addition to supporting the management of the event itself, EMS will provide data for post-event analysis. A study of the day-by-day events will show where current procedures are adequate and where they require redesign or streamlining.

Management of Human Resources

and Office Space

To respond on short notice to the call of an event, Elections Canada must be able to accommodate sudden increases in the number of staff. With our strong planning framework, we can quickly optimize the use of our building space and equip temporary workers with telephones, computers and furniture. To further optimize the use of space and ensure service delivery, alternative work schedules come into play. Fluctuations in the needs and size of the work force can be monitored to ensure economical use of resources.

The International Connection

Elections Canada participates in international forums to exchange information about electoral matters. We also work with the Department of Foreign Affairs and International Trade and the Canadian International Development Agency (CIDA) to provide technical and professional assistance to specific countries, and to establish and sustain partnerships. In 1995, responsibility for observation missions was transferred from Elections Canada to CIDA. Since 1990, Elections Canada has participated in 121 observation missions in 79 countries and has been responsible for 179 technical assistance missions in 79 countries.

In the fall of 1995, Elections Canada launched a long-term co-operative project with the Central Electoral Commission (CEC) of the Russian Federation. The agency's staff will help the CEC improve its capacity to produce a voters list, enhance its legislative framework and establish a system of



electoral cartography.

In 1996, the agency completed a cycle of three trilateral conferences that brought together representatives of the electoral agencies of Canada, the United States and Mexico to share experiences and discuss future co-operation. Relations with Mexico were formalized in 1996 with the signing of a technical co-operation agreement with the Federal Electoral Institute of the United States of Mexico. This agency link will strengthen the democratic institutions of both countries through professional and technical co-operation projects.

In 1996, for the first time, Elections Canada administered election procedures in Canada on behalf of another country. In response to a request to the Canadian government from the Organisation for Security and Co-operation in Europe, which was supervising the electoral process in Bosnia and Herzegovina, the agency administered registration and absentee voting by qualified Bosnian citizens living in Canada.

Elections Canada established a registration centre staffed by people who spoke the Bosnian, Croatian and Serbian languages. We developed procedures for processing voter registrations in line with the regulations of the Provisional Election Commission (PEC) in Sarajevo. We also designed an automated data base and associated documentation for a register of

electors, as well as preparing public information materials in three languages, distributing ballot kits and forwarding the ballots to Sarajevo to be counted.

In addition, Elections Canada sent technical expert teams to Bosnia and Herzegovina to help the PEC plan and manage the September 1996 national and regional elections and prepare for the municipal elections scheduled for September 1997. Absentee registration and voting for the municipal elections in Bosnia this year are being administered by Elections British Columbia on behalf of Elections Canada, as our own agency has been fully occupied with the 36th general election.



The exhibition Canada and the World, held in Ottawa's Rideau Park in the summer of 1997, included a display that illustrated Elections Canada's contribution to the development of democratic electoral systems around the world.



Elections Canada has also been involved in technical assistance projects in Algeria, Yemen and Burkina Faso recently. In the fall of 1997, we have another project scheduled for Guyana.

Moreover, we often welcome delegations from developing democracies to our offices in Ottawa, where we provide them with information and presentations about Canada's electoral system.



The Last Enumeration

The enumeration of April 10 to April 16, 1997 is a milestone in Canadian electoral history. Carried out, as an exception, outside an election or referendum period, it was also the country's last federal enumeration.

About 96 000 enumerators visited every residence to collect the information needed to compile the new National Register of Electors. The enumeration covered all provinces and territories except Alberta and Prince Edward Island, where voters lists compiled for recent provincial elections were used instead.

This final enumeration, which cost \$79.3 million to complete, was intended to form the basis of the National Register of Electors. It was used to produce the preliminary voters lists for the 36th general election, which was called immediately afterward.

The Bill That Started It

The April 1997 enumeration arose directly from Bill C-63, *An Act to amend the Canada Elections Act, the Parliament of Canada Act and the Referendum Act*, which received Royal Assent on December 18, 1996. This bill created the Register (or permanent list) of Electors, shortened the electoral period and adjusted the hours of voting.

The bill provided for one final door-to-door enumeration, outside any electoral or referendum period. Taking into account the minimum time required to train electoral personnel, revise manuals and forms, and adjust computer programs, the Chief Electoral Officer chose April 10 as the start date for the enumeration. Elections Canada also had to

develop various scenarios for the post-enumeration period. Depending on whether an election was close at hand or further off, returning officers would have to keep their offices open after the enumeration or close them, as the case might be. It was necessary to prepare for any eventuality.

Lengthy Preparation

Preparation for the April 1997 enumeration began well before the passage of Bill C-63. In fact, after the general election of October 25, 1993, Elections Canada reviewed the entire enumeration methodology.

Through focus groups in several Canadian cities, we tested a new enumeration form that integrated information from three earlier forms and bore the pre-printed addresses collected during the previous federal enumerations, carried out in 1993 in Quebec and in 1992 in all other provinces and territories. The new form also included more specific references to the enumerator's manual, which was revised to make it clearer and easier to consult. The new form was piloted in 10 by-elections held in 1995 and 1996.

At the same time, we carried out a series of adjustments and simulations on the ECAPLE software, and corrected minor technical deficiencies noted in 1993. Early in 1997, we adapted the system to process the additional information needed for maintaining the Register and to handle 301 ridings instead of 295.

The 1995 and 1996 by-elections were used to test various improvements to the enumeration process. They also provided an opportunity for



Elections Canada managers to observe returning office operations and make improvements based on their observations.

Training the Returning Officers

When Bill C-63 came into force on December 18, 1996, Elections Canada entered a period of intense activity. While revising manuals and forms to reflect the latest amendments to the Act, we also had to provide the necessary training for returning officers and their key staff in preparation for the last enumeration.

The legislative provisions for appointing returning officers make a large turnover a virtual certainty after any significant redistribution of electoral boundaries. Such was the case for the final enumeration and the 36th general election, the first held under the 1996 representation order. Three quarters of the 271 returning officers who took part in the enumeration were new to their jobs. Because of delays in the appointment process, despite the training efforts of Elections Canada, many returning officers did not have time to assimilate the many manuals and procedural guidelines for their tasks before they plunged into an enumeration and election.

The slow appointment process had other consequences. For example, Elections Canada had to prepare some polling division maps with little input from the field. These maps, produced by the computerized GIS based on the relevant population considerations, did not include some of the local details a returning officer normally includes while setting polling division boundaries.

The compression of preparation time had other impacts in the ridings. Some returning officers, for instance, had trouble with the computerized processes now widely used in electoral management, partly because they lacked experience, and partly because some innovations, such as the upgraded Election Management System (EMS), were in themselves quite complex.

The Support Network

Elections Canada solved these and other problems by increasing the staff of the returning officers' Support Network. Throughout the enumeration and the election, returning officers and their staff could call the network for help with their technical, operational, financial or legal questions. The network was available seven days a week, from 7:00 a.m. to 1:00 a.m., and received an average of 1 800 calls per day between April 1 and April 26.

A "call tracker system" in general use for the first time, enabled a more effective response to requests for assistance. For each call, an advisor would create a new computer file with the pertinent information on the problem and its solution. With this system, it was possible to search the data base for solutions to problems handled by other team members. The system also provided information about returning office staff and produced management reports.

Every other day, Support Network members met (in small groups, to avoid interrupting service) to take stock of the problems most frequently encountered. These discussions helped the team



to identify developing problems promptly and adjust their focus accordingly.

One such problem involved a new computer system installed to permit returning officers to send their daily EMS reports by e-mail instead of by fax. The system worked well during the election, but it had some technical connectivity problems at the beginning of enumeration. Elections Canada formed a special team to provide instructions for using the system to returning officers who needed help. With the co-operation of the returning officers, this initiative helped correct the problem during the enumeration.

This episode highlights one of today's election management challenges. The computer tools supplied to electoral staff, and the short period the staff had in which to master them, imposed severe technical demands. It will be important to take this into account, both in the future selection of new returning officers and in the development of new systems.

Opening the Offices

In March 1997, returning officers were busy locating premises, finding office equipment and hiring staff – enumeration supervisors, accounting clerks, training officers, ECAPLE operations technicians, data preparation and verification clerks, data entry operators, automation co-ordinators, and support staff, approximately 20 employees per office, not counting the average 350 or so enumerators hired to work in the field.

On April 2, 1997, returning officers opened their offices and began to respond to requests for

information from the public. Because of the 36th general election, these offices, originally scheduled to close May 9, remained open until June 13.

In the days after the offices opened, enumerator kits and computer equipment were delivered to all returning officers. The ECAPLE computers, bought by Elections Canada at the time of the 1992 referendum, were originally intended for use in that referendum and the next general election, which took place in 1993. In fact, they were used for one more general election, that of June 2, 1997. Because the demands on our computer systems have increased, these machines must now be replaced. Apart from the computers for the ECAPLE system, returning offices were equipped with rented PCs for their other computing needs.

Voter Information

The final enumeration was the subject of an information campaign separate from the election campaign because the two events were completely independent: when Elections Canada was preparing for the enumeration, the election date was still unknown.

The theme for the enumeration was “Once and for all,” a slogan that highlighted both the usefulness and the finality of the operation. A general information campaign was launched to inform the public about the objective and procedures of the enumeration. Elections Canada also released a series of advertisements on television, on radio and in the newspapers,



Canadians learned about the enumeration through an advertising program that included Aboriginal and ethnocultural newspapers and direct mail, as well as the English and French media.

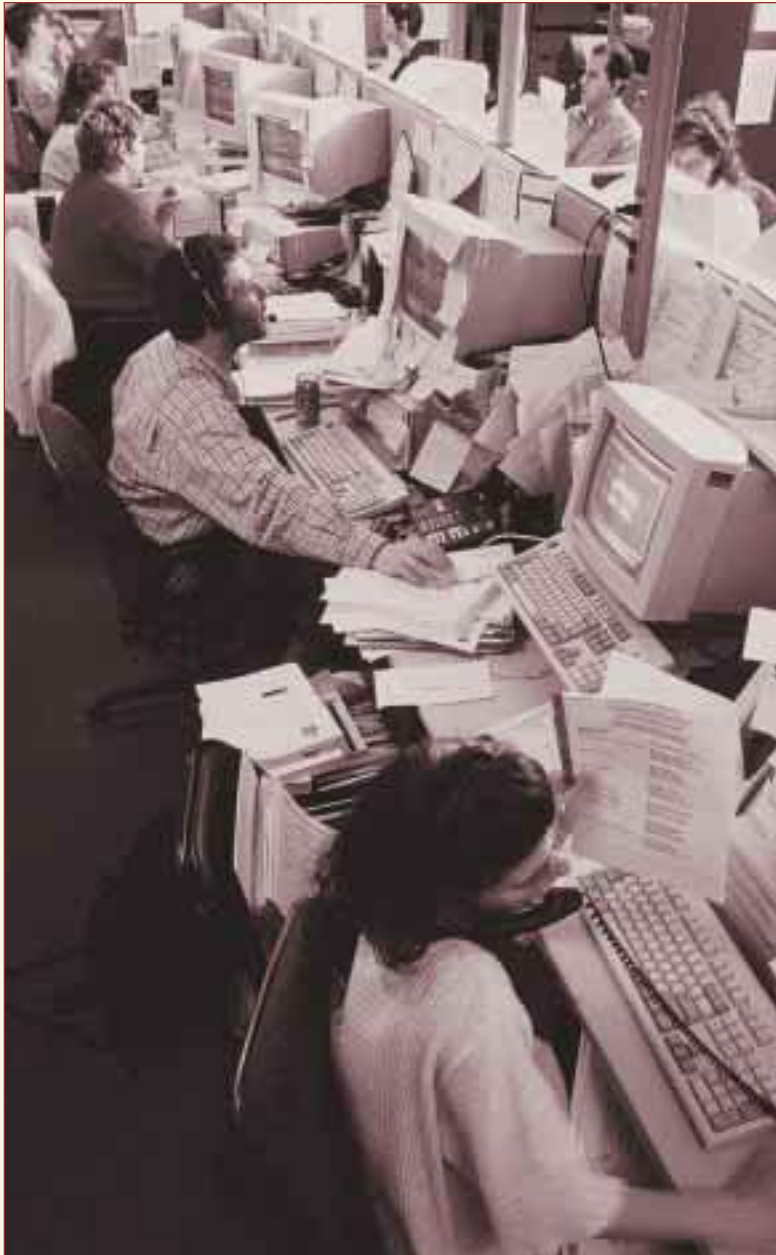
and shipped nearly 15 000 information kits to individuals and organizations.

Furthermore, Elections Canada worked with specialist agencies to develop national campaigns for Aboriginal voters and ethnocultural communities. Enumeration messages for Aboriginal voters were produced in 20 Aboriginal languages and, for ethnocultural communities, in some 20 heritage languages.

Elections Canada also advertised outside the country to reach Canadian voters abroad. These electors could register by obtaining an application form from a Canadian embassy, high commission or consulate. The Elections Canada Web site offered enumeration information as well as a registration form and application for special ballot for electors voting outside their riding.

In early April, Elections Canada sent a brochure to every household in Canada. This document explained the purpose of the enumeration and how the new National Register of Electors would work, including measures to safeguard confidential information.

As well, the Elections Canada Enquiries Unit answered questions from the public throughout the enumeration. From April 1 to April 21, from 7:00 a.m. to midnight seven days a week, a team of 35 information officers from Enquiries Canada, the external agency responsible for answering basic questions about the enumeration, handled a total of 60 800 calls. During the same period, 24 information officers at Elections Canada handled 30 770 more complex enquiries. To supplement its automatic call distribution system, the Elections



The information officers staffing the Enquiries Unit used on-line information as well as printed reference material to find the answers to questions coming in from the public.

Canada Enquiries Unit rented a management information system that permitted fast corrective action and produced management reports.

Hiring and Training of Enumerators

Under the terms of the *Canada Elections Act*, the registered political parties whose candidates finished first and second in a riding in the previous general election are entitled to propose enumerators to the returning officer. In 1996, in accordance with the Act, a transposition of the votes of the 1993 election was conducted to determine which parties would have this right in all 301 ridings of the new electoral map, and the political parties were duly notified. However, the number of names provided by the parties was far from sufficient. To fill out their teams, returning officers had to turn to other sources, notably to other registered parties and to employment centres. They also placed public service announcements in the newspapers and on radio.

Many returning officers, especially in the west end of Toronto and in Newfoundland, had trouble finding enough enumerators and other workers. Under Newfoundland's



strict employment insurance and social assistance rules, a recipient who worked even one day as an enumerator could lose part of his or her benefit. One Newfoundland returning officer had to call 2 000 people to fill 200 positions.

The problem of recruiting enumerators is not new: the growing shortage of people willing to do this work was one reason for creating the National Register of Electors. Under the *Canada Elections Act*, enumerators should work in pairs, each member ideally having a different political allegiance. The Act does permit enumerators to work alone; and when there were insufficient numbers, some enumerators did indeed work without a teammate in safe areas. Also, some returning officers were obliged to hire 16- and 17-year-old youths (a practice permitted by

the Act) and, with authorization from the Chief Electoral Officer, people from outside their ridings.

In the week preceding the enumeration, each returning officer or a member of his or her staff gave two- to three-hour training sessions for small groups of enumerators. It was particularly important to explain what information was to be collected from voters. As in the past, enumerators had to identify in each household, those persons who held Canadian citizenship and were at least 18 years of age; and to note the address and gender of each elector. For the last enumeration, however, they also had to collect each voter's date of birth and middle name. These additional data will make it easier to maintain the Register by reducing the risk of confusing similar names.

