

Supplementary Recommendations on Division 2 of Part 11 of the *Canada Elections Act* and Recommendations for Consequential Amendments*

Access to voting opportunities

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
1.	Repeal the provisions that limit CF electors to voting under Division 2	192 193	<p>Canadian Forces (CF) electors are currently limited to two ways of voting under the <i>Canada Elections Act</i> (the CEA). The first, and most widely used, is at the military polls through Division 2 of Part 11 of the CEA. Section 192 provides that a CF elector must vote for a candidate in the electoral district that includes the place of ordinary residence that the elector has indicated on his or her statement of ordinary residence. A CF elector determines his or her place of ordinary residence using the rules set out in Division 2.</p> <p>Section 193 provides a small exception to voting under Division 2: if the address where the elector actually resides is in the same electoral district as the place of ordinary residence set out on the elector's statement of ordinary residence, the elector may vote at the polling station for his or her place of ordinary residence, rather than voting at the military polls under Division 2.</p> <p>However, a change made during an election period to a CF elector's statement of ordinary residence cannot come into force during that period. This means that CF electors, even those who are part of the community in which they reside, are sometimes not able to vote in that community like their family and neighbours.</p>	That the requirement for the CF to establish military polls be maintained, but that CF electors be permitted to vote in the same manner as other electors and to choose the voting method that best suits their needs, including voting at military polls. To achieve this result, section 192 should be amended to provide that CF electors—described in section 191—may vote under Division 2. Section 193 should be repealed.

*These recommendations are the result of a joint review in 2017 of Division 2 of Part 11 of the *Canada Elections Act* by Elections Canada and the Canadian Armed Forces in response to a request by the Standing Committee on Procedure and House Affairs.

Access to voting opportunities

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			<p>These factors have turned Division 2 from a method of voting that originally benefitted CF electors to a method of voting that is much more restrictive than that for non-CF electors. Originally, military members were the only electors who could vote by special ballot. The special voting rules were intended to provide military members with a way to vote when deployed overseas, while maintaining voting integrity. Changes made to the special voting rules in 1993 opened up voting by special ballot to all electors and expanded voting opportunities for non-CF members, but the provisions respecting voting by the military remained the same. It no longer makes sense to retain the rules in Division 2 that now limit voting opportunities for CF members.</p> <p>For this reason, it is recommended that CF members be permitted to choose the voting method—including at the advance or election day polls, or under Division 3 or 4 of the special voting rules in Part 11 of the CEA—that best suits their needs. As indicated in recommendations 4a to 4f below, safeguards would be added to preserve the integrity of the vote.</p> <p>This is not to say that there is no longer a requirement for military polls. The military voting system remains a valuable voting method for many CF members, especially for those who cannot access the other voting opportunities because they are overseas, they are on ships or submarines or they are in the field in Canada. As a result, voting at the military polls should continue to be an option for CF electors.</p>	
2.	Revise who is entitled to vote under Division 2	191	<p>Section 191 of the CEA prescribes the classes of persons who qualify as CF electors. The prescribed classes are: members of the regular force of the CF; members of the reserve force on full-time training or service or on active service; members of the special force; and persons employed as teachers or administrative support staff in CF schools overseas.</p>	<p>i) That all members of the reserve force be included in the definition of “Canadian Forces elector”; and</p> <p>ii) That teachers and administrative support staff at overseas CF schools be removed from the classes of persons eligible to</p>

Access to voting opportunities

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			<p>Currently, not all reserve force members may vote under Division 2; members of the reserve force who are not on active service, as well as those who serve part time, are excluded. The definition was likely drafted this way because Division 2 limits voting opportunities for CF electors and it was not reasonable to limit voting opportunities for those members of the reserve force. If voting opportunities are expanded, those reserve force members should no longer be excluded from the military polls, as it could benefit them to be able to vote under Division 2.</p> <p>Paragraph 191(d) includes as CF electors teachers and administrative support staff at overseas CF schools. They are eligible to vote under Division 2 because most of these persons are not employees of the federal public administration, which is a class of persons who may vote by mail indefinitely under Division 3 of Part 11 of the CEA (as long as they continue to reside overseas).</p> <p>It would be more consistent if voting at the military polls were restricted to CF members. This is especially true if Bill C-33, which would repeal the five-year limit on voting as a non-resident elector under Division 3 of Part 11, is enacted. Teachers and administrative support staff at overseas CF schools would then be entitled to vote by mail under Division 3, rather than at the military polls under Division 2.</p>	<p>vote under Division 2 by repealing paragraph 191(d), especially if Bill C-33 is enacted. This class of persons would instead vote by mail under Division 3 of Part 11 of the CEA, just like other non-resident electors voting from abroad.</p>
3.	Other amendments to permit CF electors to choose their voting method		<p>Amending section 192 and repealing section 193 would remove the provisions that limit CF electors to voting only under Division 2; however, there are other provisions that also prevent CF electors from voting in other ways than at the military polls. These provisions need to be amended to remove any impediments to CF electors' voting at the advance or election day polls or under Division 3 or 4 of Part 11.</p>	<p>See the specific amendments in items 3a to 3d below.</p>

