



REPORT OF THE

Chief Electoral Officer of Canada

on the 40th General Election
of October 14, 2008



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Library and Archives Canada Cataloguing in Publication

Elections Canada

Report of the Chief Electoral Officer of Canada on the 40th general election of October 14, 2008

Text in English and French on inverted pages.

Title on added t.p.: Rapport du directeur général des élections du Canada sur la 40^e élection générale du 14 octobre 2008.

ISSN 0846-6351

ISBN 978-0-662-06476-3

Cat. No.: SE1-1/2008-1

1. Canada. Parliament — Elections, 2008.

2. Elections — Canada.

I. Title.

II. Title: Rapport du directeur général des élections du Canada sur la 40^e élection générale du 14 octobre 2008.

JL193.R46 2008 324.971'73

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Printed in Canada

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The Chief Electoral Officer • Le directeur général des élections

February 2, 2009

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 provide my report following the 40th general election, held on October 14, 2008. I am submitting this report in accordance with subsection 534(1) 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.

I also wish to inform you that the official voting results will be published following the tabling of my report. Pursuant to section 533 of the *Canada Elections Act*, the Chief Electoral Officer must publish, after each general election, a report that sets out the voting results by polling division and any other information he considers relevant.

Yours truly,

Marc Mayrand
Chief Electoral Officer

Table of Contents

Foreword.....	7
1. Context of the 40th General Election.....	9
1.1 Changes to Legislation.....	9
1.2 Minority Situation	11
1.3 Election Calendar.....	12
1.4 By-elections.....	12
1.5 <i>Strategic Plan 2008–2013</i>	13
2. Conducting the 40th General Election.....	15
2.1 Launch of the Election.....	15
2.2 Working with Political Entities	17
2.3 Regulation of Election Advertising	19
2.4 Adaptations and Instructions	20
2.5 Communications and Outreach.....	20
2.6 Registration of Electors	24
2.7 Voting	25
2.8 Voting Results	30
2.9 Closing Out the Election.....	32
2.10 Electoral Law Enforcement.....	34
2.11 Cost of the Election	36
3. Key Issues.....	37
3.1 Administrative Processes	37
3.2 Voter Identification at the Polls	41
3.3 Political Financing and Third Parties	45
4. Conclusion.....	49

Appendix 1: Tables	51
Appendix 2: Evaluations	63
Appendix 3: By-elections	65

Foreword

The 40th general election was the first since I was appointed Chief Electoral Officer of Canada on February 21, 2007. For this event I was able to rely on a professional, experienced and devoted team to advise and assist me in the administration of the *Canada Elections Act*.

Delivering a 37-day national election involves rapidly putting into place operational activities of an extraordinary scope and scale, while adhering to and communicating highly detailed rules. This represents a daunting challenge. We serve over 23 million electors and some 1,600 candidates; we must establish temporary offices in each of the 308 electoral districts; and we must recruit, train and equip more than 200,000 election workers, and deploy them in over 15,000 locations across the country on polling day.

According to the feedback we have received to date, I am pleased to report that the administration of the election met the high standards of service expected by Canadians. There were, of course, a number of incidents and issues that will need to be addressed, but they should be considered in the wider context.

Voter participation was a significant concern in this election. After encouraging results for the 39th general election, participation by Canadian electors has again decreased, reflecting a tendency found in many modern democracies. This phenomenon seems to result from a variety of contributing factors that need to be better understood and, in my view, will require the leadership of civil society if we are to succeed in reversing the troubling trend of the last 20 years.

This report identifies three areas of the electoral framework that may merit Parliament's attention because of difficulties encountered in the period since the last report or during the 40th general election: administrative processes, voter identification requirements and political financing rules.

To maintain our service to electors, it is increasingly apparent that we need some flexibility to better respond to their changing expectations. When it manages electoral events, Elections Canada needs to be able to organize, assign and tailor the work of its election officers to specific circumstances. This approach would allow us to recruit and train staff more effectively, and provide better service to electors.

The administration of the new voter identification procedures generally went well given that it was a first experience for most electors, but there is some anecdotal evidence suggesting confusion on the part of certain electors and election workers. In addition, a number of electors had difficulty or were unable to prove their address due largely to circumstances not fully within their control. Further examination of these issues is required to better understand the challenges faced by these electors.

Political financing rules have been amended repeatedly in the last few years. The provisions have become more complex and place greater burdens on political entities, without always achieving the intended purposes of the legislation. It may be timely to review the rules with a view to streamlining the regime and making it more coherent.

In the past five years, Elections Canada has implemented many legislative changes and delivered a series of electoral events in rapid succession. The experience has indicated a number of areas where improvements to the electoral framework will be needed on a timely basis. The high-level review of the election in this report will be supplemented later in the spring with a document reporting on the results of our evaluations. At the end of the year, I will submit a report presenting my recommendations; these will reflect the discussions and advice that we will have sought from parliamentarians and political entities.

However, I am considering returning to Parliament before submitting my recommendations so that I may share my approach to proceeding with some necessary administrative changes in the event of another general election in the near term.

I wish to express my thanks to the government agencies and private-sector organizations that provided timely and invaluable assistance and services, making it possible to deliver a smooth election. I would also like to acknowledge the ongoing co-operation and assistance of provincial and territorial chief electoral officers. Most important, I offer my sincere thanks to the 308 returning officers and the tens of thousands of workers who managed and delivered this election throughout Canada.

Marc Mayrand
Chief Electoral Officer of Canada

I. Context of the 40th General Election

This section summarizes some of the issues in the environment that affected the way the Office of the Chief Electoral Officer (commonly known as Elections Canada) conducted the 40th general election in 2008.

I.1 Changes to Legislation

There has been considerable change to electoral law over the past few general elections. For the 40th general election, Elections Canada needed to implement several new legislative provisions.

Federal Accountability Act (Bill C-2)

The *Federal Accountability Act*, which received royal assent on December 12, 2006, contains provisions amending the *Canada Elections Act*. Several of these had implications for the conduct of the 40th general election:

- Returning officers, previously appointed by the Governor in Council, are now appointed on their merits by the Chief Electoral Officer.
- As of January 1, 2007, individuals' political contribution limits have been reduced from \$5,000 to \$1,000 (adjusted for inflation to \$1,100 in 2008). Contributions from corporations, unions and unincorporated associations are now prohibited.
- Candidates are now required to file a new confidential report for certain gifts they receive.

Other changes resulting from the passage of the *Federal Accountability Act* include:

- transferring to the newly established Office of the Director of Public Prosecutions the responsibility for prosecuting offences under the *Canada Elections Act*
- making the Office of the Chief Electoral Officer subject to the *Access to Information Act*

To fulfill the Chief Electoral Officer's new responsibility for merit-based appointment of returning officers, Elections Canada, in consultation with political parties, reappointed 187 currently serving returning officers and held public competitions across the country to appoint the remaining 121.

The new process makes the appointment of returning officers more accountable and transparent. However, the experience of the 40th general election suggests a possible need for refinements.

Operational provisions of An Act to amend the Canada Elections Act and the Public Service Employment Act (Bill C-31)

Bill C-31 received royal assent on June 22, 2007. It deals with several areas of the electoral process, introducing new identification requirements for electors and various operational changes. Its provisions have come into force in phases, resulting in incremental implementation in several series of by-elections and the 40th general election.

Certain amendments to the *Canada Elections Act* resulting from this legislation were initially proposed in the Chief Electoral Officer's September 2005 recommendations report, *Completing the Cycle of Electoral Reforms*, issued following the 38th general election. Some amendments aimed to improve the accuracy of the National Register of Electors and enhance communications with the electorate. For instance, to facilitate the direct addition of new electors (especially youth) to the National Register of Electors, electors who communicate their information to Elections Canada through their income tax returns are now asked to declare explicitly that they are Canadian citizens. Before adding a new elector to the Register, Elections Canada will confirm the information obtained through this channel with the person providing that information.

Other provisions of Bill C-31 to improve operations include allowing returning officers to work on updating the National Register of Electors between elections, allowing all registered and eligible political parties to receive a copy of the preliminary lists of electors at the beginning of an election campaign, and giving campaign workers and candidates access to gated communities and a wide range of public places.

Some of these provisions were in force during the September 2007 by-elections and were discussed in the by-election report submitted to Parliament on March 31, 2008. Other provisions of Bill C-31 came into force on April 22, 2008:

- A unique and stable identifier is assigned to each elector listed in the National Register of Electors.
- Upon request, each registered party or eligible party will receive an electronic copy of the preliminary lists of electors for an electoral district for which a writ has been issued. Upon request, each candidate in an electoral district receives an electronic copy of the updated preliminary lists of electors 19 days before polling day; these lists will reflect any last-minute updates to the Register and the results of any revision activities to that day. As was the practice before, returning officers continue to provide to candidates revised lists of electors 11 days before election day and official lists of electors 3 days before election day.
- Lists of electors used by election officials at the polls must now contain the full date of birth for each elector, making the security and control of these lists even more important.

New identification requirements (bills C-31 and C-18)

Another result of Bill C-31 has been the introduction of new requirements for electors to prove their identity and residence before they can be given a ballot on polling day or during advance voting. To do this, electors can choose from three ways set out in the *Canada Elections Act*:

- They can provide one original piece of identification, issued by any level of government in Canada or an agency of that government. This must show the elector's photo, name and address.
- They can provide two original pieces of identification from a list authorized by the Chief Electoral Officer of Canada. Both must show the name of the elector, and one must also show the elector's address.
- They can swear an oath and be vouched for by an elector whose name appears on the list of electors in the same polling division and who has acceptable identification.

For the implementation of these new requirements, civic address information presented a particular challenge. Some electors, especially in rural and northern areas, do not have a complete civic address that would prove their residence within a polling division. These electors have only a mailing address, a post office box or a rural route number, or they rely on general delivery at the nearest post office. In total, 4.4 percent of electors listed in the National Register of Electors do not have a complete civic address.

Given these concerns, the initial voter identification requirements were amended in Bill C-18, in late 2007. The new legislation (S.C. 2007, c. 37) provides that an elector who shows a piece of identification on which the address is consistent with the information contained on the list of electors will be deemed to have established his or her residence.

The implementation of the identification requirements was a significant challenge in the conduct of the 40th general election. Elections Canada modified its communications and outreach activities and its training and voting procedures. Despite these efforts, the identification requirements appear to have presented difficulties for some electors (see Section 3.2, Voter Identification at the Polls).

1.2 Minority Situation

After each general election, Elections Canada conducts preparatory activities to return to and maintain electoral readiness, a process that takes at least six months. We set an election-readiness date after the election is closed. We work toward the target we have set by implementing known legislative changes required by that date, testing and implementing new information technology (IT) systems, ensuring that returning officers are ready, and regularly updating our documentation for election workers.

In a minority situation, the cycle of tasks must be repeated until a general election is called. Maintaining electoral readiness thus carries additional costs for Canadians. For example, there are operational expenses for the performance of basic pre-event planning assignments by returning officers, ensuring that Elections Canada Support Network staff is available and trained, and printing procedure manuals for field staff.

In a majority situation – and with fixed election dates – these activities can be planned well in advance and conducted only once, saving considerable effort and money.

I.3 Election Calendar

In 1996, changes to the *Canada Elections Act* reduced the election calendar from a minimum period of 47 days to a minimum period of 36 days.¹ For the 39th general election, the calendar was extended to 55 days. It was 37 days for the 40th general election, with a day added because Monday, October 13, was a public holiday. During this brief period, Elections Canada ensured that 308 local Elections Canada offices and 119 additional local offices were set up and fully functioning. Such a short calendar leaves little room to accommodate unexpected challenges. For instance, the law is based on the assumption that local offices can be operational at the time the writs are issued. Returning officers act quickly to meet this requirement, but before they have a truly functional office they must sign a lease, obtain keys to the office space, and arrange for the delivery of furniture and equipment and for telephone installation.

I.4 By-elections

There were seven federal by-elections between the 39th and 40th general elections:

- On September 17, 2007, by-elections were held in three electoral districts: Outremont, Roberval–Lac-Saint-Jean and Saint-Hyacinthe–Bagot. A report submitted to Parliament on March 31, 2008, provides details.
- On March 17, 2008, by-elections were held in four electoral districts: Desnethé–Missinippi–Churchill River, Toronto Centre, Vancouver Quadra and Willowdale. Since these by-elections were held in the same year as the 40th general election, the details are provided in Appendix 3 of the present report.

On July 25, 2008, writs were issued for by-elections in the electoral districts of Guelph, Saint-Lambert and Westmount–Ville-Marie, to be held on September 8. On August 17, a by-election in the electoral district of Don Valley West was called for September 22. The plans were interrupted by the launch of the 40th general election on September 7, the day before polling day in three of the electoral districts. The writs for all the by-elections were deemed withdrawn in accordance with subsection 31(3) of the *Parliament of Canada Act*. All but two of the candidates registered for the superseded by-elections re-registered for the 40th general election; there were six new candidates.

