



# SPECIAL VOTING RULES

(updated 28 March 2011)



## *Military Voters Act of 1917*



# CF Voting Statistics Over The Last 4 General Elections

<b>GE</b>	<b>No. of CF electors</b>	<b>No. / % of CF electors voting at military polls</b>	<b>Civilian Voter Turnout</b>
37th	57,082	19,020 / 33.3%	61.2%
38th	62,436	23,344 / 37.4%	60.9%
39th	60,878	20,722 / 34%	64.7%
40th	62,401	23,034 / 37.8%	58.8%

# OUTLINE

## ➤ I - Introduction

- 1. Overview: *Canada Elections Act* (calendar- 36 days or more)
- 2. Election Officials: Role and Responsibilities

## ➤ II - Liaison Officers

- 1. Voting Territories and Areas
- 2. Duties of Liaison Officers
- 3. Service Voting Period and Notice of Election

## ➤ III - Political Activities - Restrictions

- 1. On Defence Establishments
- 2. By Canadian Forces Members

## ➤ IV - Service Voting Procedure

- 1. Qualifications and Entitlements to Vote
- 2. Incarcerated Electors
- 3. Statement of Ordinary Residence
- 4. Voting at Civilian Voting Place
- 5. Method to Take the Service Vote
- 6. Duties of Commanding Officers
- 7. Duties of Deputy Returning Officers
- 8. Procedure for Casting Votes
- 9. Duties of Coordinating Officer and Deputy Returning Officer After Service Voting Period
- 10. Crucial Dates for Liaison Officers/Deputy Returning Officers
- 11. Financial Control - DCMFA

# **REFERENCES**

- **Canada Elections Act (CEA). The Special Voting Rules (SVRs) can be found at Part II of the CEA (sec. 177 to 282).**
- **Federal, Provincial and Territorial Elections (CFAO 99-9)**
- **Federal, Provincial and Territorial Electoral Events, A-LG-007-000/AF-001 (CDS Publication)**
- **QR&O 19.36 (Disclosure of Information or Opinion)**
- **QR&O 19.37 (Permission to Communicate Information)**
- **QR&O 19.44 (Political Activities and Candidature for Office)**
- **Morale and Welfare Policy Manual. Vol 2, Canadian Forces Newspapers (formerly CFAO 57-5 (Unofficial Service Papers))**
- **CF Publication B-GS-005-000/AG-001 Provision of Services Manual**

# OVERVIEW

- ▶ Canadian Forces (CF) Electors vote at federal general elections pursuant to the *Canada Elections Act* (CEA), Part 11, Special Voting Rules (SVR), in one of two ways:
- a) an elector voting under the SVRs may vote at a service polling station, for a candidate running in the electoral district that includes the place of ordinary residence that the elector has named in his or her Statement of Ordinary Residence (SOR) (s. 192 of the CEA);
  - b) an elector who has not voted under the SVRs may vote at a civilian voting polling station established for the polling division of the elector 's place of ordinary residence named on his/her SOR but only if he/she ordinarily resides in the electoral district referred to on his/her SOR, as of polling day (s. 193 of the CEA).

# Context

- ▶ Limited awareness of CF voting modalities within the CF electorate
  - Long lasting issue historically
  - Many CF electors not sure of when or where to vote
  - Many CF electors not aware of their SOR voting address
  - At civilian polls during the 40th GE, awareness issue exacerbated by new requirements to provide proof of identity and residence
  
- ▶ Recent changes and ongoing improvements with the list of CF electors
  - CF electors no longer on a separate list in the future
  - Some CF electors are in NROE, but AVP does not always match SOR.
  - CF electors no longer receive a VIC (s. 95 CEA)

# FEDERAL, PROVINCIAL AND TERRITORIAL ELECTIONS (CONTENT OF CFAO 99-9)

- Political activities on defence establishments
  - (QR&O art. 19.44 and para. 7 to 11 of CFAO 99-9)
- Political activities by members of the Canadian Forces (CF)
  - (para. 7 of CFAO)
- Measures facilitating the right to vote
  - (para. 14 to 18 of CFAO)
- Qualifications and entitlement to vote
  - (para. 19 to 34 of CFAO)
- Voting procedures
  - (para. 35 to 61 of CFAO)



**Chief Electoral Officer (CEO)**

**Special Voting Rules Administrator (SVRA)  
and the Military Vote Coordinator**

**Coordinating Officer (Coord O)**

**Liaison Officers (LO)**

**Commanding Officers (CO)**

**Deputy Returning Officers (DRO)**

**Admin/Fin Clerks (RMS)**

# CHIEF ELECTORAL OFFICER

Incumbent: Mr. Marc Maynard

16. (1) The Chief Electoral Officer shall

- (a) exercise general direction and supervision over the conduct of elections;
- (b) ensure that all election officers act with fairness and impartiality and in compliance with this Act;
- (c) issue to election officers the instructions that the Chief Electoral Officer considers necessary for the administration of this Act; and
- (d) exercise the powers and perform the duties and functions that are necessary for the administration of this Act.