Access to voting opportunities

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
3a.	Permit CF electors to vote under Divisions 3 and 4	177 220 231	Currently, CF electors are expressly prevented from voting under Division 3 or 4 of Part 11 because of the definition of “elector” in those divisions and the definition of “application for registration and special ballot” in section 177, all of which exclude CF electors. The definition of “Canadian Forces elector” is “an elector who is entitled to vote under Division 2.” In the current CEA, being entitled to vote under Division 2 means that the elector is disentitled from voting under Division 3 or 4, so CF electors are currently excluded from the definitions of “elector” in those divisions and “application for registration and special ballot” in section 177. In the proposed approach, being entitled to vote under Division 2 would not disentitle the elector from voting under Division 3 or 4, so the exclusionary wording would no longer be required.	That the words “other than a Canadian Forces elector” be deleted from the definitions of “application for registration and special ballot” in section 177 and “elector” in section 220 (Division 3) and section 231 (Division 4) of the CEA, so that CF members may vote under Divisions 3 and 4.
3b.	Ensure that CF electors are exempt from the five-year limit in Division 3 if Bill C-33 is not enacted	222(2)	<p>CF electors who are posted overseas can currently only vote under Division 2. There is no limit in Division 2 as to how long a CF elector may reside overseas but continue to vote under Division 2. If voting opportunities for CF electors are opened up and they are permitted to vote under Division 3, and if Bill C-33 is not enacted, CF electors will have to be added to the list in subsection 222(2) of classes of electors who are exempt from the five-year limit on voting by special ballot under Division 3.</p> <p>As well, if paragraph 191(d) is repealed so that teachers and administrative support staff at overseas CF schools are no longer eligible to vote under Division 2, that class of persons will need to be added to subsection 222(2) if Bill C-33 is not enacted, as currently there is no limit to the period of time during which they can vote under Division 2.</p> <p>Note that dependants of CF members and of teachers and administrative support staff at overseas CF schools are already exempt from the five-year limit by virtue of paragraph 222(2)(d), which reads, “Paragraph (1)(b) [the five-year limit] does not apply to an elector who is [...] (d) a person who lives with a member of the Canadian Forces or with a</p>	<p>i) That CF electors—and teachers and administrative support staff at overseas CF schools, if that class of persons is deleted from the definition of CF elector—be included in the list in subsection 222(2) of classes of persons who are exempt from the five-year limit on voting under Division 3, if Bill C-33 is not enacted; and</p> <p>ii) That, if paragraph 191(d) is repealed and subsection 222(2) instead refers to teachers and administrative support staff at overseas CF schools, the reference to “paragraph 191(d)” in paragraph 222(2)(d) be replaced with a reference to the new provision in subsection 222(2) exempting that class of persons from the five-year limit.</p>

Access to voting opportunities

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			person referred to in paragraph 191(d)". The reference in this provision to paragraph 191(d) will have to be replaced if the reference to teachers and administrative support staff is moved from paragraph 191(d) to subsection 222(2).	
3c.	Permit CF electors to receive voter information cards (VICs)	95(1)(b)	Because CF electors can currently only vote under Division 2 except for one narrow exception, and because the current rules in sections 194 and 195 permit CF electors to choose a place of ordinary residence at which they may not actually reside, subsection 95(1) directs returning officers to not send VICs to CF electors. If voting opportunities for CF electors are to be opened up to include voting at the advance and election day polls, CF electors in Canada should receive VICs.	That paragraph 95(1)(b), which prevents CF electors from receiving voter information cards, be repealed. If this paragraph is not repealed, but the statement of ordinary residence is eliminated, as recommended below, paragraph 95(1)(b) will have to be amended to make reference to CF electors, rather than referring to the completion of a statement of ordinary residence.
3d.	Definition of "correctional institution"	New	Recommendation B20 of <i>An Electoral Framework for the 21st Century: Recommendations from the Chief Electoral Officer of Canada Following the 42nd General Election</i> (the Recommendations Report) recommends that a definition of "correctional institution" be added to the CEA. The CF operates certain service prisons and detention barracks, each of which is considered a CF unit or forms part of a unit. As the CEA will continue to require the establishment of military polls in CF units, military polls will be set up in these institutions. If service prisons and detention barracks are not excluded from the definition of "correctional institution", they will fall under both Division 2 and Division 5, which set out different processes for the administration of the vote by special ballot. To avoid conflict, only Division 2 should apply to service prisons and detention barracks.	That places designated by the Minister of National Defence pursuant to subsection 205(1) of the <i>National Defence Act</i> (service prisons and detention barracks) be expressly excluded from the definition of "correctional institution".
4.	New voting integrity measures		Because CF electors can currently only vote under Division 2, except for one narrow exception, active measures to prevent voting in more than one manner by CF electors were not provided for by the CEA. If CF electors are to be given access	See recommendations 4a to 4f below.