¹ The *Canada Elections Act* does not provide a maximum period.

The withdrawal of writs under these circumstances had a significant impact on participating political entities. For example, candidates running again had to legally account for signs that were put up for the by-election but that now constituted election expenses and election advertising in the general election, even though they had not yet appointed an official agent for that election. Furthermore, the *Canada Elections Act* requires candidates' representatives to keep separate financial records (including separate bank accounts) for separate campaigns, and file separate financial returns. And because contribution limits for candidates are set on a per-year basis, individuals who reached the annual limits in the by-elections could not contribute to candidates during the general election, which took place in the same year.

To help the candidates and parties involved, Elections Canada briefed the Advisory Committee of Political Parties, sent memoranda outlining the financial requirements to the candidates, and handled technical problems as they arose. It is rare for a by-election to be superseded. Still, the Act could better address the issues faced by candidates in this situation.

The withdrawal of these writs also had an impact on electors in the by-election ridings, especially people who had already voted at advance polls or who had registered or voted under the Special Voting Rules. Elections Canada wrote to these electors explaining that the by-elections had been cancelled and that the electors would have to vote again. The agency also placed staff in each of the polling locations in the three electoral districts where polling day would have been on September 8 to advise any electors who presented themselves to vote.

1.5 Strategic Plan 2008–2013

In fall 2007, after a comprehensive review of our internal and external environment, Elections Canada completed its *Strategic Plan 2008–2013*. The plan sets out three strategic objectives for our activities over the next four years:

- **Trust** – Elections Canada will strive to maintain and strengthen the recognition among Canadians, whether they are electors or other participants in the electoral process, that we administer the *Canada Elections Act* in a fair, consistent, effective and transparent manner.
- **Accessibility** – Elections Canada will strive to increase the accessibility of the electoral process by testing innovative ways to vote and offering electors additional ways to register.
- **Engagement** – Elections Canada will strive to increase young Canadians' understanding of the importance of voting and becoming candidates in elections. We will seek to work more collaboratively with parliamentarians and political parties in further strengthening the electoral process.

Each of these objectives is supported by four key enablers: human resources, information technology systems, governance and communications. Our strategic plan provides us with a firm foundation and a framework to address the issues raised in this report.

The full text of the *Strategic Plan 2008–2013* is posted on the Elections Canada Web site at www.elections.ca under About Elections Canada.

2. Conducting the 40th General Election

This section is an account of Elections Canada's activities to deliver the 40th general election, from the launch to the return of the writs.

2.1 Launch of the Election

On September 7, 2008, the Governor General dissolved Parliament at the request of the Prime Minister, and writs were issued for elections in all 308 federal electoral districts across Canada. The date for the 40th general election was set as October 14, 2008. On the same day, the Chief Electoral Officer announced the withdrawal of the writs for by-elections in the electoral districts of Guelph, Saint-Lambert, Westmount–Ville-Marie and Don Valley West.

Opening of local Elections Canada offices

Under the *Canada Elections Act*, returning officers must open offices without delay after the issue of the writs. When the Prime Minister announced his intention of requesting the Governor General to dissolve Parliament, the Chief Electoral Officer ordered returning officers to put their plans in motion and set up their offices; the objective was to be ready to provide services to electors and potential candidates, wherever possible, immediately after the issue of the writs.

Because of the distances involved, returning officers in 77 of the geographically largest electoral districts may establish up to four satellite offices, managed by additional assistant returning officers. For the 2008 election, 119 such offices were established.

Electoral staff were on duty in the offices shortly after the issue of the writs. Elections Canada provided preliminary lists of electors to returning officers. Canada Post delivered computer systems to local Elections Canada offices by September 12. In some cases, however, there were delays in installing telephone systems or delivering furniture. For details about the challenges involved in setting up local Elections Canada offices, see Section 3.1, Administrative Processes.

Recruiting field staff

During the 40th general election, 236,380 specific positions were filled by election workers; this compared with 213,290 positions filled in the 39th general election. Among the reasons for this increase were growing turnout at advance polls; contingency plans for managing new legislative provisions at the polls, such as voter identification; and a larger number of polling stations, partly in response to the larger number of names on the preliminary lists of electors. Because of the new voter identification requirements, Elections Canada deployed additional election officers at all polling sites to assist electors as they arrived. For a list of the positions occupied by electoral staff for the 40th general election, see Table 1.

Only 33 percent of the deputy returning officers, poll clerks and registration officers who worked at the election day polls came from lists provided by candidates. To fill the remaining positions, returning officers turned to the 47,458 applications submitted by means of the Elections Canada Web site and also used other methods such as posters in stores, advertisements in local newspapers and word of mouth. As in previous elections, the Chief Electoral Officer authorized returning officers to appoint additional poll officials to accommodate absences and last-minute resignations, and authorized 110 returning officers to hire 16- and 17-year-olds to fill some positions, in accordance with paragraph 22(5)(a) of the *Canada Elections Act*.

The recruitment of field staff presented some challenges (see Section 3.1, Administrative Processes).

Resources available to field staff

Several Elections Canada resources supported the field staff:

- **Elections Canada Support Network** – Network agents were based in Ottawa. They assisted returning officers and their staff with the day-to-day administration of the election. Approximately 120 advisors provided three levels of expertise in shifts covering up to 17 hours a day, seven days a week. Elections Canada recruited some of the advisors through partnerships with provincial electoral agencies. Many advisors had experience as election practitioners at the federal or provincial level. They were able to provide practical advice to returning officers and their staff.

Network agents dealt with 57,748 phone calls, down from 77,364 in the 39th general election. The decrease may be attributed to the shorter calendar for the 40th general election. Of the calls in 2008, 54,494 were answered immediately, yielding a response rate of 94 percent. Network agents also processed 2,145 e-mails and 13,842 faxes.

- **Field liaison officers** – Each of these 29 experienced election practitioners provided support and guidance to all returning officers in a designated region. They also kept Elections Canada informed about how the election was progressing at the local level, and helped Elections Canada’s regional media relations advisors handle media calls in the field. As in past elections, the field liaison officers proved to be an important asset.

Field liaison officers provided last-minute training for new returning officers and a refresher training course for all returning officers about to undertake their first election, to remind them of the first steps required. The training made it possible to avoid some common start-up difficulties.

- **Resource persons** – Elections Canada supplemented the field liaison officer program with a network of resource persons, referred to as “firefighters,” whose task was to support returning officers more continuously. Firefighters were experienced individuals – such as former assistant returning officers, retired professionals or provincial election officers – who could provide quick and personalized assistance to returning officers facing unusual or unforeseen situations. Some of these individuals were identified through the competitive process for appointing returning officers, and they received returning officer training. During

the 40th general election, Elections Canada deployed firefighters to 11 electoral districts. This initiative is likely to be repeated in future elections.

Polling sites

For the 40th general election, returning officers set up 63,436 polls at 15,205 polling locations on election day, in addition to the 1,478 mobile polls set up to serve 4,332 individual institutions where disabled or elderly electors resided. As well, 4,041 advance polls were established in 3,071 polling locations.

2.2 Working with Political Entities

Communications and training

Throughout the election, parties and candidates received from Elections Canada extensive information on financing. This dealt with topics such as the proper way to treat candidates' personal expenses, good political financing practices, fundraising, loans and obligations of official agents.

Meetings between returning officers and candidates and their representatives took place between September 23 and 26. During the meetings, returning officers provided information about new procedures, the sites they had chosen for polling stations and the quality of the lists of electors.

As in previous elections, Elections Canada set up a dedicated toll-free telephone support network, or helpdesk, to respond to questions from candidates and parties. The helpdesk provided assistance on various aspects of the electoral process throughout the election. Some of the most common questions concerned the role of the official agent, completion and verification of nomination papers, signage, the voting process, and advertising. The helpdesk also received complaints about various topics: procedural matters; inability to gain access to shopping malls, college and university residences, and condominium premises; barriers to voting; late opening of polling stations; rejection of some identification documents by poll workers; and other matters.

Twenty-five training sessions for official agents were held in 12 major centres across the country between October 28 and November 29. In all, there were 272 participants. The sessions focused on financial reporting, obligations of official agents and candidates, important deadlines, and how to complete the electoral campaign return.

Candidates

Nominations closed at 2:00 p.m., local time, on September 22. Only one candidate withdrew a nomination: in Toronto Centre, the Conservative Party candidate withdrew after completion of the confirmation process but before the statutory deadline. The party subsequently nominated another candidate in this electoral district.

In Saanich–Gulf Islands, the New Democratic Party candidate wished to withdraw from the race but the statutory deadline had passed. His name therefore remained on the ballot and the party could not nominate a new candidate.

In Kildonan–St. Paul, the Liberal Party withdrew support for its candidate after her nomination had been confirmed by the returning officer. The candidate continued to run as an independent. However, because her nomination paper indicated that she had been endorsed by the Liberal Party and her candidacy had been confirmed as a candidate for that party, the *Canada Elections Act* required that she be identified as “Liberal” on the ballot and the party was not able to endorse another candidate in that district.

The total number of confirmed candidates was 1,601, compared with 1,634 in the 39th general election. There were 445 women candidates or 27.8 percent of the total, compared with 380 (23.3 percent) in the 39th general election. Of the 304 sitting members of the House of Commons at the dissolution of Parliament, 271 sought re-election and 33 did not. Of those who sought re-election, 240 were returned to office; another 68 candidates were elected for the first time to the House.

Candidates’ election expense limits varied from one electoral district to another since the limits are based on the number of electors listed in each district. The average limit was \$88,097.12.

Political parties

At the issue of the writs, 16 political parties were registered. Another 3 were eligible and became registered during the election. These 19 parties ran candidates, compared with 15 in the 39th general election.

The *Canada Elections Act* sets separate limits on the election expenses of candidates and registered political parties. The election expenses limit for a political party is based on the number of names on the lists of electors for all electoral districts in which the party has endorsed a candidate. An initial limit is calculated using the preliminary lists of electors, and a final election expenses limit is determined at a later date using the preliminary or revised lists of electors, whichever contain more names. In the 40th general election, the final election expenses limits were the same as the preliminary limits for all parties because the preliminary lists of electors contained more names than the revised lists for electoral districts where the parties endorsed candidates. If the revised lists had contained more names, the final election expenses limits would have changed to reflect this.

For the number of each party’s confirmed candidates, as well as final party expense limits, see Table 2.

Beginning on September 8, Elections Canada distributed electronic copies of the preliminary lists of electors to the 13 parties that requested them.

2.3 Regulation of Election Advertising

Election advertising activity took place throughout the election period with the exception of election day, when it is prohibited under section 323 of the *Canada Elections Act*.

Third-party election advertising

Under section 352 of the Act, any third party conducting election advertising during an election must be identified in each advertisement. Third parties must register with Elections Canada once they have incurred election advertising expenses of \$500. Furthermore, they must produce a financial report within four months after polling day, itemizing their election advertising expenses as well as all contributions and loans received for election advertising purposes in the period beginning six months before the issue of the writs and ending on polling day. Section 350 of the Act sets limits on the amount a third party may incur in election advertising expenses. In the 40th general election, the limits amounted to \$183,300 for a national campaign and \$3,666 per electoral district. During the election, 62 third parties registered with Elections Canada; this compared with 80 third parties that registered during the 2006 general election.

Advertising on the Internet, and especially through social media, is also mentioned in Section 3.3, Political Financing and Third Parties.

Vote swapping

It has always been possible for two people in separate electoral districts to agree to vote for each other's preferred candidate with the aim of influencing the overall election results. These agreements would be private and secret in nature. It is therefore impossible to say whether they have ever influenced an electoral event or even whether they have been honoured.

Social networking sites, such as Facebook or MySpace, have become a popular medium for political discussion during and between electoral events. They also offer the opportunity for larger-scale vote swapping, especially between groups of individuals in electoral districts with tight races.

During the 40th general election, Elections Canada considered a Facebook group page that promoted vote swapping. We determined that it did not violate the *Canada Elections Act*. We informed media outlets that encouraging electors to vote in a particular way is permissible under the Act, as is inviting electors to participate in organized strategic voting plans. We also cautioned that electors could be misled by such plans. If the person influencing their vote acts under a false identity, that would be an offence under the Act. It is also an offence if money or any other material benefit is exchanged as part of a voting arrangement.

Future discussions on these matters should take into account other issues related to compliance and enforcement of the *Canada Elections Act* over the Internet. Is enforcement necessary or even desirable, and does Elections Canada have the mandate and resources to enforce the Act on the Web? Elections Canada looks forward to discussing these issues with political parties and members of Parliament.

Broadcasting time for political parties

The Broadcasting Arbitrator allocates paid and free broadcasting time to parties in accordance with the *Canada Elections Act*, issues guidelines concerning the obligations of broadcasters during a general election, and arbitrates disputes between political parties and broadcasters concerning the application of the Act.

