



Canada

REPORT OF THE

Chief Electoral Officer of Canada

Following the March 19, 2012, By-election Held in Toronto–Danforth
and the November 26, 2012, By-elections Held in
Calgary Centre, Durham and Victoria

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The Chief Electoral Officer • Le directeur général des élections

April 2, 2013

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

I have the honour to provide my report following the by-election held on March 19, 2012, in the electoral district of Toronto–Danforth and the by-elections held on November 26, 2012, in the electoral districts of Calgary Centre, Durham and Victoria. I have prepared the report in accordance with subsection 534(2) of the *Canada Elections Act* (S.C. 2000, c. 9).

Under section 536 of the Act, the Speaker shall submit this report to the House of Commons without delay.

The by-elections report also includes a summary of the official voting results. For more information, please see the Elections Canada website at www.elections.ca.

Yours truly,

Marc Mayrand
Chief Electoral Officer

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Introduction

This report covers the by-election held on March 19, 2012, in the electoral district of Toronto–Danforth (Ontario) and the three by-elections held on November 26, 2012, in the electoral districts of Calgary Centre (Alberta), Durham (Ontario) and Victoria (British Columbia).

According to subsection 534(2) of the *Canada Elections Act*, if one or more by-elections are held in a year, the Chief Electoral Officer must, within 90 days after the end of the year, produce a report that sets out “any matter or event that has arisen or occurred in connection with the administration of the Chief Electoral Officer’s office since the last report ... and that he or she considers should be brought to the attention of the House of Commons.”

For the 2012 by-elections, Elections Canada carried over the same administrative improvements to the conduct of elections that had been introduced during the 41st general election, held in May 2011. Examples include making improvements to ensure greater accessibility of polling sites, providing assistance to electors in acute care facilities so that they could vote by special ballot and allowing the use of the voter information card at specific voting locations to facilitate proof of identity and address.

Two events arose during the May 2011 general election that generated much attention. The first concerned irregularities in polling day procedures that were identified in the riding of Etobicoke Centre (Ontario). As a result, Elections Canada initiated an independent review of compliance with polling day procedures. In the interim, measures were taken during the November 26, 2012, by-elections to improve compliance with polling day procedures and to understand how improved monitoring could affect overall levels of compliance. Refer to On-site conformity advisor initiative for November by-elections in section 1.1 for further details.

In addition, allegations of fraudulent telephone calls were made during the May 2011 general election, but to our knowledge at this time, the issue did not materialize during the 2012 by-elections. Refer to Electoral law enforcement in section 1.4 for details on communications received during the by-elections.

1. The 2012 By-elections

1.1 Launch of the By-elections

Issue of the writs

The by-elections held in 2012 were called to replace four members of Parliament:

- the Honourable Jack Layton, New Democratic Party Member of Parliament for **Toronto–Danforth** (Ontario) since June 28, 2004, and party leader, who had passed away on August 22, 2011
- Lee Richardson, Conservative Party of Canada Member of Parliament for **Calgary Centre** (Alberta) since June 28, 2004, who had resigned on June 6, 2012
- the Honourable Bev Oda, Conservative Party of Canada Member of Parliament for **Durham** (Ontario) since June 28, 2004, who had resigned on July 31, 2012
- Denise Savoie, New Democratic Party Member of Parliament for **Victoria** (British Columbia) since January 23, 2006, who had resigned on August 31, 2012

The writ for the Toronto–Danforth by-election was dated February 6, 2012, and the date for the by-election was set as March 19, 2012. The writs for the Calgary Centre, Durham and Victoria by-elections were dated October 21, 2012, and the date for the by-elections was set as November 26, 2012.

House of Commons seat distribution

The table below summarizes the seat distribution in the House of Commons when the writs were issued.

House of Commons seat distribution at the call of each by-election

Seat distribution	Toronto–Danforth (February 6, 2012)	Calgary Centre, Durham and Victoria (October 21, 2012)
Conservative Party of Canada	165	163
New Democratic Party	101	100
Liberal Party of Canada	35	35
Bloc Québécois	4	4
Green Party of Canada	1	1
Independent	1	2
Vacant	1	3

Local Elections Canada offices

Under the *Canada Elections Act*, returning officers must open offices without delay after the writs are issued. The Chief Electoral Officer mandated all four returning officers to prepare for the by-elections by researching suitable and accessible office space and polling sites and by identifying potential printing services as well as furniture and equipment suppliers.

Returning officers opened one local office in each electoral district. No satellite offices were opened.

The local office for Toronto–Danforth was opened to the public on February 7, 2012.

The local offices for the November 26, 2012, by-elections were opened on the following dates:

- Calgary Centre – October 21, 2012
- Durham – October 22, 2012
- Victoria – October 23, 2012

Polling sites

For the four by-elections, returning officers set up 52 advance polling stations, 858 stationary polls and 31 mobile polling stations on polling day. These were located at 36 advance polling sites, 173 ordinary stationary sites and 82 mobile sites. Tables 1 through 3 in the Appendix list the types of polling sites and types of polling stations used in the by-elections, as well as the types of polling sites used compared to those in the 41st general election. All polling sites met Elections Canada's accessibility criteria.

Election officers

Recruiting election officers

The number of election officer positions filled for the by-elections, including individuals on standby to replace election officers, if needed, were:

- Toronto–Danforth – 575, compared with 534 for the 41st general election
- Calgary Centre – 678, compared with 669 for the 41st general election
- Durham – 704, compared with 784 for the 41st general election
- Victoria – 681, compared with 726 for the 41st general election

To fill the positions, returning officers turned to:

- names of potential election officers provided by candidates of the registered political parties whose candidates finished first or second in the last election; however, only 52 names were submitted across all four electoral districts
- online applications submitted through the Elections Canada website; 4,494 were submitted across all four electoral districts
- applications received following print and radio media placement (which proved to be a powerful recruitment tool)
- names of election officers from previous elections

A total of 327 election officers aged 16 to 25 were hired across all four electoral districts, compared with 422 in the 41st general election.