Access to voting opportunities

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			to other voting opportunities, however, measures should be added to the CEA to ensure that a CF elector only votes using one method and that a returning officer is made aware when a CF elector has received a special ballot at the military polls.	
4a.	Crossing off CF electors' names	New	Currently, CF electors' names are not crossed off the lists of electors used at the military polls. If the names were crossed off and were sent to the special voting rules administrator, the special voting rules administrator could advise each returning officer of the CF electors in the returning officer's electoral district who have received a special ballot at the military polls, so that the returning officer could indicate on the lists of electors used at the advance and election day polls the names of CF electors who have received a special ballot.	<ul style="list-style-type: none"> i) That the name of a CF elector who receives a special ballot at a military polling station be crossed off the list of electors used at the military poll; and ii) That the coordinating officer advise the special voting rules administrator of CF electors who have received a special ballot at the military polls.
4b.	The special voting rules administrator to advise returning officer of electors who have received a special ballot at the military polls	New	Section 234 provides that the special voting rules administrator advises a returning officer when an elector has received a special ballot under Division 4 from another electoral district. A new provision similar to section 234 is needed in Division 2 because the special voting rules administrator should also be required to advise a returning officer when an elector from the returning officer's electoral district has received a special ballot under Division 2. This would permit the returning officer to indicate on the lists of electors used at the advance and election day polls the names of CF electors who have received a special ballot.	That the special voting rules administrator advise a returning officer when a CF elector from the returning officer's electoral district has received a special ballot at the military polls and that the returning officer indicate on the lists of electors used at the advance and election day polls the names of CF electors who have received a special ballot.
4c.	A CF elector who requests a special ballot at a military poll may not vote in any other way	New	<p>CF electors who receive a special ballot at the military polls should be limited to voting by that method. Such a provision would be equivalent to section 235 in Division 4, which provides that once an elector's application for registration and special ballot has been accepted, the elector may only vote under that Division.</p> <p>Recommendation C21 of the Recommendations Report recommends that a new provision be added to Division 4 to give the special voting rules administrator discretion to cancel an application for registration and special ballot if an elector</p>	That a CF elector who has received a special ballot at a military poll be limited to voting under Division 2.

Access to voting opportunities

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			<p>never received the special ballot or when the elector chooses instead to vote at the advance polls or on polling day. A similar provision should apply to voting under Division 2, but only in the case of a by-election. In a by-election, no military polls are established; instead, CF electors vote using special ballot voting kits sent to them in the mail. It is possible, therefore, that a CF elector at a by-election may not receive the ballot. In contrast, at a general election, a CF elector voting under Division 2 requests a special ballot at a military poll, rather than by mail, so the elector will always receive the special ballot upon request—that is, the special ballot will not get lost in the mail—and there is no application to cancel.</p>	
			<p>Voting processes under Division 2 during by-elections are set out in the <i>Special Voting Rules as Adapted for the Purposes of a By-election</i> prepared by the Chief Electoral Officer (the CEO) in accordance with subsection 178(2) of the CEA. If the CEA is amended by Parliament in a manner consistent with Recommendation C21, the <i>Special Voting Rules as Adapted for the Purposes of a By-election</i> should be amended to give the special voting rules administrator discretion to cancel an application for registration and special ballot if an elector never received the special ballot or when the elector chooses instead to vote at the advance polls or on polling day.</p>	
			<p>Currently, as soon as the writs are issued, a special ballot voting kit is automatically sent to every CF elector whose place of ordinary residence is in the electoral district in which a by-election is occurring. If Parliament expands voting opportunities for CF electors, the <i>Special Voting Rules as Adapted for the Purposes of a By-election</i> should be amended to provide that special ballot voting kits will only be sent to those CF electors who apply to vote under Division 2 and who supply proof of identity online, or by mail or fax, up to 6:00 p.m. on the sixth day before election day. A CF elector should, however, be permitted to request a voting kit as soon as a vacancy in the House of Commons has been announced—that</p>	