The Door-to-Door Blitz

On the morning of April 10, enumerators set off down the streets of their ridings, with their yellow Elections Canada badges and their black briefcases containing enumeration records, instruction manuals and maps of their assigned polling divisions. For seven days they knocked at doors, gathering the required information from the people who opened them. Enumerators were paid 62 cents per name up to 200 registered electors, and 93 cents per name after that point. They also received payment for such items as training and transportation.

When enumerators found no one at home, they returned on another day at a different time. If there was still no one at home, they left a mail-in application for registration to be returned, when completed, to the office of the returning officer. Such cases were more common in urban areas, where people are away from home more often or refuse to open the door to strangers.

At the end of each day, the enumerators brought their batches of completed records to the office of the returning officer, where operators, working in two shifts, entered the data into a computer. These data were then printed, checked and, when necessary, corrected.



Many electors used the mail-in registration form to register, if they were not home when the enumerators came to the door. Early in the election period, every registered voter was sent a confirmation notice with voting information.

Special Initiatives

Special measures were taken to contact all electors, whatever their circumstances. For example, returning officers were asked to communicate with soup kitchen operators to facilitate the enumeration of homeless electors. For personal security reasons, many residents of women's shelters preferred not to have their names appear on the preliminary voters

lists. These electors were invited to register and vote on polling day so they could exercise their right to vote in safety.

About 610 of the 630 Indian reserves in Canada co-operated in the enumeration effort. To the extent possible, the work was done by Aboriginal enumerators. As in previous elections, about 20 reserves barred the enumerators and, in these cases, returning officers had to have special cards printed during the electoral period to tell electors that they had not been enumerated and that they could still register and vote at a polling place, the address of which was given on the card. These cards were distributed on the reserves by Canada Post Corporation.

More Than 18 Million Registrations

By April 16, a total of 16 576 350 electors had been enumerated in eight provinces and two territories. To this number were added 1 857 273 electors from the lists established for the recent provincial elections in Alberta and Prince Edward Island, which had been purchased by Elections Canada. On April 22, returning officers sent their electronic lists on diskettes to the Chief Electoral Officer in Ottawa. On April 26, the Chief Electoral Officer announced in the *Canada Gazette*, that the enumeration was completed and that the legislation to shorten the minimum electoral period to 36 days and establish the National Register of Electors was in force. The page was finally turned.



Names continued to be added to the Register. Elections Canada staff entered on the data base the names of 234 016 electors who returned the mail-in application for registration left by enumerators at their homes.

During the enumeration overseen by liaison officers from April 10 to April 16 in 259 Canadian correctional institutions, 13 322 inmate electors completed registration forms. Their names were also added to the National Register of Electors.

Elections Canada took advantage of the mobilization of the electorate during the enumeration to update its list of Canadian voters residing outside the country to include a total of 10 648 names. A similar update for Canadian Forces electors gathered 61 485 names.

On April 27, 1997, the day when the 36th general election was called, 18 753 094 Canadians had been entered in all categories of the National Register of Electors.

No More Worries

Since the 1930s, when the first enumeration for a federal election was held, door-to-door federal enumerations have never been easy, and Canadians have accepted without regret the end of these expensive operations and their attendant problems.

Bad weather has been an especially rich source of headaches for enumerators. During the enumeration of last April, enumerators in the riding of Skeena, British Columbia, needed a 24-hour extension because of torrential rain and, in the Winnipeg area, work was seriously hindered by a severe snowstorm accompanied by intense cold.

Even the Northern Lights had unforeseen repercussions on the last enumeration. In the ridings of Nunavut, Western Arctic and Yukon, fax communications, which depend on satellites in the North, were disrupted for several days by an electronic phenomenon associated with the Aurora borealis; during this period, many enumerators were unable to transmit their documents to returning officers.

The safety of enumerators was another worry, as were the complex logistics of the operation. Hiring and training staff, moving equipment, management of communications – all were subject to multiple constraints and uncertainties. With the establishment of the National Register of Electors, these worries are gone for good.



The 36th General Election

As soon as the election is called, on Sunday, April 27, 1997, faxes go out to all returning officers in Canada's 301 electoral districts, directing each one to hire staff and prepare to conduct the election of a Member of Parliament.

At the same time, the official writs of election, giving the dates for regular and advance polls and the nomination deadline, are being printed. The Chief Electoral Officer signs all 301 writs and they are sent to the returning officers.

The Launch

A rapid start-up is required because of the 36-day election calendar. In fact, voting by special ballot can begin on the same day the election is called. Fortunately, the final enumeration – completed the day before – has meant that returning offices are already operational everywhere except in Alberta and Prince Edward Island, and in these two provinces they open immediately.

Returning officers across Canada switch to election tasks, begin to confirm polling locations from the sites in the Elections Canada data bank, and deploy staff to begin unpacking boxes of election supplies from the Elections Canada distribution centre in Ottawa. Many more boxes arrive over the next month. In all, some 738 tonnes of material are sent from the distribution centre: everything from computer equipment to voter registration forms and ballot boxes.

At Elections Canada in Ottawa, enquiries officers are ready at their rows of telephones and computer terminals to answer calls from potential voters. People want to know whether they are

already registered; what riding they live in; and, if they still need to register, the location of the returning office in their district. The toll-free 1 800 INFO-VOTE lines are staffed by an average of 14 Elections Canada enquiries officers from 7:30 a.m. to 2:00 a.m., with another 18 at Enquiries Canada from 7:30 a.m. to midnight. By the end of Sunday, the day the election is announced, 342 people have called; the real rush begins on Monday, when officers answer more than 10 000 questions in a single day.

The Manitoba Flood

Extensive flooding of the Red River Valley in southern Manitoba has created a problem – thousands of electors have been evacuated and others are working on dikes and flood relief. Large numbers of Canadian Forces troops have also been called in from bases across Canada to help contain the flood water and to help Manitobans.

Elections Canada contacts returning officers affected by the dislocations to discuss contingency plans that can be authorized under the subsection 9(1) of the *Canada Elections Act*, which allows the Chief Electoral Officer to adapt any provisions of the Act to deal with emergencies or unforeseen situations during the course of an election. On Sunday, the Chief Electoral Officer advises the news media that special voting arrangements are being worked out, and the next day he announces interim plans for voting by special ballot, at advance polls and on polling day.

At a press conference later in the week, he announced that he will go to Manitoba to assess the



situation personally in light of section 13 of the Act, which enables postponement of an election in any electoral district where carrying out the provisions of the Act is impracticable.

The Chief Electoral Officer flies to Manitoba on May 2 to evaluate conditions in the ridings

affected by the flood and to determine whether section 13 of the *Canada Elections Act* would apply.

He announces his decision at a media conference in Winnipeg on May 4, 1997. The text of his statement is below, together with the question-and-answer session that followed.

Chief Electoral Officer's Statement

Good morning, ladies and gentlemen. As you know, I came to Manitoba to review the situation prevailing in those ridings which have been [affected] in varying degrees by the flood. Section 13 of the Canada Elections Act provides for the possibility [of postponing] an election "if by reason of a flood, fire or other disaster, it is impracticable to carry out the provisions of this Act in any electoral district." Before reaching any conclusion, I realized it was essential for me to assess the situation personally.

To this effect, I had the opportunity Friday to survey the affected areas with the Premier, Mr. Gary Filmon, Mr. Harvey Boyle, the Assistant Deputy Minister, [Manitoba] Department of Natural Resources, and Mr. Harold Clayton, Executive Co-ordinator, Manitoba Emergency Management Organization, and to receive a thorough briefing from them as we flew over those areas.

I also had the opportunity to meet with Mayor Susan Thompson concerning the situation in the City of Winnipeg.

I met with each of the returning officers and staff members of the eight electoral districts in Winnipeg, along with candidates and representatives of candidates who were available to share their views on the situation.

As well, later in the evening, the military provided me with a thorough briefing on the situation in the province and on the co-operation among the different levels of jurisdictions. That briefing corroborated the one in the morning.

Yesterday, with the benefit of military assistance, I was able to visit the three ridings which are contiguous to the City of Winnipeg, that is to say Provencher and Portage-Lisgar, which lie south of the city, and Selkirk-Interlake, which lies to the north. Here again, meetings were held, as with the eight ridings in the City of Winnipeg.

Moreover, whenever the opportunity presented itself, I sought the views of other Manitobans.



All of these discussions provided me with their views of the flood, and of their ability to participate in the electoral process; the electoral officers advised me of their capacity to carry out their mandate and to execute the tasks essential to the successful conclusion of an election.

What came across clearly is that there are real issues impacting those directly affected by the flood – those who have lost their homes, their belongings; those who have been evacuated and are waiting to return to a home that will require major repairs or minor ones; those who are working so hard to protect their property; those who are on alert to evacuate – and the volunteers who are helping others. For them, a lot of work is or will be involved in rebuilding, in resuming normal lives; for a large number that will take some time. Manitobans in general are affected by the flood.

In assessing the situation, I looked beyond a literal interpretation of the word “impracticable,” as contained in the statute, to arrive at a final determination. For example, I also considered the capacity of election officials and candidates to reach out to electors, to communicate with them, as well as the possibility for electors to receive information not only on the electoral process, but also on the candidates’ platforms.

I was advised that, in the City of Winnipeg, the two most southerly ridings, Winnipeg South and Saint Boniface, and Portage–Lisgar, less than 5 percent were evacuated. In Provencher, the most seriously affected riding, 21 polls out of some 190 are affected by evacuation.

After due consideration, I have concluded, at this time, it is not impracticable to hold a general election in any riding in Manitoba. There are 29 days left before polling day. However, further to the measures that I announced last Monday and which are meant to address a number of the concerns raised as a result of the flood, I intend to invoke subsection 9(1), which allows me to adapt the Canada Elections Act to meet the exigencies of practically any situation, and that includes this one at this time.

I intend to move in that direction immediately by putting in place alternate voting arrangements for those affected by the flood; by moving polling stations out of the affected areas and, as need dictates, outside the riding; and by making revision and special ballots even more accessible where people have relocated. With these measures and others that will come about through consultations with candidates as the situation evolves, I am confident that Manitobans will be able to vote on June 2nd with all other Canadians.

Furthermore, I have asked that the Returning Officers work extremely closely with the candidates to mount a special advertising campaign, to seek to reach electors by mail and where they have relocated, and to obtain the special authority they need from me under subsection 9(1).



Moreover, in light of the evolving nature of the situation, I have mandated Ron Gould, C.M., the Assistant Chief Electoral Officer of Canada, to co-ordinate and support our efforts here in Manitoba in conjunction with the returning officers involved. He is arriving in Winnipeg this morning, and will be situated in offices that Mr. Rick Balasko, the Chief Electoral Officer of Manitoba, has put at my disposal.

I am much beholden to everyone in Manitoba who has helped me by sharing their knowledge and their views. I am referring to the Premier, Mr. Filmon, and to his officials, to the Mayor, Ms. Susan Thompson, to the candidates and their representatives, to Major General Jeffries and to the members of the Canadian military and to all the others. You will allow me to thank particularly the returning officers and members of their staff, who, bar none, are striving to serve the electors in their ridings and who have all indicated a willingness to explore all the means possible to reach the electors who are particularly adversely affected by the flood and who will continue to remain so during the campaign.

Questions and Answers

Q. How important was your reluctance to leave 8, 9, 10 empty seats in Parliament? How important was that in your decision?

A. It bore no importance whatsoever. It became quite clear to me through the consultative process that we're not talking about those numbers to begin with; and with respect to 1, 2, 3, [or] whatever number: if something should happen anywhere and it requires that section 13 be revisited, I will do so.

Q. Democracy is much more than casting a ballot. Thousands of Manitobans will have little to do other than to fight to save their homes or clean-up: is it fair to expect them to make an informed choice?

A. I have alluded in my remarks to the fact that I took into consideration factors other than what the law strictly required of me. And I think that I can safely say that I found, through the consultation process and the people I've met, the resiliency of Manitobans coming to the fore... I think each day... brings along a certain level of comfort. But, despite that, there still will be some people who will not be able to participate as fully as others ... and I had to take that into consideration, and I did, in arriving at my judgment.

Q. To what extent was Provencher, a factor...? ...So many people are out of their homes in that riding. Did Provencher at all come close... to ... a delayed vote?

A. ...I think you've come to a fair conclusion in that respect... Just by flying over the area, it became quite clear



that, ... in terms of the sheer volume of water and homes that are inundated, ... Provencher was certainly the major riding in terms of the effects of the flood. That is why I took the time to meet with the people in Provencher ... yesterday morning. Throughout all of our meetings, ... an opportunity was given for everybody to say everything ... that they wished to say and they did so. I came away from Provencher convinced that the people there ... are convinced that they can carry through ... I think it's important to note that more than 50 percent of people are picking up their mail, and that people know where a lot of people are residing at this time. Through the special efforts I've mentioned, through reaching out – and Elections Canada is helping out in this respect – we think it is still possible at this time, in Provencher, as well as elsewhere, to have an election.

Q. ... Even with the resources that you have put in place, do you realistically think there will be a significant voter turn-out in Provencher, with the mobile polling stations? Or if you could elaborate as to how you would carry out that vote in Provencher?

A. Well, I think it is important to realize that there is flexibility under the statute, as I have mentioned. Moreover, the special measures, I think, will have an impact on people. I think, as well, the fact that candidates will now ... seek to reach out to these people will make the election become a reality. And there is a craving, throughout all this, for a return to normalcy: to try to find anchors that will allow people to say, well, you know, there is an end to this; we can see [it] coming, and there are elements of our lives that we must put together now when we have the opportunity. And that's how I view the situation.

Q. In how many ridings do you think you will have to apply exceptional measures?

A. First of all, I am ready to apply them in all the ridings, according to what people tell me in the affected areas – according to what I'm told by the returning officers and also by Mr. Ron Gould, the Assistant Chief Electoral Officer, who will arrive this morning. And it's not just restricted to the ridings that I name; it will depend upon the evolution of the situation. There is, in fact, an article in the law that says they can be applied at any time in the electoral process, as can section 13.

In the end voting will proceed in Manitoba as elsewhere in Canada on election day. Part of a mobile poll is moved out of Provencher riding under

subsection 9(1) and relocated to Winkler to serve evacuees. All polling sites will be open and operating June 2 as originally planned.



Special Ballots

In the first news release of the campaign, on Sunday, April 27, the Chief Electoral Officer reminds electors who will be away from their ridings that they can vote by special ballot. Introduced for general use in 1993, the special ballot is available after an application for registration is approved: forms can be requested by fax, phone, mail or, in the case of Canadians outside their ridings, from Elections Canada's Web site.



Canadians who will vote while away from their ridings, whether they live outside the country or are travelling during the election, use the same application form to register for the special ballot.

Voting by Canadians overseas is a special concern because the 36-day calendar shortens the time available for returning special ballots from distant places. On Monday, the Chief Electoral Officer informs the media of the procedures and deadlines for voting from outside the country. Simultaneously, an electronic message goes out to all Canadian diplomatic missions, advising them that the writs have been issued. Because 140 diplomatic missions have been involved in the international voter registration and information drive in the first two weeks of April, Canadian diplomats are familiar with the procedures and know how to keep electors abroad informed about the election.

Ready in the Ridings

Meanwhile, each returning officer issues a proclamation signalling, among other things, that candidates may begin to file nomination papers. Official nomination papers begin to arrive immediately.

When the election starts, 13 political parties are already registered, from the 1993 election. The 14th (the Abolitionist Party) lost its registered status in February 1997 for non-compliance with the requirements for financial reporting in the *Canada Elections Act*. In addition, three new parties have applied for registration before the deadline (60 days preceding the issue of the writs). Each party leader has been advised that the party will either retain or acquire registered status when it nominates candidates in at least 50 ridings at this election.