Resources available to election officers

The following resources were available to election officers during regular business hours and on an on-call basis until 9:00 p.m. (local time) during the by-elections:

- **Elections Canada Support Network** – Agents at Elections Canada assisted returning officers and election workers with the day-to-day administration of the by-elections.
- **Field liaison officers** – Experienced election practitioners provided support and guidance to returning officers, kept Elections Canada informed about how the by-elections were progressing at the local level and helped with media relations.
- **Resource persons** – Experts at Elections Canada gave returning officers personalized assistance in unusual or unforeseen situations.

On-site conformity advisor initiative for November by-elections

In response to irregularities identified at the polls in the riding of Etobicoke Centre (Ontario) during the May 2011 general election, Elections Canada initiated an independent review of compliance with polling day procedures. The Chief Electoral Officer will report to Parliament in April 2013 on the findings of that review and the resulting Compliance Action Plan.

Elections Canada implemented measures during the by-elections in November 2012 to improve compliance with polling day procedures and to understand how improved monitoring could affect overall levels of compliance. The Chief Electoral officer directed the three returning officers involved in the November 2012 by-elections to improve the delivery of training to election officers, by placing a particular emphasis on compliance with the rules pertaining to voter registration and vouching at polling stations. In Durham and Victoria, returning officers were required to put in place mechanisms to monitor compliance with election day voting procedures and to take immediate corrective action as required. To allow for a comparative analysis, on-site compliance advisors were not hired in Calgary Centre.

Elections Canada identified and recruited experienced election officers from neighbouring electoral districts to participate in the project as on-site conformity advisors. They received a full day of intensive review of polling day procedures, and their knowledge was then validated through testing and by receiving a satisfactory grade. There were 63 advisors in Durham and 32 in Victoria.

These on-site conformity advisors, appointed as additional central poll supervisors, were posted at polling sites in the Durham and Victoria electoral districts during the advance and ordinary polls. The advisors were responsible for verifying that election officers executed their duties in compliance with procedures. If irregularities occurred during the course of the day, the advisors reported them to the central poll supervisor, who was then required to address the concerns and take immediate corrective action.

The results of the on-site conformity advisor initiative will be reflected in the April 2013 report to Parliament.

1.2 Working with Political Entities

Candidates and registered political parties

When the writ was issued for the Toronto–Danforth by-election, 18 political parties were registered. Prospective candidates had until 2:00 p.m. on February 27, 2012, to file their nomination papers. Eleven candidates were confirmed for the by-election, and eight registered parties endorsed candidates: the Canadian Action Party, the Conservative Party of Canada, the Green Party of

Canada, the Liberal Party of Canada, the Libertarian Party of Canada, the New Democratic Party, the Progressive Canadian Party and the United Party of Canada. There were three independent candidates.

When the writs were issued for the by-elections in Calgary Centre, Durham and Victoria, 18 political parties were registered. Once candidate Michael Nicula was confirmed in the riding of Durham, the Online Party of Canada became a registered party. Prospective candidates had until 2:00 p.m. on November 5, 2012, to file their nomination papers.

In Calgary Centre, one potential candidate did not meet all statutory requirements, as his nomination paper did not have the required number of signatures to support the nomination. Six candidates were confirmed for the by-election. Five registered parties endorsed candidates: the Conservative Party of Canada, the Green Party of Canada, the Liberal Party of Canada, the Libertarian Party of Canada and the New Democratic Party. There was one independent candidate.

In Durham, one potential candidate's official agent had not signed the required documents, and thus all statutory requirements were not met by the close of nominations. Six candidates were confirmed for the by-election, endorsed by the following registered parties: the Christian Heritage Party of Canada, the Conservative Party of Canada, the Green Party of Canada, the Liberal Party of Canada, the New Democratic Party and the Online Party of Canada.

In Victoria, six candidates were confirmed for the by-election, endorsed by the following registered parties: the Christian Heritage Party of Canada, the Conservative Party of Canada, the Green Party of Canada, the Liberal Party of Canada, the Libertarian Party of Canada and the New Democratic Party.

Communications and information sessions

Returning officers provided documentation to candidates, their official agents and auditors for the 2012 by-elections. Returning officers held meetings with confirmed candidates and their representatives after nominations closed. Several topics of interest were discussed, such as polling day rules, polling sites, accessibility, the revision process, the registration process, roles and responsibilities of candidates' representatives in the polling stations and polling day procedures. In Durham and Victoria, both returning officers provided further information to candidates and their representatives about the on-site conformity advisor initiative.

These meetings are always held in a group setting to ensure that the information is consistent and that everyone receives the information first-hand. Meeting summaries were produced afterward and distributed to all invitees, including those who were unable to attend.

The meetings were held on the following dates:

- Toronto–Danforth – February 29, 2012
- Calgary Centre – November 7, 2012
- Durham – November 7, 2012
- Victoria – November 8, 2012

Election expenses limits

The *Canada Elections Act* sets separate limits on the election expenses of candidates and registered political parties. The election expenses limit for candidates is based on several factors, including the number of names appearing on the preliminary or revised lists of electors for an electoral district, whichever yields the higher expenses limit. The election expenses limit for political parties is based

partly on the number of names on the lists of electors for all electoral districts in which the party has endorsed a candidate and partly on the number of candidates endorsed in an election.

For the Toronto–Danforth by-election, the election expenses limit for candidates was \$86,821.95, and the election expenses limit for political parties was \$66,643.48.

For the by-elections in Calgary Centre, Durham and Victoria, the election expenses limits for candidates ranged from \$97,992.97 to \$102,461.86, for an average of \$100,861.15. The election expenses limit for political parties ranged from \$87,605.43 to \$256,352.86.

Third party election advertising

The Act requires any third party conducting election advertising during an election to identify itself in the advertisement and indicate that it has authorized the advertising. Third parties that incur election advertising expenses of \$500 or more must register with Elections Canada. They must also produce an election advertising report within four months after polling day.