During a general election, the *Canada Elections Act* requires every broadcaster in Canada to make at least 390 minutes of broadcasting time available for purchase by registered and eligible parties. The time must be provided during prime time, at the lowest rate that would be charged to any other purchaser for equivalent time.

Under section 343 of the Act, on October 26, 2007, the Broadcasting Arbitrator made an allocation of the broadcasting time available. This allocation, together with the additional statutory allocation of six minutes for the three newly eligible parties, was in effect for the 40th general election. The decisions of the Broadcasting Arbitrator allocating paid time under the Act are posted on the Elections Canada Web site.

Under the Act, all network operators that provided free broadcasting time in the previous general election must provide as much free broadcasting time to registered and eligible parties during the election that follows. Free broadcasting time must be provided to parties in the same proportion as the allocation of paid broadcasting time.

See Table 3 for details on the paid and free broadcasting time that network operators were required to provide to parties in the 40th general election.

2.4 Adaptations and Instructions

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. In the 40th general election, for the first time the Chief Electoral Officer issued instructions to adapt the Special Voting Rules pursuant to section 179, to execute the intent of the Act. Table 4 lists adaptations to the Act made during the 40th general election. Table 5 lists instructions issued by the Chief Electoral Officer pursuant to section 179.

2.5 Communications and Outreach

A key factor in ensuring that electors understand the electoral process – including how they can exercise their right to vote – is having the capacity to meet the communications and information needs of all electors. This involves the development of information campaigns that are tailored to the needs of specific population groups.

For the 40th general election, our main concern was to provide information about the new identification provisions (see Section 3.2, Voter Identification at the Polls).

Initiatives to inform electors about new voter identification requirements

We distributed a pamphlet to all Canadian households reminding them of the new identification rules, informing them of their options for how to prove their identity and residence and giving the list of identification documents authorized by the Chief Electoral Officer.

We directed revising agents to assume an educational role with administrators of long-term care facilities.

We expanded our Aboriginal radio campaign in 13 northern electoral districts.

On the Elections Canada Web site, we posted information about the new requirements in several Aboriginal and heritage languages.

We conducted an advertising program with a national magazine and Web site (thecareguide.com) aimed at managers and administrators of seniors' homes.

We developed communications materials for use in seniors' residences and long-term care facilities.

We sent additional field resources to electoral districts that were most likely to face identification challenges – for example, Desnethé–Missinippi–Churchill River.

We collaborated with the Assembly of First Nations (AFN), including distribution of a public service announcement broadcast on the Aboriginal Peoples Television Network and radio and print advertisements. The AFN also conducted a call initiative to First Nations communities to build awareness of the new identification requirements.

Elections Canada also sent three standard e-bulletins to 1,000 youth, student, Aboriginal, ethnocultural and special needs associations for their distribution. The e-bulletins highlighted the new requirements.

Advertising and media relations

Elections Canada maintained a constant presence in a mix of media throughout the election period. The campaign involved overlapping phases: electors were advised of the election date, the requirement to prove identity and residence, how to register if they did not receive a voter information card, and when to vote in advance. Finally, they received a reminder that they could register and vote on election day. The theme of the campaign was “Vote. Shape your world.” The main message in all media was “When you vote you must prove your identity and address.”

Ads were carried on 144 television and 629 radio stations, and in 145 daily newspapers, 1,114 community newspapers, 22 cultural publications and 97 student papers. Ads also ran on 1,977 movie screens, while banner ads appeared on 280 Internet sites. Based on industry standards, the campaign potentially reached 99.9 percent of electors.

To support direct contact with national and regional media, Elections Canada established a Canada-wide network of 16 national and regional communications professionals. From the issue of the writs to the end of judicial recounts, this team answered 2,676 calls from members of the

media and initiated 667 calls to provide information on the electoral process. In an effort to respond to the media's need for focused and timely information, news releases were streamlined and the number issued during the event was reduced from 30 in 2006 to 18 in 2008.

Campaigns targeted at specific population groups

Special efforts were made to inform and engage groups and communities that were likely to experience difficulty in exercising their right to vote, or that could not easily be reached through Elections Canada's general advertising campaign.

Community relations officers

Community relations officers play an important role in the specialized campaigns by setting up information kiosks, distributing communications material and identifying potential barriers to voting. For the 40th general election, they made extra efforts to provide information about the new identification requirements to electors in designated communities, such as homeless shelters, soup kitchens, university campuses and student residences. Elsewhere they reached out to First Nations communities.

Community relations officers adapted their activities to the communities they worked with. Following are highlights of their work:

- Community relations officers contacted school boards and youth employment services, and sent posters to high schools and youth drop-in centres.
- They held round-table discussions with band office staff in Aboriginal communities.
- They visited English-as-a-second-language classes, and offered translation services to electors at registration tables and information kiosks as well as on polling day.
- They worked with shelter administrators for homeless persons. The administrators' role was to assist in providing proof of residence for homeless electors. Building on successes in recent by-elections, the community relations officers in Toronto Centre and Vancouver Centre also held information sessions for shelter administrators, social workers and other practitioners working with homeless persons.
- They conducted a pilot community relations officer program for seniors in long-term care facilities in the electoral district of Saint-Lambert.

Information campaigns

To reach diverse communities, Elections Canada makes several of its election-related advertisements and publications available not only in English and French but also in 27 heritage languages and 8 Aboriginal languages, including Inuktitut, as well as in multiple formats such as Braille. We provided information kits and order forms for information about the electoral process to national and local special needs associations and ethnocultural associations.

Information was delivered through alternative vehicles such as broadcast reading services, American Sign Language and the Langue des signes québécoise, and through ethnocultural and Aboriginal community newspapers and radio stations. Overall, there was a 38 percent increase over the 39th general election in radio ads for Aboriginal communities across Canada. In the

13 electoral districts in the North, 2,680 spots were aired over a 42-day period in the 39th general election, compared with 2,731 spots aired within just 14 days in the 40th general election.

More than 406,000 potential new electors aged 18 to 24 received a notice from Elections Canada, encouraging them to register locally to vote. We also made a new brochure available to inform shelter administrators about homeless electors' right to vote and how they could exercise their right.

Student Vote

For the past three general elections, Elections Canada has partnered with Student Vote to engage young Canadians in the electoral process.

Operating since 2003 at both federal and provincial levels, Student Vote is a non-partisan, not-for-profit educational organization that conducts "parallel elections" for students who have not yet reached voting age. At these events, students in participating elementary and high schools cast practice ballots for one of the official candidates running in their own electoral district. They also participate in the conduct of the parallel election, serving as deputy returning officers and poll clerks. Student Vote results are reported on national television and on the organization's Web site (www.studentvote.ca) after the close of polls on election night. Regional newspapers publish the results on the following day.

These exercises provide young Canadians with opportunities to participate in the electoral process and develop habits of democratic citizenship. In all, 3,015 schools and approximately 500,000 students participated in the Student Vote election held in parallel with the 40th general election.

Information channels for electors

In addition to contacting their local Elections Canada office or additional assistant local office, electors could obtain information directly from Elections Canada about registration, voting procedures, poll locations and other common topics.

Electors could obtain information by phone by dialing Elections Canada's national toll-free number (1-800-463-6868). Calls to that number were directed to an automated voice response system (VRS) operating 24 hours a day throughout the election period. The VRS self-serve option provides information without the assistance of a call agent. The system answered all of the 363,501 phone calls it received. More than 95,000 callers used the self-serve menu to obtain information; another 64,865 callers were automatically routed to their local Elections Canada offices. Call centre agents answered the remaining 203,589 calls. To handle the call volume, Elections Canada renewed an agreement with the federal government's Canada Inquiries Centre. In addition, the Canada Revenue Agency supplied 50 call centre agents on polling day. A total of 292 agents were available on that day.

Staff in local Elections Canada offices and satellite offices handled 940,973 calls during the election period.

Similar information was available on the Elections Canada Web site through the Voter Information Service and the 40th General Election section. The site also provided detailed information about voting procedures, history, publications and news related to the conduct of the election. During the election the site carried a number of new features, including an interactive module on “Voting by Mail While Inside or Outside Canada” visited by 190,000 people, and a new page for electors with special needs. Over the 37-day election period, the site received approximately 3 million visits, compared with 3.3 million during the 55 days of the 39th general election.

2.6 Registration of Electors

When an election call is imminent, information is extracted from the National Register of Electors to produce the preliminary lists of electors. For the 40th general election, the preliminary lists included 23,455,027 electors. After address updates, deletions, and new registrations during the election period and at the advance and ordinary polls, the number of electors on the final lists was 23,677,639. After the 39th general election, the final lists contained 23,054,615 electors. For more details about voter registration, see Table 6.

The figure for the final lists of electors represented an increase of 1 percent over the number of electors on the preliminary lists for the 40th general election, and an increase of 3 percent over the number of electors on the final lists for the 39th general election. On election day, some 731,000 electors registered at the polls, representing 6.1 percent of voters, versus 795,000 and 6.2 percent for the 39th general election.

Revisal desks

In 31 electoral districts, returning officers approved the setting up of revisal desks to target specific populations for voter registration. Desks were set up at post-secondary institutions in 20 electoral districts; shopping centres were also common locations. In most cases the initiative was well received.

The desks addressed people’s increased reluctance to open their door to strangers, and revising agents’ increased reluctance to visit strangers in their homes. Where such reluctance was a factor, the revisal desks provided another way for revising agents and potential electors to establish contact and complete the registration process.

In special cases the desks replaced regular targeted revision. This happened, for example, in one electoral district that reported a lack of response to door-to-door revision, as well as in a few electoral districts that reported safety concerns.

Some returning officers set up revisal desks without informing Elections Canada. Revising agents operating at post-secondary institutions had to be reminded not to register students residing outside the electoral district in which the institution was located (see box “University of Lethbridge”).

In our post-election evaluations, we will analyze the effectiveness of the revisal desks to determine whether they should be used more widely.

University of Lethbridge

On October 7, 2008, a local Elections Canada office informed the media that University of Lethbridge students could vote on campus regardless of where they lived. This information was contrary to section 6 of the *Canada Elections Act*, which specifies that electors must vote in the polling division where they ordinarily reside. The local Elections Canada office staff had registered the student electors to vote on campus and the students had subsequently received voter information cards directing them to vote there.

When Elections Canada in Ottawa became aware of this development, we identified some 700 electors registered to vote on campus who were not eligible to vote at this location. We therefore advised the local Elections Canada office to correct the error by hand-delivering revised voter information cards. We also deployed staff to follow up and assist with any problems that might arise on polling day. Further, we contacted media channels to clarify the rules. A recent change to the *Canada Elections Act* allows electors who receive erroneous information about their polling location to vote with a transfer certificate if they present themselves at the wrong location even after receiving a revised voter information card giving them the correct location for voting. At the end of polling day, 15 electors had voted on campus with transfer certificates because of the miscommunication.

The University of Lethbridge Student Union was proactive in helping student electors identify and get to their proper polling locations.

2.7 Voting

Electors could choose to vote by one of three methods:

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

Special ballot

For electors seeking alternatives to voting at advance polls or on election day in their electoral district, the Special Voting Rules (Part 11 of the *Canada Elections Act*) afford the opportunity 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. In the 40th general election, for the first time electors could download the application form from the Elections Canada Web site after answering some basic questions to determine their eligibility. A total of 88,722 special ballot application forms were downloaded from the site.

For the election, 138 special ballot officers were appointed to count some 75,500 special ballots received by Elections Canada in Ottawa. We contacted national electors (electors living in Canada but away from their electoral districts during the election period) whose applications for

registration were still incomplete on October 7, along with the 3,865 individuals whose applications arrived after the prescribed deadline, and encouraged them to vote in person on election day. In all, 253,069 valid votes were cast by special ballot in the 40th general election (excluding 4,903 rejected ballots), compared with 438,390 in the 39th general election.² Because of distance and the short electoral calendar, some eligible electors could not return special ballots within the prescribed period. Of the 50,205 national and international applications received, 3,647 required follow-up because of missing or unreadable proof of identification or other missing required information. Some 1,033 of the electors concerned were unable to provide the required information in time.

International voting

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 if they left Canada less than five years before applying to register and vote by special ballot. There were 11,561 international electors on the lists for the 40th general election. Of them, 7,961 voted but 257 of the ballots had to be rejected. In the end, the ballots of 7,704 international electors were counted.

Canadian Forces voting

Members of the Canadian Forces can vote in a general election by special ballot wherever they are stationed. For a minimum period of three days between September 29 and October 4, 2008, polling stations were set up on Forces bases around the world to give all members the opportunity to vote. There were 62,401 Canadian Forces electors on the lists for the 40th general election. Of them, 23,034 voted but 437 of the ballots had to be rejected. In the end, the ballots of 22,597 Canadian Forces electors were counted.

Some 4,050 of these electors were unable to vote during the prescribed period because of their assigned military duties. To allow them to vote, the Chief Electoral Officer adapted the Act, extending the Special Voting Rules period.