Early in the election, while supervising and training their office staff (many of whom are new to election work), returning officers must also seek out more workers. By polling day, the average returning office employs as many as 600 election officials and workers. Each riding, for example, has an assistant returning officer, a special ballot co-ordinator, a revision supervisor, revising agents, an automation co-ordinator, a training officer and support staff. For work at the polling stations, returning officers have to recruit central poll supervisors, information officers, registration officers, security officers, deputy returning officers and poll clerks. The names of potential registration officers, revising agents, deputy returning officers and poll clerks are supplied by candidates of the political parties whose candidates would have come first and second in the riding at the last election if that election had been held under the new electoral boundaries. These workers will help revise the lists of electors in each electoral district and administer voting at each polling station.

Support Network

Behind the scenes at Elections Canada in Ottawa, the Support Network for returning officers continues to solve problems and answer questions. Although many of the technical problems encountered during the enumeration have now been solved, returning officers have new questions: how to produce the preliminary lists of electors from the ECAPLE data base supplied by Elections Canada and how to deal with the technical problems of list production. They also ask for help with their negotiations with

landlords for polling station space, advice on accessibility, approval to build temporary access ramps and instructions on how to proceed with the necessary construction, and advice on opening additional offices in large ridings.

Preparing the Voters Lists

The voters list is mentioned frequently during the election. Over the 36 days, not one but three lists of electors are prepared for each riding. The preliminary lists in 1997 come from the just-completed final enumeration and are prepared by the returning officers and their staff in the 271 ridings that participated in the enumeration in all territories and provinces except Alberta and Prince Edward Island. The preliminary lists for Prince Edward Island and Alberta are based on voters lists from the recent provincial elections in those two provinces, and these lists are prepared by Elections Canada and sent to the returning officers.

The next step is preparing a first revised voters list for the advance polls to be held on May 23, 24 and 26. The official list includes all the changes made during the revision period, and it is prepared for use on polling day, June 2. Both of these lists are prepared by the returning officer in each riding. Finally, the fourth list, prepared after polling day by Elections Canada, includes those who register on polling day itself and all the people who registered when they applied to vote by special ballot from outside their own ridings.



Preliminary Lists

Forty-eight hours after the election is announced, each returning officer begins to print out the preliminary list from the enumeration data in the office's computers, using Elections Canada's custom-designed ECAPLE software. This is the list that is given to candidates who are starting to file their nomination papers. The same data will shortly be used to print out mailing labels for the Confirmation of Registration notices that will be mailed to all registered voters.

Local area computer networks are already operational in the majority of the returning offices. The remaining equipment, for Alberta and Prince

Edward Island, where no enumeration took place, will be installed by the end of the first week. Each office has received a set of Election Payment System diskettes to install. Office staff and election officers are being registered on the pay system so they can receive pay cheques, and the EMS software is configured for transmitting data and reports to Ottawa electronically.

Revision

Wednesday, April 30, is the first day of the revision period, which will continue for 28 days, 4 days longer than in the last election. The revision period gives electors time to correct mistakes in their

Ethnocultural Media Campaign

In the 1991 census, 1 038 980 Canadian citizens recorded a language other than English or French as their home language. Since 1991, the number of foreign-born electors has increased by 711 148 as immigrants from various countries have obtained Canadian citizenship. Based on this information, Elections Canada reviewed its ethnocultural information program in preparation for the 36th general election and added six new languages to reflect recent citizenship grants.

For the ethnocultural media campaign, material was available in 24 languages: Arabic, Armenian, Chinese, Croatian, German, Greek, Gujarti, Hindi, Hungarian, Italian, Korean, Persian (Farsi), Polish, Portuguese, Punjabi, Romanian, Russian, Somalian, Spanish, Tagalog, Tamil, Ukrainian, Urdu and Vietnamese. These languages, selected on the basis of the latest Statistics Canada data, were deemed necessary for effective communication with a cross-section of Canada's ethnic communities. In most cases, information was published in three media: print, radio and television, based on availability of those media for each language group. In addition, voter information materials were distributed to ethnic community associations, community centres, selected stores and other suitable locations. Information kits were also sent to citizenship courts.

Genesis Media Inc. and Era Advertising Ltd. carried out the campaign for Elections Canada. The goal was to ensure that ethnic groups were aware of the upcoming election, Elections Canada's role, voting and registration opportunities, and important dates in the process.



For this election, the position of revising officer and sittings for revision have been eliminated, and voters may register during the advance polls as well as on polling day. Voters may make minor changes over the telephone. As the revision period begins, all returning offices are open seven days a week.

By the end of the first week, returning officers know how many Confirmation of Registration notices will need addressing and mailing. The Chief Electoral Officer announces that 18 753 094 Canadians have registered their names in the National Register of Electors.

The news media play an important role in explaining the changes to the electoral system and what is happening during the campaign. The Chief Electoral Officer holds a media conference on May 1, while he is signing the writs. Reporters are given media kits and a media guide, with background information on the changes and the main features of the Canadian electoral system. Communications officers at headquarters have also prepared 13 different kits for other specific audiences, including ethnocultural organizations, Aboriginal groups, voters with special needs (with material in Braille, large

print and plain language), youth, Members of Parliament, Senators, incarcerated electors, foreign embassies, and Canadian embassies and consulates. By the end of the election more than 15 200 kits in both official languages are mailed out on request.



Advertisements highlighting specific stages of the election calendar were placed in Aboriginal and heritage languages, as well as in English and French.

information in the Register of Electors, to add their names if they have been missed during the final enumeration, to register a change of address if they have moved, and to delete the names of electors who have died.



Party Advertising Begins

Sunday, May 4, the start of the second week of the election, brings something new. The political parties' election ads begin. They could not run earlier because the law forbids political parties to advertise on radio or television, or in newspapers or magazines, from the start of the election until midnight on the 30th day before polling day. The ban will resume the day before polling day.

On May 5, as more candidates file their nomination papers before the May 12 deadline, Elections Canada staff begin a cross-Canada series of briefings on election expenses. Held in 23 different cities, these information sessions bring candidates, official agents and auditors up to date on political contributions, spending limits and reporting requirements. The seminar for Winnipeg is postponed by a week because of the flood. On May 8, the Chief Electoral Officer announces the official election expenses limits for candidates in all ridings. The limits are based on the number of electors on the preliminary lists, using a formula set out in the *Canada Elections Act* that provides adjustments for sparsely populated or geographically large ridings. The spending limits for registered political parties will be released a week later, on May 16.

Special Ballot Drive

In the second week of the election, Elections Canada speeds up its drive to inform Canadians about the mail-in special ballot. On May 6, the campaign begins with the theme "At home or away, Canadians

have a say!" Emphasizing the May 27 deadline for registering to vote by special ballot, a news release points out that there are two different application forms: one for Canadians away from their ridings (available from returning officers, Elections Canada headquarters and Elections Canada's Web site), and one for Canadians in their ridings (available only from the riding's returning officer).



Canadians voting by special ballot in their own ridings were able to obtain registration forms from their returning officers.



At this stage the focus is on electors out of the country. At the issue of the writs, 10 648 Canadians are already on the international list. More than 6 500 overseas travellers and temporary residents apply after the election is called and before the May 27 cut-off.

Confirmation of Registration

Returning officers, meanwhile, are concentrating on the Confirmation of Registration notices that are to be mailed to more than 18.7 million electors during this second week of the election. Tens of thousands of different cards have been printed locally: a different card for each polling division, giving the dates and times of the advance and regular polls, and their locations. Mailing labels are stuck on each card individually.

A different procedure is being used in Alberta and Prince Edward Island as a pilot project. The aim is to test the efficiency of technology, using Canada Post's volume electronic mail system. Because both provinces' provincial voters lists are being used for the Register of Electors and were available before the final federal enumeration was held elsewhere, there is time for Canada Post to sort these lists of voter addresses into the postal walks of individual letter carriers. Sorting by postal walk means substantial postage savings for Elections Canada.

Furthermore, producing the Confirmation of Registration notices through Canada Post relieves returning officers of a time-consuming burden. The notices are printed with all information in a single run and are mechanically inserted in window

envelopes. Improved accuracy of delivery addresses can be obtained with Canada Post's techniques for checking possible errors. Central processing will provide useful information for the National Register of Electors once it is operational.

On May 6, the Chief Electoral Officer advises Canadians that the Confirmation of Registration notices will start arriving this week and informs voters what to do if a notice does not arrive or the information on it is not correct.

The Support Network is again active during the second week. Returning officers need confirmation of the process for dealing with the lists of Special Voting Rules electors that they have received from Elections Canada. The response: strike those names off your voters lists and tag them with an S to prevent people from voting twice. Voters who are registered for a special ballot may not vote at the ordinary or advance polls. There are also questions about eligibility to vote by special ballot, the rules for making changes to the voters lists and procedures relating to the nomination of candidates. Public phone enquiries continue to increase as well. The Enquiries Canada group receives all the calls first, answers the straightforward questions, and transfers the more technical or complex enquiries to the Elections Canada enquiries officers. By the end of the first two weeks both teams have answered more than 70 000 questions.

World Wide Web

Expanded and redesigned for the election, Elections Canada's Web site offers documents on the Canadian electoral system and specific election information



such as maps of each of the 301 ridings and lists of candidates. Later, on election night, riding-by-riding voting results will be available once the last polls close at 10:30 p.m. Ottawa time.

In the first two weeks the site is visited by more than 1 000 users a day. By polling day, nearly 1 300 users from Canada and around the world have e-mailed questions to be answered by the Enquiries Unit and specialists at headquarters. Questions come from locations as varied as Burma, Togo, Brazil, Ukraine, Korea and Jordan; after Canada, the largest number of questions originate in the United States, England, France and Australia.

Nominations Close

The third week of the election marks the close of nominations. The deadline for candidates to file nomination papers with the returning officers in their ridings is 2:00 p.m., Monday, May 12. The deadline for candidates to withdraw is 5:00 p.m. on the same day.

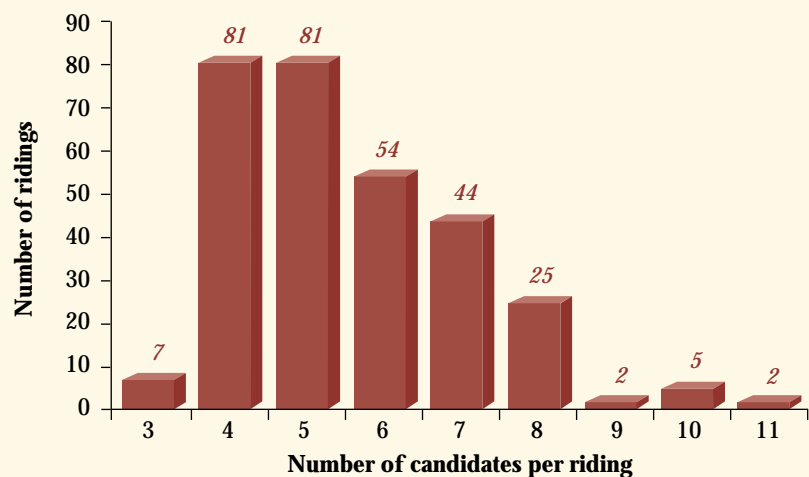
By the deadline, 10 political parties have nominated candidates in at least 50 electoral districts, and thus meet the requirement for official registration. Among these is a new party – the Canadian Action Party. Four previously registered parties do not nominate 50 candidates and are therefore deregistered. Another two parties that applied for registration cannot be registered because they, too, failed to nominate enough

candidates. Three of the officially registered parties have candidates in all 301 electoral districts. Notices about the registration status of parties are sent to Revenue Canada and the Broadcasting Arbitrator.

A total of 1 672 candidates are nominated, 483 fewer than at the 1993 general election. Of these candidates, 1 596 are endorsed by one of the 10 registered parties. The remainder include 44 independents and 32 candidates with no official affiliation. Fewer women are seeking a seat in Parliament: 408, compared with 475 in 1993. But women represent a higher proportion of candidates: 24.4 percent in this election, compared with about 22 percent in 1993.

Figure 1 summarizes the distribution of candidates per riding in this election. Across Canada, the average number of candidates per riding is 5.6. Seven ridings, all in the Maritimes,

Figure 1
Distribution of candidates per riding





PC candidate Luc Barrick (seated, centre left) hands his nomination papers to returning officer Jean Coughlan (seated, right) in Ottawa-Vanier on May 12.

have only 3 candidates each. The distinction of having the most candidates is shared by Ottawa Centre in Ontario and Vancouver Centre in British Columbia – they each have 11 candidates running.

After nominations close, each returning officer sends the names and political affiliations of the candidates for that riding to the local printer that will print the ballots. Simultaneously, a team of Elections Canada employees produces the complete list of all official candidates, which the Chief Electoral Officer releases the next day to the news media for publication across Canada. The list is posted on Elections Canada's Web site. It is also delivered to the Department of National Defence and the Department of Foreign Affairs and International Trade for electronic transmission to Canadian Forces bases and Canada's diplomatic missions and consular posts.

Revision Gears Up

With the arrival of the Confirmation of Registration notices at households in Canada, the national publicity campaign for revision begins. Advertisements appear in daily and weekly newspapers throughout the country, and television spots begin to appear on Saturday, May 10.

The third week of the election calendar brings another surge in phone calls to Elections Canada's toll-free line. On Monday, May 12, just after the revision advertising campaign begins, officers answer nearly 20 000 questions – more than on any day of the election except polling day itself.

As well as overseeing new and revised registrations, returning officers are now busy making special ballot arrangements for voters in hospitals and correctional institutions.

Advance Polls

In returning offices, the fourth week of the election begins with preparations for the three days of advance polls – on Friday, May 23, Saturday, May 24, and the following Monday, May 26. Staff in the ridings produce the first revised list of electors for use at the advance polls. Supplies and ballot boxes are readied, and on Thursday the revised list is distributed to all candidates in the riding.

Advertising for advance polls begins on Saturday, May 17, in weekly newspapers, then moves progressively to radio spots, to television – including



the MuchMusic specialty channel for young voters – and to daily newspapers.

Returning officers are aware that an elector may, by affidavit, file an objection against another, disputing the right of that person to be on the voters list. The deadline for objections is Monday, May 19, and returning officers must hold hearings by May 22. At this election, formal objections do not exceed the 20 or so received in the 1993 general election, except in the riding of Laurentides, where a total of 84 are submitted by a single person. All of these are rejected after investigation by the returning officer.

The proximity of the advance polls brings more calls for information from the public. During the fourth week of the election, from May 18 to 24, Elections Canada and Enquiries Canada agents answer 69 900 questions.

Electors who will not be able to vote on polling day may vote at the advance polls, which are open for three days from 12 noon to 8:00 p.m. local time. Preliminary statistics indicate 702 977 votes have been cast at the advance polls.

Voting by Special Ballot

Tuesday, May 27, is the deadline for registering to vote by special ballot. In a news release the Friday before, timed to catch the weekend newspapers, radio and television, the Chief Electoral Officer reminds Canadians of that deadline, and stresses that Elections Canada must receive special ballots



A voter receives her ballot at the advance poll in Ottawa–Carleton.

from everyone who is voting outside his or her own riding before 6:00 p.m. on polling day. People voting by special ballot in their own ridings have until the close of polls locally to deliver their ballots to the returning officer.

Although the proportion of Canadians who vote by special ballot is small, Elections Canada's staff try to make sure that every Canadian who is eligible to vote can do so. The previous week, there are six days when Canadian Forces electors can vote and one day for incarcerated electors. Patients in acute-care hospitals can register and vote on Monday, May 26, and Tuesday, May 27.