18. (1) The Chief Electoral Officer may implement public education and information programs to make the electoral process better known to the public, particularly to those persons and groups most likely to experience difficulties in exercising their democratic rights.

(s. 16 and 18 of the CEA)

# SPECIAL VOTING RULES ADMINISTRATOR

Incumbent: Ms. Lyne Morin, Elections Canada

181. The Chief Electoral Officer shall appoint, in the prescribed form, a special voting rules administrator.

182. The special voting rules administrator shall

- (a) secure suitable premises;
- (b) retain the oath of office of each special ballot officer;
- (c) obtain from the liaison officers the lists prepared under paragraph 204 (1)(b) - (i.e. lists of the names of the electors at each CF unit);
- (d) obtain from the liaison officers the lists of the names of deputy returning officers that the commanding officers are required to provide;
- (e) distribute the election materials and the list of candidates;
- (f) receive, validate, examine, and sort the completed outer envelopes that contain special ballots marked by electors;
- (g) proceed with the counting of the votes of electors; and
- (h) communicate the results of the votes cast in accordance with this Part.

(s. 181-182 of the CEA)

# DND COORDINATING PERSONNEL - MANDATE

DND Coordinating Officer (DND Coord Offr): Col V. Joshi

DND Deputy Coordinating Officer (DND Deputy Coord Offr): LCol R. Strum

Elections Administration Officer (Elections Adm Offr): Mrs. S. Touchette

Elections Administration Clerk (Elections Adm Asst): Natalie Payant

The Minister of National Defence (MND) shall designate a person as DND Coordinating Officer (DND Coord Offr) to work, during and between elections, with the CEO in carrying out the purposes and provisions of this Division.

With respect to provincial and territorial events, the DND Coord Offr informs, through CANELECTGEN, service members of the terms and conditions under which they may cast their vote.

# **OTHER STATUTORY DUTIES OF THE COORDINATING OFFICER**

- The Coordinating Officer shall, on request, provide to the Chief Electoral Officer the following information relating to each elector:
  - a. the elector's surname, given names, sex and rank;
  - b. the elector's date of birth;
  - c. the civic address of the elector's place of ordinary residence indicated on any validated statement of ordinary residence; and
  - d. the elector's current mailing address.

(Section 199 of the CEA)

# LIAISON OFFICERS AND SUPPORT STAFF

On being informed of the issue of the writs the Minister of National Defence shall designate one or more electors to act as liaison officers for the vote

(s. 201 of the CEA).

On being designated, a liaison officer shall communicate with each commanding officer in respect of whose unit the liaison officer has liaison duties, with respect to any matter that relates to the vote (s. 203(1) of the CEA).

A liaison officer shall cooperate with the Chief Electoral Officer in the administration of the vote (s. 203(2) of the CEA).

During the last election 12 LOs were appointed

- One Admin Clerk in each voting area and
- One Fin Clerk and one Admin Clerk in Ottawa.

# COMMANDING OFFICERS

(Statutory duties of Commanding Officers - sections 204 to 209 of the *Canada Elections Act*)

- ▶ – when informed that the writs are issued
  - 1. publish a notice in unit orders; and
  - 2. prepare a list of names of the electors at his or her unit.
  
- ▶ – within seven days of being informed that the writs have been issued
  - 1. establish polling stations;
  - 2. designate Deputy Returning Officer (DRO) for each station;
  - 3. provide list of DROs and of electors to CEO;
  - 4. provide list of electors to DROs;
  
- ▶ – other duties
  - 5. provide the facilities to permit the vote;
  - 6. fix voting times; and
  - 7. publish notice of voting dates/times/places.

# **COMMANDING OFFICERS**

**(Statutory duties of Commanding Officers - sections 204 to 209 of the *Canada Elections Act*)**

- Upon receipt of elections materials & list of candidates
  - distribute materials & list to DROs; and
  - post lists of candidates in conspicuous places.



# **DEPUTY RETURNING OFFICERS**

**(Sections 210 to 219 of the *Canada Elections Act*)**

➤ Duties and responsibilities:

- personally supervise the operations in the voting place;
- personally take the vote of all CF electors;
- receive Statement of Ordinary Residence (SOR); and
- control voting materials until returned to Commanding Officer (CO) who will forward them to Chief Electoral Officer.

# VOTING TERRITORY

➤ For the purpose of the SVRs (Part II of the CEA), there is one voting territory with headquarters in Ottawa (see s. 180 of the CEA). The territory is divided into five voting areas:

- Central voting area- HQ Ottawa- 4 LOs
- Eastern voting area- HQ Halifax- 3 LOs
- Western voting area- HQ Edmonton- 3 LOs
- Europe voting area- HQ Geilenkirchen- 1 LO
- U.S.A. voting area- HQ Washington- 1 LO

