



Report of the Chief Electoral Officer of Canada

*Following the May 12, 2003, By-election Held in
Perth–Middlesex*

*and the June 16, 2003, By-elections Held in
Lévis-et-Chutes-de-la-Chaudière and
Témiscamingue*

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The Chief Electoral Officer • Le directeur général des élections

March 31, 2004

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

I have the honour to submit this report, which covers the administration of the federal by-elections held in 2003 – on May 12 in the electoral district of Perth–Middlesex and on June 16 in the electoral districts of Lévis-et-Chutes-de-la-Chaudière and Témiscamingue – and the administration of my Office since the publication of the previous report. I am submitting this report in accordance with subsection 534(2) of the *Canada Elections Act* (S.C. 2000, c. 9), within 90 days after the end of the year in which the by-elections were held.

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

I have included summary information on the results of the by-elections, together with an account of the events. The official voting results of the by-elections held in 2003 were published on the Elections Canada Web site (www.elections.ca) in August 2003.

Yours truly,

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

Jean-Pierre Kingsley

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Foreword

I am pleased to present this report to Parliament and Canadians, in accordance with the *Canada Elections Act*, on the administration of the three federal by-elections held in 2003.

The reports on the administration of the elections, together with the annual *Report on Plans and Priorities* and *Performance Report*, form a whole that accounts to Parliament for the activities of my Office.

This report describes the new, simplified methods that we used during the three by-elections for the REVISE and ROPS (Returning Office Payment System) systems and that we intend to use in upcoming general elections. These systems serve, respectively, to update the list of electors and to pay various workers and landlords.

Elections Canada has the responsibility to provide public education and information on electoral matters, especially during electoral events. During the 2003 by-elections, we continued to refine our various communication products, such as the voter information card and the reminder card. Each innovation is a further step in ensuring that Canadians will be better informed about electoral events and will have faster and easier access to essential voting information.

Greater participation would not necessarily be due to our efforts alone, but it is clearly up to us to ensure that electors are informed about the electoral process and to simplify registration and voting. We have developed action plans with a focus on the electoral participation of youth and Aboriginal peoples and we are taking specific measures based on our consultations.

The 2000 general election revealed the need to modify our public enquiries system. I am pleased to announce that we are developing a system to which Canadians will have access by telephone and Internet 24 hours a day during an election. Most citizens will be able to get an immediate response to the question, "Where do I have to go to vote?" Questions that are more complex will immediately be transferred to an

information officer or to the office of the caller's returning officer.

In addition, future elector information services will benefit from partnerships that we have established with three agencies: Elections Ontario, the Ontario Municipal Property Assessment Corporation and the Government Enquiry Centre. The agreements reached will ensure the availability of staff trained to respond to citizens' requests for information, and ensure levels of service that will guarantee that our requirements are met.

We successfully tested a new telephone system for the returning offices during the by-elections on June 16, 2003, in Lévis-et-Chutes-de-la-Chaudière and Témiscamingue. One feature of the system is a bilingual message that is automatically played outside of office hours.

On December 16, 2002, in *Harper v. Canada (Attorney General)*, the Alberta Court of Appeal ruled the following parts of the *Canada Elections Act* unconstitutional, and thus invalid: section 323 banning election day advertising, and sections 350 to 357, 359, 360 and 362 governing third-party advertising during an election. Consequently, these provisions were not enforced during the 2003 by-elections.

Moreover, in its ruling in October 2002 in *Sauvé v. Canada (Chief Electoral Officer)*, the Supreme Court of Canada had invalidated the provision of the *Canada Elections Act* that made inmates serving a sentence of more than two years ineligible to vote (paragraph 4(c)). As I did for the by-elections held on December 9, 2002, I again adapted the *Canada Elections Act* to allow inmates to vote.

The Commissioner of Canada Elections, an independent official appointed by the Chief Electoral Officer, is responsible for ensuring that the *Canada Elections Act* is complied with and enforced. Of the 1,020 complaints this official received between the end of the 2000 general election and the end of 2003, 1,012 have been resolved and eight are before the

courts or under investigation. Nine convictions have resulted from criminal proceedings. The Commissioner concluded 62 transactions with the interested parties to resolve complaints.