Canadian Forces

May 19 is the first of six days when 61 485 members of the Canadian Forces can vote by special ballot. Through the Department of National Defence, Elections Canada has distributed voting materials to 371 locations in Canada and other countries.



The Voter Information Program for Aboriginal Peoples

On May 22, 1997, the Chief Electoral Officer held three teleconferences with representatives of Aboriginal news media to explain Elections Canada's voter information campaign, programs and services for Aboriginal peoples.

Elections Canada has a mandate to make the electoral process better known to individuals and groups likely to experience difficulty in exercising their democratic rights. Reaching out to Aboriginal communities, among others, was particularly important at this election because of the legislative changes that preceded it.

Building on the large-scale communications initiatives for Aboriginal Canadians arranged for the 1992 referendum and 1993 general election, Elections Canada began in 1996 to refine a national strategy and design culturally appropriate materials to inform Aboriginal peoples about the expected 36th general election. An Aboriginal advertising and communications agency, Rochon-Poirier and Associates, was contracted to carry out the work. The company received extensive input from First Nations representatives – both on and off reserves – and Inuit and Métis communities, networks and organizations.

Dialogue circles, facilitated by Aboriginal moderators, evaluated previous materials prepared for Aboriginal voters; additional youth circles were asked to comment specifically on materials in the Aboriginal youth program. More than 100 questionnaires were distributed to members of the Aboriginal news media to establish communications channels and to increase media coverage during federal elections. The results of these consultations were the basis for Aboriginal communications programs developed both for the enumeration and for the 36th general election.

Communications initiatives for the 1997 federal enumeration and election were calculated to reach more than one million Aboriginal persons. Information was disseminated across Canada, in partnership with 500 Aboriginal newspapers, newsletters, radio stations and television broadcasters, in English, French and Inuktitut. Print advertisements and radio and television spots had culturally appropriate messages and designs. Partnerships with more than 200 independent and community Aboriginal radio stations enabled Elections Canada to broadcast announcements to communities speaking 22 additional Aboriginal languages.

Messages, posters and printed materials informed Aboriginal Canadians about the Confirmation of Registration notice, the revision process, the special ballot, advance polls, polling day and the Elders Program. The latter, first tested in 1992, hires Elders to work at polling stations to assist Aboriginal voters. The program was expanded in 1997 from 100 polling stations to 200 and included Inuit and Métis communities, as well as youth workers.



Each unit of the Canadian Forces sets up its own polling station, and this is open for a minimum of three hours a day on at least three of the six days. On a special ballot, the Canadian Forces voter writes in the name of his or her chosen candidate from the voter's home riding, and either the voter or the deputy returning officer ensures that the ballot is sent to Elections Canada. The voter's home riding is determined by the information on the Statement of Ordinary Residence, which Canadian Forces members fill in when they enlist.

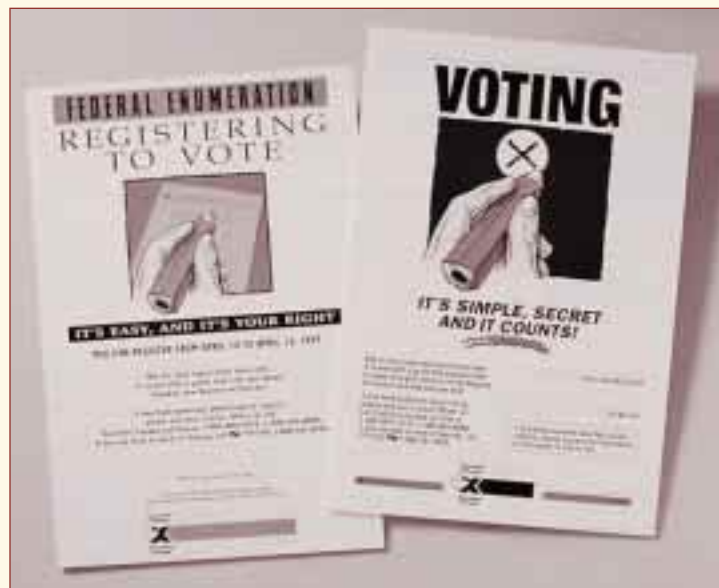
Early in the election, when the flooding in southern Manitoba was at its height, more than 7 200 troops were brought in from across Canada for Operation Assistance. By May 19, more than 2 200 members of the Canadian Forces are still helping out, but the Assistant Chief Electoral Officer and the military's Senior Liaison Officer determine that they can be adequately served by a combination of fixed and mobile polls in Winnipeg and Canadian Forces Base Shilo.

Two groups of Canadian Forces members, however, are unable to vote during the prescribed six-day period: some 800 who are returning from Manitoba to their base in Petawawa, Ontario, and another 1 300 who have returned to Wainwright, Alberta, to resume their training exercises before leaving for Bosnia. In both cases the Chief Electoral Officer grants extensions of the voting period to allow them to vote, under subsection 3(2) of Schedule II, Special Voting Rules of the *Canada Elections Act*.

In all, 20 666 members of the Canadian Forces cast ballots at this election.

Incarcerated Electors

Friday, May 23, is voting day for incarcerated electors in 259 federal and provincial institutions. Qualified inmates who wish to cast ballots do so inside their institutions, using the special ballot, after being registered earlier in the week by a liaison officer; 9 567 inmates register to vote, and 9 161 return their completed ballots to Elections Canada. Their votes are counted in their home ridings where they are registered, according to guidelines in the Special Voting Rules.



Posters informing inmates about the enumeration and election were placed in the common areas of Canadian correctional institutions, and liaison officers were appointed to help them register and vote.



Since 1993, Schedule II of the *Canada Elections Act* has allowed inmates to vote if they are serving sentences of less than two years in a provincial correctional institution. A 1995 court decision extended the right to vote to all qualified inmates. On April 23, 1997, the Attorney General of Canada applies to the Federal Court to have the 1995 court ruling on inmates' right to vote suspended. On May 15 the Federal Court refuses to grant the suspension, and the Supreme Court of Canada confirms the decision on May 29. The decision means that the special ballots cast by all inmates can be counted on election night.

Acute-care Patients

Returning officers arrange with the administrators of 766 acute-care hospitals in 257 ridings to allow special ballot co-ordinators to visit on May 26 and 27, to register any eligible patients who wish to vote. A total of 8 804 patients hospitalized outside their ridings take the opportunity to register.

The co-ordinators have been trained and flyers distributed in the two days before voting begins. The special ballot co-ordinators are usually accompanied by a volunteer, patient advocate or public-relations person who is familiar with the hospital's routine and can help with some of the registration tasks. Ballots cast by voters hospitalized inside their riding are returned to the local returning officer to be counted with the other local special ballots after the polls close on June 2. Ballots cast by voters outside their ridings are returned to Elections Canada's headquarters to be counted.

Canadians Residing Outside Canada

The international voter registration drive seems to be a success. Co-ordinators in Ottawa and the 140 missions of the Department of Foreign Affairs and International Trade have contacted institutions attended by Canadians; written to chambers of commerce, Canadian banks, airlines and other businesses; approached schools attended by Canadian students to ask for their help in distributing flyers to parents; inserted voter information in outgoing correspondence, including passport renewals; and contacted Canadians by telephone in areas where mail is unreliable or too expensive. By the close of special ballot registration on the sixth day before polling day, 17 172 voters outside the country have requested special ballot kits.

Voters Outside Their Ridings

A total of 15 359 voters in Canada but outside their own ridings apply to vote by special ballot. Among these voters are the crews of ships hauling cargo on the Great Lakes and St. Lawrence Seaway. Elections Canada supplies special ballot registration forms and guides to the shipping companies. As their ships come into port, the companies pass the registration forms out to qualified sailors who wish to vote. The completed forms are faxed from the ships to Ottawa. After verifying the information, Elections Canada sends the required number of special ballot voting kits to the companies. The next time their ships come into port, the sailors mark their special ballots. The ballots are mailed to Elections Canada



In the mailroom of Foreign Affairs and International Trade, special ballots arriving in secure diplomatic bags are checked off on the waybill and forwarded to Elections Canada, where staff member Jackie Thivierge scans the bar codes to make sure the ballots came from legitimately registered voters.

in Ottawa and counted for each crew member's home riding.

In the riding of Western Arctic, the returning officer negotiates with one of the region's largest isolated mining camps – BHP's Koala diamond mine camp – to reach the voters there. The company flies in special ballot co-ordinators, and agrees to provide food and lodging. More than 200 applications are processed in 24 hours.

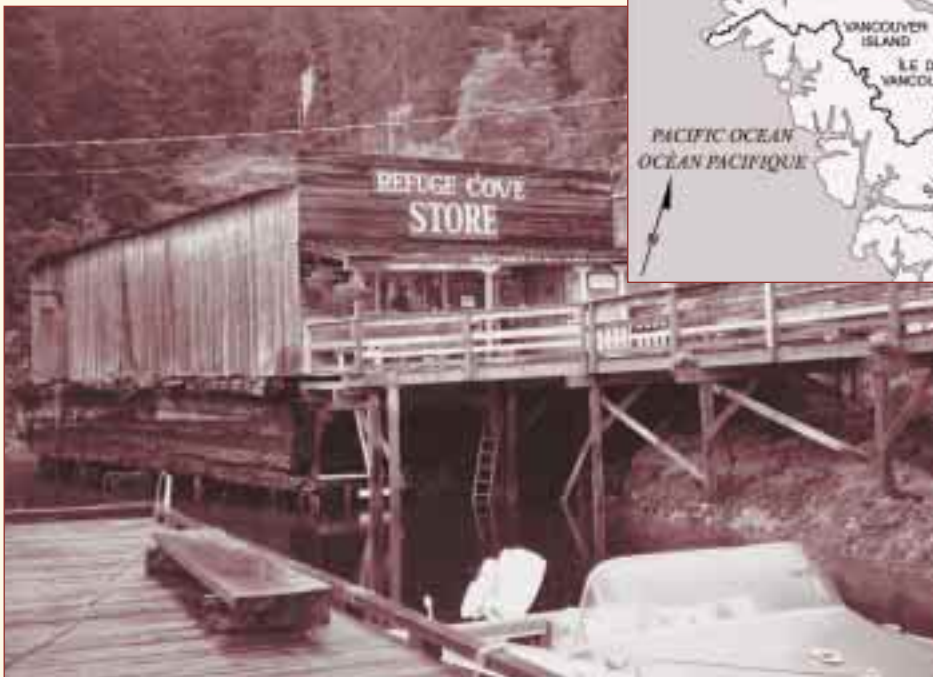
Voters in Their Ridings

Canadians living in their own ridings but unable to go to the polls on either the ordinary or advance voting days are also able to vote by special ballot. Electors living in remote areas and those who are ill or housebound are among the many who take advantage of this method of voting. All told, 89 967 electors in their own ridings return their special ballots to their local returning officer to be counted after the close of the polls on June 2.

Revision Ends

Tuesday, May 27, six days before polling day, is the last day to revise the list of electors to be used at the polling stations. Canadians who wish to have their names added to the list before polling day or to change any information have until 6:00 p.m., local time, to do so.

This week the communications staff at headquarters begin the publicity campaign for polling day, starting with weekly newspapers, then the MuchMusic specialty channel that targets young voters, and concluding with radio spots and ads in



In remote areas, election supplies as well as voters arrive by boat, float planes or gravel road, and polling stations are located in unusual places. In the riding of Vancouver Island North, the polling station for Winter Harbour (centre of aerial view) is set up in the bunkhouse of a logging camp; in Refuge Cove, it is in the general store. See map for locations.



daily newspapers. Public interest in the election continues to rise. Between May 25 and June 2, the final eight days of the campaign, 116 000 potential voters call the toll-free enquiries line. Questions and comments come in by mail, too. By the end of the week, most of the letters that have come in to headquarters so far will be answered – more than 800 since the election was called, in addition to the questions posted on the Web site.

Meanwhile, the Elections Canada distribution centre in Ottawa sends out the last supplies to each returning officer: the ballot boxes and voting screens for more than 56 000 polling stations across the country. Local offices attend to the final details before polling day: appointing and training deputy returning officers and poll clerks, producing the official voters list, and finishing ramps for better access to polling places. In all, 252 ramps are built, making more than 99.7 percent of all polling sites fully accessible to electors in wheelchairs and to others with special needs.

Blackouts on Polls, Advertising and Results

A three-day blackout on the publication and broadcasting of opinion polls begins at midnight Friday, May 30, and continues until the polls close on Monday, June 2, polling day. The day before the blackout begins, the Chief Electoral Officer publishes a notice to the media reminding them about the rules on filming in polling stations, and on publishing political advertising, opinion surveys and results (on election night itself, election results

cannot be made public in any electoral district where voting is still under way).

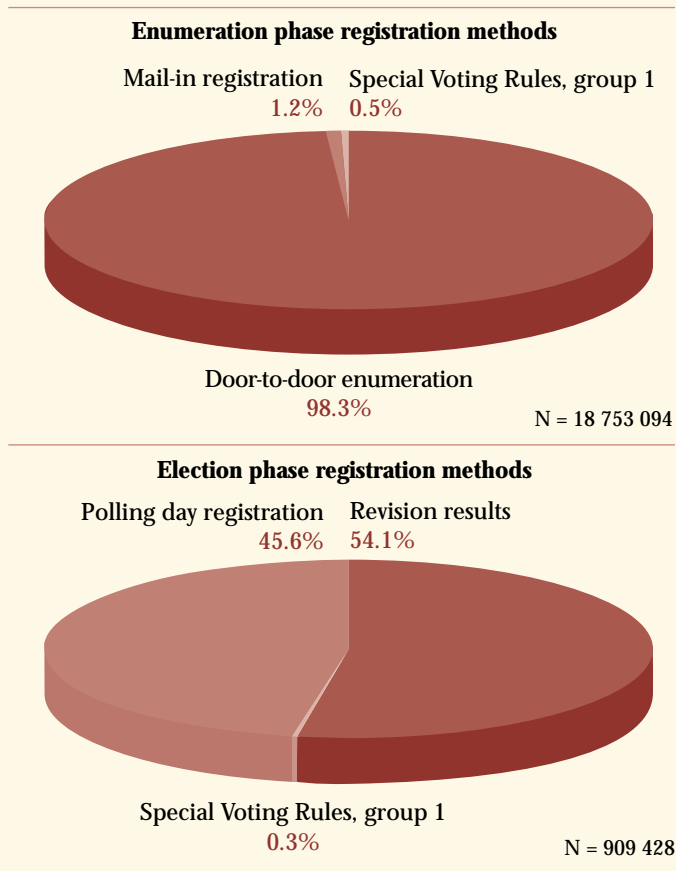
The *Canada Elections Act* makes it an offence during this three-day period to publish or distribute the results of any new opinion survey about how Canadians might vote at the election, or about an election issue that would permit the identification of a political party or candidate. A court challenge resulted in a 1996 Ontario Court of Appeal decision that the prohibition is constitutional, and also applies to so-called hamburger polls and previously reported polls. On May 7, 1997, the Supreme Court of Canada refuses to suspend the prohibition.

Another blackout affects political advertising during the last two days of the election. Beginning on Sunday, June 1, and continuing until the polls close on Monday evening, the blackout covers all advertising, announcements and other programming by political parties – on radio or television or in periodical publications such as newspapers, magazines and government publications – for the purpose of promoting or opposing a particular registered party.