# VOTING AREAS

CENTRAL	EASTERN	WESTERN	EUROPE	USA
↓	↓	↓	↓	↓
(HQ Ottawa)	(HQ Halifax)	(HQ Edmonton)	(HQ Geilenkirchen)	(HQ Washington)
4 LOs	3 LOs	3 LOs	1 LO	1 LO
↓	↓	↓	↓	↓
<ul style="list-style-type: none"><li>- Ontario</li><li>- Quebec</li><li>- South America</li><li>- Attachés, Liaison &amp; Exchange Officers around the world</li><li>- CFS Alert</li><li>•- all UN Ops</li><li>* Afghanistan</li><li>- all other Ops not listed</li></ul>	<ul style="list-style-type: none"><li>- PEI</li><li>- NB</li><li>- NS</li><li>- NFLD</li></ul>	<ul style="list-style-type: none"><li>- Manitoba</li><li>- Sask</li><li>- Alberta</li><li>- BC</li><li>- Yukon</li><li>- NWT</li><li>- Nunavut</li><li>- CFSPDB</li><li>- Ontario (any units located west of Thunder Bay)</li></ul>	<ul style="list-style-type: none"><li>- Europe, including SHAPE Brussels, etc.</li><li>- Turkey</li></ul>	<ul style="list-style-type: none"><li>- all locations in USA</li><li>- Iceland</li></ul>

# CENTRAL VOTING AREA:

(HQ Ottawa)

4 Liaison Officers

LO 1. Province of Ontario (less the Lakehead district - assigned to “Western Voting Area” and Nunavut Territory)

LO 2. Province of Quebec

LO 3. National Capital Region and overseas personnel supported by CFSU(O) (e.g. CF Attachés, Military Security Guard Units, etc) including exchange and liaison officers **NOT SUPPORTED** by CDLS(W) / “USA Voting Area” and CFSU(E) / “Europe Voting Area”

LO 4. CEFCOM - controlled operations (e.g. NATO and UN missions, etc) plus CFS Alert and CE 12 SW Sqn, Thule

# GENERAL DUTIES OF LIAISON OFFICERS

- Designated by the Minister (s. 201 of the CEA)
- Shall cooperate with and support the CEO and Coord O in the administration of the votes of CF electors (s. 203 of the CEA)
- Ensure that all CF electors are given the opportunity to vote
- Crucial role in liaising with COs and Military Vote Coordinator or Special Voting Rules Administrator (SVRA)
- Crucial role in liaising with COs and DROs

# MAIN FUNCTION OF LIAISON OFFICERS

The main function of LOs is to ensure that every CF elector and Deputy Returning Officer receives all necessary information concerning the voting procedures, that they are given the opportunity to vote, and that the completed ballots reach the SVRA NO LATER THAN 1800 hrs on civilian polling day

**(2 May 2011)**

# SPECIFIC DUTIES OF LIAISON OFFICERS

- your primary duty throughout this election period will be as a LO (see para. 37 of CFAO 99-9). Ensure that other duties are handed over.
- need to be familiar with CFAO 99-9 and selected portions of the SVRs - Part II of the CEA
- set up a HQ (office with computer (access to DIN and Internet), phone and fax line) in assigned voting area
- one LO should be designated as the Senior LO for the area
- divide the voting area among the LOs responsible for the area
- inform Coord Offr and SVRA of HQ and other LO office addresses, phone numbers, fax numbers and e-mail addresses as well as the name of Senior LOs
- each LO designated in a voting area shall immediately, on being designated, communicate with each CO in respect of whose unit the LO has liaison duties, with respect to any matter that relates to the vote
- provide direct liaison between COs and Military Vote Coordinator or SVRA

## SPECIFIC DUTIES OF LIAISON OFFICERS (cont'd)

- ▶ each LO shall deal directly with COs located in his voting area irrespective of whether any such CO is under the command of a service authority located outside his voting area
- ▶ identify the units in area of responsibility and contact each CO [Unit Records Section (URS ) - Unit Identification Code (UIC)] in voting area - a list of all URSs is provided to all LOs. The list includes the UIC codes that belong to each URS, and number of CF members at each UIC
- ▶ advise COs of their duties under the rules (s. 204 to 209 of the CEA, paras. 40 to 44 of CFAO 99-9)
- ▶ ensure that the list of CF electors is prepared properly and forwarded, on time, to the SVRA
- ▶ DROs are appointed by COs. It may not be necessary that each unit have a DRO. Base Comds may wish to group some units together with one DRO.
- ▶ Arrange a location(s) for DROs to be briefed by the Coord Offr, or his Deputy, in the first week following the LO briefing. Briefings may have to be held in 2 or 3 different geographic locations and arrangements should include all administrative details (suitable lecture room, computer set up for PowerPoint presentation, transportation etc.)