Some civilian personnel supporting the Forces in Afghanistan and other locations around the world were disappointed at not being able to vote at the Forces polling stations. According to the legislation, these individuals had to complete an application requesting a special ballot from Elections Canada in Ottawa. Once they completed their ballot, they had to return it to Ottawa by the prescribed deadline.

Voting in correctional facilities

Under the Supreme Court of Canada's decision in *Sauvé v. Canada (Chief Electoral Officer)* on October 31, 2002, all incarcerated electors are eligible to vote by special ballot regardless of the length of their sentences. At present, however, the *Canada Elections Act* provides a voting process only for inmates of provincial institutions. The Chief Electoral Officer therefore adapted sections 246 and 247 of the Act to extend the voting process to federal institutions.

²As the 39th general election was held in the winter, many Canadians spending the winter in warmer climates (i.e. snowbirds) voted by special ballot.

Incarcerated electors vote on the 10th day before polling day; this was October 3 in the 40th general election. During the election, adaptations to extend the voting period were necessary to accommodate incidents such as lockdowns or failure to give some electors an opportunity to vote.

In correctional institutions in Canada, 13,531 incarcerated electors voted but 875 ballots had to be rejected. In the end, the ballots of 12,656 incarcerated electors were counted.

Reaching out to the Canadian electorate

To make voting by special ballot more accessible, we intensified efforts and deployed new outreach initiatives targeting specific electors:

- We sent electronic bulletins to companies employing Canadians abroad, shipping lines and universities with international exchange programs.
- Canadian missions abroad posted information about the election on their Web sites and placed ads in local newspapers.
- For isolated operations such as mines, work camps, oil rigs and remote research stations, we provided posters, application forms and guides.

For the first time, we also broadcast e-mail messages to electors, providing key information such as the availability of the list of candidates on our Web site.

Voting in advance

On October 3, 4 and 6, in 3,071 locations across Canada, 4,041 polling stations were open. A total of 1,520,838 electors cast valid votes at advance polls, representing 6.5 percent of those registered on the revised lists of electors. This compared with 1,561,039 electors (or 6.8 percent of those registered on the revised lists) who cast valid votes at advance polls in the 39th general election.

To ensure adequate service for an expected increase in advance poll voters in some electoral districts and inform electors of the new identification requirements, the Chief Electoral Officer adapted the Act, allowing returning officers to hire registration officers, information officers and central poll supervisors to manage the flow of electors at advance polling sites. These additional resources have become a necessity because of the increasing volume of electors who take advantage of advance polls as well as the voter identification requirements.

Missing advance poll voting materials

On October 12, Elections Canada recovered voting materials, including three ballot boxes that had been unaccounted for after advance polling in the electoral district of Québec. The materials had been stored at the home of one of the three deputy returning officers responsible for them.

The *Canada Elections Act* requires that deputy returning officers ensure the safekeeping of the ballot box between the last day of the advance polls and until the count on polling night a week later. Some returning officers in small electoral districts ask that deputy returning officers bring ballot boxes to the local Elections Canada office for safekeeping, but this additional security measure is not always possible, especially in rural or remote areas. The practice of storing voting materials at the home of a deputy returning officer dates back to the earliest elections in Canada. The deputy returning officer is under oath to ensure the security of the voting materials, and is required to provide the returning officer with contact information to ensure the proper return of the material when requested.

A media report that a seal had been broken on one of the ballot boxes prompted the returning officer to order that all advance polling ballot boxes be returned for examination. When some deputy returning officers could not be reached, the returning officer alerted Elections Canada and the municipal police. The three missing boxes were eventually returned to the returning officer. Representatives of all candidates were then able to examine the boxes and found that none of them had been subjected to tampering.

To date, the law that requires deputy returning officers to store voting materials has operated without incidents of this kind. However, this case gave rise to the perception of interference with the electoral process. During advance polls, boxes are opened and sealed twice daily, and previously applied seals cannot be removed. Instead, new seals are affixed over the old, possibly giving the appearance of tampering. Elections Canada is planning a review of the processes involved in the near future. The review will take into account the distances involved for deputy returning officers in rural and remote areas, as well as the advantages and disadvantages of centralizing the storage of ballot boxes in urban areas.

Sukkot

The 40th general election happened to fall on the first day of Sukkot, a Jewish religious holiday. B'nai Brith Canada, a Jewish representative organization, gave assurances that the Jewish community would not feel slighted. Nevertheless, the coincidence of dates could have prevented some electors from voting.

Elections Canada worked with the Canadian Jewish Congress to provide information about the opportunities for voting before October 14. Together, the Congress and Elections Canada reached out to the Jewish population. On October 3, the Conservative Party notified a returning officer of the expected heavy turnout for advance polls in certain locations. On October 5, the Canadian Jewish Congress informed Elections Canada that advance voting turnout had been heavy as expected in the electoral district of Thornhill and that there had been some long lineups. The Canadian Jewish Political Affairs Committee also wrote to several returning officers in the Toronto, Montréal and Edmonton areas, informing them that it would invite Jewish electors to vote at the advance polls held on Monday, October 6.

With the help of the initiative shown by an interested community, Elections Canada was able to provide additional poll workers at advance polling sites in the electoral districts concerned, as already authorized under an adaptation of the *Canada Elections Act* for advance polls. Returning officers reported high turnouts during advance polling in Thornhill, York Centre, Eglinton–Lawrence and Mount Royal – well above the average reported for advance polling across the country.

Voting on election day

Casting a ballot at a polling station on election day remained the choice of the vast majority of electors during the 40th general election: a total of 12,142,341 electors chose this option, representing 87.2 percent of electors who voted.

Returning officers reproduced official lists of electors, which reflected the updates made since revision had started. The names of the electors who had already applied to vote by special ballot or who had voted at advance polls were crossed off to prevent these electors from voting twice. Across Canada, the official lists contained the names and addresses of 23,401,064 electors.

Delays and disruptions at polls

Of the 64,914 polling stations on election day, 133 polls in 15 electoral districts either opened late or closed briefly because of delays or interruptions, affecting service to approximately 41,855 electors. Many of these polls opened within an hour of the appointed time, and interruptions were minimal. The longest interruption was caused by a power outage in Timmins–James Bay; this delayed the opening of polling stations for up to four and a half hours. In York Centre, 20 polling stations did not open on time because of the absence of multiple polling workers. Standby polling workers and Elections Ontario staff were deployed to open them. By 1:40 p.m. all 20 polls were reported open.

Presence of media in polling stations and at judicial recounts

In the 40th general election, for the first time the Chief Electoral Officer authorized the presence of the national media to take photographs while the leaders of registered parties presented themselves to vote. This process should be re-examined because the strict conditions on media presence were not always respected, and because other media outlets and candidates issued complaints about preferential treatment.

Also for the first time, media outlets were granted permission to attend and report on the judicial recount process, in Esquimalt–Juan de Fuca and Kitchener–Waterloo. In both cases, the judge imposed strict conditions on the attending journalists, including a ban on recording devices. To prevent undue interference, the judge also prohibited publication of the proceedings until the recount came to an end.

2.8 Voting Results

Including advance polls, special ballots and ordinary polling day, the total number of voters in the 40th general election was 13,929,093, or 58.8 percent of registered electors. This represented a 5.9 percent decrease from the turnout in the 39th general election: 14,908,703 voters then cast ballots, for an overall participation rate of 64.7 percent.

Counting of ballots began shortly after the last polls closed for the 40th general election on October 14. At 10:00 p.m., Eastern Time, we began to report the preliminary results on the Elections Canada Web site and to the media.

Before ordinary polling day, Elections Canada had issued a news release on October 6 reminding media outlets that section 329 of the *Canada Elections Act* prohibited the premature transmission of results. There were some reports that media outlets had issued preliminary results before the close of all polls in certain electoral districts. These are among the issues that have been brought to the attention of the Commissioner of Canada Elections.

Special ballots counted in Ottawa from national, international, Canadian Forces and incarcerated electors were also tabulated and the results were faxed to each returning officer on election night. They were then added to the results of voting by local electors. In all, 253,069 valid votes were cast by special ballot in the 2008 election, compared with 438,390 in 2006.

To protect the secrecy of the vote, Elections Canada does not release any preliminary poll-by-poll results on election night. Instead, we summarize the results for five polls at a time in each electoral district. Candidates' representatives receive a copy of the Statement of the Vote for Representatives and/or Candidates on election night at each poll they attend. If a candidate or media representative has requested the poll-by-poll results, the information may be provided only after the completion of validation. Under section 291 of the Act, upon request candidates are entitled to receive copies of each Statement of the Vote.

Validation of results

In the 40th general election, 167 electoral districts completed validation on October 15, 2008, and another 84 completed this step on October 16. The remaining electoral districts held their validation of results shortly thereafter. There were postponements (or “adjournments”) ranging from one to three days in 11 electoral districts where ballot boxes had not all arrived in time for the original date planned for the validation. By October 24, all 308 electoral districts had completed validation and the results had been posted on the Elections Canada Web site.

Return of the writs

For the 40th general election, the date set for the return of the writs was November 4, 2008. Writs must be held by the returning officers for six days after the validation of the results to allow time for candidates and electors to request a recount. Should such a request occur before a winner is declared, the returning officer must await the recount judge’s decision before declaring a candidate elected, completing the writ and returning it. As a result of the judicial recount process, the last writ for the 40th general election was returned on November 7, following the judicial recount in Brampton West.

A total of 308 candidates were elected to the House of Commons in this election. Of these, 271 were members in the 39th Parliament. Sixty-nine of the elected candidates were women, setting a new record.

Recounts

Judicial recounts were ordered in six electoral districts.

- In Brossard–La Prairie, the judicial recount overturned the initial result, giving the seat to the Liberal candidate instead of the Bloc Québécois incumbent.
- In four other electoral districts, the recount confirmed the election night results, although the margin of victory in Vancouver South was reduced from 33 votes to 20 for the incumbent Liberal. After the recount, the Conservative candidate contested the result on the ground that only a sample of ballots had been recounted. As a result, all ballots were eventually recounted by November 4, confirming the election night result.
- In the sixth electoral district, the recount was cancelled before it could be completed when the elector who had requested it withdrew the request.

An application for judicial recount was refused in Ottawa Centre.

Table 7 presents judicial recount results.

Official results

Given the demand for poll-by-poll results during and shortly after the election, the Chief Electoral Officer published interim poll-by-poll results on the Elections Canada Web site on December 4, 2008. The interim results reflected the validation conducted by returning officers and the judicial recounts performed in five electoral districts. They did not include the number of electors on the lists because these had not yet been finalized.

After this report has been submitted to Parliament, the official voting results for the 40th general election will be posted on the Elections Canada Web site at www.elections.ca and distributed to each member of the House of Commons and Senate, and to the leaders of each registered political party. Like all Elections Canada reports, the report of official voting results is distributed to provide precise and complete information to the public about the administration of the 40th general election, thereby ensuring the transparency of the Canadian electoral process.

Table 8 gives details of the number of seats in the House of Commons, by political affiliation, before and after the election.

Electoral participation

Elections Canada's mission includes ensuring that Canadians can exercise their democratic right to vote. During the 40th general election Canadians had more opportunities to vote in various ways, in more accessible venues and more locations than ever before. Even so, more than 40 percent of electors chose *not* to vote.

A variety of organizations are involved with promoting a more active civil society. Many express the view that electoral participation is a key indicator of the vitality of the democratic process and are concerned about decreased levels of participation.

A debate exists as to whether this means that electors need to be engaged in different ways. To date, the emphasis has been on bringing the elector to the ballot box, through communications and information campaigns. Given Canadians' changing expectations and attitudes to technology and service, it may be time to consider ways of making voting more accessible and relevant to the evolving expectations of electors in general, and especially younger voters.

2.9 Closing Out the Election

The process of closing out a federal election begins immediately after polling day with the preparation and distribution of payment to tens of thousands of election workers, the entry of data for electors who registered on polling day, the shutting down of local Elections Canada offices and satellite offices, and the administering of the process of campaign reporting and election expense reimbursement.

Return of election materials

The secure return of election materials – such as the poll book and the official list of electors – is important to support the integrity of the vote and protect elector information. It is even more important now that the date of birth is printed on the official lists of electors. Accordingly, Elections Canada implemented two key changes:

- We created a materials return flow chart, to be provided by returning officers to workers.
- We developed a materials return training module with a strong hands-on component.

We implemented these changes for the September 2007 by-elections and refined them further for the March 2008 by-elections.

Elections Canada used the same measures for the 40th general election. We will conduct a quality control check on a sample of polls to determine how successful the measures were.

Shutting down of offices

As of November 15, 2008, all 308 local Elections Canada offices and 119 additional assistant local offices had reported their offices closed, after forwarding all payment data and polling day registrant data to Elections Canada in Ottawa.