The 2003 Representation Order was proclaimed on August 25, 2003. It sets out the number of MPs representing each province in the House of Commons and divides each province into electoral districts. It also describes the boundaries, name and population of each electoral district. This ended our role in support of the 10 independent federal electoral boundaries commissions. We provided them with professional, financial, technical and administrative services, particularly in the areas of cartography, census data, publishing and advertising – including the “Federal Representation 2004” module on our Web site.

A number of activities were undertaken in preparation for conducting a general election under the 2003 Representation Order. We produced and distributed new electoral maps. We also transposed the results of the last election to establish the ranking of the parties in the new electoral districts by redistributing the votes cast in the former electoral districts. Under the Act, this ranking determines which parties and which candidates are entitled to propose election officers during an election.

We updated our Web site with the new data and publications available. The site now includes the official map of each electoral district. We also added a demographic profile of each electoral district prepared by Statistics Canada.

On the operational level, the essential activity following the redistribution was to train the returning officers appointed by the Governor in Council for every electoral district where the boundaries had been changed. In those electoral districts where the boundaries have not changed, the returning officers remain the same.

By the end of December 2003, Elections Canada had trained 97 new returning officers appointed under the 2003 Representation Order who had not been in office during the previous general election. Over the course of the year, Elections Canada also

trained 49 returning officers under the 1996 Representation Order.

The redistribution also required a revision of polling division boundaries to conform with the new electoral boundaries. This task was facilitated by the fact that fewer than 5% of the 58,000 polling divisions were directly affected by the new electoral boundaries. The National Register of Electors had to be updated to ensure that each of the almost 22 million electors was assigned to the correct electoral district and polling division. After the returning officers verified the changes made, these were integrated into the Register and electoral cartography databases, where they will be used to produce the lists of electors and geographic products required during future elections.

In future, the returning officers will benefit from a network of field liaison officers. This network, which was created in 2003, consists of 24 former returning officers who will provide a greater regional presence, work with the returning officers to provide functional leadership, improve the quality of service and resolve problems. The field liaison officers will also deal with the local media in their sectors. Each field liaison officer will be responsible for supporting an average of 13 returning officers.

To provide direction for these various activities, Elections Canada on several occasions consulted its liaison officers and returning officers and the political parties and National Register of Electors advisory committees.

On the international scene, Elections Canada and the Organization of American States organized a working session, in September 2003 in Ottawa, on the theme “Comparative Analysis of Political Party and Campaign Financing in the OAS Member States.” The agency also participated in various international conferences on electoral administration and welcomed delegates from nine countries to its offices. In addition, it continued to offer support and technical advice on electoral matters to the United Nations Assistance Mission in Afghanistan.

I appeared six times before House and Senate committees, on topics such as bills C-24 (political financing) and C-49 (the date on which the 2003

Representation Order takes effect), the programs offered by Elections Canada to make the electoral system more accessible to Aboriginal people and potential improvements to the process for readjusting electoral boundaries.

On December 7, 2003, the Registry of Political Parties was modified at the request of two registered parties: the Canadian Reform Conservative Alliance and the Progressive Conservative Party of Canada. Since these two parties had merged, their registrations were replaced by the party produced by their merger, the Conservative Party of Canada. The new registered party assumes the obligations of the merging parties, particularly with respect to the obligation to account for their previous financial operations and campaign finances.

I am pleased to note that the sharing of information and resources by federal, provincial and municipal election agencies has become increasingly frequent, since pooling our efforts helps make voting more accessible to everyone. This co-operation remains a key element of the National Register of Electors program, particularly at a time when more provinces are working, alone or in conjunction with Elections Canada, to create their own permanent registers. These partnerships are beneficial both to Elections Canada and to its partners. I am particularly pleased that an agreement was signed on December 24, 2003, with Elections Alberta and the Alberta Motor Vehicle Registry to communicate data to Elections Canada. This adds another source for updating data on that province's electors. We received the first data on December 30, 2003.

In Ontario, a joint elector registration and verification exercise conducted in March 2003 made it possible to improve data quality, reduce duplication of effort to a minimum, realize savings and, above all, provide better service to the electorate. The co-operation with Elections Ontario continued during the recent provincial election, primarily in the form of technical support and with regard to data. Elections Prince Edward Island used Register data to speed up the preparation of the lists of electors for its September 2003 election. The data validated or

corrected by electors during a confirmation exercise will be used to update the National Register of Electors, while harmonizing the provincial data with the 911 address system.