## SPECIFIC DUTIES OF LIAISON OFFICERS (cont'd)

- provide the Military Vote Coordinator or SVRA with mailing address for shipment of voting materials as soon as possible
- ensure the distribution of voting materials to all of their units through the SVRA
- ensure the return of all ballots by 18h00 on civilian polling day to the SVRA, Ottawa (s. 214 (1) and 212 to 215 of the SVRs)
- ensure the return of all miscellaneous voting material to the SVRA Ottawa within one week following the vote by the least expensive method
- liaison with Ottawa LOs on administrative matters
- ensure financial control and recovery in accordance with [ADM (FIN CS)/ DCMFA] financial instructions

# SERVICE VOTING PERIOD

Service voting must occur between the 14th and 9th day before civilian polling day (both dates inclusive). A CO must determine when, during that period, polls will be open. (s. 190 - def. of voting period and s. 208 of the CEA)

The minimum requirements are:

- duration of at least 3 days and at least 3 hours per day (s. 205(3) and 208 of the CEA)
- where beneficial or necessary, polls should be opened after hours and on Saturday

Requests for extensions can be made:

- must be made to the SVRA for approval
- reasons must be substantiated in written requests
- previous examples: CFS Alert, submarines, FOBs in Afghanistan

# NOTICE OF ELECTION

- First Notice - When writs have been issued each CO shall publish, as part of unit orders, a notice informing electors:
  - that an election has been called;
  - of the polling date;
  - that CF electors may vote under SVRs;
  - that he will designate DROs; and
  - that he will fix the voting times during the voting period (s. 204 of the CEA)

- Second Notice - During each of three or more days before the voting period and on each day on which the vote is held, each CO shall publish in his or her unit's orders and put in a conspicuous place a notice that states:
  - the days on which the electors may vote;
  - the precise location of, and the voting hours at, each polling station, other than a mobile polling station; and
  - in the case of a mobile polling station, its location and the anticipated period during which it is to remain at that location.

(s. 208 of the CEA)

# **POLITICAL ACTIVITIES ON DEFENCE ESTABLISHMENTS - COMMANDING OFFICER'S RESPONSIBILITIES**

- ▶ A CO shall ensure that any activity that takes place on a defence establishment, including a base or unit, under his command does not affect the actual or perceived political neutrality of the CF (QR&O art. 19.44(2)).
- ▶ The above-mentioned obligation does not apply to any activity that takes place within the confines of married quarters in Canada (QR&O art. 19.44(3)).
- ▶ The responsibility to enforce regulations rests with COs and Base Comds, not the LOs.

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# **POLITICAL ACTIVITIES ON DEFENCE ESTABLISHMENTS - COMMANDING OFFICER'S RESPONSIBILITIES**

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- ▶ In particular, no CO shall:
  - (a) except in exceptional circumstances and where no practical alternative can be found and the Minister approves the request, allow a political meeting to be held or a political speech to be delivered on a defence establishment; and
  - (b) allow the display of political advertising anywhere on a defence establishment in areas exposed to public view.

(QR&O art. 19.44(2) and (6) and definitions of political advertising, political meeting and political speech of this article)

# **POLITICAL MEETING OR SPEECH – EXCEPTIONAL CIRCUMSTANCES**

In exceptional circumstances, and where no practical alternative location can be found, the Minister may authorize the use of a defence establishment or any part thereof for the conduct of a political meeting or the delivery of a political speech.

(QR&O art. 19.44(6))

**Political Use.** An application from any political party organization or person who wishes to use DND facilities for political purposes is subject to QR&O article 19.44. Where a political speech or other activity of a political nature is likely to form part of a proposed function, the application shall be referred to NDHQ with the recommendation of the officer commanding the command or formation for ministerial consideration under QR&O 19.44(6).

# CIVILIAN POLLS ON DEFENCE ESTABLISHMENTS - NO OTHER SUITABLE LOCATION

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- Upon the request of an appropriate election officer, a CO may authorize the setting up of a civilian poll in a defence establishment if:
  - the civilian poll is intended mainly for the convenience of federal civilian employees and their dependants or CF electors and their dependants
  - no other suitable location for setting up the civilian poll is available locally
  - the intended use of the defence establishment will not, in his/her opinion, conflict with military interest
- *Canada Elections Act* s. 122(3) - Polling stations in federal buildings
- Any request of this nature must be reported forthwith to NDHQ/JAG/DND Coord Offr SVR (CFAO 99-9, paras 14-15)



# **POLITICAL ACTIVITIES ON DEFENCE ESTABLISHMENTS - CANVASSING & ADVERTISING**

- No CO shall allow political canvassing or the distribution of political advertising, other than by mail, anywhere on a defence establishment (QR&O art. 19.44(2)(c)).
- A CO shall permit political canvassing and the distribution of political advertising to single quarters and married quarters if, having regard to security and privacy requirements, the canvassers or distributors can be given access to such quarters (QR&O art. 19.44(4)).
- The Chief of the Defence Staff (CDS) may authorize the broadcast, through CF broadcasting facilities, of free-time political broadcasts (QR&O art. 19.44(5)).

# **POLITICAL ACTIVITIES ON DEFENCE ESTABLISHMENTS - SERVICE NEWSPAPERS**

No political advertising shall be published in an unofficial Service newspaper (para. 10(b) of Canadian Forces Newspapers policy)

An unofficial Service newspaper is defined as an authorized newspaper, news summary, news bulletin or news magazine that is prepared and distributed by a formation, unit or other element to disseminate news to members of the CF and their dependants, but does not include an official or public-funded publication (para 4 of Canadian Forces Newspapers policy).