Payments to election workers

By January 15, 2009, Elections Canada had processed payments for all 236,380 positions occupied by election workers. Delivery was efficient, with 96 percent of the payments processed within nine days of the closing of the accounts, compared with the 93 percent of payments processed within the same period after the 39th general election. Payments were issued every two weeks during the election period to local Elections Canada office staff across the country. Some 69 percent of all workers opted for direct deposit to their bank accounts. This percentage was unchanged from the 39th general election. Direct deposit helped speed up the payment process.

Reimbursement of election expenses and audit subsidy payments

The *Canada Elections Act* provides for candidates to receive reimbursement for some expenses, including paid election and candidate personal expenses. The right to a reimbursement depends on the candidates' share of the vote, and they must first satisfy the Act's reporting requirements. The Act also provides for an audit subsidy to be paid directly to a candidate's auditor and the return of the candidate's nomination deposit, provided that reporting deadlines are met.

For the 40th general election, 931 candidates were elected or received at least 10 percent of the vote in their electoral district. They were therefore eligible for a reimbursement of 60 percent of their paid election expenses and a reimbursement of paid candidate personal expenses, up to a maximum of 60 percent of their election expenses limit. Elections Canada issued preliminary reimbursements to these candidates by November 18, 2008. The amount totalled \$12,275,174.80.

Final reimbursements and audit subsidy payments are made after receipt of the candidates' electoral campaign returns, and after the Chief Electoral Officer is satisfied that a candidate and his or her official agent have complied with specific sections of the Act.

Registered parties that received 2 percent of valid votes cast nationwide or 5 percent of the valid votes cast in ridings in which they endorsed candidates also receive election expenses reimbursements equal to 50 percent of their paid election expenses. These payments are made after receipt of a party's return in respect of general election expenses, and after the Chief Electoral Officer is satisfied that the registered party and its chief agent have complied with specific sections of the Act.

Candidate electoral campaign returns are due within four months from election day (by February 13, 2009). Registered party returns in respect of general election expenses are due within six months from election day (by April 14, 2009, as April 13 is a holiday). Elections Canada will publish both the complete and summarized returns on its Web site, as they are received.

Discussions with political parties

Shortly after election day, the Chief Electoral Officer conducted bilateral discussions with representatives of the Advisory Committee of Political Parties to gather their preliminary feedback on the conduct and administration of the election – particularly the new voter identification requirements – and to hear their views on Elections Canada’s service to electors and candidates during the election.

Complaints

From September 17 to December 31, 2008, Elections Canada opened approximately 1,352 complaint files about the operation of the 40th general election. (These are separate from complaints about offences under the *Canada Elections Act*, which are addressed to the Commissioner of Canada Elections.) The three most common topics for complaints thus far are:

- polling stations – 222 complaints
- proof of identification – 219 complaints
- conduct of officials – 159 complaints

We have responded to almost all the complaints received, and will continue to analyze and respond to complaints as they arise. Our analysis will provide input for future evaluations and eventually for the Chief Electoral Officer’s recommendations to Parliament. Complaint analysis can also help us refine our documentation and training tools.

2.10 Electoral Law Enforcement

The Commissioner of Canada Elections is the independent officer who handles complaints about offences under the *Canada Elections Act*.

By January 2009, the Commissioner’s Office had received approximately 500 complaints or referrals related to the 40th general election. Because complaints and referrals can continue to arrive long after the election, this section provides only a preliminary picture.

The Commissioner's Office resolved some files immediately by contacting the relevant person or entity. Some of the complaints resolved in this way concerned:

- omission of the authorization statement in election advertising
- denial of tenants' right to display election advertising
- employers' obligation to allow employees time to vote
- right of access to premises by candidates' campaigns for canvassing purposes
- election advertising on polling day

The Office of the Commissioner closed some files without formal enforcement action if the matter did not constitute an offence under the *Canada Elections Act*, evidence was insufficient or the complaint was premature (for example, dealing with a financial reporting issue).

Overall, most of the complaints concerned one of the following categories:

- election advertising
- third-party election advertising
- election financing
- voting irregularities
- an offering of a vote for sale on the eBay and Craigslist Web sites, removed after the Office communicated with the site administrators
- candidates' right of access to premises for canvassing
- premature communication of election results
- non-compliance with requirements for reporting of election opinion surveys

Two types of complaint received by the Office warrant special mention:

- As of January 2009, there were approximately 60 complaints related to flyers produced for members of Parliament by the House of Commons Printing Services (see Section 3.3, Political Financing and Third Parties).
- Again as of January 2009, there were approximately 120 complaints, mostly from candidates or registered parties, related to the fact that advertising by another candidate or party failed to mention that it had been authorized by an official agent or chief agent. Some of these complaints were unfounded; in others, the matter was quickly resolved by communication with the Office of the Commissioner.

2.1.1 Cost of the Election

A general election is a complex and costly undertaking. The 40th general election is estimated to have cost slightly under \$290 million. Activities in the 308 electoral districts accounted for 47.1 percent of that amount. Next came expenses at Elections Canada in Ottawa (32.4 percent), followed by reimbursements of eligible election expenses to candidates and political parties (20.1 percent). Last were evaluations conducted to learn from the experience of this event so that Elections Canada can continue to improve its performance. This category accounted for 0.5 percent of the total cost of the election.

Estimated cost of the 40th general election	
Activity	Cost (\$ millions)
Conduct of elections in the electoral districts , including expenses related to election workers and officers, printing the lists of electors, and leasing local Elections Canada offices and polling sites	135.6
Preparations for and conduct of the election at Elections Canada in Ottawa and support to the returning officers , including election materials, training returning officers and other key employees, updating the National Register of Electors, advertising and awareness campaigns, the Support Network, and information technology	93.3
Evaluations , including surveys conducted by Elections Canada, the Canada Elections Study (conducted by university researchers) and post-mortem sessions with returning officers	1.4
Subtotal	230.3
Reimbursement of election expenses to candidates and political parties – projected cost	57.9
Total estimated cost	288.2

3. Key Issues

Elections Canada's mandate includes not only conducting elections but also administering the political financing provisions of the *Canada Elections Act*, monitoring compliance and enforcing electoral legislation, and conducting voter education and information programs.

To fulfill its mandate effectively, Elections Canada depends on a working relationship with political entities and other stakeholders in the electoral process. It must also work closely with Parliament, which determines the rules governing the electoral process.

Elections Canada has identified three areas of the electoral process that it believes merit Parliament's attention because of the difficulties encountered in the 40th general election:

- administrative processes
- voter identification requirements
- political financing rules

For each of these areas, this section examines some of the challenges presented by the current legal environment and process, in terms of Elections Canada's strategic objectives of trust, accessibility and engagement. The section also describes Elections Canada's efforts, within its mandate, to address these issues during the 40th general election.

Elections Canada is conducting post-event evaluations related to each of these areas, and expects to provide recommendations to Parliament in a future report.

3.1 Administrative Processes

The *Canada Elections Act* explicitly defines the voting process, and the roles and responsibilities of returning officers and each type of election officer. The Act also identifies specific dates by which some activities must be carried out. For example, a notice of confirmation of registration must be sent to all electors on the voters list no later than 24 days before election day.

These provisions are intended to preserve the fairness and integrity of the electoral process, and ensure that electors across the country enjoy a uniform standard of service. However, this rigorously defined approach can limit Elections Canada's ability to recruit and train staff, and to bring the voting process into line with Canadians' expectations.

Setting up local Elections Canada offices

To set up their offices, returning officers must complete an extraordinary number of tasks in the first days after the issue of the writs (see Section 2.1, Launch of the Election), including signing a lease, ordering furniture, installing up to 25 telephone lines and computers, and bringing on board office staff so they can begin to offer service to candidates and electors. For example, everything must be in place so that electors can vote by special ballot as soon as the writs are issued. Any delay in these key set-up tasks has an impact on downstream activities, such as confirming polling sites and mailing voter information cards. While some infrastructure set-up activities can be completed prior to the call of the election, there is little flexibility for returning offices, sub-offices and polling sites themselves to be formally confirmed or leased before the issue of the writs. This may compromise service to electors and candidates, and sometimes results in exorbitant rental costs. It also increases the difficulty of providing adequate information technology infrastructure.

Returning officers cannot order furniture to be delivered or phone lines to be installed until they have signed a lease and have gained access to the premises, and before anything else a thorough cleaning may be necessary. Depending on the delivery schedule, computers and telephones might arrive before the furniture, with the result that business must be conducted in a virtually empty office.

Elections Canada continues to work with the main telecommunications companies to modify and improve the processes used to install phone lines. The result was faster installation of field telephony in the 40th general election than in the previous one, but we still did not always meet our requirement of becoming fully operational within the first week of the election. Elections Canada is investigating the use of newer telecommunications technologies that could greatly reduce the time required for the set-up and installation of telephone systems in returning offices.

Recruitment and retention of field staff

As in previous elections, returning officers identified the recruitment and training of poll officials as their biggest challenge in the 40th general election. Finding qualified resources for the hundreds of positions to be filled in each electoral district is increasingly difficult in the time available. Furthermore, the increasing complexity of the voting process makes training these key staff more and more challenging, potentially leading to high turnover. The challenge persists right up to polling day, and the lack of dependability of some poll officials – albeit a small minority – was the primary reason some polls opened late on election day in the 40th general election.

Prior to hiring poll officials, the Act requires returning officers to first contact the candidates representing political parties that placed first or second in the previous election and obtain from them lists of suitable persons for the positions of deputy returning officer (section 34 of the Act), poll clerk (section 35) and registration officer (section 39). Section 36 of the Act prohibits returning officers from filling the positions with individuals not named on these lists until 17 days before election day. However, the proportion of poll workers identified by candidates fell from 42 percent in the 39th general election to 33 percent in the 40th. The figure was only

3 percent in British Columbia, and only 2 percent in Alberta. It may be necessary to review this provision so that returning officers can start earlier on critical activities.

Recruits for these roles may be daunted by some of the working conditions they face. For example, work on polling day goes on for 15 hours, with no designated time for lunch or breaks. The *Federal Elections Fees Tariff* sets the pay for the training session at \$35, occasioning many complaints from participants. Furthermore, the pay rate for each position is not sufficiently attractive, especially in central and western Canada.

Field staff are expected to learn an increasingly complex set of voting procedures in a single three-hour training session. Even those who have worked previously in an election will find that new legislation requiring voters to prove their identity and residence, along with all of the associated exceptions and special cases, is a challenge. Some workers leave during the training session or resign afterwards. It is difficult to increase the training period given the already daunting challenge of recruiting and training so many workers in such a short time.

In view of the increasing difficulty in recruiting and training election officers and their ever-expanding responsibilities, the Chief Electoral Officer authorized some electoral districts to pay amounts higher than those prescribed in the Tariff of Fees and conduct additional advertising for positions at the outset of the election period. However, these are short-term solutions. A longer-term effort to address the challenge might include the following avenues:

- Provide more flexibility in terms of the allocation of staff and the tasks assigned to specific workers at the polls – for example, assigning the task of verifying voter identification to a specific worker. This approach is already used in some cases; for instance, the registration officer has to be trained only for a single process. The approach could also allow Elections Canada to examine options such as cross-training and dynamic allocation of tasks at the polls, based on voter demand, so as to improve the flow of traffic at the polls and offer better service to voters.
- Increase payments to poll officials under the Tariff of Fees.
- Allow returning officers to begin the appointment and training of election workers earlier in the election period.
- Further encourage the hiring of 16- and 17-year-olds for some specific positions, such as information officers. Recruitment of young Canadians might also further encourage them to participate in future elections.

However, some of these initiatives would require changes to the Act.

Voting operations

The *Canada Elections Act* sets out specific duties for the five types of poll workers:

- A central poll supervisor prepares and manages all of the tasks and activities at a polling site, and can be appointed only at sites that contain at least four polling stations.
- A deputy returning officer oversees the voting at a specific polling station, including voter registration, verification of proof of identity and residence, and issuing and receiving ballots.

- A poll clerk assists the deputy returning officer and completes the list of electors who have voted; the list is made available to candidates' representatives each half-hour.
- An information officer assists voters by providing general information and guidance to electors, including to which polling station they should go and what the requirements are for proof of identity and residence. Information officers may be appointed only for central polling places, that is, where there are at least two polling stations within a polling site.
- A registration officer registers electors whose names are not on the lists of electors on polling day, at a polling site.

No matter how many electors receive services at a particular polling site, the voting process centres on the individual polling station and the voting operations are managed by the deputy returning officer responsible for that station.

Each officer's duties are strictly defined and no position can replace another. The one exception is the poll clerk, who can perform the duties of the deputy returning officer if that position is vacant or the incumbent is unable or unwilling to act. This does not mean, however, that the poll clerk takes over those duties if the deputy returning officer is absent for a brief time. In that situation, voting must be suspended until the deputy returning officer returns.

Under the Act, the number of central poll supervisors and information officers depends on the number of polls in a polling site. While this provision sets a uniform standard of service, it lacks the flexibility required to properly serve electors and accommodate situations that commonly arise in polling sites.