We conducted a joint study with Elections BC of the quality of our respective registers. The conclusions will allow us to refine our quality measurement methods; they also allowed us to identify improvements that could allow each agency to make better use of the other's data. One essential conclusion of the study is that merging the provincial and federal registers would make it possible to produce a better list of electors for the province.

During the past year, we also provided Register data to Elections Nova Scotia, which combined it with its own data to create the preliminary list of electors for its provincial election of August 5, 2003. The process made it possible to integrate 93% of the electors in the Register into the list. Elections Newfoundland and Labrador used Register data for its recent provincial election. The data updated as a result of revision activities and election day registrations will be used to update the Register. In fact, we received lists of electors from every province and territory to help us update the Register, with the exception of British Columbia and Alberta, where no election is expected before next year. We regularly receive the lists of electors extracted from the provincial registers of British Columbia and Quebec.

At the municipal level, the partnership between Elections Canada, Elections Ontario and Ontario's Municipal Property Assessment Corporation (MPAC) continues to grow. Elections Canada and Elections Ontario sent MPAC Register data augmented by the targeted registration of March 2003 to help it prepare the lists of electors for the Ontario municipal elections of November 10, 2003. Elections Canada benefits from the close links between MPAC and municipalities to continually improve the quality of the addresses in the Register.

In addition, the federal and provincial chief electoral officers signed an agreement to share technology. This agreement opens the way to pooling methods, technical solutions and information assets.

It offers immense possibilities for reducing public spending, while increasing administrative efficiency and improving services to electors. Each electoral administration is currently preparing an inventory of its computer systems and other technological

applications. It will then be possible to identify the opportunities for co-operation and to formulate a strategy for pooling our future investments and their benefits.

Jean-Pierre Kingsley
Chief Electoral Officer of Canada

Changes to political financing

Bill C-24 (S.C. 2003, c. 19), *An Act to amend the Canada Elections Act and the Income Tax Act (political financing)*, received royal assent on June 19, 2003, and most of its provisions came into force on January 1, 2004.

The Act makes fundamental changes to the provisions on political financing: it provides for the registration of the electoral district associations of registered political parties and the disclosure of sources of funding; it sets limits on political contributions; it prohibits contributions from corporations or unions, except in specific circumstances; it regulates the financing of nomination contests and leadership races of registered political parties.

It also provides for quarterly payments to registered political parties that meet certain requirements, with the payments calculated on the basis of the number of votes obtained during the previous general election.

The bill also amends the *Income Tax Act* to increase the maximum tax credit for political contributions from \$500 to \$650 and to allow registered electoral district associations to issue tax receipts if authorized by the leader of the registered party.

Preparing for the new provisions to come into force, Elections Canada produced guides, manuals, videos, software and other information tools, created a support network and developed the necessary forms, also available on the Web, to register the new entities governed by the Act and to produce their reports. We also carried out an information campaign for the public.

We consulted the Advisory Committee of Political Parties and also revised the documentation offered to parties and candidates to reflect the new provisions of the Act.

The 2003 by-elections

The by-elections held in 2003 resulted from the following resignations:

- October 11, 2002: John Alexander Richardson, Liberal Party of Canada, Member for Perth–Middlesex, Ontario
- March 14, 2003: Pierre Brien, Bloc Québécois, Member for Témiscamingue, Quebec
- March 17, 2003: Antoine Dubé, Bloc Québécois, Member for Lévis-et-Chutes-de-la-Chaudière, Quebec

The May 12 by-election

On April 6, 2003, the Prime Minister announced a by-election for May 12 to fill the vacant seat in the electoral district of Perth–Middlesex. That same day, I issued a writ to the returning officer for the electoral district directing him to conduct a by-election. This gave the returning officer an electoral calendar of 36 days.

Table 1 is an overview of the important milestones in the process from the issue of the writ to its return.