# **POLITICAL ACTIVITIES BY CF MEMBERS - RESTRICTIONS**

## ‣ Prohibited activities:

- No member of the Regular Force shall:
    - (a) take an active part in the affairs of a political organization or party;
    - (b) make a political speech to electors, or announce himself or allow himself to be announced as a candidate, or prospective candidate, for election to the Parliament of Canada or a provincial legislature; or
    - (c) except with the permission of the CDS, accept an office in a municipal corporation or other local government body or allow himself to be nominated for election to such office.
- (QR&O 19.44(7))

# **POLITICAL ACTIVITIES BY CF MEMBERS - RESTRICTIONS**

- ▶ No officer or non-commissioned member shall organize or take part in a political meeting on a defence establishment

## **■ NOTES**

Examples of meetings or speeches that might be considered to be political meetings or political speeches are those that are designed to:

- a) solicit votes for a candidate in a federal, provincial or municipal election;
- b) solicit funds to support a candidate in a federal, provincial or municipal election or a political party; or
- c) organize a lobby to maintain or change public policy at the federal, provincial or municipal level.

# **POLITICAL ACTIVITIES BY CANADIAN FORCES MEMBERS**

## ▶ Activities permitted:

- attend and vote at a political meetings and conventions, while not in uniform
- register and vote at elections
- be a member of a political party
- make contributions to a political party or to a candidate's election campaign fund
- display political signs, except in areas owned, occupied or controlled by DND or the CF

# **POLITICAL ACTIVITIES BY PUBLIC SERVANTS - BASIC PRINCIPLES**

- Members of the Public Service shall ensure that their acts and conduct do not, at any time, affect the actual or perceived neutrality of the Public Service.

*(Osborne v. Canada (Treasury Board), [1991] Supreme Court of Canada)*

# **POLITICAL ACTIVITIES BY DEPUTY HEAD – RESTRICTIONS**

- Prohibited activities:
  - No Deputy Head shall:
    - (a) engage in work for or against a candidate;
    - (b) engage in work for or against a political party; or
    - (c) be a candidate.

(Section 33 of the Public Service Employment Act (PSEA))

# **POLITICAL ACTIVITIES BY PUBLIC SERVANTS – RESTRICTIONS**

## ➤ Prohibited activities:

- No employee of the Public Service shall organize or take part in a political meeting on a defence establishment (QR&O 19.44).
- No employee of the Public Service shall, without obtaining a leave of absence:
  - (a) engage in work for or against a candidate;
  - (b) engage in work for or against a political party; or
  - (c) be a candidate for the Parliament of Canada or a Provincial Legislature the Council of the Yukon Territory or the Northwest Territories or of the Legislative Assembly of Nunavut.

(Section 33 PSEA)



# POLITICAL ACTIVITIES BY PUBLIC SERVANTS

- Activities permitted:
  - Employees of the Public Service may:
    - (a) vote in elections;
    - (b) be a member of a political party or organization;
    - (c) attend and vote at political meetings, rallies and conventions; and
    - (d) make financial contributions to political parties and display political signs, except in areas owned, occupied or controlled by DND.

(Section 33 PSEA)

# POLITICAL ACTIVITIES BY PUBLIC SERVANTS

## ‣ Enforcement:

- An employee who is declared elected to the Parliament of Canada of the Legislature of a Province, of the Council of the Yukon Territory or the Northwest Territories or of the Legislature Assembly of Nunavut, thereupon ceases to be an employee.
- Where any allegation of a contravention of these guidelines or Section 33 of the *Public Service Employment Act* is made, administrative action may be taken which may result in the dismissal of the employee.

(Section 33 and 34 PSEA)

# **PUBLIC COMMENTS ON PUBLIC ISSUES BY PUBLIC SERVANTS**

- ▶ There is a duty for every Public Servant to carry out policies and directions of the government loyally, impartially and effectively
- ▶ Public Servant's comments on public issues must not conflict with the above-mentioned duty and call into question the Public Servant's readiness or willingness to fulfill that duty
- ▶ If there is any doubt as to whether or not the comments of a Public Servant on a public issue is made in a personal capacity, the Public Servant must state explicitly that the comment is a personal one

*(Osborne v. Canada (Treasury Board), [1991] Supreme Court of Canada)*

# LIST OF CF ELECTORS – SERVICE VOTE

- ▶ For the purpose of service voting, there is a requirement to ascertain the names of all CF electors. The enumeration of CF electors by their unit, through the preparation of a list of electors, is essential for the LOs and DROs in the taking of the service vote.

(CFAO 99-9, para. 41(a))

## ALPHA List

- Includes all Regular Force + Class “C” Reservists
- Does not include civilian teachers

## Unit SOR List – Available through HRMS

- No automatic screen viewing
- Unit Clerks need to look in: C:\ps\forms

# CF Electors Who Can Vote Under Division 2

## CF Awareness & SOR Validation Initiative

- Members of the **Regular Force** (68,029 electors in June 2010)
- Members of the **Reserve Force** on full-time training or service when an election is called or on active service (2,125 electors)
- **Civilians** employed outside Canada as teachers or admin support staff in CF schools (43 electors)

# **CANADIAN FORCES ELECTOR - QUALIFICATIONS AND ENTITLEMENTS TO VOTE**

- Canadian Citizen
- 18 years of age or over on polling day
- Member of the Regular Force
- Member of the Reserve Force on full-time training or service or on active service
- Member of the Special Force
- Civilian elector who is employed outside Canada by the CF as a teacher in, or as a member of the administrative support staff for a CF school

(s. 2, (def. of elector), 3, 11, 177, 190 and 191 of the CEA)

# CANADIAN FORCES ELECTOR SERVING A SENTENCE

A CF elector incarcerated is entitled to vote.