Before the blackout begins, the Chief Electoral Officer issues a statement on May 24 to all media in Canada to clarify the advertising rules. Although the *Canada Elections Act* includes candidates in the prohibition, a 1996 Alberta Court of Appeal decision limits the prohibition to political parties. Candidates, groups, associations and individuals may continue to advertise.



Figure 2
Percentage of electors registered by each method of registration



Note: Special Voting Rules, group 1: Canadians residing outside Canada, Canadian Forces and incarcerated electors. Revision results: the number of names removed during revision is subtracted from the number of electors added. Door-to-door enumeration: includes names from the provincial voters lists of Alberta and Prince Edward Island.

Polling Day, June 2

Five weeks after it began, the election campaign comes to an end on polling day, Monday, June 2. The first of more than 56 000 polling stations in about 16 500 locations opens at 8:30 a.m. in

Newfoundland, and then the others progressively open across the country, for 12 hours of voting. Among them are 715 mobile polls. More than 135 000 election officers are working today at the polling stations. Most of the sites are community centres, educational institutions, residences for senior citizens or church halls, but there are also polling stations in 9 post offices, 12 federal buildings and 126 Indian Band offices.

On polling day, information officers explain to 45 266 voters that the location of their polling station is on the Confirmation of Registration notice they received from Elections Canada; and that if they did not receive a notice, they are probably not registered, but can still register at a polling station. Since April 27, the day the writs were issued, enquiries officers have answered more than 345 000 telephone calls from Canadians inside and outside the country.

When the polls open, 19 248 159 names are on the voters lists. Another 414 363 register today at the polling stations. The final post-election list of electors, including polling-day registrants and electors registered to vote by special ballot, contains 19 662 522 names, of whom 13 171 628 cast ballots in this election.

Of those, 702 977 cast ballots at the advance polls and 138 618 cast special ballots. The 1997 turnout is approximately 67 percent of all eligible voters, the lowest proportion since the general election of 1925. The Support Network is also active to the end. The Operations section, which



A mobile poll in Ottawa Centre brought the ballot box to voters in a chronic care facility.

responded to 36 699 calls from returning officers during the enumeration period, will accumulate 94 043 more by June 13, a total of 130 742. The level two specialists at the Election Financing help desks have fielded 1 020 calls by the end of polling day, about three quarters from the official agents of candidates.

Minutes after the polls close in each riding, ballots are counted and the first unofficial results are phoned in from the polling stations to the returning office. The returning office relays the results to the media consortium in Montreal and Toronto, and to Elections Canada's Internet provider. That same night, about 120 special ballot officers, appointed by political parties, are busy counting some

5 000 special ballots that arrive at Elections Canada before the new deadline of 6:00 p.m., Ottawa time, on polling day, from electors voting outside their ridings. By 2:15 a.m., Ottawa time, on June 3, the last of the winning candidates is declared in Saskatchewan, where some polls close after those on the west coast because the Central Time area of Saskatchewan does not switch to Daylight Saving Time.

The election results are summarized in Table 5. The Liberals have won a majority and the Reform Party becomes the Official Opposition in the House of Commons. A total of 62 women win seats, compared with 53 in 1993. While the media are providing the results to voters across the country, unofficial results from Elections Canada, by riding, party, and province and territory, are being posted on the Web site.

Of the 1 672 candidates, 801 obtain at least 15 percent of the valid votes cast in their electoral district, making them eligible, by law, for the return of half of their nomination deposit of \$1 000 and for a partial reimbursement of their election expenses.

Table 5
Number of seats and percentage of valid votes,
by political affiliation

Political party	Number of seats	Percentage of votes
Liberal Party of Canada	155	38.45
Reform Party of Canada	60	19.35
Bloc Québécois	44	10.67
New Democratic Party	21	11.05
Progressive Conservative Party of Canada	20	18.84
No Affiliation	1	-



Elections Canada staff make a final check of the computerized Election Results System before results begin to come in on election night.

More to Do

For Elections Canada, the political parties, candidates and their official agents, the work does not end on polling day. There are official additions and judicial recounts to be done, writs and supplies to return to Ottawa, election staff to pay, and official financial reports to submit and to audit.

By June 23, the day set for the return of the writs, the returning officer in each electoral district

carries out an official addition – adds up the numbers from each polling station – to verify the election night tallies. Any remaining invoices for expenses and office accounts are sent to Ottawa for payment.

Judicial recounts are held in three ridings: Selkirk–Interlake, Manitoba; Bellechasse–Etchemins–Montmagny–L'Islet, Quebec; and Sackville–Eastern Shore, Nova Scotia. The recount in Nova Scotia is triggered by the *Canada Elections Act* provision requiring a recount when the margin of votes



separating the first two candidates is less than one one-thousandth of the total votes cast. The other two are requested by candidates. The recounts result in no change to the voting results. The three returning officers, like their 298 colleagues, declare the winners in their ridings by signing the back of the writs and returning them to the Chief Electoral Officer in Ottawa by the prescribed deadline, six days after the official addition or immediately after the completion of the recount.

After the election, Elections Canada issues payments to some 145 000 Canadians who served as election workers (100 000 workers were already paid following the enumeration). Over the next four to six months, the election expenses returns of the 1 672 candidates and the 10 officially registered parties will be reviewed and audited.

The official agent for each candidate has until October 2, four months after polling day, to submit a Candidate's Return Respecting Election Expenses, a written account of the candidate's campaign expenses and contributions, supported by vouchers. This year, they have the option of completing the return electronically, using an application newly developed by Elections Canada. By the end of July, approximately 400 kits have been requested and distributed. The chief agent of each registered political party must file a report by December 2, six months after polling day, detailing the money spent by or on behalf of the party and the commercial value of goods and services used for election purposes.

After the election, the returning officers add the final polling day registration names to

the ECAPLE system, complete their official additions of the votes, and tidy up by submitting the last of their invoices and the accounts of election workers for payment. Then they close their offices and return all election documents to the distribution centre in Ottawa. It is piled high with boxes again, just as it was a few weeks before the election began. The computer equipment at each riding office is dismantled and returned, and the 301 data bases are sent back to headquarters.

Staff at headquarters now concentrate on preparing the statutory reports to Parliament. This narrative report comes first; while it is being completed, others validate and prepare the official poll-by-poll results for each electoral district, which will be published at the end of 1997. Within a few weeks, Elections Canada staff and returning officers will begin an extensive evaluation of the programs and procedures used at the 1997 election. With their input, this year's experience will be incorporated in planning for the next federal electoral event.



A worker in the Elections Canada Distribution Centre among stacks of election materials returned from the ridings for storage.



A Look into the Future

Even before implementing the current crop of innovations, Elections Canada began to explore the potential for further improvements to the electoral process. Between April and July 1997, an internal working group on electronic voting examined how new technologies have been used to facilitate voting for electors and assessed the value of exploring greater use of new technologies for the vote.

The working group gathered information on innovative voting methods and began to determine

the criteria for successful implementation of new techniques. The possibilities examined range from broader use of voting by mail and voting by telephone, to electronic voting cards, voting machines and touch-screen computers in voting booths. The working group is also considering such factors as secrecy, security against tampering and acceptance by the electorate. We are still a long way away from recommending the introduction of any specific innovations in this area, but the first step – finding out what is possible – has been taken.



Appendix A Litigation

System of Allocating Political Broadcast Time

In *Reform Party of Canada et al. v. Canada (Attorney General)*, the Reform Party of Canada and one of its candidates challenged sections 303, 304, 307-311, 316, 319 and 320 of the *Canada Elections Act*. These sections concern the allocation of free broadcasting time for political parties. The plaintiffs contended that the broadcasting time allocation scheme unduly infringed on the rights of smaller, emerging and unestablished political parties. The plaintiffs argued that, by adopting this legislation, Parliament unlawfully violated their freedom of expression and of association as well as their right to vote and to equality, as guaranteed by the *Canadian Charter of Rights and Freedoms*.

The Alberta Court of Queen's Bench decided on November 22, 1992, that only section 310 of the Act was unconstitutional. The Attorney General of Canada appealed this decision, and the Reform Party of Canada appealed the dismissal of its application concerning the other impugned sections of the Act.

The Alberta Court of Appeal decided on March 10, 1995, that the broadcasting time allocation scheme provided by section 310 of the Act is constitutionally valid. The Court ruled that the fact that one political party obtained more broadcast time than another under section 310 does not mean that the other party's freedom of expression is curtailed. The Court further determined that without this legislation, no political party would have free broadcasting time. The unequal distribution of

time made available as a result of this legislation does not infringe the freedom of expression.

However, the Court also decided that prohibitions set out at paragraph 319(c) and section 320 do infringe the freedom of expression and cannot be justified in a free and democratic society. These sections were not deemed to be essential to the functioning of the allocation of free broadcasting time. The Court was of the opinion that the prohibitive provisions added nothing to the objective of ensuring the availability of adequate broadcasting time during election campaigns or the equitable allocation of the broadcasting time so reserved.

Third Party Spending and Advertising Blackouts

In *Somerville v. Canada (Attorney General)* the Alberta Court of Appeal, on June 5, 1996, confirmed the Queen's Bench decision that third party spending restrictions and advertising blackouts for candidates, as provided by subsections 213(1), 259.1(1) and 259.2(2) of the *Canada Elections Act*, are unconstitutional.

The legislation ensures that the regulation of spending by political parties and candidates during elections is not rendered ineffective by unrestricted third party spending. In refusing the argument, the Court of Appeal was of the opinion that the ability to associate and to combine funds to inform and influence others in an election is inextricably tied to the exercise of the freedoms of expression and association, as well as to the right to an informed vote. The judges also concluded that the objectives



and effects of the legislation strike at the core of the freedoms of expression and association by ensuring that third parties cannot be heard in any effective way and that political parties benefit from preferential protection.

On the advertising blackout issue, the Court of Appeal was of the opinion that subsection 213(1) unjustifiably infringed the individual's right to an informed vote at the time when he or she is most apt to be interested in a party platform. The Court held that the legislation prohibits communication of the kind to which the citizenry is entitled. In addition, the Court was of the opinion that the blackout seemed to give a relative advantage to the incumbent party, and this advantage did not constitute a substantial pressing objective that would justify the violation of a Charter right.

Ban on Publication of Opinion Surveys

In 1993, Parliament enacted section 322.1 of the *Canada Elections Act* to prevent the effect of public opinion survey results that are released from midnight the Friday before polling day until the close of polls. This provision is part of a wider legislative scheme, the purpose of which is to ensure fairness in elections and to safeguard the integrity of the electoral process. Thomson Newspapers Co. Ltd. contested the validity of this section on the basis that the new provision infringed its freedom of expression. On August 19, 1996, the Court of Appeal for Ontario upheld the Ontario Court of Justice (Trial Division) decision that the impugned

legislation did not violate the applicant's guaranteed Charter rights.

The Court of Appeal decided that the prohibition on the release of voter opinion polls applied to all opinion surveys, regardless of whether they were scientifically based, new or previously released. The Court was of the opinion that so-called hamburger polls, including phone-in surveys and mail-in surveys, were also covered by the ban. In so doing, the justices refused the appellant's argument that there was no evidence to show that the release of opinion surveys unduly influences the electorate. The Court further stated that the right to an informed vote does not elevate opinion surveys to the level of a constitutional entitlement during the last three days of the campaign.

Thomson Newspapers Co. Ltd. filed an appeal with the Supreme Court of Canada on March 25, 1997. The appeal has not yet been scheduled for hearing. A motion of Thomson Newspapers Co. Ltd. for a stay of execution was dismissed on May 7, 1997.

Deregistration of a Political Party and the Indication of a Candidate's Political Affiliation

In 1993, the Chief Electoral Officer deregistered the Communist Party of Canada pursuant to subsection 28(2) of the *Canada Elections Act* because the party had failed to present candidates in at least 50 electoral districts at the close of nominations at the 1993 general election. The Communist Party of Canada applied to the courts for an interim and a permanent injunction to restrain the Chief Electoral



Officer from deregistering it. It also sought a declaration from the Court that the scheme provided by the Act for mandatory party deregistration and asset liquidation was of no force and effect. The plaintiff maintained that the loss of benefits and the anticipated loss of assets constitute a denial or infringement of its rights of expression and of association, and of its right to be secure against unreasonable seizure, and to be qualified for membership in the House of Commons. The plaintiff further claimed that the loss of its status as a registered party was prejudicial because its candidates would not be able to have their affiliation with the Communist Party of Canada indicated on the ballots.

Both the Ontario Court (General Division) and the Court of Appeal for Ontario dismissed the plaintiff's application for injunctive relief. Both courts based their decisions on the fact that the plaintiff provided no evidence to show either the urgent need for the claimed relief or the marked inconvenience resulting from the loss of registered party status as weighed against the interests of the public. The plaintiffs wholly discontinued the action against the Chief Electoral Officer on November 22, 1993.

Miguel Figueroa, leader of the party, brought a similar claim in May 1997. Figueroa was seeking a summary judgment declaring subsections 28(2), 31(11), 31(12), 31(13) and 31(14) of the Act unconstitutional. On May 8, 1997, Justice Malloy of the Ontario Court (General Division) ordered the Attorney General of Canada to allow Mr. Figueroa to have the designation "Communist Party of Canada" follow his name on the ballot if he chose

to stand for election. On May 15, 1997, Ontario's Divisional Court quashed the term of adjournment because earlier jurisprudence had stated that it is inappropriate in cases decided on the eve of elections to grant what amounts to final relief without a proper trial. The Court was of the opinion that similarly situated candidates should have similar rights across the country and that the courts should not give individual candidates a different set of rules by way of particular judicial decrees made in individual cases. Further to the Court's conclusion, it was decided that the order could not be carried out by the Attorney General of Canada, as the power to set the ballot is the Chief Electoral Officer's exclusive jurisdiction. The Court also stated that there is a serious question as to whether provincial courts have the jurisdiction to make what may be tantamount to a mandatory order against the Chief Electoral Officer, an order that may be within the exclusive statutory jurisdiction of the Federal Court.

Reimbursement of Election Expenses

In *Barrette and Payette v. Attorney General for Canada and Chief Electoral Officer*, the Superior Court of Quebec was called on to decide the constitutional validity of sections 241 and 242 of the *Canada Elections Act*. These sections prescribe that a candidate may obtain a reimbursement of half of his or her election expenses, provided the candidate obtains at least 15 percent of the valid votes cast in the electoral district.

The applicants argued that the 15 percent



threshold infringed the right to stand for election because some serious candidates may have been discouraged from conducting effective campaigns by the fear of incurring non-reimbursable expenses. They further argued that the minimum conditions for reimbursement of election expenses created fear of incurring costs for some candidates, thereby unjustly inhibiting public debate for some candidates and violating their freedom of expression.

On August 7, 1992, the Superior Court of Quebec held that the limitation formulated in sections 241 and 242 could not be allowed to stand.

On March 18, 1994, the Quebec Court of Appeal reversed the Superior Court ruling and decided that the sections were constitutional. The Court of Appeal found that Charter rights had not been violated by the 15 percent threshold and that the *Canada Elections Act* provides sufficient means for candidates to express their views while restricting access to reimbursement of election expenses. Furthermore, the Court added that even if the sections had violated the Charter, the violation would have been reasonable because of the scarcity of public funds and the valid objective of the legislation.

The Right to Vote and Prison Inmates

In May 1993, in *Sauvé v. Canada (Chief Electoral Officer)*, the Supreme Court of Canada ruled that paragraph 51(e) of the *Canada Elections Act* was unconstitutional. Richard Sauvé, the inmate who had successfully challenged the constitutional validity of the legislation as it then stood, brought an

application for judicial review of the version of paragraph 51(e) adopted on May 6, 1993, through Bill C-114. The amended legislation disqualified prison inmates serving sentences of two years or more from voting.