Table 1
Key dates for the May 12, 2003, by-election in Perth–Middlesex

Date	Election calendar day	Event
April 6	Day 36	Issue of the writ; preparations made to open the office of the returning officer; voting by special ballot may begin
April 9	Day 33	Revision of lists of electors begins
April 10	Day 32	Notice of Election published; candidates may file nominations
April 14	Day 28	Targeted revision begins
April 16, 17 and 18	Days 26, 25 and 24	Voter information cards mailed to all registered electors
April 21	Day 21 (2:00 p.m.)	Nominations for candidates close
April 24 and 25	Days 18 and 17	Reminder cards mailed
May 1	Day 11	Revised lists of electors distributed
May 2, 3 and 5	Days 10, 9 and 7	Advance voting
May 6	Day 6 (6:00 p.m.)	Revision and special ballot registration end
May 9	Day 3	Official lists of electors distributed
May 12	Day 0	Election day
May 13	Day -1	Validation of the results
May 22	Day -10	Writ returned

The two by-elections of June 16

On May 11, the Prime Minister announced by-elections for June 16 in the electoral districts of Lévis-et-Chutes-de-la-Chaudière and Témiscamingue. That same day I issued writs to the returning officers of the two electoral districts directing them to

conduct a by-election. This gave the returning officers an electoral calendar of 36 days.

Table 2 is an overview of the important milestones in the process from the issue of the writs to their return.

Table 2
Key dates for the June 16, 2003, by-elections in Lévis-et-Chutes-de-la-Chaudière and Témiscamingue

Date	Election calendar day	Event
May 11	Day 36	Issue of the writs; preparations made to open the offices of returning officers; voting by special ballot may begin
May 13	Day 34	Notice of Election published in Lévis-et-Chutes-de-la-Chaudière; candidates may file nominations
May 14	Day 33	Notice of Election published in Témiscamingue; candidates may file nominations; revision of lists of electors begins
May 19	Day 28	Targeted revision begins
May 21, 22 and 23	Days 26, 25 and 24	Voter information cards mailed to all registered electors
May 26	Day 21 (2:00 p.m.)	Nominations for candidates close
May 28, 29 and 30	Days 19, 18 and 17	Reminder cards mailed
June 5	Day 11	Revised lists of electors distributed
June 6, 7 and 9	Days 10, 9 and 7	Advance voting
June 10	Day 6 (6:00 p.m.)	Revision and special ballot registration end
June 13	Day 3	Official lists of electors distributed
June 16	Day 0	Election day
June 17	Day -1	Validation of the results
June 27	Day -11	Writs returned

Communicating with electors

An important part of Elections Canada's work during a by-election, as in all electoral events, is to inform the public, political parties, candidates and news media about the by-election process and the key dates in the election period.

One of the principal tools for communicating with the public during the May 12 and June 16, 2003, by-elections was the voter information card. This card, which was sent to all the electors registered on the preliminary lists, specified where and when to vote,

and indicated the voting options for those who did not want to go to the polling station on election day.

Elections Canada uses census data to find out whether there are ethnocultural or Aboriginal communities within an electoral district, of a size that would warrant translating information into other languages. Although translation was not necessary in any of the three electoral districts, we sent information kits to ethnocultural associations and Friendship Centres. We made essential

information available on request to special-needs organizations in alternative formats, including Braille, large print, and audiocassette, but we received no requests for the material.

During the three by-elections, we brought radio and print advertisements into play on several occasions. The arrival of the voter information card was supported by print ads in daily and weekly newspapers and by radio ads broadcast several times on stations serving listeners in the electoral districts. During the last five days of the campaign, we ran print and drive-to-work radio ads to remind electors to check their voter information cards for the location of their polling stations, and to let them know that they could register to vote on election day, with proper identification.

We also provided information to the media to make sure that electors had the information necessary to vote. For each by-election, we distributed a media information kit with the news release launching the election period, a profile of the electoral district, a calendar of important dates, and background information on topics ranging from the electoral process and the role of Elections Canada to the Special Voting Rules, the National Register of Electors, and election expenses and contributions guidelines for candidates and parties.

Over the course of each campaign, we issued 15 news releases highlighting key dates, election day reminders, and explanations of the election rules, including clarification of what the media could and could not report on election day. We also posted all news releases in the media section on our Web site.

On our Web site, we set up a special by-election section where electors could find information specific to their electoral districts, including the lists of official candidates, the electoral district maps, the addresses and telephone numbers of the returning officers, and general information on the voting process and voting by special ballot. On election night, we posted results on the Web site as they became available.