Sauvé v. AG for Canada – On 31 Oct 02, the Supreme Court of Canada held that the former sec. 51 (e), now sec. 4 (c) of the CEA that prevents inmates who are serving a sentence of two or more years from voting is a breach of s. 3 of the *Charter* and cannot be justified under s. 1.

All incarcerated electors may vote in federal electoral events, regardless of the length of the term they are serving.

# STATEMENT OF ORDINARY RESIDENCE

## ‣Members of Regular Force

- must complete on enrolment

## ‣Members of Reserve Force not on active service

- must complete where on full-time training or service between date of issue of writs and the Saturday preceding civilian polling day (s. 195(1) of the CEA)

## ‣Members of Reserve Force on Active Service

- must complete when placed on active service (s. 195(2) of the CEA)

## ‣SOR completed at the polling station are sent to the SVRA except for SORs completed by Reserve Force members

- significant issue in 2008 election

(s. 192, 194 and 195 of the CEA and para. 22 of CFAO 99-9)



# LOCATION OF ORDINARY RESIDENCE

On enrolment or transfer to the Regular Force, Reserve Force, Special Force or for teachers and administrative support staff hired by the CF, the SOR indicates:

- the person's surname, given names, sex and rank;
- the person's date of birth;
- the civic address of the person's place of ordinary residence in Canada immediately before the enrolment, transfer or hiring; and
- the person's current mailing address.

(refer to s. 194 and 195 of the CEA)

# **AMENDMENTS TO STATEMENT OF ORDINARY RESIDENCE (SOR)**

- ▶ Members of Regular Force may amend their SOR at any time (was once a year before)
- ▶ Comes into effect 60 days after its reception by the CO of the unit responsible for the records (URS), **except** when made during an election period
- ▶ If made during an election period, it comes into effect **14 days after polling day**

(refer to s. 194(5) and 195(6) of the CEA)

# CRITERIA FOR SELECTING PLACE OF ORDINARY RESIDENCE WHEN AMENDING AN SOR

- ▶ A CF elector's ordinary residence is one of the following locations:
- ▶ the place of ordinary residence of the spouse, the common-law partner, a relative or a dependant of the eligible elector, a relative of his or her spouse or common-law partner or a person with whom the elector would live but for his or her being enrolled in or hired by the CF;
- ▶ the place where the member is residing by reason of his or her performance of services as a member of the CF; or
- ▶ the elector's place of his or her ordinary residence immediately before being enrolled in or hired by the CF.

(refer to s. 194(4) and (5) of the CEA)

# VOTING AT CIVILIAN VOTING PLACE

- ▶ Voting at a civilian voting place is authorized if:
    - a. the elector completed a statement of ordinary residence;
    - b. the elector actually resides in the electoral district that the elector has named in his or her SOR;
    - c. the elector's name is included on the National Register of Electors or
      1. the elector provides satisfactory proof of identity and residence, or
      2. takes the prescribed oath and is accompanied by an elector whose name appears on the list of electors for the same polling division and who vouches for him or her on oath in the prescribed form (s. 161 of the CEA); and
    - d. has not voted under the SVR (Part II of the CEA) at a service voting place.
- (s. 143, 149, 161, 192 and 193 of the CEA and para 24 (b) of CFAO 99-9)

# METHODS TO TAKE THE SERVICE VOTE

- Fixed voting place: polling station established at the unit
- Joint polling stations: if two or more units are in the same locality and it would be expedient that CF electors cast their ballots before one DRO (refer to s. 207 of the CEA)
- Mobile poll: if elector cannot conveniently reach the polling stations established at the elector's unit (refer to s. 206 of the CEA)
- Individual DRO: may be appropriate for remote locations and where few CF members are located

# **METHODS TO TAKE THE SERVICE VOTE- MEMBERS IN HOSPITAL**

- A. If DRO designated to take the vote of members in hospital and the officer in charge of the hospital approves, designated DRO may go from room to room (refer to s. 217(3) of the CEA)
  
- B. If DRO is not designated to take the vote of members in hospital, the DRO appointed for the unit to which the hospital belongs may take the ballot of electors (refer to s. 217(2) of the CEA)

# **METHODS TO TAKE THE SERVICE VOTE- CF ELECTOR ABSENT FROM UNIT**

- ▶ CF elector absent from unit on duty or leave may vote at a service voting place of any base, unit or element, in or outside Canada, if the elector produces satisfactory evidence that he or she is a qualified CF elector.
- ▶ An effective approach to this problem is for the CO to ensure that leave forms or travel claims have a notation showing the electoral district.
- ▶ Each LO will be provided with an alphabetical list of all CF electors and will be able to confirm, on request from a DRO of his or her voting area, that the member has completed a SOR as well as confirming the name of the member's electoral district.