No third parties registered for the Toronto–Danforth by-election, while six third party advertisers registered with Elections Canada for the by-elections in Calgary Centre, Durham and Victoria. The Act sets limits on the amount that a third party may incur in election advertising expenses. In the 2012 by-elections, the limit amounted to \$3,942 per electoral district. As of the publication of this report, the third party election advertising reports had not yet been submitted, as they are due within four months after polling day.

1.3 Communicating with Canadians

A key role for Elections Canada is ensuring that electors understand the electoral process – including how they can exercise their right to vote.

Campaigns targeted at the general population

As required by the *Canada Elections Act*, Elections Canada mailed 347,994 voter information cards (VICs) to all electors whose names appeared on the preliminary lists of electors. Elections Canada later mailed 14,179 revised VICs to electors who registered or updated their information during the election, or to advise electors of changes to the information provided on the original VIC, such as a change to a polling site. A VIC confirms an elector’s registration and gives information about where and when to vote.

Elections Canada also distributed 222,124 bilingual brochures to households in the four electoral districts in the weeks leading up to the by-elections. This brochure prompted electors to contact Elections Canada if they did not receive their VIC or if they received one that contained errors. The brochure also included information on advance voting, polling day, other ways to vote and voter identification requirements.

Campaigns targeted at specific population groups

Elections Canada takes special measures to encourage the participation of groups likely to experience difficulty in exercising their right to vote or those not easily reached through mainstream advertising campaigns. Target groups may include youth, ethnocultural communities, homeless electors, Aboriginal electors and seniors living in residences and long-term care facilities.

In addition, returning officers may appoint community relations officers to communicate with electors in target groups and provide them with information on how, when and where to vote.

The campaigns for the 2012 by-elections varied from one electoral district to another but targeted the following groups to respond to local needs:

- Toronto–Danforth – senior, ethnocultural and homeless electors
- Calgary Centre – senior, ethnocultural and homeless electors
- Durham – senior and Aboriginal electors
- Victoria – youth, senior, homeless and Aboriginal electors

Information channels used by electors

During election periods, electors can obtain information directly from local Elections Canada offices about registration, voting procedures, polling sites and other common topics. Local offices responded to the following numbers of calls during the election periods:

- Toronto–Danforth – 1,701
- Calgary Centre – 2,284
- Durham – 2,383
- Victoria – 2,787

Electors can also obtain information from Elections Canada’s national toll-free number. Bilingual staff at the Public Enquiries Unit responded to the following numbers of calls for the specific ridings during the election periods:

- Toronto–Danforth – 410
- Calgary Centre – 387
- Durham – 254
- Victoria – 321

In addition, electors consulted the Elections Canada website for information on the by-elections. On polling night, results were posted on the website as they became available. The site received 11,449 visits on the night of the Toronto–Danforth by-election and 37,710 visits on the night of the Calgary Centre, Durham and Victoria by-elections – a by-election record.

Advertising and media relations

The key messages for Elections Canada’s advertising campaign for the 2012 by-elections focused primarily on drawing electors’ attention to the voting dates and different voting options. The campaign included two half-page print ads and two 30-second radio ads during the course of the electoral calendars.

To serve ethnocultural communities, print and radio advertisements were also produced in Mandarin, Cantonese and Greek for the electoral district of Toronto–Danforth. Print advertisements were produced in Traditional Chinese and Punjabi for the electoral district of Calgary Centre.

Elections Canada received 59 calls from the media, made 14 proactive calls to the media about recruiting election officers, granted nine broadcast interviews and produced 16 news releases. Questions from the media primarily concerned basic voter information, voter turnout at the advance polls and extra measures being implemented to ensure compliance at the polls. Media relations staff also liaised with media to arrange on-site filming at some polling sites.

Online complaints received by the Chief Electoral Officer

Electors are able to submit complaints through the Elections Canada website (separate from accessibility feedback forms and complaints about offences under the Act; they address the latter to the Commissioner of Canada Elections).

Elections Canada received 28 complaints during the by-elections:

- Toronto–Danforth – 2
- Calgary Centre – 9
- Durham – 6
- Victoria – 11

Electors wrote to Elections Canada on a range of issues, such as not receiving a VIC, misleading campaign signs, automated and early-morning telephone calls and slow service at polling sites. No single issue dominated the complaints.

1.4 Conducting the By-elections

Adaptations

The Chief Electoral Officer may adapt the *Canada Elections Act* under subsection 17(1) to address an emergency, an unusual or unforeseen circumstance or an error. Table 4 in the Appendix describes the adaptations of the Act pursuant to subsection 17(1) that were made during the 2012 by-elections.

In addition, section 179 of the *Special Voting Rules as Adapted for the Purposes of a By-election* permits the Chief Electoral Officer to issue instructions for the purpose of adapting any provision of the Special Voting Rules (SVR) set out in Part 11 (sections 177 to 282) of the Act in order to execute the intent of the SVR in respect of a particular circumstance. Table 5 in the Appendix describes the adaptations by instruction used during the 2012 by-elections.

Registration of electors

Lists of electors

Elections Canada maintains the National Register of Electors, a database of Canadians who are eligible to vote in federal elections. The Register is updated regularly with data provided under agreements with the Canada Revenue Agency, Citizenship and Immigration Canada, Canada Post's National Change of Address files, provincial electoral bodies and provincial and territorial motor vehicle registrars. The Register is also updated following revisions made during federal elections.

When the by-elections were called, Elections Canada extracted information from the Register to produce preliminary lists of electors in the electoral districts. Elections Canada provided the preliminary lists to the returning officers, who, in turn, gave them to all candidates and those political parties that requested them.

During the by-election period in Calgary Centre, Durham and Victoria, electors were able for the first time to review their registration information using Elections Canada's online registration service (E-Registration), introduced in April 2012. (E-Registration was not yet up and running during the by-election in Toronto–Danforth.) Electors could check whether they were registered to vote and confirm their registration information online. Users were directed to their local Elections Canada office to update their registration information or register for the first time. E-Registration was not

widely promoted since this was the first phase of the application, and functionality was limited. During the by-election period, just over 300 confirmation transactions were logged across the three electoral districts.