Throughout the election periods, bilingual staff of our Enquiries Unit was available through our toll-free telephone line, our toll-free TTY line for persons

who are deaf or hard of hearing, and on the Web to answer questions and send out information about the electoral process.

Communicating with candidates, official agents and auditors

During each by-election, the candidates and their official agents and auditors received all election documentation and maps from the returning officers.

The three returning officers met with the various representatives of the political parties – including candidates and campaign chairs – to make sure that everyone received the same information. We believe that these meetings are important because they encourage discussion and explanations of the various procedures by which electors can vote, the rules to follow on election day, and the election officer positions for which the candidates or political parties may recommend applicants. Informal evaluations after the by-elections indicated that the meetings were well received by the political parties.

Revising the lists of electors

Elections Canada used the new REVISE system to prepare and update the preliminary lists of electors for the three by-elections. Version 2.0 of REVISE offers a more complete range of functions facilitating management of the revision and improving the quality of the electoral data gathered by the revising agents. First, the system now processes changes of address on a national scale because we have added the ability to electronically “deliver,” from one electoral district to another, removal transactions resulting from a change of address. As well, the supplementary data integrated into the National Register of Electors after the preliminary lists have been prepared are now forwarded electronically to the REVISE database in each electoral district. Finally, four essential steps that were previously separate and manual have now been automated as the result of a complete reworking of the revision

process. These four steps are now accessible from REVISE:

- searching for electors in the local list of electors
- searching for electors outside the electoral district
- address ranges in the poll key
- entry of electors' data

The data on the addresses of polling sites is now integrated into the REVISE database and shared with ROPS. Streamlining the management of electoral data in this way made it possible to eliminate one system, the functions of which will now be shared between ROPS and REVISE. We took full advantage of these three by-elections to observe the performance and user-friendliness of the new systems in the field and to make further improvements.

The returning officers recorded 5,652 additions to the lists of electors, 1,485 transfers from another electoral district, 7,882 moves within the electoral districts, 3,857 removals and 3,729 corrections, counting those individuals voting by special ballot who were added to the lists. This represents 9.8% of

the 229,754 electors registered on the preliminary lists.

During the three by-elections, we continued a targeted revision pilot project begun during the December 2002 by-elections. The information received from the Canada Customs and Revenue Agency (CCRA) indicated that 3,630 potential electors in the three electoral districts had given their consent to be included in the Register. To confirm their citizenship before adding them to the Register, we contacted them, either by mail or through revising agents sent to their residences. We were able to add 32% of the names received from CCRA to the Register.

Of the 22,620 revisions carried out during the by-elections in the three electoral districts, including the revisions affecting electors voting by special ballot, 20,076 occurred during the revision period. The remaining 2,544 were registrations and corrections on election day. Table 3 shows details of the revision transactions.

Table 3
Lists of electors – revision transactions
Perth–Middlesex*

Revision transactions ¹	Day 33 to Day 11	Day 10 to Day 6	Election day
	<i>Preliminary lists 67,865</i>	<i>Revised lists 69,650</i>	<i>Official lists 69,876</i>
Additions	2,218	2,452	3,108
Transfers in	337	364	467
Transfers out	0	0	0
Corrections	1,482	1,508	1,740
Removals	772	807	1,067
Moves	2,333	2,417	3,234
SVR update	2	2	2
Total	7,144	7,550	9,618
<i>Final lists 70,375</i>			

Lévis-et-Chutes-de-la-Chaudière

Revision transactions ¹	Day 33 to Day 11	Day 10 to Day 6	Election day
	<i>Preliminary lists 100,961</i>	<i>Revised lists 100,942</i>	<i>Official lists 100,955</i>
Additions	1,077	1,115	1,191
Transfers in	781	788	793
Transfers out	0	0	0
Corrections	1,178	1,220	1,240
Removals	1,885	1,917	1,917
Moves	2,076	2,088	2,126
SVR update	8	8	8
Total	7,005	7,136	7,275
<i>Final lists 101,036</i>			

Témiscamingue

Revision transactions ¹	Day 33 to Day 11	Day 10 to Day 6	Election day
	<i>Preliminary lists 60,928</i>	<i>Revised lists 61,476</i>	<i>Official lists 61,496</i>
Additions	1,149	1,221	1,353
Transfers in	195	209	225
Transfers out	0	0	0
Corrections	643	715	749
Removals	800	867	873
Moves	2,192	2,373	2,522
SVR update	4	5	5
Total	4,983	5,390	5,727
<i>Final lists 61,638</i>			

*Information printed in burgundy throughout this report pertains to the May 12, 2003, by-election held in Perth–Middlesex.