Access to voting opportunities

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			is, before the by-election is called—so that as soon as the writs are issued, the kit is sent to the elector.	
4d.	Declaration	New	As an added safeguard, CF electors voting at the military polls should be required to declare that they have not requested a ballot previously at the election (other than to replace a spoiled ballot) and that they will not vote in any other manner.	That CF electors voting at the military polls be required to make a declaration that they have not requested a ballot previously at the election (other than in the case of a spoiled ballot) and that they will not vote in any other manner after requesting a special ballot at the military polls.
4e.	Requiring CF electors to provide proof of identity but not proof of residence	New	<p>Currently, the CEA does not require CF electors voting at the military polls to provide proof of identity or residence. The special voting rules, which originally only applied to CF electors, were enacted before there was a general requirement for electors to prove their identity and residence.</p> <p>If voting opportunities for CF electors are expanded, CF electors voting at the military polls should be required to provide proof of identity. All CF electors carry identity cards that the CEO could add to the list of accepted pieces of identification.</p> <p>CF electors who vote at the military polls should not be required to provide proof of residence. The military identity cards that CF electors carry do not indicate a residential address and, for several reasons, it may be impossible for a CF elector who wishes to establish or update his or her place of ordinary residence at the military polls to provide proof of residence. First, CF members move regularly for reasons of service, so providing a piece of identification that bears the address of the elector’s place of ordinary residence may be difficult if the elector has recently moved. Second, CF members operating in austere environments, such as in a theatre of operations, on board a ship or submarine or in an isolated area, are unlikely to be carrying pieces of identification showing their residential address. Finally, in some</p>	That CF electors be required to provide proof of identity at the military polls, but not proof of residence.

Access to voting opportunities

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			circumstances, military operational security concerns may, for the protection of the member and of his or her family, prevent CF members from carrying documents that show their personal address.	
			CF electors voting by any other method would, however, have to comply with the same requirements for proof of identity and residence as all other electors.	

Elimination of the statement of ordinary residence

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
5.	Registration of CF electors and rules for determining a CF elector's place of ordinary residence	177 194 195	<p>Currently, the statement of ordinary residence is the registration mechanism for CF electors; however, it limits CF electors to voting at the military polls in most cases, it prevents CF electors from updating their information during an election period and it hinders Elections Canada's ability to update CF electors' information in the National Register of Electors (the NRoE).</p> <p>At present, a CF elector's electoral district is determined by the address of the place of ordinary residence set out on the elector's statement of ordinary residence, which is not necessarily where the elector actually resides. Because this information can only be amended by the elector and only in the manner described in Division 2, Elections Canada flags the records of CF electors in the NRoE and prevents any updates from being made to them, except through the statement of ordinary residence amendment process. This means that all updates supplied by Elections Canada's data suppliers are not applied to CF electors.</p> <p>As well, CF electors cannot use the Online Voter Registration Service to update their information in the NRoE. The first question asked of electors who try to use the Online Voter Registration Service is if they are a CF elector. If the answer is "Yes", the elector is not permitted to proceed further in the system.</p> <p>Eliminating the statement of ordinary residence by repealing sections 194 and 195 would allow updates to be made to CF elector information like any other elector. It would also allow CF electors to use the Online Voter Registration Service, particularly if the recommendation that CF electors be required to provide their service numbers when registering or making changes to their information is enacted.</p> <p>Repealing sections 194 and 195 would also remove the</p>	<p>i) That CF electors be allowed to register and amend their registration in the same way as any other elector, including during an election period, by repealing sections 194 and 195 to eliminate the statement of ordinary residence. (Deleting these provisions would also mean that a CF elector's place of ordinary residence would be determined, as for any other elector, under section 8 of the CEA);</p> <p>ii) That CF members be invited, on enrolling, to consent to their registration in the NRoE;</p> <p>iii) That a new method of registering CF electors or amending their registration at the military polls be created;</p> <p>iv) That section 177 be amended by repealing the definition of "statement of ordinary residence"; and</p> <p>v) That all other references to the statement of ordinary residence be deleted.</p>

Elimination of the statement of ordinary residence

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			<p>impediment to CF electors' updating their information during an election period. Currently, subsections 194(6) and 195(6) provide that an amendment to a statement of ordinary residence takes effect, if it is made during an election period, 14 days after polling day, and if it is made at any other time, 60 days after the commanding officer of the elector's unit receives it.</p> <p>Finally, repealing sections 194 and 195 would have the effect of repealing the special rules for determining a CF elector's place of ordinary residence. Section 8 of the CEA could then be used instead, as for any other elector, to determine a CF elector's place of ordinary residence. This would ensure that CF electors cast their vote in an electoral district to which they have some sort of connection, like all other electors. Currently, CF electors may specify as their place of ordinary residence, among other places, their last place of residence before joining or being hired by the CF, or being placed on full-time training or service or on active service. Even if the elector has been away from this place for decades and even if the location is no longer a residential property, the CF elector may currently specify it as their place of ordinary residence.</p> <p>In order to populate the NRoE, there would have to be some way to collect information on new CF electors. This could be accomplished by advising new CF members on enrolment that prescribed pieces of information that they provide to the CF will be transferred to Elections Canada, and asking if they consent to having their information added to the NRoE.</p> <p>There would also have to be a way for CF electors to register at the military polls or change their place of ordinary residence. A registration form would have to be created to enable this.</p>	