During the election period, revising agents also conducted targeted revision activities in areas expected to have low voter registration rates, including new residential developments and high-mobility areas such as student neighbourhoods, seniors' residences and long-term care facilities.

Electors were also able to register at advance and ordinary polls. On election day in the four electoral districts, 6,458 electors registered at the polls. Registrations on election day were as follows:

- Toronto–Danforth – 756
- Calgary Centre – 1,913
- Durham – 645
- Victoria – 3,144

Table 6 in the Appendix provides details about voter registration during the four by-elections. Once revision activities and election day registrations were taken into account, the number of electors on the final lists increased by 499 in Toronto–Danforth, 1,573 in Durham and 2,859 in Victoria. The number was highest in Calgary Centre, with an increase of 3,919 electors.¹

Quality of the preliminary lists of electors

The quality of information on the preliminary lists of electors can be measured by three main indicators: coverage, currency and accuracy. “Coverage” represents the proportion of electors on the lists relative to the estimated total electoral population. “Currency” represents the estimated number of electors on the lists at the correct residential address relative to the estimated total electoral population. “Accuracy” measures the proportion of registered electors listed at the correct address. The national quality targets are 92 percent for coverage and 80 percent for currency.

Many factors affect the quality of the lists, such as demographic growth and the mobility of the population, the availability or completeness of data sources used to update the lists and lower turnout in previous elections.

The quality of the preliminary lists in the four electoral districts was:

- Toronto–Danforth – 92 percent coverage, 87 percent currency and 95 percent accuracy
- Calgary Centre – 87 percent coverage, 73 percent currency and 84 percent accuracy
- Durham – 93 percent coverage, 89 percent currency and 97 percent accuracy
- Victoria – 93 percent coverage, 85 percent currency and 92 percent accuracy

Voting

Electors could choose to vote using one of three methods:

- by special ballot, throughout the election, under the SVR
- at a polling station during the three days of advance voting
- at a polling station on election day

¹ Updates identified from administrative sources after the preliminary lists were produced were made to the National Register of Electors and provided for the preliminary lists at the beginning of revision activities. The larger increase in the number of electors in some electoral districts is due in part to a higher number of updates from the Register.

Voting under the Special Voting Rules

Electors seeking alternatives to voting at the advance or ordinary polls in their electoral district have the opportunity under the SVR to vote by mail or at a local Elections Canada office. Special ballot application forms and guides are widely available in Canada and throughout the world. Electors can also download an application form from the Elections Canada website after answering some basic questions to determine their eligibility.

Table 7 in the Appendix lists statistics for the ballots issued under the SVR, by elector group and electoral district, for the 2012 by-elections. These groups are defined in the table and described in the sections below.

Electors living in Canada

Registration to vote by special ballot was available to electors living in Canada from February 11 to March 13, 2012, for Toronto–Danforth and from October 21 to November 20, 2012, for Calgary Centre, Durham and Victoria.

Electors voting in their electoral districts (local electors) were responsible for returning their completed ballot to the local Elections Canada office in their electoral district before the polls closed in that electoral district on election day in order for their ballot to be counted. Electors temporarily away from their electoral district (national electors) were responsible for returning their completed ballot to Elections Canada in Ottawa no later than 6:00 p.m. (Eastern Time) on election day in order for their ballot to be counted.

Elections Canada made arrangements with the administrators of acute care facilities in all four electoral districts to ensure that eligible electors who were unexpectedly hospitalized could register and vote by special ballot by the prescribed deadlines.

Registration and voting in acute care facilities took place on March 11, 12 and 13, 2012, for Toronto–Danforth and on November 18, 19 and 20, 2012, for Calgary Centre, Durham and Victoria.

International electors

Elections Canada maintains a register of international electors – that is, Canadian citizens who are temporarily living outside the country. These persons are entitled to vote under the SVR if they left Canada less than five years before applying to register and vote by special ballot. At the beginning of the by-elections, a special ballot voting kit was mailed to international electors registered in the by-election ridings.

Canadians living abroad could also obtain information about voting by special ballot by contacting any diplomatic mission or consular post of the Department of Foreign Affairs and International Trade (DFAIT) or by visiting the Elections Canada website. During the 2012 by-elections, DFAIT assisted Elections Canada in returning application forms and special ballots of Canadian electors living or travelling outside Canada by the prescribed deadlines.

Canadian Forces electors

Canadian Forces electors, whether based in Canada or abroad, were informed of their voting rights by the Department of National Defence. Commanding officers displayed notices featuring a map of each electoral district where a by-election was being held as well as important deadlines.

Electors in correctional institutions

Elections Canada made arrangements with all Canadian correctional institutions to ensure that eligible electors who had a place of ordinary residence in Toronto–Danforth, Calgary Centre, Durham or Victoria had an opportunity to register and vote by special ballot. Notices were posted in each correctional institution informing electors of the by-elections as well as important deadlines. Eligible electors were given the necessary materials and instructions to register and vote.

Voting in advance

Returning officers are required to set up advance polling stations to collect the votes of electors who cannot or do not wish to go to their ordinary polling stations on election day. Except for one additional advance polling station in Calgary Centre, returning officers set up the same number of advance polls for the by-elections as they had for the 41st general election.

Advance polling days for the Toronto–Danforth by-election were held on March 9, 10 and 12, 2012, from noon to 8:00 p.m. (local time). Advance polling days for the November by-elections were held on November 16, 17 and 19, 2012, from noon to 8:00 p.m. (local time).

A total of 18,171 electors voted in advance during the four by-elections, or 13.6 percent of all voters. This compares to the 14 percent of all voters who cast votes at the advance polls in the 41st general election.

Voting on election day

All polls except for one opened on time. In Victoria, one poll opened 30 minutes late because some materials were missing. The central poll supervisor notified the returning officer immediately, and the materials were rushed to the poll without delay.

Casting a ballot at a polling station on election day remained the choice of the vast majority of electors during the four by-elections: 112,948 electors chose this option, or 84.6 percent of all voters. This compares to the 83.8 percent of all voters who cast votes on election day in the 41st general election.