On advance or ordinary polling days, voters tend to arrive in waves – for instance, before and after work or on the lunch hour. As people move through the voting process, it often happens that information officers are busy first, then poll clerks and registration officers, but none will necessarily be busy at the same time. Furthermore, one polling station within a polling site may be considerably busier than another – especially if a bus arrives filled with electors coming to vote at the same polling station. In that situation there may be a long lineup at one poll, while workers stand idle at other polls.

Elections Canada is examining a model used in the 2008 municipal elections in New Brunswick, where teams of election officers provided voting services to all voters at a specific polling site, regardless of the polling station to which a voter was assigned within the site. For example, dedicated voter list officers struck electors from the voters lists and gave each elector a ticket for a ballot; voters could then vote at any polling station within the site. This approach provided better service to electors and addressed some of the challenges involved in training workers for increasingly complex tasks.

3.2 Voter Identification at the Polls

From 2007 to the 40th general election

The new identification provisions require electors to prove their identity and residence before they are given a ballot, and set out the various ways for electors to provide the necessary proof (see Section 1.1, Changes to Legislation). Because not all electors have complete civic addresses or the documentation needed to prove their residence, the provisions have been amended. If an elector shows a piece of identification on which the address is consistent with information contained in the list of electors, Elections Canada is now able to deem that the person has established his or her residence.

Elections Canada developed a rigorous process to verify the identity and residence of electors, and training sessions for election workers all included a component on the manner in which this verification was to be conducted. However, the requirement for electors to prove their identity and residence represented a significant change to the voting procedures. It affected voters' experience at the polls, election workers' roles, and our training, communications and outreach activities.

Criteria for acceptable identification

The *Canada Elections Act* allows voters three ways to prove their identity and residence before they are given a ballot on polling day or during advance voting:

- They can provide one original piece of identification, issued by any level of government in Canada or an agency of that government. This must show the elector's photo, name and address.
- They can provide two original pieces of identification from a list authorized by the Chief Electoral Officer of Canada. Both must show the name of the elector, and one must also show the elector's address.
- They can swear an oath and be vouched for by an elector whose name appears on the list of electors in the same polling division and who has acceptable identification.

List of pieces of authorized identification

While Bill C-31 – the legislation introducing the new voter identification requirements – was before Parliament, Elections Canada undertook a preliminary study of identification documents. To assess the impact of the proposed identification rules, we examined the experience in other jurisdictions in Canada, including at the municipal level. One of the key findings was that very few documents issued by governments, apart from a driver's licence, provide photo, name and address, as required under the first option for identification. In addition, while a number of cards establish a person's identity by providing name and photo, or name and signature, or name and date of birth, few cards include the person's address. That information most commonly appears on documents such as utility bills. To allow eligible Canadians to exercise their right to vote, the findings indicated that the list of pieces of identification authorized by the Chief Electoral Officer would need to be fairly broad.

In March 2007, while Bill C-31 was still before Parliament, the Chief Electoral Officer sought the views of the House of Commons Standing Committee on Procedure and House Affairs and of the Advisory Committee of Political Parties (ACPP) on a proposed list of acceptable pieces of identification.

A few weeks after Bill C-31 received royal assent on June 22, 2007, three by-elections were called for September 17, 2007. Given the two-month time frame for implementing the bill, Elections Canada established a closed list detailing 44 pieces of identification and original documents. After consulting with the ACPP, a list of pieces of identification authorized by the Chief Electoral Officer was published in accordance with the new rules. The same list was used for a second time in four by-elections held on March 17, 2008.

During the 40th general election, one change was made to the list of acceptable identification: the addition of hospital bracelets for residents of long-term care facilities.

Rose Henry et al. v. Canada (Attorney General)

On January 30, 2008, an action was filed in the Supreme Court of British Columbia by individuals and groups challenging the constitutionality of the new identification and vouching requirements in the *Canada Elections Act*. The applicants assert that the requirements will prevent electors from exercising their right to vote, as guaranteed by section 3 of the *Canadian Charter of Rights and Freedoms*. An amended statement of claim was filed at the end of November 2008. The case is scheduled to be heard in June 2009.

Evaluations prior to the 40th general election

Elections Canada evaluated the implementation of voter identification for the seven by-elections held after the adoption of the new identification requirements and before the 40th general election. The evaluation involved public opinion surveys and surveys with election officers.

Survey results indicated that the implementation of the new voter identification requirements went smoothly overall. Over 90 percent of electors were aware of the new requirements and had a positive attitude toward the idea of proving their identity. Over 94 percent of voters indicated that they found the new requirements easy to meet. Some respondents said they did not vote because they lacked proper documentation (4 percent). A similar proportion of respondents (4 percent or lower) indicated that they did not have the required documents when they arrived at the polls. While most of them returned home to retrieve their identification or swore an oath and were vouched for, 0.5 percent finally did not vote.

The results from respondents in the northern Saskatchewan electoral district of Desnethé–Missinippi–Churchill River were an exception to these trends. Only 75 percent indicated that they were aware of the new provisions and also felt positive about the requirements to prove their identity and residence. Also, the proportion of electors without the required documents increased to 10 percent in this riding.

A detailed account of the results of the surveys carried out after the by-elections can be found on the Elections Canada Web site at www.elections.ca.

Anecdotal reports from election officers indicate that meeting the identification requirements was particularly challenging for some population groups, including Aboriginal people living on reserves and seniors in long-term care facilities.

Consultations prior to the 40th general election

In spring and summer 2008, Elections Canada consulted with representatives of several communities of electors that might face challenges in meeting the new voter identification requirements, such as northern Canadians, seniors and residents of long-term care facilities, students and homeless persons. The consultations aimed to:

- identify specific barriers to voting that the communities might face because of the new identification requirements
- determine the effectiveness of the list of identification documents
- determine the best way for Elections Canada to provide information to the communities on the new requirements

The consultations provided valuable insight into the issues and potential solutions associated with the new requirements. These views and recommendations are detailed in two reports that were produced in October 2008. They call for improvements to Elections Canada's operations and communications, as well as changes to existing legislation. The reports can be found on the Elections Canada Web site at www.elections.ca.

Issues faced by electors at the polls in the 40th general election

Our communications and outreach activities undoubtedly reached many electors, but there were still difficulties at the polls in the 40th general election.

Electors without required pieces of identification

We received anecdotal reports that some electors were unable to present pieces of identification and official documents that could prove their residence.

It appears that some electors relied on an attestation of residence (that is, a letter from the administrator of a homeless shelter) but were unable to supply an additional piece of identification as required. In some cases – especially in seniors' residences – guardians or family members assume responsibility for an elector's identification documents. These pieces of identification were not always readily available on voting day.

Similarly, residents in long-term care facilities often no longer carry acceptable identification. For this reason, the Chief Electoral Officer expanded the list of acceptable identification documents to include bracelets issued by these facilities, provided the elector was wearing the bracelet when voting.

Inconsistent application

By law, the deputy returning officer of each polling station is responsible for all aspects of voting and handling of ballots, including the voters list, verification of identity, the voting process itself and the counting of ballots after the polls have closed. The new voter identification requirements have added greater complexity to the rules that deputy returning officers must administer.

For the 40th general election, the training provided to deputy returning officers and poll clerks proved more challenging than ever before. Participants had to assimilate a great deal of information in a single three-hour session. Some trainees reported that even trainers had difficulty understanding the new provisions and procedures.

We received reports that the identification provisions were applied inconsistently at the polls. Anecdotal evidence suggests that, with the limited training provided, it may have been unrealistic to expect poll workers to recognize and process 46 different pieces of identification and official documents.

Some poll officials also were reluctant to turn away people within their community whom they had long known simply because these electors did not have the required identification proving their residence.

Voter information card

Our evaluations of the by-elections indicated that the majority of voters kept their voter information card and brought it to the polls. A significant proportion of voters said that they presented the card as proof of their identity (18 percent in 2008 and 5 percent in 2007). To their understanding, the voter information card could be used to prove identity. This perception was confirmed by the results of surveys conducted among election officers after the by-elections.

To ease the flow of voters at the polls, Elections Canada encourages poll officials to ask for the card when the elector appears at the polls. This could have created the impression that electors may use the voter information card to establish their identity. According to anecdotal information from Elections Canada staff, in some cases voters thought that they could use their voter information card because it contained their name and address and had been issued by a government agency. In fact, both voters and poll officials questioned why the card could not be used to establish identity since this was the only document produced and issued to individual electors by Elections Canada.

This does not mean, however, that voters were able to cast their ballot by showing only their voter information card as proof of identity. The overwhelming majority of voters (98 percent in 2008) reported having also used another piece of identification.

Elections Canada is evaluating the implementation of the new voter identification requirements in the 40th general election. Once the evaluation is complete, Elections Canada may consider the possibility of including the voter information card on the list of pieces of identification authorized by the Chief Electoral Officer.

Confusion about procedure

Some electors did not understand why certain types of identification were not sufficient. In the case of passports, for example, many electors did not appreciate that the issuing authority does not include address information, which is frequently filled in by hand by the passport holder.

Some electors complained that it was redundant to require that they prove their identity and residence after they had made a verbal declaration. They also noted that they could have been overheard by people who were not under oath to protect the privacy of their information.

Seniors were upset at having to show identification documents proving their residence when they were voting at a mobile poll set up in the long-term care facility where they lived.

Attestations of residence

Some electors could not provide any proof of residence. Examples included persons residing in homeless shelters, student residences and long-term care facilities, or on Aboriginal reserves. In these cases, the elector could request an attestation of residence from the administrator of the facility where that person lived, confirming the elector's place of ordinary residence. This provision offered many electors the opportunity to vote but also gave rise to several issues:

- The task of completing and signing attestations proved burdensome for many administrators of student residences and long-term care facilities.
- There was some confusion about how to provide the attestation of residence. In one case, a returning officer was given the entire list of persons living in a university's student residences. This raised privacy concerns.

Next steps

Elections Canada is evaluating the implementation of the new voter identification requirements. With the findings from the evaluation as well as the consultations preceding the 40th general election, we expect to be able to identify administrative improvements that Elections Canada can make or propose to Parliament.

3.3 Political Financing and Third Parties

In any electoral event, many of the candidates and their agents will be working with the political financing rules for the first time. Even seasoned agents and those backed by well-established political parties must deal with changes and unforeseen situations.

Recent legislative changes have increasingly restricted campaign financing. The *Federal Accountability Act* made individuals the only eligible class of contributors to election campaigns and further decreased contribution limits; the 40th general election was the first under these new rules. This legislation also created a new requirement for reporting gifts to candidates.

As candidate and political party returns are submitted and reviewed by Elections Canada, a clearer picture will emerge of the challenges faced by candidates and their official agents, as well as political parties. Already, however, some issues have arisen that well illustrate the complexity of the political financing rules, including restrictions on advertising by third parties.

An issue that arose once again during the 40th general election was whether a candidates' debate not open to all candidates constituted a contribution by the debate organizers to the participating candidates. This question is not entirely new, and Elections Canada has not changed its position: A forum for debate that is open to the public to allow it to hear and question registered parties or candidates will not constitute a contribution to any registered party or candidate provided that it is not restricted to participation by one registered party or the candidates of one registered party, and that it is conducted in a politically neutral fashion. This issue may require greater statutory clarification.

Several messages by third parties attracted attention during the election, and some of them raised questions about the distinction between what constitutes election advertising and what does not. Another issue was whether the Internet has changed traditional distinctions between advertising and programming or news.

A number of application issues and difficulties have emerged since the 39th general election in the administration of the political financing provisions of the Act. Among these are the definitions of various expenses and election advertising. The new technological means of transmission raise new questions with regard to election advertising. The Act also sets out a number of complex administrative procedures that impose a heavy regulatory burden on political entities. These issues need to be analyzed further and may require some legislative amendments.

Next steps

Elections Canada provides tools to political entities to help them with political financing, and offers training to prepare them for an election and the follow-up activities. An example was the training offered to official agents at locations across Canada in October and November 2008 (see Section 2.2, Working with Political Entities).

In fulfillment of the strategic objective of trust, our *Strategic Plan 2008–2013* pledges that Elections Canada will “maintain and strengthen the recognition among . . . participants in the electoral process that we administer the *Canada Elections Act* in a fair, consistent, effective and transparent manner.” In fulfillment of the strategic objective of engagement, the Plan pledges that Elections Canada will “work more collaboratively with parliamentarians and political parties in further strengthening the electoral process.”

Addressing the issue of political financing under the Act is an opportunity to accomplish both these objectives. In addition to our own evaluations, we need to receive input from the people directly involved in political financing, to know the obstacles they face in complying with the Act. This will help us identify the changes that might remove the obstacles, without compromising the essential fairness and transparency required by Canadians. Elections Canada expects to present recommendations on political financing in its next report to Parliament.

Pre-election spending on advertising

Both electors and political parties raised concerns about the mailing of flyers (commonly called “householders”) by several members of Parliament immediately before or after the issue of the writs.