¹ Includes electors registered to vote under the Special Voting Rules (members of the Canadian Forces, incarcerated electors, electors temporarily residing outside Canada).

Voting in the by-elections

In the three by-elections, 72,694 of the 233,049 registered electors cast their ballots, for a turnout of 31.23%.

For those unable to vote on election day in May, advance voting took place on May 2, 3 and 5, from noon until 8:00 p.m. Most people voted on election day, May 12, at one of the 201 polling stations located throughout the electoral district. In accordance with section 131 of the *Canada Elections Act*, the polling stations in Perth–Middlesex were all open for 12 hours on election day, from 8:30 a.m. to 8:30 p.m.

For the June by-elections, advance voting took place from noon until 8:00 p.m. on June 6, 7 and 9. Most people voted on election day, June 16, at one of the 437 polling stations. In accordance with section 131 of the *Canada Elections Act*, since the two by-elections were held the same day in the same time zone, the polling stations in Lévis-et-Chutes-de-la-Chaudière and Témiscamingue were all open for 12 hours, from 8:30 a.m. to 8:30 p.m.

Table 4 shows the details of the polling station sites for both sets of by-elections, and Table 5 shows how many and what kind of polling stations were available in each electoral district. In total, the returning officers maintained 674 polling stations at 175 polling sites. Table 6 shows that, for the three by-elections, only one polling station did not have level access.

In the electoral district of Perth–Middlesex, measures taken by the public health authorities in response to the SARS (severe acute respiratory syndrome) crisis forced the returning officer to move eight polling stations that originally were to be set up in chronic care facilities. These changes were made immediately after the issue of the writs and had no effect on communication with electors or the services offered.

Table 4
Location of polling sites

Place	Perth-Middlesex		Lévis-et-Chutes-de-la-Chaudière		Témiscamingue		Totals	
	No.	%	No.	%	No.	%	No.	%
Seniors residence	17	30.36	10	26.32	6	7.41	33	18.89
Community centre	19	33.93	12	31.58	16	19.75	47	26.86
Church hall	4	7.14	3	7.89	5	6.17	12	6.86
Recreation centre	0	0.00	5	13.16	6	7.41	11	6.29
Commercial site	1	1.79	3	7.89	1	1.23	5	2.86
Educational	5	8.93	1	2.63	2	2.47	8	4.57
Fire hall	1	1.79	0	0.00	0	0.00	1	0.57
Hospital	2	3.57	2	5.26	1	1.23	5	2.86
Royal Canadian Legion	0	0.00	0	0.00	0	0.00	0	0
Municipal or township hall	5	8.93	2	5.26	24	29.63	31	17.71
Private home	0	0.00	0	0.00	0	0.00	0	0
Apartment building	0	0.00	0	0.00	0	0.00	0	0
Other	2	3.57	0	0.00	20	24.69	22	12.57
Total	56	100	38	100	81	100	175	100

Table 5
Types of polling stations

Electoral district	Ordinary		Advance	Total
	Stationary	Mobile		
Perth-Middlesex	195	6	12	213
Lévis-et-Chutes-de-la-Chaudière	248	4	11	263
Témiscamingue	182	3	13	198

Table 6
Polling station accessibility

Electoral district	Total number of polling stations	Accessible polling stations	Percentage %
Perth-Middlesex	213	213	100
Lévis-et-Chutes-de-la-Chaudière	263	263	100
Témiscamingue	198	197	99.5

Special Voting Rules

As is always the case during any election, residents of the electoral districts who did not wish to vote in advance or at the ordinary polls, and residents travelling or temporarily residing outside Canada, could vote by mail-in ballot under the Special Voting Rules. Canadians abroad could obtain information about how to cast their ballots from the Department of Foreign Affairs and International Trade, through its diplomatic missions and consular posts, and by visiting the Elections Canada Web site. Members of the Canadian Forces, whether based in Canada or elsewhere, were informed of their voting rights by the Department of National Defence.