Voter turnout

Voter turnout for the by-elections was as follows:

- Toronto–Danforth – 43.2 percent
- Calgary Centre – 29.3 percent
- Durham – 35.7 percent
- Victoria – 43.0 percent

Table 8 in the Appendix shows the number of ballots cast in the by-elections and the overall voter turnout. Although voter turnout was lower than in the general election of May 2011, results are comparable to past by-elections.

Report on accessibility

Elections Canada makes a *Polling Site Accessibility Feedback Form* available at all polling sites and local Elections Canada offices as well as on its website. This enables electors to file complaints about accessibility immediately at the site when they vote or by telephone, fax, regular mail or e-mail.

For the 2012 by-elections, all polling sites in the four electoral districts met Elections Canada’s accessibility criteria. Elections Canada monitors a database that stores accessibility information for all polling sites. Every returning officer is responsible for entering and validating the data.

During the 2012 by-elections, 91 accessibility feedback forms were submitted. Of the 91 forms, 22 reported a total of 49 accessibility complaints. The remaining 69 forms did not relate to accessibility; some were completed to advise of other concerns regarding the elector’s voting experience, while others were complimentary.

Returning officers are responsible for reviewing all the forms collected and for following up on all those related to accessibility – as well as for responding to the electors who completed those forms and requested to be contacted. One example where the form was instrumental in quick remedial action being taken is a case in Victoria. During the three days of advance voting, the forms are reviewed daily by the returning officer. In this case, the front door of an advance polling site needed repair; the returning officer read the form and called the maintenance staff for the location in question, and the door was fixed immediately. Feedback forms dealing with non-accessibility-related issues were forwarded to Elections Canada in Ottawa and handled as appropriate, depending the nature of the feedback.

All accessibility issues were addressed by the returning officers, and the files are now closed. The table below summarizes the number of accessibility complaints reported, by category, on the forms submitted.

Summary of accessibility complaints		
Accessibility category	Number of complaints	Percentage of total complaints (%)
Parking	8	16.3
Signage	4	8.2
Walkways and pathways	11	22.4
Entrances	6	12.2
Interior accessible routes	4	8.2
Doors	7	14.3
Voting area	2	4.1
Other	7	14.3
Total¹	49	100

¹ One form can report on issues in multiple categories. The 49 issues summarized above were reported on 22 forms.

Election results

Voting results

On election night, each returning officer logged into his or her local Event Results System (ERS) and then connected to Elections Canada’s central computer. When ballot counting was completed at each polling station, the deputy returning officer called in the results to the local Elections Canada office, where totals were entered into ERS, then transmitted to Elections Canada in Ottawa for posting on the Elections Canada website. Some ballots cast under the SVR were counted at Elections Canada in Ottawa on election night.

The by-election results were as follows:

- Toronto–Danforth – Craig Scott, New Democratic Party, was elected
- Calgary Centre – Joan Crockatt, Conservative Party of Canada, was elected
- Durham – Erin O’Toole, Conservative Party of Canada, was elected
- Victoria – Murray Rankin, New Democratic Party, was elected

Table 9 in the Appendix lists the valid votes obtained, by candidate, in the four by-elections.

Validation of results

Returning officers validate the results as soon as possible after election day. All validations were completed without delay, as follows:

- Toronto–Danforth – on March 20, 2012
- Calgary Centre, Durham and Victoria – by November 28, 2012

Return of the writs

A writ must be held by the returning officer for six days after the validation of the results to allow time for candidates and electors to request a recount. No recounts were requested, and the writs were returned as follows:

- Toronto–Danforth – on March 28, 2012
- Calgary Centre, Durham and Victoria – on December 7, 2012

Official results

Elections Canada publishes official voting results about three months after an election. Those publications contain the poll-by-poll results for each electoral district as well as various statistics. The official results for the Toronto–Danforth by-election were published in June 2012; the official results for the November 2012 by-elections were published in February 2013.

The official voting results for the 2012 by-elections, including poll-by-poll results, are also available on the Elections Canada website at www.elections.ca under Resource Centre > Reports > Elections Canada’s Official Reports > Official Voting Results.

Electoral law enforcement

The Commissioner of Canada Elections is the independent officer who ensures compliance with and enforces the *Canada Elections Act* and the *Referendum Act*.

During the 2012 by-elections, the Office of the Commissioner received 20 communications, 18 of which came from outside Elections Canada. Of the 18 complainants, 17 were contacted, and one could not be reached.

The Office of the Commissioner was able to quickly resolve one complaint regarding the absence of authorization statements on election advertising. The Commissioner continues to investigate one allegation of an elector voting twice and one allegation of a misleading telephone call.

In the other 17 cases, the Commissioner verified the complaints and determined that no offence had occurred. For example, one complaint involved a candidate campaigning on a municipal bus, and another involved a campaign worker distributing pamphlets and waving to people on election day. Neither conduct is an offence under the *Canada Elections Act*. In these cases, the Office of the

Commissioner responded in a timely manner, advising the complainants that the subject matter was not illegal or regulated by the Act.

Five communications were from Canadians complaining about telephone calls they had received during the campaign. A follow-up was done in each case. One complaint remains under investigation. In the other four cases, the complaint was closed following the initial review, disclosing no evidence of an offence under the Act. For example, there were two complaints related to automated telephone surveys.

Cost of the by-elections

The estimated cost for the March 2012 by-election in Toronto–Danforth is \$883,000. The estimated cost for the November 2012 by-elections in Calgary Centre, Durham and Victoria is \$2.7 million. The total estimated cost for both events is \$3.6 million, approximately \$10.02 for each registered elector.

Approximately \$2.1 million or 58 percent of the estimated election costs went to workers – returning officers, staff in local offices and poll officials – and to goods and services providers in the four electoral districts, including printers, renters of polling sites, and local furniture and equipment suppliers.

Approximately \$1.1 million or 30 percent of the estimated costs was incurred at Elections Canada in Ottawa to prepare and conduct the by-elections. These costs included the production and placement of election advertising (print, radio, Web); the production and printing of reminder brochures delivered to every household; the delivery of election materials and supplies to the electoral districts; and the technical help to support the required information technology infrastructure between Elections Canada in Ottawa and the returning offices.