Under House of Commons rules, members of Parliament can send householders to constituents four times a year. The commercial value of parliamentary material that promotes a candidate will be considered an election expense under section 407 of the *Canada Elections Act* if the material is used during an election period.

A technical question arises concerning whether householders in transit at the time of issue of the writs constitute election advertising. Elections Canada considers that a householder that is in transit before the issue of a writ and has reached the stage where the member of Parliament no longer has the ability to stop its delivery prior to the issue of that writ will not be considered to have been used during the election period even if its actual delivery to the recipient takes place during the election. By this interpretation, this householder would not be considered an election expense.

That said, some electors and parties have complained that householders sent immediately before the election call undermined the fairness of the electoral process by appearing to promote certain parties and members of Parliament as candidates during the election period.

4. Conclusion

As custodian of our electoral process, Elections Canada strives to ensure that the process remains accessible to Canadians and political entities. This report provides an overview of our efforts in this regard and the challenges we faced in delivering the 40th general election. It remains, however, a preliminary assessment. Further evaluations are required to gain a deeper understanding of the issues and challenges, and to propose adjustments to the electoral process.

To streamline and focus its evaluation initiatives, Elections Canada has developed an evaluation framework for the 40th general election. The results will be of interest to parliamentarians and other key stakeholders. Evaluations will focus on key operational issues, including:

- information technology infrastructure and telephony
- communications and outreach
- management of field workers and returning officers
- voters lists
- voters' experience of the election
- voting field operations

Since the statutory report following a general election needs to be submitted within 90 days, it is not possible to integrate the findings of our evaluations, which take more time to complete.

Work on evaluations began during the 40th general election before the return of the writs. The evaluations will be completed over the winter and a report, including the resulting analysis, will be presented to parliamentarians in late spring 2009.

Appendix 2 gives a list of evaluations under the new framework.

This initiative is also in direct response to the Auditor General's 2005 recommendation that Elections Canada establish better linkages between the issues faced in the conduct of elections and the Chief Electoral Officer's eventual recommendations for legislative change.

The development of recommendations following a general election is a detailed and lengthy process. Elections Canada considers the views and feedback of parliamentarians and political entities, the evolving expectations of electors, and the results of its evaluations.

Our efforts to address the key issues outlined in this report as well as those identified in the evaluation initiatives mentioned here will be guided by our strategic objectives of trust, accessibility and engagement.

Appendix I: Tables

Table 1 – List of electoral staff positions for the 40th general election

Position	Number of positions filled*
Additional assistant returning officer	120
Assistant automation coordinator	333
Automation coordinator	320
Assistant returning officer	308
Community relations officer	554
Central poll supervisor**	14,662
Deputy returning officer**	80,615
Financial officer	342
Information officer	19,030
Interpreter – Aboriginal Elder and Youth Program	338
Interpreter, language	52
Inventory clerk	718
Judicial recount clerk	247
Office clerk	8,334
Office coordinator	533
Office messenger	998
Poll clerk	72,735
Receptionist	1,208
Recruitment officer	661
Registration officer**	18,644
Returning officer	308
Revising agent	10,301
Revision centre clerk	1,006
Revision supervisor	445
Special ballot coordinator	1,960
Special messenger	665
Support staff for office of additional assistant returning officer	72
Training officer	689
Witness – validation of results	182
Total	236,380

*With the exception of the positions of returning officer and assistant returning officer, all figures indicate the total number of specific positions filled by election workers during the election period. In some cases, more than one individual was hired to perform a given task – for example, because of staff changes or job sharing. In addition, some workers filled more than one position. The 236,380 positions listed thus were filled by 194,009 workers.

**Of the 113,921 central poll supervisors, deputy returning officers and registration officers, 5,752 (5 percent) were on standby to replace field staff if needed.

Data as of January 15, 2009.

Table 2 – Confirmed candidates and final registered party election expense limits

Political Affiliation	Confirmed Candidates	Final Election Expense Limit
New Democratic Party	308	\$20,063,430.10
Conservative Party of Canada	307	\$19,999,230.62
Liberal Party of Canada	307	\$20,014,302.76
Green Party of Canada	303	\$19,751,412.68
Bloc Québécois	75	\$5,066,811.35
Independent	67	n/a
Christian Heritage Party of Canada	59	\$3,789,711.98
Marxist-Leninist Party of Canada	59	\$4,109,588.81
Libertarian Party of Canada	26	\$1,880,168.34
Communist Party of Canada	24	\$1,599,036.86
Canadian Action Party	20	\$1,312,843.11
Progressive Canadian Party	10	\$706,935.92
Marijuana Party	8	\$537,560.73
neorhino.ca	7	\$481,352.40
First Peoples National Party of Canada	6	\$291,658.89
Animal Alliance Environment Voters Party of Canada	4	\$272,020.62
No affiliation	4	n/a
Newfoundland and Labrador First Party*	3	\$169,243.46
People's Political Power Party of Canada*	2	\$ 91,748.49
Western Block Party	1	\$76,810.64
Work Less Party*	1	\$64,845.31
Total	1,601	

*Registered status newly acquired for the 40th general election.

Table 3 – Allocation of broadcasting time

Political Party	Paid Time (min:sec)	Free Time (min:sec)		
		CBC-TV	CBC Radio One	TVA TQS
Conservative Party of Canada	95:30	51:30	29:00	15:00
Liberal Party of Canada	82:30	44:30	25:00	13:00
New Democratic Party	45:00	24:30	13:30	7:00
Bloc Québécois	37:30	20:30	11:30	6:00
Green Party of Canada	22:30	12:00	7:00	3:30
Marxist-Leninist Party of Canada	10:00	5:30	3:00	1:30
Christian Heritage Party of Canada	9:30	5:00	3:00	1:30
Canadian Action Party	9:00	5:00	3:00	1:30
Progressive Canadian Party	9:00	5:00	3:00	1:30
Marijuana Party	9:00	5:00	3:00	1:30
Communist Party of Canada	8:30	4:30	2:30	1:30
Libertarian Party of Canada	8:00	4:30	2:30	1:00
First Peoples National Party of Canada	8:00	4:30	2:30	1:00
Western Block Party	8:00	4:30	2:30	1:00
Animal Alliance Environment Voters Party of Canada	8:00	4:30	2:30	1:00
neorhino.ca	8:00	4:30	2:30	1:00
People's Political Power Party of Canada	6:00	3:00	2:00	1:00
Work Less Party	6:00	3:00	2:00	1:00
Newfoundland and Labrador First Party	6:00	3:00	2:00	1:00
Total (rounded)	396:00	214:00	120:00	62:00

Source: Broadcasting Guidelines, September 8, 2008.

Table 4 – Adaptations to the *Canada Elections Act* during the 40th general election

Statutory Provision Adapted	Explanatory Notes
Sections 32, 39, 168, 169, 283, 284, 285, 287	<p>Purpose: Allowed returning officers to appoint additional poll officials at advance polls where high turnouts were expected, and to appoint additional deputy returning officers and poll clerks, working in pairs, to assist in counting the votes from an advance poll if more than 750 electors voted at that poll.</p> <p>Explanation: The Act does not provide for the appointment of additional deputy returning officers, poll clerks, registration officers and central poll supervisors for advance polls. The Act provides for the appointment of one deputy returning officer and one poll clerk for each advance poll, but does not provide for the appointment of additional deputy returning officers and poll clerks to count the vote at that poll. The Act did not foresee that a growing number of electors would make use of the right to vote at advance polls, thereby creating a need for additional officials at those polls.</p>
Section 96	<p>Purpose: Allowed the revisions made during superseded by-elections to be captured as revisions for the purposes of the general election.</p> <p>Explanation: Revisions to the preliminary list of electors were completed for a number of electoral districts holding by-elections. These by-elections were superseded and the writs deemed withdrawn by the issue of the writs for a general election, but the revisions had not been incorporated into the National Register of Electors. Section 96 was amended by adding a provision that deemed revisions done prior to the deemed withdrawal of a writ were deemed to have been approved on the commencement date for the revision of the preliminary lists of electors for the general election.</p>
Section 122	<p>Purpose: Allowed returning officers who could not locate suitable premises for a polling station within a polling division to establish a polling station for that division in an adjacent electoral district.</p> <p>Explanation: Section 122 permits a returning officer who is unable to locate suitable premises for a polling station within a polling division to locate the polling station in an adjacent polling division within the same electoral district. However, in the Ontario electoral district of Lanark–Frontenac–Lennox and Addington and the New Brunswick electoral district of Fundy Royal, suitable premises could not be found within an adjacent polling division in the same district, but could be found within an adjacent electoral district.</p>

Table 4 – Adaptations to the *Canada Elections Act* during the 40th general election

Statutory Provision Adapted	Explanatory Notes
Section 143	<p>Purpose: Allowed any candidate who was a member of Parliament immediately before the election or any elector who continued to live with the candidate and who was registered at an address other than that of his or her place of ordinary residence pursuant to paragraphs 10(<i>b</i>), (<i>c</i>) or (<i>d</i>) of the Act (often the address of the office of the returning officer) to vote without meeting the proof of residence requirement of the Act if the deputy returning officer was satisfied that the elector’s identity had been proven.</p> <p>Explanation: Without this adaptation, these electors would not have had authorized pieces of identification on polling day to prove their residence and would not have been in a position to satisfy the deputy returning officer that their identity and residence had been proven in accordance with subsections 143(2) or (3), and would have been deprived of their right to vote in another polling district, as provided for in section 10.</p>
Section 175	<p>Purpose: Allowed a ballot with a counterfoil that was not removed to be marked as a spoiled ballot when an elector was given a second ballot and voted again.</p> <p>Explanation: The Act does not provide for an elector to receive a second ballot when the elector has already voted with a ballot for which the counterfoil was not removed. Section 175 was amended by adding a provision that deemed an identifiable ballot that was deposited in the ballot box with the counterfoil attached to have been marked as a spoiled ballot and treated as such.</p>
Section 175	<p>Purpose: Authorized the returning officer to recover, with staff assistance, ballot boxes in the custody of one or more deputy returning officers.</p> <p>Explanation: There is no provision in the Act to allow the recovery of ballot boxes in the custody of deputy returning officers where the Chief Electoral Officer has reason to believe that there had been tampering with one or more ballot boxes.</p>
Section 190	<p>Purpose: Authorized the Special Voting Rules Administrator to extend the voting period for Canadian Forces electors who were performing military duties.</p> <p>Explanation: A number of Canadian Forces electors would not have been able to exercise their right to vote during the voting period set out in the Act because of their military duties. The Act had to be adapted to allow these electors to vote.</p>
Section 237	<p>Purpose: Allowed a second special ballot voting kit to be issued by the local Elections Canada office, with the prior approval of the Special Voting Rules Administrator, to an elector who did not receive his or her special ballot voting kit by mail and who provided a statement signed under oath to that effect.</p> <p>Explanation: The Act does not allow for a second special ballot voting kit to be</p>

Table 4 – Adaptations to the *Canada Elections Act* during the 40th general election

Statutory Provision Adapted	Explanatory Notes
	<p>issued to an elector by the local Elections Canada office. The adaptation by instruction was required in order to allow the elector to exercise his or her right to vote by special ballot.</p>
Section 242	<p>Purpose: Allowed electors who, by reason of erroneous instructions from an election officer, completed their special ballot by naming a political party rather than a candidate to ask for another special ballot, up to the close of polls on election day. Where such a request was made, the elector’s first special ballot was not to be opened or counted but was to be marked as spoiled and set aside.</p> <p>Explanation: Paragraph 279(1)(c) of the Act requires that a special ballot be rejected if it is marked with a name other than the name of a candidate. There is no provision in the Act whereby such ballots could be set aside as spoiled ballots and the electors could be given another ballot in the particular circumstance where the error occurred pursuant to the erroneous instructions of an election official.</p>
Section 242	<p>Purpose: Allowed an elector who, by reason of erroneous information from an election officer, completed a special ballot by naming a candidate other than the candidate of the elector’s choice to ask for another special ballot, up to the close of polls on election day. Where such a request was made, the elector’s first special ballot was not to be opened or counted but was to be marked as spoiled and set aside.</p> <p>Explanation: An elector voting by special ballot was given erroneous information, resulting in an improperly marked ballot. Paragraph 279(1)(c) of the Act requires that a special ballot be rejected only if it is marked with a name other than the name of a candidate. There is no provision in the Act whereby a ballot marked with the name of a candidate not of the elector’s choice could be set aside. The adaptation permitted the elector to request another special ballot, at which time the original, unopened special ballot envelope would be set aside.</p>
Section 245	<p>Purpose: Authorized the Special Voting Rules Administrator, with the prior approval of the Chief Electoral Officer, to set another day and time when incarcerated electors could vote.</p> <p>Explanation: On the day provided in the Act for the vote by incarcerated electors, a lockdown of prisoners was ordered at the Établissement de détention Rivière-des-Prairies for security reasons when some 75 incarcerated electors who had registered to vote had not yet voted. Since the Act does not contain another mechanism to allow these electors to vote, the Act was adapted to allow the electors to vote on another day.</p>