Management of CF elector data

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
6.	Requirement to provide service number	New	A variant of this recommendation—Recommendation C14 in the Recommendations Report—has already been accepted by the Committee in its first interim report. The original recommendation was that CF electors be required to provide their service number on their statement of ordinary residence. As a recommendation is now being made to eliminate the statement of ordinary residence, the recommendation respecting service numbers should be varied to require that CF electors provide their service number when registering to vote or voting at the military polls, and when registering or changing their information in the NRoE.	That CF electors be required to provide their service number when registering to vote or voting at the military polls, and when registering or changing their information in the NRoE.
7.	Where disclosure of a CF elector's address could be a risk to the elector's safety or his or her family's safety	New	<p>Some CF members, such as members on special operations, should not have their personal information appear on the lists of electors, or on registration documents, for personal or operational security reasons. However, unlike the case for electors residing in Canada, who can apply under subsection 233(1.1) to use another address on their application for registration and special ballot if their personal safety is at risk, no equivalent provision applies to CF electors. These electors and their families may be vulnerable if their personal information is intercepted.</p> <p>Note that Recommendation C18 of the Recommendations Report recommends that subsection 233(1.1) be clarified to specify that an elector may use an alternative address for both the elector's place of ordinary residence and the elector's mailing address. The new provision for Division 2 is intended to be equivalent to the recommended new subsection 233(1.1), rather than the current provision.</p>	<p>i) That, for reasons of personal or operational security, a CF elector be permitted to apply to the special voting rules administrator to use an alternative address for the elector's place of ordinary residence and mailing address when registering to vote or when updating his or her registration, and to have the alternative addresses appear on the lists of electors; and</p> <p>ii) That, for reasons of operational security, a commanding officer be authorized to make such a request for some or all of the electors in his or her unit.</p>
8.	Authority for information exchange between Elections Canada and	196–199	The provisions relating to information exchange between Elections Canada and the CF are very specific. Subsection 199(2) requires the coordinating officer to provide certain listed information on CF electors to the CEO, on request. Section 196 sets out the process for the sharing of statements of ordinary residence of members of the regular	<p>i) That sections 196 to 198 be repealed;</p> <p>ii) That a subsection be added to section 199 providing that the information given to the CEO by the coordinating officer pursuant to subsection 199(2) may be used for the purpose of updating the</p>

Management of CF elector data

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
	the CF		<p>force and of the special force with the CEO and the return of these documents to the electors' commanding officers. Section 197 sets out the process for dealing with statements of ordinary residence for members of the reserve force and it does not require those documents to be shared with the CEO. Section 198 specifies how long statements of ordinary residence are to be retained.</p> <p>If CF electors are permitted to vote using any voting opportunity and if their information will be updated in the NRoE like any other elector's, then information on CF electors will be shared between Elections Canada and the CF outside the confines of Division 2, at times other than those currently stipulated in that division, and the information will flow in both directions, rather than just from the CF to the CEO. For example, Elections Canada will be able to extract a list of all CF electors from the NRoE and provide it to the CF so that commanding officers can prepare unit lists of electors from the master list.</p> <p>If statements of ordinary residence are eliminated, sections 196 to 198 will no longer be necessary. However, a link should be made in section 199 between information that is collected for the purposes of Division 2 and updates to the NRoE.</p>	<p>NRoE; and</p> <p>iii) That a further subsection be added to section 199 authorizing the CEO to provide to the coordinating officer the information on CF electors described in subsection 199(2).</p>
9.	Procedures for sharing information between the CF and Elections Canada and for producing lists of electors	194–199 204 205	<p>A variant of this recommendation, Recommendation C15, was accepted by the Committee in its first interim report on the Recommendations Report. The recommendation was that the provisions about collecting, validating and maintaining CF elector data should be rewritten to remove references that suggest a paper-based process, and to authorize the CEO to prescribe the process and the forms necessary for maintaining a register of CF electors. The new recommendation does not provide for a separate register of CF electors; rather, their information will be dealt with through the NRoE.</p>	<p>i) That the CEO be authorized to prescribe procedures for the sharing of information on CF electors between the CF and Elections Canada; and</p> <p>ii) That the wording of any new text dealing with the sharing of CF elector information be flexible enough to permit the electronic exchange of information.</p>