Another \$423,000 is projected to be paid to candidates for the partial reimbursement of their election expenses.

Overall, the average cost per electoral district for these four by-elections (\$893,000) is comparable to the average for the last 17 by-elections.

Estimated cost of the 2012 by-elections¹

Activity	Estimated costs (\$ thousands)		
	Toronto– Danforth	Calgary Centre, Durham and Victoria	Total
Conducting the by-elections in the electoral districts – Includes expenses related to election workers at returning offices and polling stations, printing the lists of electors and voter information cards, and leasing and equipping local Elections Canada offices and polling sites	427	1,659	2,086
Conducting the by-elections and preparing for them at Elections Canada in Ottawa, and providing support to returning officers – Includes training returning officers and other key employees, advertising and awareness campaigns, the Elections Canada Support Network, information technology and post-election activities	359	703	1,062
Subtotal	786	2,362	3,148
Reimbursing election expenses to candidates and subsidies to candidates’ auditors (projected costs)²	97	327	424
Total	883	2,689	3,572

¹ Estimated costs as at December 31, 2012.

² Actual expenditures will not be known until Elections Canada has received and audited the candidates’ election expenses reports.

2. Conclusion

The 2012 by-elections held on March 19, 2012, in Toronto–Danforth and on November 26, 2012, in Calgary Centre, Durham and Victoria ran smoothly.

Building on the success of the 41st general election, Elections Canada carried over the same administrative improvements for the 2012 by-elections, which were aimed at making the electoral process more efficient and accessible. We also carried out an initiative during the by-elections on November 26, 2012, that aimed to improve compliance with polling day procedures. The Chief Electoral Officer will report to Parliament in April 2013 on the results of this initiative as part of the independent compliance review and the resulting Compliance Action Plan.

The Chief Electoral Officer will also submit a separate report to Parliament by the end of March 2013 on the administrative and legal issues concerning privacy and communications with electors in the context of evolving technologies. This report will include a number of recommendations to strengthen the electoral framework.

Other plans and priorities will focus on our ongoing support of the federal electoral boundaries readjustment process. We will also continue to carry out our plans to make administrative improvements to the services we provide to electors. These improvements aim to provide more convenient services to electors; reduce barriers to registration, identification and accessibility; and foster the engagement of young Canadians.

However, administrative actions alone will not be enough to properly address a number of issues. Recent events and our own post-election evaluations have reinforced the need to take immediate steps to modernize the electoral framework. This is something that the Chief Electoral Officer has supported beginning with his June 2010 report, *Responding to Changing Needs – Recommendations from the Chief Electoral Officer of Canada Following the 40th General Election*, which proposed a series of necessary changes to the *Canada Elections Act*.

The reports that the Chief Electoral Officer will submit to Parliament in spring 2013 will present further recommendations for legislative change. These aim to enhance Canadians' trust in their electoral system, improve the services they receive during an election and strengthen the electoral framework set out in the *Canada Elections Act*. Elections Canada looks forward to working with Parliament to review these recommendations.

Appendix

Table 1 – Types of polling sites¹

Type of facility	Ordinary poll ²		Advance poll	
	Number	Percentage (%)	Number	Percentage (%)
Toronto–Danforth				
Apartment building	4	9.3	0	0
Church hall	6	14.0	3	33.3
Community centre	5	11.6	1	11.1
Educational facility	15	34.9	2	22.2
Municipal or township hall	1	2.3	1	11.1
Royal Canadian Legion	1	2.3	0	0
Seniors' residence	10	23.3	1	11.1
Other	1	2.3	1	11.1
Total	43	100	9	100
Calgary Centre				
Apartment building	4	12.5	0	0
Church hall	5	15.6	0	0
Community centre	10	31.3	2	66.7
Educational facility	10	31.3	1	33.3
Seniors' residence	3	9.4	0	0
Total	32	100	3	100
Durham				
Church hall	13	18.8	3	42.9
Community centre	18	26.1	3	42.9
Educational facility	29	42.0	0	0
Municipal or township hall	1	1.4	0	0
Recreation centre	1	1.4	1	14.3
Seniors' residence	6	8.7	0	0
Other	1	1.4	0	0
Total	69	100	7	100

Table 1 – Types of polling sites¹

Type of facility	Ordinary poll ²		Advance poll	
	Number	Percentage (%)	Number	Percentage (%)
Victoria				
Church hall	7	24.1	4	23.5
Commercial site	1	3.4	1	5.9
Community centre	3	10.3	4	23.5
Educational facility	13	44.8	6	35.3
Recreation centre	1	3.4	0	0
Royal Canadian Legion	1	3.4	1	5.9
Seniors' residence	1	3.4	1	5.9
Other	2	6.9	0	0
Total	29	100	17	100

¹ Because the percentages have been rounded, there may be some discrepancies in the totals.

² Excludes mobile polls.

Table 2 – Types of polling stations

Electoral district	Ordinary polls		Advance polls	Total
	Stationary	Mobile		
Toronto–Danforth	184	0	10	194
Calgary Centre	236	12	11	259
Durham	218	2	14	234
Victoria	220	17	17	254

Table 3 – Types of polling sites used in the 2012 by-elections and 41st general election

Electoral district	Ordinary polling sites		Mobile polling sites	
	2012 by-election	41st general election	2012 by-election	41st general election
Toronto–Danforth	43	41	0	0
Calgary Centre	32	35	29	18
Durham	69	66	7	5
Victoria	29	27	46	44

Table 4 – Adaptations made during the 2012 by-elections pursuant to section 17 of the *Canada Elections Act*