On September 21, 1993, the Federal Court (Trial Division) directed that the application for judicial review proceed as an action. As a consequence of that ruling, the action was not heard on the merits before the 1993 general election.

The Federal Court (Trial Division) handed down its reasons for judgment on the merits of the case on December 27, 1995. The Court found that the amended legislation ran counter to the Charter. More specifically, the provision was found to be too intrusive because it provided for automatic disenfranchisement when an offender was sentenced to two years or more in prison. The Court believed that a case-by-case scheme that left the loss of franchise as a part of the criminal sentence, all the while adhering to the principles of sentencing, would be significantly less intrusive and equally effective in attaining the legislation's objectives. Accordingly, paragraph 51(e) unjustly infringed section 3 of the Charter and was declared unconstitutional.

On April 23, 1997, the Department of Justice sought an order to stop the effect of the judgment pending an appeal to the Federal Court of Appeal. Both the Federal Court (Trial Division) and, on appeal, the Federal Court of Appeal dismissed the motion. The Attorney General of Canada filed a motion for leave to appeal, along with a motion to expedite the hearing, on May 26, 1997. Leave for



appeal was granted by the Supreme Court of Canada, but the motion to expedite the hearing was dismissed on May 29, 1997. As a result, inmates had the right to vote at the 36th general election.

Redistribution of Electoral Boundaries

The 1996 representation order (effective on the first dissolution of Parliament that occurred at least one year after its proclamation on January 8, 1996) came into force on April 27, 1997. Consequently, electoral boundaries across Canada were modified to accommodate 301 electoral districts. In *Société des Acadiens et Acadiennes c. Procureur général du Canada*, the plaintiff, the Société des Acadiens et des Acadiennes du Nouveau-Brunswick, petitioned the Court of Queen's Bench (Trial Division) for a declaration that the representation order was invalid and unconstitutional. Upon submission of the motion for the declaration, the plaintiff also presented a motion for an interlocutory injunction that would exempt the province of New Brunswick from the application of the Proclamation of the representation order.

The motion for an interlocutory injunction was heard in Edmundston, New Brunswick, on April 29, 1997. The applicants alleged that the Proclamation contravened section 3 and subsection 15(1) of the Charter, on the ground that the francophone population, mostly Acadians, would have less effective representation in the House of Commons following the implementation of the 1996 representation order. The Court found that the

new electoral boundaries constituted a serious question and that, should the injunction be denied, the prejudice suffered by the plaintiffs could be remedied by a new election after the case was heard on the merits. The Court was also of the opinion that the balance of inconvenience leaned markedly in favour of the respondents because of the elector confusion that would follow the granting of the injunction.

The Court declined to make a declaration on the Charter issues, in order to hear the case on the merits. Preliminary motions were heard in late June 1997. Elections Canada withdrew from the litigation following the Court's decision on the motion for an interlocutory injunction.

Leadership of a Party

In *National Party of Canada v. Stephenson*, a member of the National Party applied to become interim leader and was soon thereafter removed by the party for expelling certain members from the party's council in a manner inconsistent with the party's constitution. The Chief Electoral Officer refused to grant interim leader status to the applicant because, in his view, the submission did not meet the requirements of subsection 26(1) of the *Canada Elections Act*. On November 20, 1994, the party's council elected another member as interim leader. A submission was made to the Chief Electoral Officer, who amended the registry accordingly.

The application to the Federal Court argued that the Chief Electoral Officer erred in law when he used a list of names registered under section 26 of



the Act to determine who was or was not a member of the party's council and that the Chief Electoral Officer exceeded his jurisdiction by making a decision based on erroneous information arising out of a motion passed at an unofficial meeting of the party. The Court was of the opinion that it is not incumbent upon the Chief Electoral Officer to apprise himself of the internal affairs of political parties. However, pursuant to subsection 26(2) of the Act, the officer to whom the report requesting the modification of the registry is to be made must

determine whether the document provided is the required report, and then must act accordingly.

The Court decided that the Chief Electoral Officer had not exceeded his jurisdiction, committed any error of law, or made any patently unreasonable decision that would justify intervention by the judiciary. The National Party of Canada was deregistered on May 13, 1997, after failing to present at least 50 candidates at the 36th general election.



Appendix B

Government Bills and Private Members' Bills on Electoral Matters Tabled During the 35th Parliament

First Session (January 17, 1994 to February 5, 1996)

Bill	Title	Status
C-18	<i>An Act to suspend the operation of the Electoral Boundaries Readjustment Act</i>	Received Royal Assent on June 15, 1994 (S.C. 1994, c. 19)
C-69	<i>An Act to provide for the establishment of electoral boundaries commissions and the readjustment of electoral boundaries</i>	Closure notice adopted on June 20, 1995
C-210	<i>An Act to provide for the recall of members of the House of Commons</i>	Rejected at second reading on November 1, 1994
C-229	<i>An Act to amend the Canada Elections Act (registration of political parties)</i>	Rejected at second reading on September 27, 1994
C-252	<i>An Act to amend the Canada Elections Act (review of nomination papers)</i>	First reading on May 27, 1994
C-267	<i>An Act to amend the Canada Elections Act (election expenses)</i>	First reading on September 21, 1994
C-319	<i>An Act to amend the Canada Elections Act (reimbursement of election expenses)</i>	Reported with amendment on December 13, 1995
C-320	<i>An Act to amend the Canada Elections Act (registration of political parties)</i>	First reading on April 5, 1995
C-338	<i>An Act to amend the Income Tax Act (political activities by charities receiving public funds)</i>	First reading on June 21, 1995
C-362	<i>An Act to amend the Parliament of Canada Act and the Canada Elections Act (confidence votes)</i>	Withdrawn on December 11, 1995
C-365	<i>An Act to allow the electors of a province to express an opinion on who should be summoned to the Senate to represent the province</i>	First reading on December 13, 1995
C-366	<i>An Act to amend the Parliament of Canada Act and the Canada Elections Act (confidence votes)</i>	First reading on December 14, 1995



Second Session (February 27, 1996 to April 27, 1997)

Bill	Title	Status
C-63	<i>An Act to amend the Canada Elections Act, the Parliament of Canada Act and the Referendum Act</i>	Received Royal Assent on December 18, 1996 (S.C. 1996, c. 35)
C-210	<i>An Act to amend the Canada Elections Act (review of nomination papers)</i>	First reading on February 29, 1996
C-230	<i>An Act to provide for a national referendum to authorize the government to negotiate terms of separation with a province that has voted for separation from Canada</i>	Debated at second reading and dropped from the business on September 26, 1996
C-233	<i>An Act to amend the Canada Elections Act (age of voting)</i>	First reading on March 11, 1996
C-243	<i>An Act to amend the Canada Elections Act (reimbursement of election expenses)</i>	Received Royal Assent on October 22, 1996 (S.C. 1996, c. 26)
C-250	<i>An Act to amend the Parliament of Canada Act and the Canada Elections Act (confidence votes)</i>	Debated at second reading and rejected on April 21, 1997
C-261	<i>An Act to require a referendum on the restoration of the death penalty and to amend the Referendum Act</i>	Debated at second reading and dropped from the business on September 20, 1996
C-264	<i>An Act to allow the electors of a province to express an opinion on who should be summoned to the Senate to represent the province</i>	First reading on April 16, 1996
C-269	<i>An Act to amend the Canada Elections Act and the Parliament of Canada Act (writ of election)</i>	First reading on April 19, 1996
C-276	<i>An Act to amend the Canada Elections Act (registration of political parties)</i>	Debated at second reading and dropped from the business on June 18, 1996
C-279	<i>An Act to amend the Canada Elections Act (electronic voting)</i>	First reading on May 3, 1996
C-285	<i>An Act to amend the Canada Elections Act (election expenses)</i>	First reading on May 30, 1996
C-286	<i>An Act to amend the Income Tax Act (political activities by charities receiving public funds)</i>	First reading on May 30, 1996
C-301	<i>An Act to amend the Canada Elections Act (permanent voters list)</i>	Removed on March 12, 1997



Second Session (February 27, 1996 to April 27, 1997) – *continued*

Bill	Title	Status
C-307	<i>An Act to amend the Canada Elections Act (polling hours)</i>	Referred to House Committee on October 28, 1996
C-308	<i>An Act to amend the Canada Elections Act (polling stations in hospitals)</i>	First reading on June 13, 1996
C-326	<i>An Act to change the name of the electoral district of Bourassa</i>	First reading on September 23, 1996
C-343	<i>An Act to provide for the holding of citizen-initiated referenda on specific questions</i>	First reading on October 30, 1996
C-347	<i>An Act to change the names of certain electoral districts</i>	Received Royal Assent on December 18, 1996 (S.C. 1996, c. 36)
C-350	<i>An Act to provide for a national referendum to authorize the government to negotiate terms of separation with a province that has voted for separation from Canada</i>	First reading on November 20, 1996
C-377	<i>An Act to amend the Referendum Act</i>	First reading on March 3, 1997
C-385	<i>An Act to amend the Constitution Act, 1867 (number of seats in the House of Commons)</i>	First reading on March 13, 1997
C-400	<i>An Act to amend the Canada Elections Act (registration of political parties)</i>	First reading on April 10, 1997
C-407	<i>An Act to amend the Canada Elections Act (political contributions)</i>	First reading on April 21, 1997



Appendix C

Activities of the Commissioner of Canada Elections

The Commissioner of Canada Elections is appointed by the Chief Electoral Officer of Canada to ensure that the *Canada Elections Act* is complied with and enforced. The current Commissioner, Raymond A. Landry, C.M., was appointed in April 1992.

The compliance aspect of the Commissioner's role involves ensuring that candidates and their official agents fulfil their obligations under the legislation, such as submitting their election expenses returns and official receipts within the legal time frame, and ensuring that corrective action is taken promptly when minor transgressions occur. Enforcement is directed at contraventions of the Act, including cases of personation at the polls and voting when not qualified; illegal removal of candidates' advertisements; broadcasting election results in time zones where polls are still open; exceeding the legal limits of candidates' election expenses; illegal wearing of labels or other actions supporting candidates in a polling station on polling day; and other violations of the Act. When requested to do so by the Chief Electoral Officer, the Commissioner also investigates complaints of alleged infractions by election officers.

Complaints and allegations of wrongdoing in electoral matters must be submitted to the Commissioner in writing. When the Commissioner is satisfied that there is substance to the complaint, he will order an investigation. Prosecutions under the Act, except those relating to peace and good order at elections, can take place only if the Commissioner consents and is satisfied that, based on the evidence, the public interest requires a prosecution.

Recent Activities

A major change in the orientation of the Commissioner's Office took place in 1993 when an internal investigative structure was put in place. Up to that time, the Commissioner had relied on the RCMP to carry out investigations. However, involvement of the RCMP tended to create the perception that a serious criminal offence had been committed, although most violations of the Act involve minor administrative non-compliance.

Since then, the Commissioner's Chief Investigator has been assigned two assistants; there are also 25 special investigators (former police officers) in various locations across the country. The Office of the Commissioner produced a policies and procedures manual to guide the conduct of investigations, and held a 2¹/₂-day training program at Elections Canada in preparation for the 36th general election.

To assist the special investigators in carrying out their duties during and after the election, the Commissioner wrote to 364 police forces across Canada to inform them about his role, responsibilities and activities and to ask for their co-operation should it be required during the course of an investigation.

A co-operation agreement with the RCMP has been renewed. This agreement enables the Commissioner to call on the RCMP to participate in joint investigations or to carry out investigations on behalf of the Commissioner in cases that require the services of law officers.



An agreement with Citizenship and Immigration Canada was also renewed. This agreement enables the Commissioner to enquire into the citizenship status of individuals alleged to have voted when not qualified. To simplify the collection of such information in future, the Commissioner has applied to the Department of Justice to have his Office formally designated as an investigative organization under paragraphs 8(2)e) and 22(1)a) of the *Privacy Act*. This designation would enable the Commissioner to obtain directly information for the purposes of an investigation that is otherwise protected, and to retain in confidence information obtained during the course of an investigation.

The Commissioner is also exploring the possibility of imposing fines under the *Contraventions Act* to deal with minor regulatory and administrative offences rather than prosecuting under the Criminal Code, as is done now. This change would reinforce the Office's policy of inculcating respect for electoral law without incurring the stigma of criminal proceedings for minor offences. Before proceeding, however, the nature of the infractions that might be handled under this Act must be carefully defined.

An alternative procedure¹ for dealing with administrative offences and encouraging compliance would be the imposition of fines accompanied by compliance orders and compliance agreements. These non-criminal, non-judicial measures for specified infractions would be administered by the

Commissioner. A compliance agreement would be a voluntary agreement to put into place practices to ensure compliance with specified provisions of the *Canada Elections Act*. Simply requiring that the agreements be made public would help to ensure accountability. Compliance orders, on the other hand, would be unilaterally issued by the Commissioner and would permit a problem to be dealt with swiftly and effectively, as warranted by the circumstances. Carrying out the compliance order would preclude prosecution and, like compliance agreements, the orders would be made public.

Investigations

By August 4, 1997, a total of 257 complaints related to the 36th general election had been brought to the attention of the Commissioner. Investigations are under way. Numerous additional complaints are normally filed following the deadline for submission of candidates' financial returns, four months after polling day. The Act sets a limit of six months from the date an offence is committed for the submission of complaints; and the deadline for commencing prosecution, if appropriate, is 18 months from the date the offence is committed. Statistics on complaints, investigations and prosecutions are included as these cases develop in the Chief Electoral Officer's periodic reports and publications.

¹ For a full discussion of this topic, see *Canada's Election System: Strengthening the Foundation*, Annex to the report of the Chief Electoral Officer of Canada on the 35th General Election, Elections Canada, Ottawa, 1996, p. 71 ff.



Appendix D

Report of the Broadcasting Arbitrator

Introduction

Peter S. Grant was first appointed as Broadcasting Arbitrator by the Chief Electoral Officer on June 19, 1992, following unanimous agreement by representatives of the political parties then represented in the House of Commons. His appointment automatically terminated six months after the 1993 general election, but he was reappointed to the post in 1994, also with unanimous agreement. His current appointment automatically terminates six months after the federal general election, which was held on June 2, 1997.

The role of the Broadcasting Arbitrator is set out in sections 307–316 of the *Canada Elections Act*. Under section 307 of that Act, every broadcaster in Canada is required to make available for purchase by registered political parties six and one-half hours (390 minutes) of air time during each federal election. The Act provides that the allocation of time among the parties is to be made by agreement among them, or failing such agreement, by the decision of the Broadcasting Arbitrator.

Allocation Decisions in 1995, 1996 and 1997

In accordance with section 308 of the Act, the Broadcasting Arbitrator convened a meeting of all registered parties in the spring of 1995 and issued a binding allocation of paid time to those parties on September 29, 1995. An order on December 22, 1995, allocated time to two “new” parties which had

been accepted for registration by the Chief Electoral Officer but which could not be formally registered until they met the 50-candidate threshold in the next election.

Section 314 of the Act requires the Arbitrator to convene and chair a meeting of the parties in each calendar year to review the previous allocation and entitlement orders. The 1996 meeting was held on April 17, 1996, and he rendered his decision on December 16, 1996. The 1997 meeting was held on March 19, 1997, and a decision was rendered on April 21, 1997. This latter allocation governed the 36th general election held on June 2, 1997.

The allocation of paid time for 1997 is set out in Table D.1.

The formula used for the allocation of paid time is based largely on the application of statutory factors set out in section 310 of the Act. Those factors give equal weight to the percentage of seats in the House of Commons and the percentage of the popular vote obtained by each of the registered parties in the previous general election, and half weight to the number of candidates endorsed by each of the registered parties as a proportion of all candidates so endorsed.