Persons in institutions, including those in hospitals and incarcerated electors, could also vote in the by-elections under the Special Voting Rules. Registration and voting in acute care hospitals took place on May 5 and 6 and June 9 and 10.

On October 31, 2002, the Supreme Court of Canada rendered its decision in *Sauvé v. Canada (Chief Electoral Officer)* that paragraph 51(e) of the

Canada Elections Act, now paragraph 4(c), which limited voting rights for inmates, was in breach of section 3 of the *Canadian Charter of Rights and Freedoms*, thus allowing all incarcerated electors to vote in federal elections, by-elections and referendums regardless of the term of their sentences. This meant that all incarcerated electors who were eligible to vote in the three by-elections could do so.

Table 7 shows the number of registrations for voting by special ballot in each electoral district. The three lists of electors registered under group 1 of the Special Voting Rules are separate from the lists that are revised by the returning officer during an event. The electors registered under group 2 of the Special Voting Rules are also entered on the lists of electors.

Table 7
Registrations under the Special Voting Rules

Categories of electors asking to vote under the Special Voting Rules	Perth–Middlesex	Number of ballots requested		Total
		Lévis-et-Chutes-de-la-Chaudière	Témiscamingue	
Group 1¹				
Members of the Canadian Forces	90	252	227	569
Incarcerated electors	2	1	0	3
Electors temporarily residing outside Canada	22	18	2	42
Group 1 subtotal	114	271	229	614
Group 2²				
Electors temporarily absent from their electoral districts	11	0	0	11
Electors voting in their electoral districts	185	272	363	820
Group 2 subtotal	196	272	363	831
Total number of registrations for people voting by special ballot	310	543	592	1,445

¹ The three categories of electors registered under group 1 of the Special Voting Rules are separate from the lists that are revised by the returning officer during an event.

² The categories of electors registered under group 2 of the Special Voting Rules are included on the local lists of electors.

Ballots cast and elector turnout

The turnout for the three by-elections ranged from 23.5% to 44.0%. In each case, the vast majority of electors voted on election day. Table 8 gives statistics on the number of ballots cast in each electoral

district, and Table 9 compares the voter turnout in the by-elections with turnout in the November 27, 2000, general election.

Table 8
Statistics on the number of ballots cast, by voting method, and voter turnout in the by-elections

Electoral district	Number of electors on final lists	Ordinary polls	Advance voting	Special Voting Rules	Total votes cast	Rejected ballots	Total valid votes	Voter turnout %
Perth–Middlesex	70,375	29,105	1,626	210	30,941	111	30,830	44.0
Lévis-et-Chutes-de-la-Chaudière	101,036	21,145	2,309	291	23,745	172	23,573	23.5
Témiscamingue	61,638	15,771	1,843	394	18,008	124	17,884	29.2

Table 9
Voter turnout in the by-elections and the 2000 general election

Electoral district	By-election %	General election %
Perth–Middlesex	44.0	61.2
Lévis-et-Chutes-de-la-Chaudière	23.5	66.4
Témiscamingue	29.2	62.4

The candidates and by-election results

The deadline for nominating candidates was 2:00 p.m. on April 21 for the May 12 by-election, and 2:00 p.m. on May 26 for the June 16 by-elections. The candidates had until 5:00 p.m. that same day to withdraw or make corrections to the name, address or occupation they set out on the nomination papers.

We posted candidates' names on our Web site as they were confirmed, and posted the official lists once nominations closed. We also transmitted the lists of official candidates to Canadian diplomatic missions and consular posts through the Department of Foreign Affairs and International Trade, and to Canadian Forces bases through the Department of National Defence.

On election night, each returning officer's Event Results System was linked to our central computer. As votes were counted locally, the numbers were transmitted to the server in Ottawa for posting on the Web site. Ballots cast at the by-elections under the Special Voting Rules by incarcerated and Canadian Forces electors, and other Canadians voting from outside their ridings, were counted at Elections Canada during the week before election day and on election night.

Table 10 below identifies the political affiliation of each candidate, the number of valid votes obtained by each candidate, and the proportion of valid votes that the candidate received.