Statutory provision(s) adapted	Explanatory notes
Sections 22, 135, 283	<p>Purpose: Allowed returning officers to hire additional election officers where necessary to effectively conduct an advance poll. This adaptation was made in the by-election of March 19 as well as in the by-elections of November 26, 2012.</p> <p>Explanation: Provisions of the Act dealing with staffing levels at advance polls and on polling day have not been amended to deal with the additional and more complex tasks that election officers must carry out. These tasks result from the new voter identification requirements as well as the need to transmit data about electors who have voted to candidates’ representatives periodically during the day. As well, more and more electors are voting on advance polling days, but the Act provides for fewer personnel on these days and requires more formalities for voters to complete.</p> <p>Adaptation: Authorized the returning officers to appoint additional persons to carry out functions under the Act, including counting the ballots, if required.</p>
Section 124	<p>Purpose: Permitted additional central poll supervisors not resident in the electoral district to perform tasks as part of the on-site conformity advisor initiative. This adaptation was made only for the by-elections of November 26, 2012.</p> <p>Explanation: It was found that during the 41st general election, administrative irregularities occurred at the polls in Etobicoke Centre. Given the serious impact that these irregularities could have on the confidence of the public in the integrity of the electoral process, an on-site conformity advisor initiative was devised for the by-elections of November 26, 2012. The advisors would monitor the electoral operations and record-keeping practices of election officers to prevent irregularities and better understand the problems that arise. Individuals with a superior understanding of electoral processes were required to carry out the initiative as additional central poll supervisors, even if they did not reside in the electoral districts, as is normally required for this type of election officer.</p> <p>Adaptation: Authorized qualified electors to be appointed as additional central poll supervisors to supervise proceedings at the advance polls and on polling day.</p>

Table 5 – Instructions issued by the Chief Electoral Officer during the 2012 by-elections pursuant to section 179 of the *Special Voting Rules as Adapted for the Purposes of a By-election*

Statutory provision(s)	Explanatory notes
Section 233 (new adaptation for the purposes of a by-election; previously made in a general election)	<p>Purpose: Extended to electors voting by special ballot the rules regarding proof of residence applicable to electors voting at the advance polls or on polling day who have no civic address.</p> <p>Explanation: Subsection 143(3.1) of the Act provides that if the address contained in the piece or pieces of identification provided by an elector at an advance poll or on polling day does not prove the elector’s residence, but is consistent with the information relating to the elector appearing on the list of electors, the elector’s residence is deemed to have been proven. The Act does not contain a similar provision for electors who wish to vote by special ballot, but it sometimes happens that electors residing in rural or remote areas have no civic address by which to prove their address or that such a residential address is not contained in their pieces of identification.</p> <p>Adaptation: The adaptation by instruction gives electors who wish to vote by special ballot the same flexibility in proving their place of residence as is given to electors who vote at the advance polls or on polling day.</p>
Section 237 (new adaptation for the purposes of a by-election; previously made in a general election)	<p>Purpose: Allowed a returning officer to issue a second special ballot kit, with the prior approval of the Special Voting Rules Administrator, to an elector who swears under oath that he or she did not receive a special ballot issued by the local Elections Canada office.</p> <p>Explanation: The Act does not allow for a returning officer to issue a second special ballot voting kit to an elector.</p> <p>Adaptation: The adaptation by instruction was required in order to allow an elector to exercise his or her right to vote by special ballot.</p>
Sections 246, 247 (adaptation made in a previous election)	<p>Purpose: Extended the statutory process for voting under the SVR in provincial correctional institutions to federal correctional institutions.</p> <p>Explanation: Because the Act formerly prohibited voting by incarcerated electors in federal institutions, it does not describe a process whereby such electors can vote.</p> <p>Adaptation: Since the 2002 decision of the Supreme Court of Canada in <i>Sauvé</i> struck down the prohibition, the Act has had to be adapted in every federal election to extend the statutory process for voting in provincial correctional institutions to federal correctional institutions.</p>

Table 5 – Instructions issued by the Chief Electoral Officer during the 2012 by-elections pursuant to section 179 of the *Special Voting Rules as Adapted for the Purposes of a By-election*

Statutory provision(s)	Explanatory notes
<p>Section 276 (new adaptation for the purposes of a by-election; previously made in a general election)</p>	<p>Purpose: Allowed certain ballots to be counted that had not been placed in an outer envelope.</p> <p>Explanation: Electors voting under the SVR sometimes do so before the ballots are printed. In this case, they use a blank ballot, writing on them the name of the candidate for whom they are voting. They then place their ballot in an outer envelope. When they vote at a local Elections Canada office, the envelope and the ballot it contains are then put into the ballot box.</p> <p>Once the ballots are printed, individuals voting under the SVR at a local Elections Canada office use a printed ballot instead of a blank one. They must still place their ballot in the outer envelope, which is then dropped into the ballot box.</p> <p>Election officials administering this type of vote sometimes forget that even when regular ballots are used, voting under the SVR requires that voters place their ballot in the outer envelope before dropping it in the ballot box, and they can give voters the wrong instructions.</p> <p>Adaptation: The adaptation by instruction provides that in this type of circumstance, if certain conditions are met and subject to the agreement of the Special Voting Rules Administrator, the ballots may be counted.</p>

Table 6 – Lists of electors: revision transactions during the by-elections

Electoral district	Toronto– Danforth	Calgary Centre	Durham	Victoria
Electors on preliminary lists, including SVR	74,612	90,663	94,137	88,083
Moves between electoral districts ¹	678	1,922	1,116	2,645
Electors added ²	562	4,631	1,659	2,847
Moves within an electoral district ³	334	862	911	1,993
Other corrections ⁴	895	835	572	587
Electors removed from lists ⁵	739	2,629	1,200	2,640
SVR Group 1 updates ⁶	-2	-5	-2	7
Electors on final lists ⁷	75,111	94,582	95,710	90,942

¹ Electors who moved into the electoral district from another electoral district before the beginning of the revision period but were not included in the last release from the Register before the by-elections were called.

² Electors who did not appear on any lists at the beginning of the by-elections and were added during the events.

³ Electors who appeared on a list for their electoral district at the beginning of the by-elections but at the wrong address. These figures also include administrative changes that the returning officers made to elector records during the by-elections.

⁴ Electors who appeared on a list of electors with the correct address and requested a correction to their name or mailing address during the by-elections.