Before 1992, the decisions of broadcasting arbitrators did not vary significantly from the statutory factors. However, beginning with his first allocation decision of December 31, 1992, the present Arbitrator concluded that the pure application of the statutory factors was neither in the public interest nor was it fair to all the registered parties. In his 1992 decision, Mr. Grant noted that Moshansky J. had commented in *Reform Party of*



Table D.1
Allocation of paid time, 1997

Political party	Number of minutes
Liberal Party of Canada	118
Reform Party of Canada	51
Bloc Québécois	43
Progressive Conservative Party of Canada	34
New Democratic Party	26
Natural Law Party of Canada	17
The Green Party of Canada	13
Christian Heritage Party of Canada	13
Party for the Commonwealth of Canada*	13
Canada Party*	13
Libertarian Party of Canada*	13
Marxist-Leninist Party of Canada	12
Rainbow Coalition Party of Canada*	6
Communist Party of Canada*	6
Collective Group Party of Canada*	6
Canadian Action Party	6
Total	390

Source: The Broadcasting Arbitrator, *1997 Allocation of Paid Time to Registered Parties and New Political Parties*, April 21, 1997, Table 2.

* The time allocated to the parties marked with an asterisk lapsed because they were deregistered, either because they withdrew their registration (Collective Group Party of Canada) or because they failed to field 50 candidates by the deadline for nominations on May 12, 1997 (Party for the Commonwealth of Canada, Canada Party, Libertarian Party of Canada, Rainbow Coalition Party of Canada and Communist Party of Canada). In the end, only 10 parties retained their registration status or became fully registered in the 1997 federal general election and benefited from the paid time entitlement.

*Canada v. Attorney General of Canada*¹ that “the allocation formula has a discriminatory effect which tends in my opinion to favour the existing parties at the expense of new or emerging parties.” The Broadcasting Arbitrator concluded that the statutory factors as applied to allocation unduly fettered the ability of emerging parties to purchase time to make a meaningful case to the Canadian public.

As a result, two thirds of the time was allocated using the statutory factors. Using the discretion allowed under the Act, the Arbitrator allocated the remaining one third equally among all the registered parties. This hybrid approach significantly increased the time allotted to the smaller parties but continued to give predominant weight to the statutory factors. While this was by no means a perfect solution, in the absence of other workable approaches, and given the problems with the alternatives considered (discussed at some length in the Arbitrator’s 1992 decision), it was the best approach to take at that time.

After 1992, a similar approach has been adopted for the allocation of paid time in each allocation decision, and the 1997 decision continues this approach.

Of crucial significance in examining the question of allocation is the impact of the decision of the Alberta Court of Appeal in *Reform Party of Canada et al. v. Attorney General of*

1 [1993] 3 W.W.R. 171. This decision was later stayed by the Alberta Court of Appeal on June 10, 1993, pending disposition of the appeal: [1993] 4 W.W.R. lxvii. For the result of the appeal, see below at note 2.



Canada,² which was released on March 10, 1995. That judgment, which was not appealed by either side, dealt with a constitutional challenge brought by the Reform Party to the election broadcasting provisions of the Act. The Court held that sections 303, 307, 310, 311 and 316 of the Act were constitutionally valid but that paragraph 319(c) and section 320 were invalid.

The result of this decision was to maintain the allocation system set forth in the legislation, which entitled political parties to purchase time at the lowest equivalent rate, even if such time pre-empted other advertising. However, the decision struck down provisions that effectively transformed the entitlement into a cap, preventing a party from purchasing more than their allocated time on any station.

The result was that the 1997 general election was the first in which parties were free to purchase more time than allocated to them under the Act, provided stations were willing to sell them such time. Although data on this matter were not collected, the Broadcasting Arbitrator was informed by a number of stations that they were prepared to sell time over and above the allocation.

The general approach to allocation has not changed since 1992, and the decision of the Alberta Court of Appeal strengthens the rationale for giving special attention to the smaller parties. One reason for this is that the smaller parties are much more dependent on free time, and this continues to be determined by their paid time allocation under the Act. The second reason is that any reduction to the

paid time allocation for the larger parties is not as problematic for them, since their allocation no longer operates as an upper limit to their purchase of time. The only effective limit is now determined by the general limits on election expenses under the Act.

As noted above, one of the considerations in allocating the paid time is the fact that this determines the allocation of free time required to be given by certain radio and television networks, applying the principles set out in section 316 of the Act. That section provides that each network that granted free time in the 1993 election was required to continue to offer the same total amount of time, with that time essentially shared pro rata among the parties on the basis of the allocation of paid time.

The periods of free time that each of the networks are required to allocate to the parties, according to the 1997 allocation decision, are shown in Table D.2.

The 1997 General Election

The writs for the 36th federal general election were issued on April 27, 1997. On April 28, 1997, the Broadcasting Arbitrator published his guidelines under section 317 of the Act. These, along with guidelines from the Canadian Radio-television and Telecommunications Commission (CRTC), were sent forthwith to all broadcasters and political parties.

The guidelines took into account the changes to the *Canada Elections Act* made by Bill C-63, which came

² *Reform Party of Canada v. Canada (Attorney General)* (1995), 27 Alta. L.R. (ed) 153, [1995] 4 W.W.R. 609 (Alta. C.A.).



Table D.2

Allocation of free time required from radio and television networks

	Number of minutes		
	CBC-TV (English) SRC-TV (French) CTV	CBC-AM (English) SRC-AM (French)	TVA Quatre Saisons Radiomédia
Political party			
Liberal Party of Canada	65	36	19
Reform Party of Canada	28	16	8
Bloc Québécois	24	13	7
Progressive Conservative Party of Canada	19	10	5
New Democratic Party	14	8	4
Natural Law Party of Canada	10	5	3
The Green Party of Canada	7	4	2
Christian Heritage Party of Canada	7	4	2
Party for the Commonwealth of Canada*	7	4	2
Canada Party*	7	4	2
Libertarian Party of Canada*	7	4	2
Marxist-Leninist Party of Canada	7	4	2
Rainbow Coalition Party of Canada*	3	2	1
Communist Party of Canada*	3	2	1
Collective Group Party of Canada*	3	2	1
Canadian Action Party	3	2	1
Total	214	120	62

Source: The Broadcasting Arbitrator, *1997 Allocation of Paid Time to Registered Parties and New Political Parties*, April 21, 1997, Table 3.

* The time allocated to the parties marked with an asterisk lapsed because they were deregistered, either because they withdrew their registration (Collective Group Party of Canada) or because they failed to field 50 candidates by the deadline for nominations on May 12, 1997 (Party for the Commonwealth of Canada, Canada Party, Libertarian Party of Canada, Rainbow Coalition Party of Canada and Communist Party of Canada). In the end, only 10 parties retained their registration status or became fully registered in the 1997 federal general election and were entitled to free time.



into force just before the 1997 general election. The amendments shortened the election campaign from 47 days to 36 days and tightened many of the deadlines for placing orders for the purchase of broadcasting time. The guidelines had been circulated in draft form to the parties and broadcast networks earlier in March, and were the subject of discussion at a half-day colloquium held by the Broadcasting Arbitrator in Ottawa on March 19. Participants at the colloquium included representatives of the CRTC and Elections Canada, as well as major French- and English-language broadcasters.

For the 1997 general election, all parties receiving an allocation of paid time had to notify the stations and networks no later than May 7, 1997, of the amount of time they wished to purchase within the 390-minute allocation. The networks and stations then had two days to respond. This obligation was subject to a rule that no party could obtain broadcasting time before the fifth day after the notice was received by the broadcaster.

The Broadcasting Arbitrator's guidelines addressed these and a number of other matters, including guidelines for booking advertisements, the requirement to identify the sponsor of political advertising, regulations affecting the content of political messages, the period within which such advertisements were allowed to be aired, the requirement that the lowest applicable rates be charged to political parties by broadcasters, and the rule prohibiting the release of election results before the local polls had closed.

Throughout the election, the Arbitrator's office

fielded numerous calls from broadcasters and parties seeking guidance on the interpretation of the Act and the application of the guidelines. It was not necessary to issue a binding arbitration order on the placement of time.

Broadcast Issues Arising under the Act

A number of matters arose during the election that may warrant attention in future amendments to the legislation.

Blackout Rules

One matter requiring clarification during the 1997 election was that section 48 of the Act, which prohibited any advertising by political parties on June 1 and June 2 (the day of polling), did not extend to political advertisements placed and paid for by local candidates. Advertisements placed and paid for by local candidates were covered by section 213 of the Act; however, section 213 had been struck down in *Somerville v. Canada (Attorney General)* (June 5, 1996).

The fact that section 48 is still in effect while section 213 has been struck down created confusion and some difficulty in the application of the law. As a result of the *Somerville* decision, candidates and all others were able to advertise on June 1 and 2. The criteria applied to determine whether specific advertisements were to be accepted for broadcast were the identity of the sponsor and that of the body or person invoiced. The content of the advertisements accepted was subject only to the



freedom of expression guaranteed by the Charter. As a result, a number of individual candidates purchased time on the day before polling and on the actual day of the election. Since the time purchased was often used to run a national advertisement with a local tag line, this rendered the prohibition in section 48 somewhat ineffectual.

The purpose of the two-day blackout period is to introduce a brief hiatus in the broadcast campaign and to preclude last-minute attack messages that cannot be rebutted in time. If these objectives are valid, consideration should be given to extending section 48 to apply to advertisements placed by candidates as well as by parties.

Rates

A perennial issue during elections is the issue of the rates charged to political parties by broadcasters. Under paragraph 321 (a) of the Act, such rates must not exceed the lowest rates charged for equal amounts of equivalent time made available to any other persons at any time within the same advertising period.

A number of complaints were received from the parties about rates. The Broadcasting Arbitrator addressed this issue in the following terms in his report following the 1993 election, and the same conclusions apply:

There were two problems which made complaints as to rates difficult to assess. First, in their approach to commercial advertisers, broadcasters increasingly apply a demand rate card, which continually changes to reflect changes in inventory and demand. The rates charged

to political parties were generally set at the rates applicable for equivalent time at the commencement of the campaign. However, these rates could be higher than rates charged months earlier to commercial advertisers for similar time. A second problem was the fact that commercial advertisers are typically charged a blended rate reflecting buys in low-demand as well as high-demand time periods, including time periods before and after the campaign period. This made it virtually impossible to make comparisons as to equivalent time. In the end, I concluded that the practices did not warrant further action given the wording of the Act. However, I believe that it would be appropriate to clarify the wording of paragraph 321(a) so that the obligations of broadcasters would be expressed in terms that take into account current rate card practices.

Allocation of Paid Time

Although the current system of allocating paid time is far from perfect, it has been much less problematic since the Reform Party of Canada decision. That decision also removed a major difficulty in the system by removing the upper limit on the placement of advertisements by any party. The main impact of the allocation decision in the Act, beyond giving a pre-emptive entitlement to certain amounts of time for all the parties, is to set the allocation of free time, since this is determined by the allocation of paid time.

However, in that regard, there continues to be an upper limit on the time that can be given to new parties. The Broadcasting Arbitrator addressed this anomaly in his 1993 report in the following terms,



which continue to be applicable:

In the case of registered parties, subsection 310(4) of the Act stipulates that the Broadcasting Arbitrator has a discretion to vary the allocation if the application of the statutory factors is considered to be unfair or not in the public interest. I so concluded, and the smaller registered parties benefited from this discretion by receiving a significantly higher allocation, typically between 10 and 20 minutes.

The same could not be said for new parties, i.e., parties whose registration had been accepted at the time of my decision but that would not be registered until nominations closed. In that case, the Act gives no discretion as to how much time they would be allocated. Each of the new parties who sought time ended up being allocated only 5 minutes of paid time.

... I believe that the Act is unfair to new parties in limiting them to no more than 5 minutes of paid time on broadcast stations. The distinction between registered and new parties is no longer a valid one when it is realized that in either case, a failure to field 50 candidates by the close of nominations will lead to any allocated time for that party being lapsed...

In my view, just as it was unfair for the small registered parties to be limited to only 5 or 6 minutes of paid time, it was equally unfair for the new parties that managed to field 50 candidates to be so limited. However, while the Act allowed me the discretion to increase the time to a more reasonable amount for the smaller

registered parties, it gave me no discretion whatever in allocating time for new parties.

To resolve this problem, I would recommend that the Act be amended. The Lortie Report has made recommendations in this area which are much more far-reaching. However, it may not be necessary to go this far. The present system could be materially improved by simply providing a base-line minimum of paid time for any party that manages to field 50 or more candidates in the general election. I would put that minimum at between 10 and 20 minutes per party, based on the considerations outlined in my December 31, 1992, decision. This minimum would apply to both new parties and registered parties, realizing that only the parties that actually reach the 50-candidate threshold in the then current election would qualify for that time. Alternatively, the discretion currently given to the Arbitrator under the Act could be extended to the allocation of time to new parties, allowing a similar result to be obtained if it was deemed to be in the public interest.

Once the minimum amounts are allocated, the remaining time could be allocated utilizing the statutory factors, i.e., seats won, votes obtained, and candidates fielded in the last election. This approach would continue to give predominant weight to measures based on performance in the last election, but by providing a base-line minimum, it would



ensure that each party has the minimum amount of time necessary for it to make a meaningful case to the public.

Obligation to Provide Free Time

A final point is the extent of the obligations of broadcasters to provide free time. These obligations currently apply only to the conventional radio and television networks, and essentially carry into law commitments that were initially made voluntarily by the networks.

As the broadcasting system has become more diverse and the audience of the networks has become increasingly fragmented, it is more difficult to justify the exemption of the non-network television stations across Canada from obligations to provide equivalent free time. I should note that this is only a problem in regard to English-language television, as all three of the commercial television services broadcasting in the French language are licensed as “networks” (SRC, TVA, TQS) and provide the same amounts of free time.

“Independent,” non-network English-language television stations in Canada now garner a higher share of viewing and broadcast revenue than do either the CBC or CTV networks. The Broadcasting Arbitrator expressed concern about this anomaly in his previous report, as follows:

In my view, if the system of free time is to be retained in its current form, it should apply not just to the conventional television networks but also to the independent television stations, given

the significance of their viewing share and the fact that such stations frequently buy programming on a national rights basis and compete head to head with the networks. The term “network” is no longer a sufficient ground, in my view, for distinguishing between the obligations of stations and station groups. However, I would not include the provincial educational television services in the free-time obligation.

The case for including the specialty services within the free-time obligation is not as strong, given the narrowness of their format and the relatively small viewing share they achieve. I would not therefore impose a free-time obligation on such services at this time. However, this is a matter that should be reviewed on a regular basis as new specialty services are added and the role of such services in the Canadian broadcasting system evolves.

It is interesting to note that in Order in Council P.C. 1997-592, April 15, 1997, the Government requested the CRTC to examine the emergence of additional television networks in Canada, given the increased importance of station groups in the Canadian broadcasting system. CRTC hearings on this matter are scheduled to take place in November 1997.

The Order in Council also states that the Government assigned high priority to the need to ensure “that all programming undertakings whether as parts of networks or as parts of station ownership groups, provide equitable support for Canadian programming.” The same principle should apply if



Appendix E

Preliminary Election Statistics

Note: The tables in this appendix contain preliminary figures. Final statistics will be published in *Thirty-sixth General Election 1997: Official Voting Results*, in accordance with paragraph 193(a) of the *Canada Elections Act*.