Management of CF elector data

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
10.	Additional information to be exchanged	199(2)	<p>Item 6 above recommends that CF electors be required to provide their service number; therefore, this piece of information must be added to the list of information that the coordinating officer provides to the CEO pursuant to subsection 199(2).</p> <p>Section 199 currently requires the coordinating officer to provide to the CEO, among other pieces of information, “the elector’s current mailing address”. This is often the unit’s mailing address. Elections Canada will need both the mailing address of the elector’s place of ordinary residence and the elector’s unit’s mailing address, in order to ensure that correspondence sent to the elector is actually received by the elector, whether or not the elector is at a place of duty away from his or her place of residence.</p>	<p>i) That paragraph 199(2)(a) be amended to add the phrase “service number”; and</p> <p>ii) That paragraph 199(2)(d) be amended to read “the elector’s current mailing address and the mailing address of the elector’s place of ordinary residence”.</p>
11.	References in the list of electors to “rank”, “sex”, address of ordinary residence and electoral district	204(3)	<p>A CF member’s rank is only used by Elections Canada to determine the salutation to be used on correspondence with the elector. It is not used for data-matching purposes by Elections Canada. As a result, although that information should continue to be provided to Elections Canada, it does not need to be included in lists of electors.</p> <p>If the Committee accepts Recommendation B9 from the Recommendations Report, that an elector’s gender not be included in lists of electors, the word “sex” should be removed from subsection 204(3).</p> <p>Consequent to the recommendation above to eliminate the statement of ordinary residence, references to that document should also be removed from this provision. Instead, the list should indicate the address of the elector’s place of ordinary residence and the elector’s electoral district.</p>	That subsection 204(3) be amended to delete the references to “rank”, “sex” (if this word is deleted elsewhere in the CEA) and statement of ordinary residence, but to include the address of the elector’s place of ordinary residence and the elector’s electoral district.

Preparing for the vote and operations at the polls

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
12.	“deputy returning officer”	177 182(d) 204 205 209–219	<p>Division 2 stipulates that each military polling station will have one deputy returning officer, like the advance and election day polls. However, Division 2 does not provide for poll clerks to assist the deputy returning officers. Despite this, there are often “poll assistants” at the military polls, who act in much the same way as poll clerks.</p> <p>Recommendation A1 in the Recommendations Report, which the Committee has accepted, recommends that specific election officers no longer be linked with specific roles at the advance and election day polls. Instead, it is recommended that wherever the current CEA specifies that a task be undertaken by a particular election officer, reference be made instead to “an election officer” or “two election officers” and that a returning officer be instructed to appoint sufficient election officers to carry out the tasks prescribed by the CEA. Doing the same for the procedures at the military polls would make the operations at those polls more efficient, by permitting commanding officers to designate an appropriate number of election officers to carry out functions at the polls.</p> <p>The current definition of “deputy returning officer” in Part 11 of the CEA applies to deputy returning officers at both the military polls and polls in correctional institutions. It may be appropriate to apply this strategy in respect of deputy returning officers and poll clerks in correctional institutions as well.</p> <p>If Recommendation A1 from the Recommendations Report is enacted, a new definition of “election officer” may be added to the CEA outside of Division 2, and this defined term could apply in Division 2. If a new defined term of “election officer” is not added elsewhere in the CEA, it should be added in Division 2.</p>	<p>i) That the defined term “deputy returning officer” in section 177 as it relates to voting under Division 2 be replaced by a new defined term, “election officer”, and that the term “deputy returning officer” where it appears in Division 2 be replaced with “election officer”; and</p> <p>ii) That paragraph 205(1)(b) be amended to provide that a commanding officer shall appoint a sufficient number of election officers to carry out the tasks prescribed for election officers under Division 2.</p>
13.	Role of the coordinating officer	199(1)	When a unit or other element of the CF deploys overseas, it is sometimes accompanied by civilian employees and contractors. As well, a CF member’s family may accompany	That subsection 199(1) be amended to add a requirement that the coordinating officer assist the special voting rules administrator in

Preparing for the vote and operations at the polls

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			<p>the member overseas. If these individuals are electors, they may vote under Division 3 or 4 of Part 11, depending on whether they are non-resident electors or Canadian residents temporarily away from home. Such electors are not entitled to vote at the military polls under Division 2.</p> <p>Nonetheless, there are steps that can be taken by Elections Canada and the CF to facilitate the vote of CF dependants and civilians who accompany the CF on deployments. The CEA currently permits electors who vote under Division 3 or 4 to send their special ballots to the CEO by delivering them to a CF base. The special voting rules administrator could run outreach programs reminding these electors of the steps for voting under Division 3 and 4 and of the fact that they can deliver their completed special ballots to a base. The coordinating officer could work with the liaison officers and, through them, with the commanding officers, to arrange transport of these special ballots to Canada. As the coordinating officer's current duties relate to the vote under Division 2, adding a specific reference to facilitating the vote of persons accompanying the CF abroad would give the coordinating officer the authority to engage in such activities.</p>	facilitating voting from abroad by CF electors' dependants and by persons accompanying the CF abroad and their dependants.
14.	Designation of liaison officers		Recommendation B22 of the Recommendations Report, which was accepted by the Committee, recommended that the Minister of National Defence be authorized to designate liaison officers before the writs are issued. Designating liaison officers before the issue of the writs would require that section 201 be moved to a different place in Division 2 and that changes be made to a number of provisions in addition to section 201.	See the specific recommendations set out in items 14a to 14e below.
14a.	Informing the Minister of National Defence and the CF of the issue of the	200 202	Section 200 provides that, after the issue of the writs, the CEO shall inform the Minister of National Defence and the coordinating officer of their issue. Being informed of the issue of the writs is currently the trigger for the Minister of National Defence to appoint liaison officers. If liaison officers are appointed outside the election period, as recommended in	That section 200 be amended to read, " 200 Without delay after the issue of the writs, the special voting rules administrator shall inform the coordinating officer of their issue". Note that this recommendation also encompasses the change recommended in item 18 below.