# **METHODS TO TAKE THE VOTE (SERVICE OR CIVILIAN) INCARCERATED ELECTOR**

- ▶ May vote at a service voting station if elector is in a detention barrack or service prison
- ▶ Before a DRO if in a civil correctional institution

(s. 4 (c) , 5, 177 (def. of incarcerated elector) of CEA)



# LIAISON OFFICERS AND ADMINISTRATIVE SUPPORT

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- ▶ Selection and appointment of LOs
- ▶ 12 LOs working in 5 different voting areas

# TWO CANELECTGEN

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## ▶ First Message

- On Issuance of Writs
- General Guidance Information

## ▶ Second Message

- Notification of Candidate Nominations

# DUTIES OF COMMANDING OFFICERS

(CFAO 99-9, Paragraphs 40 & 41)  
(FORTHWITH, WHEN WRITS ISSUED)

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- Provide facilities and resources as required
- Prepare, alphabetically, a list of electors with assigned electoral districts (in 2004, there was an increase from 301 to 308 districts and new districts were assigned)
- Publish, in Routine Orders, a notice of election (s. 204 of the SVR)
- Establish an appropriate number of polling stations, including joint polling stations or mobile polls where appropriate; notify the appropriate LO of the number and location of voting places, including mobile polls

# **PREPARATION OF THE LIST OF CANADIAN FORCES ELECTORS**

- ▶ Within 7 days of issuance of the writs, an updated list of CF electors must be prepared by CO or Base Comd:
  - the name, given name, initials, sex, rank, service number and the name of the electoral district shown on the member's statement of ordinary residence.

# DUTIES OF COMMANDING OFFICER

(CFAO 99-9, Paragraph 42)

(WITHIN 7 DAYS OF WRITS ISSUED)

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- Designate a sufficient number of DROs to take the vote of CF electors serving in, or attached to, the unit (consider duties of DRO at para. 45 and 46 and that he has to personally take the vote of all CF electors in the voting place)
- Provide the SVRA at the Office of the CEO, through the LO, the list of electors and ranks/names of DROs
- provide DROs with a copy of the list of electors prepared in accordance with para. 41 (a) of the CFAO 99-9

(see also s. 205 of the CEA)

# DUTIES OF COMMANDING OFFICERS

(CFAO 99-9, Paragraph 43)

(ON RECEIVING ELECTION MATERIALS)

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- Acknowledge receipt
- Distribute to every DRO in sufficient quantities
- Cause copies of lists of candidates to be posted in conspicuous places

(refer to s. 209 of the CEA)

# **ADDITIONAL DUTIES OF COMMANDING OFFICERS**

## **(CFAO 99-9, Paragraph 44)**

- Ensure that voting facilities are provided
- Provide special mailing facilities/support if required
- With LO, arrange transportation of ballots and materials
- Protect secrecy of the ballots
- Return election materials to SVRA

# DUTIES OF DEPUTY RETURNING OFFICER

## (CFAO 99-9, Paragraphs 45 and 46)

- Personally supervise the operation of voting places
- Personally take the vote of CF electors
- Be familiar with DRO's Manual (*Voting by Canadian Forces Electors*) EC 78130 (10/04)
- Execute new SORs where necessary for Reg and Res F members
- Ensure that voting instructions card for Canadian Forces Electors (Form EC 78120 (01/02)) are put in conspicuous places (s. 210 of the SVR)
- Keep available for consultation: one set of street indexes, one guide to electoral districts, one list of candidates, and one list of electors (s. 210 (b) of the CEA)
- Protect secrecy of vote
- Ensure that the outer envelope is signed personally by elector and reflects the correct information (s. 212 and 213 of the CEA)
- Grant access, to voting area, to authorized representatives of political parties; an authorization in the prescribed form signed by the candidate for the party should be in the possession of the representative of the political party (s. 211 of the CEA)



# **DOCUMENTS AVAILABLE FOR CONSULTATION BY ELECTORS**

- Part II of the CEA (SVRs)
- Street indexes
- Guide to federal electoral districts
- List of names of candidates
- List of CF electors prepared by CO / Base Comd in accordance with para. 41 (a) of CFAO 99-9

(para 46 of CFAO 99-9)

# Kabul 2004



# PROCEDURES FOR CASTING VOTE

- DRO requests that elector completes and signs outer envelope indicating electoral district in which elector will vote
- If no SOR, elector may complete one of the following :
  - EC 78000 or DND 406 - Regular Force/Civilian Teachers/Staff
  - EC 78020 or DND 407 - Reserve Force
- Ballot, inner and outer envelopes to elector
- Write given names or initials and surname of candidate
- Elector seals all envelopes in presence of DRO
- Must be received by SVRA no later than 18h00 on civilian polling day (s. 214, def. of polling day at s. 2 of the CEA)
- Postage paid
- Elector who spoils his/her ballot may return it to the DRO who give that elector an additional special ballot (may not be given more than one additional special ballot)

# OUTER ENVELOPE

DID YOU SIGN AND DATE THIS ENVELOPE?  
AVEZ-VOUS SIGNÉ ET DATÉ CETTE ENVELOPPE?