Table E.1
Preliminary statistics concerning the number of electors on voters lists

Province or territory	Number of electors					
	On preliminary list ¹	Net revision results ²	On official list ³	Net revision results (%)	Added at polling day registration	On final list
Newfoundland	395 320	3 735	399 055	0.94	8 054	407 109
Prince Edward Island	94 862	557	95 419	0.59	2 383	97 802
Nova Scotia	646 418	19 339	665 757	2.99	11 409	677 166
New Brunswick	530 898	11 012	541 910	2.07	9 492	551 402
Quebec	4 984 459	127 019	5 111 478	2.55	65 662	5 177 140
Ontario	6 747 703	223 521	6 971 224	3.31	144 534	7 115 758
Manitoba	728 452	16 141	744 593	2.22	13 820	758 413
Saskatchewan	657 204	9 928	667 132	1.51	12 668	679 800
Alberta	1 770 195	(1 463)	1 768 732	-0.08	42 319	1 811 051
British Columbia	2 149 639	82 481	2 232 120	3.84	99 923	2 332 043
Yukon Territory	17 685	972	18 657	5.50	1 277	19 934
Northwest Territories	30 259	1 823	32 082	6.02	2 822	34 904
Total⁴	18 753 094	495 065	19 248 159	2.64	414 363	19 662 522

- 1 The preliminary list, issued at the start of the revision period, includes electors registered through door-to-door enumeration, mail-in registration, the Special Voting Rules (SVR) or the provincial voters lists (Alberta and Prince Edward Island).
- 2 Includes names added to SVR, group 1 lists of electors (Canadians residing outside Canada and incarcerated electors).
- 3 The official list, used on polling day, incorporates additions and deletions made during the revision period.
- 4 Fifty-six electors requested that their names not appear on the National Register of Electors and are therefore not included in this table.



Table E.2
Preliminary statistics concerning the number of ballots cast and voter turnout

Province or territory	Ordinary polls	Advance polls	Special Voting Rules	Total ballots cast	Percentage of electors who voted*	Rejected ballots	Total valid votes
Newfoundland	217 087	4 642	2 990	224 719	55.2	1 139	223 580
Prince Edward Island	66 132	3 633	1 228	70 993	72.6	472	70 521
Nova Scotia	437 921	24 490	7 627	470 038	69.4	2 901	467 137
New Brunswick	371 886	27 392	5 500	404 778	73.4	6 187	398 591
Quebec	3 523 949	229 672	38 673	3 792 294	73.3	132 640	3 659 654
Ontario	4 387 119	233 118	42 831	4 663 068	65.5	30 182	4 632 886
Manitoba	455 717	18 071	5 214	479 002	63.2	3 094	475 908
Saskatchewan	417 716	21 726	4 621	444 063	65.3	1 725	442 338
Alberta	998 413	49 354	11 320	1 059 087	58.5	2 404	1 056 683
British Columbia	1 422 017	89 225	17 725	1 528 967	65.6	6 587	1 522 380
Yukon Territory	12 679	868	367	13 914	69.8	85	13 829
Northwest Territories	19 397	786	522	20 705	59.3	143	20 562
Total	12 330 033	702 977	138 618	13 171 628	67.0	187 559	12 984 069

* The percentage of electors who voted is calculated from the number of electors on the final lists (prepared after polling day) and the total number of ballots cast.



Table E.3
Distribution of official candidates by political party and by province/territory

Province or territory	Bloc Québécois	Canadian Action Party	Christian Heritage Party of Canada	Liberal Party of Canada	Marxist-Leninist Party of Canada	Natural Law Party of Canada	New Democratic Party	Progressive Conservative Party of Canada	Reform Party of Canada	The Green Party of Canada	Independent	No affiliation	Total
Newfoundland	0	0	0	7	0	2	7	7	4	1	0	1	29
Prince Edward Island	0	0	1	4	0	1	4	4	2	0	0	0	16
Nova Scotia	0	0	0	11	2	9	11	11	9	0	2	1	56
New Brunswick	0	0	0	10	0	6	10	10	8	0	0	0	44
Quebec	75	1	4	75	14	25	75	75	11	3	7	3	368
Ontario	0	38	24	103	30	46	103	103	102	36	15	12	612
Manitoba	0	1	5	14	8	3	14	14	14	0	7	1	81
Saskatchewan	0	5	0	14	0	4	14	14	14	0	1	0	66
Alberta	0	2	4	26	2	15	26	26	26	9	3	2	141
British Columbia	0	11	14	34	9	25	34	34	34	30	7	12	244
Yukon Territory	0	0	1	1	0	0	1	1	1	0	1	0	6
Northwest Territories	0	0	0	2	0	0	2	2	2	0	1	0	9
Total	75	58	53	301	65	136	301	301	227	79	44	32	1 672



Table E.4

**Preliminary statistics concerning the number of ballots cast and percentage of valid votes,
by province/territory and political affiliation**

Province or territory	Liberal Party of Canada		Reform Party of Canada		Bloc Québécois		New Democratic Party	
	Number	%	Number	%	Number	%	Number	%
Newfoundland	84 657	37.86	5 632	2.52	0	0.00	49 125	21.97
Prince Edward Island	31 584	44.79	1 055	1.50	0	0.00	10 671	15.13
Nova Scotia	132 456	28.35	45 165	9.67	0	0.00	142 078	30.41
New Brunswick	131 215	32.92	52 248	13.11	0	0.00	73 229	18.37
Quebec	1 342 275	36.68	10 766	0.29	1 385 630	37.86	71 798	1.96
Ontario	2 293 853	49.51	886 825	19.14	0	0.00	495 091	10.69
Manitoba	163 214	34.30	112 805	23.70	0	0.00	110 216	23.16
Saskatchewan	109 196	24.69	159 311	36.02	0	0.00	136 633	30.89
Alberta	253 979	24.04	577 578	54.66	0	0.00	60 670	5.74
British Columbia	438 599	28.81	655 279	43.04	0	0.00	276 903	18.19
Yukon Territory	3 036	21.95	3 493	25.26	0	0.00	4 002	28.94
Northwest Territories	8 868	43.13	2 413	11.74	0	0.00	4 289	20.86
Total	4 992 932	38.45	2 512 570	19.35	1 385 630	10.67	1 434 705	11.05



Table E.4 – continued
Preliminary statistics concerning the number of ballots cast and percentage of valid votes,
by province/territory and political affiliation

Province or territory	Progressive Conservative Party of Canada		Others		Valid ballots		Rejected ballots		Total ballots
	Number	%	Number	%	Number	%	Number	%	
Newfoundland	82 214	36.77	1 952	0.87	223 580	99.49	1 139	0.51	224 719
Prince Edward Island	26 992	38.28	219	0.31	70 521	99.34	472	0.66	70 993
Nova Scotia	143 754	30.77	3 684	0.79	467 137	99.38	2 901	0.62	470 038
New Brunswick	139 381	34.97	2 518	0.63	398 591	98.47	6 187	1.53	404 778
Quebec	811 381	22.17	37 804	1.03	3 659 654	96.50	132 640	3.50	3 792 294
Ontario	871 439	18.81	85 678	1.85	4 632 886	99.35	30 182	0.65	4 663 068
Manitoba	84 480	17.75	5 193	1.09	475 908	99.35	3 094	0.65	479 002
Saskatchewan	34 457	7.79	2 741	0.62	442 338	99.61	1 725	0.39	444 063
Alberta	152 080	14.39	12 376	1.17	1 056 683	99.77	2 404	0.23	1 059 087
British Columbia	94 809	6.23	56 790	3.73	1 522 380	99.57	6 587	0.43	1 528 967
Yukon Territory	1 928	13.94	1 370	9.91	13 829	99.39	85	0.61	13 914
Northwest Territories	3 425	16.66	1 567	7.62	20 562	99.31	143	0.69	20 705
Total	2 446 340	18.84	211 892	1.63	12 984 069	98.58	187 559	1.42	13 171 628



Table E.5
Registration status of political parties

Previously registered parties that continue to be registered
Christian Heritage Party of Canada
Liberal Party of Canada
New Democratic Party
Progressive Conservative Party of Canada
Reform Party of Canada
The Green Party of Canada
Bloc Québécois
Marxist-Leninist Party of Canada
Natural Law Party of Canada
Total: 9
New political party that became fully registered
Canadian Action Party
Total: 1
Parties that applied for registration but failed to nominate at least 50 candidates
Rainbow Coalition Party of Canada
Communist Party of Canada
Total: 2
Previously registered parties that were deregistered pursuant to subsection 28(2) of the <i>Canada Elections Act</i> (for failure to sponsor candidates in at least 50 electoral districts) or any other reason
National Party of Canada
Libertarian Party of Canada
Party for the Commonwealth of Canada
Canada Party
Abolitionist Party of Canada
Total: 5
Number of registered political parties as of June 2, 1997: 10



Table E.6
Preliminary statistics concerning the number of candidates eligible for reimbursement*

Province or territory	Number of candidates eligible for reimbursement
Newfoundland	18
Prince Edward Island	9
Nova Scotia	33
New Brunswick	28
Quebec	205
Ontario	271
Manitoba	40
Saskatchewan	42
Alberta	61
British Columbia	86
Yukon Territory	3
Northwest Territories	5
Total	801
National total of candidates	1 672
Percent eligible	47.9

* Under section 241 of the *Canada Elections Act*, candidates who obtain at least 15 percent of the valid votes in a riding are eligible for partial reimbursement for their election expenses.



Appendix F

Complaints and Suggestions Received from Candidates and Parties

Under subsection 195(2) of the *Canada Elections Act*, every candidate, official agent of a candidate, or leader or chief agent of a registered political party has the right to send to the Chief Electoral Officer any complaints they may have with respect to the conduct of an election or suggestions as to changes and improvements in the law.

One complaint was submitted under subsection 195(2), relating to the nomination process. The substance of the complaint is addressed elsewhere in this report, in the Chief Electoral Officer's recommendation for amendment of the legislative provisions for nomination of candidates. Elections Canada will also review the administrative measures and instructions issued to returning officers relating to the acceptance of nomination papers. In addition, through feedback at information sessions and calls to the Elections Canada Support Network, parties and candidates communicated that some further changes would be desirable. The issues they raised are summarized below.

Information Session on Election Expenses

Some participants at the briefing sessions for candidates and their official agents, held during the

election, suggested that more time be devoted to practical exercises and explanations for filling out the Candidate's Return Respecting Election Expenses. In response, Elections Canada will review the costs and benefits of holding additional seminars for candidates' official agents after polling day to train them in completing both the paper and electronic versions of the Candidate's Return.

Questions about Election Expenses

Candidates, official agents and parties from the province of Quebec sought information through the Elections Canada Support Network on the specific rates of pay for poll agents (provincial minimum wage in Quebec). These callers complained because Elections Canada did not provide this information immediately. A number of complaints and comments were also received about contributions accepted before a candidate's official nomination. In both cases, candidates and parties received the Chief Electoral Officer's interpretation in a letter. A number of official agents suggested streamlining the system of reporting and extending the one-month deadline for return of official receipts to allow volunteers more time to deal with donations.



Appendix G Official Languages

Continuously improving service to the electorate is a key business goal of Elections Canada. To this end, Elections Canada set out early in the process of planning for both the enumeration and the 36th general election to ensure that returning officers and workers were fully trained to carry out their responsibilities to provide service in both official languages. As well, we afforded the Office of the Commissioner of Official Languages an opportunity to review our training material and to provide feedback. Comprehensive classroom training, detailed training and information manuals, and bilingual materials were provided to more than 250 000 enumeration and election workers.

Our goal, wherever possible, was to recruit bilingual workers, and instructions to the returning officers emphasized the importance of this approach. In some areas of the country, however, this did not prove possible, and we realized that we would have to develop acceptable alternatives to ensure consistent service nationwide. Unilingual election workers were issued descriptive cards explaining to voters how to obtain service in either official language. Also, during both the enumeration and the election, a toll-free number for bilingual service was available to supplement the card system.

The Commissioner of Official Languages received 52 official complaints (among 301 ridings) during the enumeration and the election. With more than 250 000 workers interacting with the more than 13 million Canadians who cast ballots in 301 ridings from coast to coast, we are encouraged by this low rate of complaints and we are confident that it was

due largely to measures we took to address the needs of all Canadians in both official languages.

At the time of writing, more than 80 percent of the complaints had been resolved to the satisfaction of the Office of the Commissioner of Official Languages. Elections Canada's staff and returning officers worked closely with the Commissioner of Official Languages to respond to complaints as soon as they were received. All parties, including the Office of the Commissioner of Official Languages, deserve credit for taking corrective measures to satisfy the client as soon as a complaint was phoned in, rather than waiting for formal written notification.

One additional matter relates to Elections Canada's responsibilities under the *Electoral Boundaries Readjustment Act*. In 1996, the Commissioner of Official Languages, responding to complaints, issued a report on the impact of the redistribution of electoral boundaries in New Brunswick. This report, entitled *Investigation Report of Complaints Concerning the Redistribution of Federal Ridings Proposed by the Federal Electoral Boundaries Commission for the Province of New Brunswick*, alleged that Elections Canada failed to inform the Federal Electoral Boundaries Commission of New Brunswick of its obligations under the *Official Languages Act*.

The New Brunswick Electoral Boundaries Commission is one of 11 independent electoral boundaries commissions established under the *Electoral Boundaries Readjustment Act*. Elections Canada has a mandate only to provide administrative, financial and technical assistance to these commissions. Because each electoral boundaries commission enjoys this independence from the



Office of the Chief Electoral Officer, Elections Canada maintains that its role can only be one of support. In the next redistribution, Elections Canada will convey to the Commissioner of Official

Languages any request from the commissions for the Commissioner to address them and more fully acquaint them with their obligations under the *Official Languages Act*.



Appendix H

Statutory Authorizations

Subsection 63(2) of the *Canada Elections Act* empowers the Chief Electoral Officer to extend the enumeration period at the request of a returning officer. Such extensions were granted for certain polling divisions in 38 electoral districts.

Subsection 9(1) of the *Canada Elections Act* empowers the Chief Electoral Officer to adapt the provisions of the Act during an election to meet the exigencies of extraordinary situations. Fourteen authorizations were granted under this section during the 36th general election.

Permission was granted to incarcerated electors to complete an application for registration and special ballot form through their liaison officers and to return the forms no later than Thursday, May 29, 1997, an extension of two days. The authorization was needed to allow for delays caused by a Department of Justice appeal of a previous ruling that paragraph 51(e) of the *Canada Elections Act* was unconstitutional because it disenfranchised inmates serving sentences of two years or more.

In two ridings, Provencher and Vancouver Kingsway, the returning officers were authorized to mail Confirmation of Registration notices after the prescribed deadline, because there had been unavoidable delays in confirming the locations of polling stations.

In Nanaimo–Cowichan, the returning officer was authorized to affix labels to advance poll ballots to correct the name of the electoral district.

In three ridings, Winnipeg South, Hochelaga–Maisonneuve and Rosemont, returning officers were authorized to hire additional poll workers to deal with expected large numbers of polling day registrations.

In two ridings, Tobique–Mactaquac and Provencher, returning officers were authorized to conduct polling activities outside their electoral districts by setting up a polling station and a mobile poll respectively to serve certain voters in their jurisdiction.

In four ridings, Laval Centre, Louis-Hébert, Shefford and Wetaskiwin, returning officers were authorized to issue transfer certificates to voters until the close of polls on June 2. In three of these ridings, the certificates were needed to enable persons with disabilities to transfer to polls with level access; in the fourth, the poll was moved when water became unavailable.

In the riding of Sudbury, the returning officer was authorized to hold an advance poll in her office on May 23, 24 and 26 for the entire electoral district.