Preparing for the vote and operations at the polls

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
	writs		<p>Recommendation B22 of the Recommendations Report, it will no longer be strictly necessary for the CEO to inform the Minister of the issue of the writs.</p> <p>Informing the coordinating officer of the issue of the writs, however, remains necessary. This step initiates the establishment of the military polls under section 202. It would be more efficient, however, if the duty to inform the coordinating officer of the issue of the writs were given to the special voting rules administrator, rather than the CEO.</p>	
14b.	Placement of the provision authorizing the designation of liaison officers	201	<p>Division 2 follows a logical sequence: it sets out things that occur before the writs of election are issued, followed by things that take place after the writs are issued. The designation of liaison officers is currently set out in section 201, in the part of Division 2 dealing with things that occur after the issue of the writs. The new section authorizing the designation of liaison officers should be placed in Division 2 before the provisions that deal with activities that occur after the writs are issued.</p>	<p>That the provision authorizing the Minister of National Defence to designate liaison officers be placed earlier in Division 2—before activities that occur after the writs are issued.</p>
14c.	Trigger for the sharing of the name and address of each liaison officer	202	<p>The coordinating officer's obligation in paragraph 202(b) to provide the name and address of each liaison officer to the CEO is currently triggered by the issue of the writs. This duty should be removed from section 202, added to the new provision relating to the designation of liaison officers, and triggered by their designation, not the issue of the writs.</p> <p>The coordinating officer should also be required to inform the liaison officers of the issue of the writs, because that would now be the trigger for the liaison officers to communicate with the commanding officers for whose units the liaison officer has duties.</p>	<p>i) That the coordinating officer's duty to inform the CEO of the designation of liaison officers in paragraph 202(b) be added to the provision authorizing the designation of liaison officers and that the trigger event be the designation of the liaison officers, and not the issue of the writs; and</p> <p>ii) That section 202 be amended to read, "202 On being informed of the issue of the writs, the coordinating officer shall inform each liaison officer and each commanding officer of their issue".</p>

Preparing for the vote and operations at the polls

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
14d.	Trigger for liaison officers to begin activities	203(1)	In accordance with subsection 203(1), liaison officers must communicate, on being designated, with commanding officers about the administration of the military vote. If liaison officers are designated before the issue of the writs, as recommended, the trigger for them to communicate with commanding officers should be the issue of the writs, not the liaison officers' designation.	That the opening words of subsection 203(1) "On being designated" be replaced by the words "On being informed of the issue of the writs".
14e.	Statement of the liaison officer's role	203(2)	<p>Subsection 203(2) provides that "a liaison officer shall cooperate with the CEO in the administration of the vote"—i.e. it sets out the role of the liaison officer—but again it is intended to have effect after the writs are issued. Subsection 203(2) should be repealed and instead the new provision authorizing the designation of liaison officers should mirror the language used for the coordinating officer, by indicating that the liaison officers shall work with the CEO "during and between elections in carrying out the purposes and provisions of" Division 2.</p> <p>Currently, in Division 2, there is no explicit link between the roles of the liaison officers and of the coordinating officer. In order to clarify their relationship, the new provision should indicate that the liaison officers shall work with the CEO <u>and the coordinating officer</u> in carrying out the purposes and provisions of Division 2.</p>	That the substance of current subsection 203(2) be added to the provision authorizing the designation of liaison officers, and that the new provision provide that liaison officers are to work with the CEO and the coordinating officer during and between elections in carrying out the purposes and provisions of Division 2.
15.	Administration of military polling stations	188 189 210	<p>Section 189 makes reference to particular materials—street indexes and guides to electoral districts—that may become obsolete if electronic methods are used to determine an elector's electoral district. As well, in section 188 and paragraph 189(b), the use of the words "a sufficient number of copies" in reference to the list of candidates suggests that the list must be supplied in paper form.</p> <p>Similarly, paragraph 210(b) requires that electors have available for consultation one copy of Part 11, one set of street indexes, one guide to electoral districts and a list of candidates. Not all these materials are necessary at every polling station</p>	<p>i) That the distribution of materials and the administration of military polling stations be simplified by making sections 188, 189 and 210 less prescriptive as to the materials required to be supplied, and instead having those provisions require that the list of candidates be provided as well as adequate materials to permit an elector's electoral district to be determined; and</p> <p>ii) That the text of those provisions be flexible enough to permit the special</p>