Your ballot will not be counted  
if this envelope is not signed.

Votre bulletin ne comptera pas  
si cette enveloppe n'est pas signée



OUTER ENVELOPE  
FOR CANADIAN FORCES ELECTORS

ENVELOPPE EXTÉRIEURE POUR LES  
ÉLECTEURS DES FORCES CANADIENNES

EC 78200  
(10/04)

Name of elector / Nom de l'électeur	Service No.(SN)/No. de matricule(NM):
Electoral district NAME / NOM de la circonscription	
Electoral district CODE / CODE de la circonscription	
Unit name / Nom de l'unité	
<b>Declaration</b> <ul style="list-style-type: none"><li>- I am a Canadian citizen;</li><li>- I will be 18 years or older on polling day;</li><li>- I have not previously voted and will not attempt to vote again at the pending electoral event;</li><li>- My name is as stated above.</li></ul>	<b>Déclaration</b> <ul style="list-style-type: none"><li>- J'ai la citoyenneté canadienne;</li><li>- J'aurai au moins 18 ans le jour du scrutin;</li><li>- Je n'ai pas déjà voté et ne tenterai pas de voter de nouveau au scrutin en cours;</li><li>- Mon nom est tel qu'il apparaît ci-haut.</li></ul>
<b>X</b> _____ Signature of elector / Signature de l'électeur	_____ Date
To be signed <b>only</b> when an elector has received help in voting. / À signer <b>seulement</b> si l'électeur a obtenu de l'aide pour voter.	
_____ Signature of Deputy Returning Officer / Signature du scrutateur	_____ Signature of Witness / Signature du témoin



# **DUTIES OF COMMANDING OFFICER AND DEPUTY RETURNING OFFICER AFTER SERVICE VOTING PERIOD**

- Transmit to the SVRA
  - all signed outer envelopes containing a declaration
  - all outer envelopes laid aside
  - all unused/spoiled ballots/envelopes
  - all used/spoiled ballot stubs
  - all other unused election materials
- Transmit to Chief Electoral Officer – Elections Canada
  - original SOR (except for SOR completed by Reserve Force)
  - duplicate to be retained in unit file
- Transmit to NDHQ/JAG/COORD OFFR SVR
  - detailed report of expenses through the appropriate LO

# **CALENDAR - CRUCIAL DATES FOR LIAISON OFFICERS/DEPUTY RETURNING OFFICERS**

		<u>REF</u>
1.	Issuance of Writs	<b>26 MAR 11</b>
		---
2.	List of CF electors to be prepared by COs	<b>2 APR 11</b>
		Para. 41(a) and 42(b) of CFAO
3.	First type of notice: General notice - writs	<b>At earliest opportunity</b>
		s. 204 of the <i>CEA</i>
4.	Second type of notice: Notice to be issued by COs establishing service voting period, which will set dates and times	<b>15 APR 11</b>
		s. 208 of the <i>CEA</i> and Para. 41(b) of CFAO (to be published in routine orders)
5.	Briefing to DROs	<b>11 -15 APR 11</b>
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6.	Voting material to be with DROs - SVRA in Ottawa will send	<b>TBD by SVRA</b>
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		<b>(1 week prior to voting)</b>

# CALENDAR - CRUCIAL DATES FOR LIAISON OFFICERS/DEPUTY RETURNING OFFICERS

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		<u>REF</u>
7.	<u>Service</u> Voting Period (day 14 to 9)	<b>18-23 APR 11 inclusive</b>
		s. 190, 205(3) and 208 of the <i>CEA</i>
8.	DRO after action report to LO (day 6)	<b>27 APR 11</b>
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9.	<u>Completed</u> ballots received by SVRA in Ottawa by 1800hrs	<b>2 MAY 11</b>
		s. 214 of the <i>CEA</i>
10.	<u>Civilian</u> Polling day	<b>2 MAY 11</b>
		---
11.	All other unused material, including ballot stubs and spoiled ballots to SVRA in Ottawa	<b>12 MAY 11</b>
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12.	Regional Snr LO after action report to DND Coordinating Officer	<b>16 MAY 11</b>



# FINANCIAL ADMINISTRATION

- Cost Recovery Policy
  - DCMFA Financial Instruction
- Provision of Services Manual (B-GS-055-000/AG-001 - formerly DNDP 55)
- Reporting Requirements
  - DROs to ensure cost recovery reports submitted to Area HQ Service Financial Advisors within 30 days after the election
- Points of Contact
  - Claire Gauthier, DCMFA 3 (613) 992-2947
  - Sheila Bennett, DCMFA 3-3 (613) 992-5741

# POTENTIAL QUESTIONS

- CF elector on leave who does not know his electoral district/with no leave pass
- Teacher/administrative staff at a CF facility
- Amendment to SOR
- Elector says the list is wrong
- Preparation of lists per unit



Questions?