Table 10
Statistics on valid votes obtained, by candidate

Candidate	Political affiliation	Valid votes obtained	Percentage of valid votes %
Perth–Middlesex			
Sam Dinicol	New Democratic Party	4,703	15.25
Ron Gray	Christian Heritage Party	902	2.92
Brian Innes	Liberal Party of Canada	9,412	30.52
Marian Meinen	Canadian Reform Conservative Alliance ¹	5,400	17.51
Gary Schellenberger*	Progressive Conservative Party of Canada ¹	10,413	33.77
Total		30,830	99.97
Lévis-et-Chutes-de-la-Chaudière			
Yonnel Bonaventure	The Green Party of Canada	254	1.07
Philippe Bouchard	Canadian Reform Conservative Alliance ¹	220	0.93
Louise Foisy	New Democratic Party	987	4.18
Maxime Fréchette	Bloc Québécois	8,274	35.09
Christian Jobin*	Liberal Party of Canada	13,115	55.63
Benjamin Kasapoglu	Marijuana Party	186	0.78
Yohan Nolet	Progressive Conservative Party of Canada ¹	537	2.27
Total		23,573	99.95
Témiscamingue			
Gilbert Barrette*	Liberal Party of Canada	10,195	57.00
Rachel Lord	Progressive Conservative Party of Canada ¹	733	4.09
Clarence Marshall	Canadian Reform Conservative Alliance ¹	82	0.45
Sylvain Sauvageau	Bloc Québécois	6,287	35.15
Dennis Shushack	New Democratic Party	587	3.28
Total		17,884	99.97

¹ After these by-elections were held, the Canadian Reform Conservative Alliance and the Progressive Conservative Party of Canada merged to form the Conservative Party of Canada. The Conservative Party of Canada was registered by the Chief Electoral Officer on December 7, 2003.

* Elected candidate

Party standings after the by-elections

Table 11 shows the House of Commons representation, by province, based on the political affiliation of members, on December 31, 2003. On that date, three seats remained vacant in the House of Commons: those of the Right Honourable Jean Chrétien (Saint-Maurice) and the Honourable

Allan Rock (Etobicoke Centre), who both resigned on December 12, 2003, and that of the Honourable Mac Harb (Ottawa Centre), who resigned on September 8, 2003. By December 31, 2003, the Governor in Council had not yet decided on a date for a by-election.

Table 11
Distribution of House of Commons Seats on December 31, 2003,
by political affiliation

Province	Bloc Québécois	Liberal	N.D.P.	Conservative ¹	Independent	Vacant	Total
British Columbia		6	2	25	1		34
Alberta		2		23	1		26
Saskatchewan		2	2	9	1		14
Manitoba		5	4	5			14
Ontario		96	2	3		2	103
Quebec	33	37			4	1	75
New Brunswick		6	1	2	1		10
Nova Scotia		5	3	3			11
Prince Edward Island		4					4
Newfoundland and Labrador		4		3			7
Yukon		1					1
Northwest Territories		1					1
Nunavut		1					1
Total	33	170	14	73	8	3	301

¹ The Conservative Party of Canada was registered by the Chief Electoral Officer on December 7, 2003. This party results from the merging of the Canadian Reform Conservative Alliance and the Progressive Conservative Party of Canada.
Source: House of Commons, Library of Parliament (www.parl.gc.ca)

Special adaptations

The Chief Electoral Officer may adapt the *Canada Elections Act* under subsections 17(1) and 178(2).

During the 2003 by-elections, he used these authorities to make the necessary provisions to allow incarcerated electors to vote by special ballot.

Enforcement

The Commissioner of Canada Elections received six complaints stemming from the by-election of May 12, 2003, and five stemming from the by-elections of June 16, 2003. Of these 11 complaints, 9 have been settled, including 4 through agreements between the Commissioner and the interested parties. While some offences occur during the by-election period, others

can occur months afterwards, including any relating to candidates' financial returns.

Election financing

Candidates' election expenses

Under the *Canada Elections Act*, candidates are required to file an election expenses return within four months of election day. Elections Canada examines the returns for compliance purposes, and to determine the amount of reimbursement owed to qualified candidates. By the end of the year, we had finished reviewing financial returns from the five candidates who ran for office in the May 12, 2003,

by-election and the 12 candidates who ran for office in the two June 16, 2003, by-elections. The returns of the candidates in the May 12, 2003, by-election were published on October 31, 2003, as submitted, on the Elections Canada Web site. Those of the candidates in the June 16, 2003, by-elections were published on January 16, 2004.