Preparing for the vote and operations at the polls

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			(other than the list of candidates), particularly if there is more than one polling station for a unit. Instead, the provision should require that adequate materials be available for determining electors' electoral districts.	voting rules administrator to provide electronic materials.
16.	Establishing joint polling stations	207	Section 207 currently reads, "The commanding officers of units <u>that are in the same locality</u> may establish one polling station for all electors in their units, if the commanding officers consider that it would be expedient for the purposes of this Division." The words "that are in the same locality" suggest that the units in question must be located in close proximity. However, there may be situations when CF members from far-flung units are training together during the voting period and it would make sense to have a single polling station for those members. Deleting the words "that are in the same locality" would give commanding officers of separate units flexibility to coordinate polling stations in a more rational way and avoid the establishment of unnecessary polling stations, while providing CF electors with adequate voting opportunities.	That section 207 be amended to delete the words "that are in the same locality" and to make it clear that the provision is intended to permit commanding officers of distinct units to establish a single polling station for all the members of their units.

Minor and technical recommendations

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
17.	Offence provisions	New	Recommendation A20 of the Recommendations Report, which the Committee accepted, recommends that the various sections in the CEA that protect the secrecy of the vote and prohibit improper acts related to requesting and handling ballots be grouped together in their own part of the CEA. Changes to Division 2 should be taken into consideration when this work is undertaken, so that the new prohibition sections include prohibitions related to military voting under Division 2.	That any new part of the CEA that is developed to group together prohibitions relating to requesting a ballot and voting include prohibitions, and associated offences and penalties, related to improper acts by CF electors and by election officials under Division 2 as amended, and that references to the statement of ordinary residence be deleted from the prohibition, offence and penalty provisions.
18.	Administrative centres and voting territories	177 180 200 247	<p>Section 177 defines “voting territory” as an area that is established by or under section 180, and “administrative centre” as an area established under section 180 for the distribution of materials and the provision of information. Section 180 provides that a voting territory with headquarters in Ottawa is established and that the CEO may establish any additional voting territories or administrative centres in or outside Canada that he or she considers appropriate.</p> <p>Prior to the 1993 amendments to the CEA that expanded special voting beyond just CF electors and members of the public service abroad, “voting territory” was a functional concept. It referred to a specific area set up for a defined purpose to which a special returning officer, a chief assistant, six scrutineers, and military liaison officers were appointed for the purpose of administering the vote to military electors. The 1993 amendments, however, basically gutted this concept. There is currently no description of the geographic area covered by the existing voting territory, there is no indication of the purpose of the voting territory, and there is no link between the voting territory and the special voting rules administrator and other election officers who administer the special voting rules—that is, those election officers are not appointed to or for the territory, nor is it expressly stated that they perform their functions in the territory.</p>	That the definitions “administrative centre” and “voting territory” in section 177 be repealed; that section 180 be repealed; that the words “and of the location of voting territories and administrative centres” be deleted from section 200; and that the words “and of the location of administrative centres” be deleted from subsection 247(1).

Minor and technical recommendations

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			<p>The definition “administrative centre” suffers from the same lack of purpose. It is not clear why there needs to be a specific legislative provision authorizing the establishment of an area for the distribution of materials and the provision of information. The only administrative centre that exists is the special voting rules administrator’s office at 440 Coventry Road in Ottawa. The special voting rules administrator complies with sections 200 and 247 by informing the Minister of National Defence and correctional institutions to return completed special ballots and election materials to 440 Coventry Road.</p> <p>Because the terms “voting territory” and “administrative centre” are not linked to the rest of the special voting rules, removing these concepts from the CEA would not have an impact on the rest of Part 11. The only reason for keeping section 180 would be to retain the authority of the CEO to establish additional voting territories or administrative centres. However, as noted above, these are essentially meaningless concepts. There is nothing preventing the CEO from distributing materials and providing information in the context of the special voting rules without calling the distribution offices “administrative centres”, and, therefore, there seems to be no reason to retain these concepts.</p>	
19.	Repeal of SOR/78-148		<p>SOR/78-148 is a regulation that was enacted in 1978 as a result of the addition of teachers and administrative support staff at overseas CF schools to the list of persons permitted to vote under Division 2. The regulation set out the process for the completion of the statement of ordinary residence by teachers and administrative support staff, the validation of their electoral district and the transmission of the document among Elections Canada, the Department of National Defence and the CF, and it indicated how long the documents were to be kept after an individual ceased to be a CF elector.</p> <p>The enabling authority for this regulation was omitted from the special voting rules when they were expanded in 1993, and the</p>	That SOR/78-148 be expressly repealed.

Minor and technical recommendations

No.	Subject	Provision(s) in the CEA	Issue	Recommendation
			content of this regulation is now reflected in sections 194, 196 and 198 of the CEA. It would appear, therefore, that SOR/78-148 has been impliedly repealed. Nonetheless, the regulation is shown on the Department of Justice website as still in force.	