⁵ Electors who appeared on a list of electors but were removed for one of the following reasons: they had died; they asked to be removed; they had moved; they were not qualified to be on the list (for example, because they were under 18 years of age or not citizens); they had a duplicate record on the list. This figure also reflects elector records removed because the electors had moved to another electoral district during the by-elections and duplicates removed when the final lists of electors were being prepared.

⁶ Indicates the increase or decrease in the number of Group 1 electors registered under the SVR (Canadian electors temporarily residing outside Canada, Canadian Forces electors and incarcerated electors) during the by-elections.

⁷ The number of electors on the final lists is the sum of electors on the preliminary lists, moves between electoral districts, electors added, and SVR Group 1 updates, minus electors removed from lists.

Table 7 – Special Voting Rules ballots for the 2012 by-elections

	Election day	Electoral district	Ballots issued	Valid ballots	Rejected ballots	Ballots cast	Ballots returned on time¹	Ballots received late
Group 1 (Canadian Forces, international, incarcerated)	March 19, 2012	Toronto–Danforth	88	29	0	29	33.0%	1
		Calgary Centre	234	39	2	41	17.5%	2
	November 26, 2012	Durham	148	17	0	17	11.5%	1
		Victoria	509	71	1	72	14.1%	12
Subtotals			979	156	3	159	16.2%	16
Group 2 (local² and national³)	March 19, 2012	Toronto–Danforth	504	491	7	498	98.8%	2
		Calgary Centre	558	546	0	546	97.8%	1
	November 26, 2012	Durham	514	493	1	494	96.1%	5
		Victoria	715	697	1	698	97.6%	7
Subtotals			2,291	2,227	9	2,236	97.6%	15
Totals			3,270	2,383	12	2,395	73.2%	31

¹Percentage of ballots cast by ballots issued.

²Electors whose applications were processed and whose ballots were counted by local Elections Canada offices. This includes electors who registered to vote in acute care facilities. The number of local ballots received late is not available.

³Electors whose applications were processed and whose ballots were counted by Elections Canada in Ottawa.

Table 8 – Number of ballots cast, by voting method, and voter turnout¹

Electoral district	Toronto– Danforth	Calgary Centre	Durham	Victoria
Number of electors on final lists	75,111	94,582	95,710	90,942
Ordinary polls ²	27,077	24,478	28,782	32,611
	83.4%	88.3%	84.2%	83.3%
Advance polls	4,865	2,667	4,890	5,749
	15.0%	9.6%	14.3%	14.7%
Voting by special ballot (under the SVR)	527	587	511	770
	1.6%	2.1%	1.5%	2.0%
Rejected ballots	150	92	115	98
	0.5%	0.3%	0.3%	0.3%
Total valid ballots	32,319	27,640	34,068	39,032
	99.5%	99.7%	99.7%	99.7%
Total votes cast	32,469	27,732	34,183	39,130
Voter turnout in 2012 by-elections	43.2%	29.3%	35.7%	43.0%
Voter turnout in previous general election (May 2011)	65.0%	55.3%	63.2%	67.5%

¹ The percentages have been rounded.

² Includes electors who voted at mobile polls.

Table 9 – Valid votes obtained, by candidate

Candidate and affiliation	Place of residence	Occupation	Valid votes obtained	Percentage of valid votes (%)¹
Toronto–Danforth				
Craig Scott New Democratic Party	Toronto	Law professor	19,210	59.4
Grant Gordon Liberal Party of Canada	Toronto	Advertising executive	9,215	28.5
Andrew Keyes Conservative Party of Canada	North York	Consultant	1,736	5.4
Adriana Mugnatto-Hamu Green Party of Canada	Toronto	Community organizer	1,517	4.7
Dorian Baxter Progressive Canadian Party	Newmarket	Anglican clergyman	208	0.6
John Christopher Recker Libertarian Party of Canada	Toronto	Halfway house case manager	133	0.4
Leslie Bory Independent	Waterford	Machinist	77	0.2
Christopher Robert Porter Canadian Action Party	Victoria, BC	Sales manager	75	0.2
John C. Turmel Independent	Brantford	Banking systems engineer	57	0.2
Brian Jedan United Party of Canada	Toronto	Media consultant	55	0.2
Bahman Yazdanfar Independent	Toronto	Business consultant	36	0.1
Calgary Centre				
Joan Crockatt Conservative Party of Canada	Calgary	Journalist	10,191	36.9
Harvey Locke Liberal Party of Canada	Banff	Conservationist	9,033	32.7
Chris Turner Green Party of Canada	Calgary	Writer	7,090	25.7
Dan Meades New Democratic Party	Calgary	Poverty reduction advocate	1,064	3.8
Antoni Grochowski Independent	Calgary	Architect	141	0.5
Tony Prashad Libertarian Party of Canada	Calgary	Calgary Transit employee	121	0.4

Table 9 – Valid votes obtained, by candidate

Candidate and affiliation	Place of residence	Occupation	Valid votes obtained	Percentage of valid votes (%)¹
Durham				
Erin O’Toole Conservative Party of Canada	Courtice	Lawyer	17,280	50.7
Larry O’Connor New Democratic Party	Minden	Retired	8,946	26.3
Grant Humes Liberal Party of Canada	Bowmanville	Retired businessman	5,887	17.3
Virginia Ervin Green Party of Canada	Hampton	Field technician	1,386	4.1
Andrew Moriarity Christian Heritage Party of Canada	Bowmanville	Student	437	1.3
Michael Nicula Online Party of Canada	Toronto	IT entrepreneur	132	0.4
Victoria				
Murray Rankin New Democratic Party	Victoria	Lawyer	14,507	37.2
Donald Galloway Green Party of Canada	Victoria	Professor	13,389	34.3
Dale Gann Conservative Party of Canada	Victoria	High technology executive	5,654	14.5
Paul Summerville Liberal Party of Canada	Victoria	Adjunct professor	5,097	13.1
Art Lowe Libertarian Party of Canada	Victoria	Property manager	193	0.5
Philip G. Ney Christian Heritage Party of Canada	Sooke	Physician	192	0.5

¹ The percentages have been rounded.