Table 4 – Adaptations to the *Canada Elections Act* during the 40th general election

Statutory Provision Adapted	Explanatory Notes
Section 245	<p>Purpose: Allowed the Special Voting Rules Administrator, with the prior approval of the Chief Electoral Officer, to set another day and time when incarcerated electors could vote where they could not vote on the day of the vote of incarcerated electors pursuant to the Act because their applications for registration and special ballot were misplaced and never found.</p> <p>Explanation: The applications for registration and special ballot of some 15 incarcerated electors in the Millhaven Assessment Unit were apparently misplaced and voting was completed at Millhaven Institution without these electors being admitted to vote. In order to give these electors the opportunity to complete an application for registration and special ballot and to vote, another day and time to vote had to be set.</p>
Sections 246, 247	<p>Purpose: Extended the statutory process for voting by the Special Voting Rules in provincial institutions to federal institutions.</p> <p>Explanation: Because the Act formerly prohibited voting by prisoners in federal institutions, it does not describe a process for such prisoners to vote. 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 institutions to federal institutions.</p>
Section 252	<p>Purpose: Permitted special ballot officers to set aside special ballots cast by incarcerated electors, and omit their names from the list of electors, if the incarcerated elector specified the correctional institution as the place of ordinary residence.</p> <p>Explanation: Incarcerated electors who vote using the Special Voting Rules are required to vote in the electoral district of their ordinary residence. The Act directs how that ordinary residence is to be determined. It cannot be the correctional institution in which the elector is imprisoned. Nevertheless, on the application for registration and special ballot, some incarcerated electors indicated the correctional institution as their ordinary residence. The special ballot envelopes had to be set aside to avoid having the ballots counted in the wrong electoral district. The Act contained no provision by which this could be done.</p>
Section 267	<p>Purpose: At the counting of the votes of national electors at the Office of the Chief Electoral Officer, authorized the setting aside by a special ballot officer of an inner envelope that was not sent in an outer envelope.</p> <p>Explanation: Where an elector sends a special ballot in an inner envelope that is not contained in an outer envelope providing information related to the elector, as required by the Special Voting Rules, it is not possible to ascertain the identity of and other information concerning the elector and to comply with the other requirements</p>

Table 4 – Adaptations to the *Canada Elections Act* during the 40th general election

Statutory Provision Adapted	Explanatory Notes
	<p>of the Act. The Act does not provide for a special ballot officer, at the counting of the votes at the Office of the Chief Electoral Officer, to set aside an inner envelope that is not sent in an outer envelope.</p>
Section 267	<p>Purpose: Allowed national electors who had been registered by election officials to vote by special ballot in the wrong electoral district to have their original special ballots set aside and be allowed to vote again.</p> <p>Explanation: The adaptation permitted that special ballot envelopes of national electors who were registered and voted in the wrong electoral districts be set aside unopened, and permitted these electors to vote again. Without the adaptation, the special ballot envelopes would have been set aside unopened, but the electors would not have been permitted to vote again.</p>
Section 277	<p>Purpose: Allowed national electors who had been registered by election officials to vote as local electors by special ballot in the wrong electoral district to have their original special ballots set aside and be allowed to vote again.</p> <p>Explanation: The adaptation permitted that special ballot envelopes of local electors who were registered and voted in the wrong electoral districts be set aside unopened, and permitted these electors to vote again. Without the adaptation, the special ballot envelopes would have been set aside unopened, but the electors would not have been permitted to vote again.</p>
Section 295	<p>Purpose: Allowed the returning officer to use the information written on the envelopes that contained the ballots for validating the results of two polling divisions and an advance polling district as if they had been merged pursuant to section 108 of the Act.</p> <p>Explanation: In the electoral district of Nunavut, the deputy returning officers of polling divisions 24A and 24B and advance polling district 608 erroneously counted the ballots for all three together, completed a single statement of the vote for them and sealed all of the ballots in a single series of envelopes, which were sealed in one ballot box. The Act was adapted to allow for this combined counting of the votes of different polling stations and an advance polling district to be reported as a single poll.</p>

Table 5 – Instructions issued by the Chief Electoral Officer during the 40th general election, pursuant to section 179 of the *Canada Elections Act*

Statutory Provision	Explanatory Notes
Part 11, Division 2 Canadian Forces Electors	<p>Purpose: Instruction authorizing the Special Voting Rules Administrator to approve applications for registration and special ballot completed by electors who are members of the civilian personnel supporting the Canadian Forces in Afghanistan, where copies of identification documents were not included with the application for security reasons.</p> <p>Explanation: For security reasons, copies of identification documents could not be transmitted by electronic means. Therefore, applications were forwarded to the Special Voting Rules Administrator by the authorized officer of the Canadian Forces in Afghanistan, who had validated the identity and residence of the electors. In light of the secret nature of deployments and the high mobility of troops and civilian personnel, a mailing address was also not required and the Canadian Forces distributed the special ballot voting kits to the members of civilian personnel whose applications were approved.</p>
Part 11, Divisions 3 and 4 National and Local Electors	<p>Purpose: Instruction outlining the procedure to be followed for the retrieval of the outer envelope of a national elector inadvertently placed in the ballot box intended for the special ballots of local electors.</p> <p>Explanation: The Act does not provide for correcting the situation where a special ballot was placed in the wrong ballot box.</p>
Part 11, Division 4 Local Electors	<p>Purpose: Instruction to allow a deputy returning officer to set aside an inner envelope from a local elector that is not sent in an outer envelope.</p> <p>Explanation: Where an elector sends a special ballot in an inner envelope that is not contained in an outer envelope, it is not possible to ascertain the identity of and other information concerning the elector and to comply with the other requirements of the Act. The Act does not provide for the setting aside of an inner envelope that is not sent in an outer envelope and an instruction is required to allow the deputy returning officer to do so.</p>

Table 6 – Voter registration statistics – 40th general election

Province or Territory	Electors on Preliminary Lists	Electors Added ¹	Inter-ED Address Changes ²	Moves Within ED ³	Other Corrections ⁴	Electors Removed ⁵	SVR Group 1 Update ⁶	Electors on Final Lists ⁷
Newfoundland and Labrador	407,442	8,290	4,705	22,552	11,934	10,132	106	410,411
Prince Edward Island	106,883	3,778	1,785	3,971	2,323	4,312	77	108,211
Nova Scotia	717,313	22,594	12,064	20,546	11,454	24,744	648	727,875
New Brunswick	586,285	11,679	7,134	12,935	6,577	14,522	408	590,984
Quebec	5,923,324	112,164	97,567	118,719	69,180	183,113	4,821	5,954,763
Ontario	8,766,817	234,199	148,951	145,847	139,231	321,095	6,115	8,834,987
Manitoba	823,723	27,746	16,174	28,507	18,438	33,249	1,007	835,401
Saskatchewan	703,664	20,500	14,755	24,200	11,390	24,870	1,242	715,291
Alberta	2,396,527	79,476	44,390	47,192	27,617	88,550	1,852	2,433,695
British Columbia	2,955,994	89,399	59,428	62,414	39,203	110,123	2,166	2,996,864
Yukon	22,725	887	569	1,532	486	927	27	23,281
Northwest Territories	28,226	1,163	463	4,173	558	1,206	141	28,787
Nunavut	16,104	785	505	2,801	1,495	389	84	17,089
National Total	23,455,027	612,660	408,490	495,389	339,886	817,232	18,694	23,677,639

Notes:

1. Electors who did not appear on any lists of electors at the beginning of the election and were added during the election.
2. ED = electoral district. Electors who appeared on the lists of electors of one ED at the beginning of the election but changed their address during the election because of a move to another ED.
3. Electors who appeared on the lists of electors of one ED at the beginning of the election and changed their address during the election because of a move within the same polling division. These figures also include administrative changes the returning officer made to elector records during the election.
4. Electors who appeared on a list of electors and requested a correction to an error in their name or mailing address during the election.
5. Electors who appeared on a list of electors but were removed because of one of the following: the elector was deceased, the elector requested to be removed, the elector was no longer resident at that address or the elector was not qualified to be on the list (for example, less than 18 years old or a non-citizen). Figures also reflect elector records removed as a result of elector moves to another ED during the election and other duplicates removed during the election, including those removed during the preparation of the final lists of electors.
6. SVR = Special Voting Rules. This column indicates the increase 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 election.
7. The total number of electors on the final lists is the sum of electors on the preliminary voters list, electors added, inter-ED address updates and SVR Group 1 updates, minus removed records.

Table 7 – Judicial recounts

Electoral District	Candidate's Name (political affiliation)	Number of Votes Cast	Candidate's Name (political affiliation)	Number of Votes Cast	Valid Votes Cast in Electoral District	Variance* (number of votes)	Variance* (%)	Type of Situation
Egmont	Gail Shea (Conservative)	8,110	Keith Milligan (Liberal)	8,055	18,461	55	0.3	Judicial recount requested by an elector
Brossard–La Prairie	Alexandra Mendes (Liberal)	19,103	Marcel Lussier (Bloc Québécois)	19,034	58,624	69	0.12	Judicial recount requested by an elector
Brampton West	Andrew Kania (Liberal)	21,746	Kyle Seeback (Conservative)	21,515	53,924	231	0.43	Judicial recount requested by an elector
Kitchener–Waterloo	Peter Braid (Conservative)	21,830	Andrew Telegdi (Liberal)	21,813	60,534	17	0.03	Automatic judicial recount
Esquimalt–Juan de Fuca	Keith Martin (Liberal)	20,042	Troy DeSouza (Conservative)	19,974	58,631	68	0.12	Judicial recount requested by an elector
Vancouver South	Ujjal Dosanjh (Liberal)	16,110	Wai Young (Conservative)	16,090	41,852	20	0.05	Automatic judicial recount

*In this table, the expression “variance” refers to the difference between the number of votes cast for the two leading candidates.

Table 8 – Number of seats in the House of Commons, by political affiliation

Political Affiliation	After the 39th General Election (January 23, 2006)	At the Dissolution of Parliament (August 30, 2008)	After the 40th General Election (October 14, 2008)
Conservative Party of Canada	124	127	143
Liberal Party of Canada	103	95	77
Bloc Québécois	51	48	49
New Democratic Party	29	30	37
Independent/No affiliation	1	3	2
Green Party of Canada	–	1	–
Total	308	304*	308

*At the dissolution of Parliament, four seats in the House of Commons were vacant. Three of these were previously held by the Liberal Party and one by the Bloc Québécois.

Appendix 2: Evaluations

Under the new evaluation framework summarized in Section 4, Elections Canada is conducting the following surveys and evaluations concerning the 40th general election:

1. Survey and studies

- Survey of Electors
- Survey of Candidates
- Survey of Journalists
- Survey of Poll Staff
- Survey of Associations
- Survey to Returning Officers (Returning Officer Report of Proceedings)
- Survey to Community Relations Officers
- Survey to Aboriginal Elders and Youth
- Survey to Field Liaison Officers
- Advertising Market Study
- Canada Election Study

2. Post-mortems

- Field Liaison Officer Post-mortem
- Returning Officer Post-mortem
- Additional Assistant Returning Officer Post-mortem

3. Various internal evaluation activities

Appendix 3: By-elections

March 17, 2008 by-elections held in Desnethé–Missinippi–Churchill River, Toronto Centre, Vancouver Quadra and Willowdale

Four vacancies in the House of Commons precipitated the March 2008 by-elections.

- On August 31, 2007, Gary Merasty, the Liberal Party of Canada Member of Parliament for Desnethé–Missinippi–Churchill River since January 23, 2006, resigned, leaving his seat in the House of Commons vacant.
- On July 2, 2007, the Honourable Bill Graham, the Liberal Party of Canada Member of Parliament for Toronto Centre since June 28, 2004, resigned, leaving his seat in the House of Commons vacant.
- On July 27, 2007, the Honourable Stephen Owen, the Liberal Party of Canada Member of Parliament for Vancouver Quadra since November 27, 2000, resigned, leaving his seat in the House of Commons vacant.
- On July 12, 2007, the Honourable Jim Peterson, the Liberal Party of Canada Member of Parliament for Willowdale since November 21, 1988, resigned, leaving his seat in the House of Commons vacant.

Shortly before the issue of the writs, the Chief Electoral Officer held a teleconference call with members of the Advisory Committee of Political Parties to review material on Elections Canada's approach to particular issues or aspects of the Act, and discuss key initiatives and implications for the by-elections.

Writs were issued on December 21, 2007, directing the returning officers in Desnethé–Missinippi–Churchill River, Toronto Centre, Vancouver Quadra and Willowdale to conduct by-elections on March 17, 2008.

For more information on the numbers of ballots cast and overall voter turnout in these by-elections, see Table 3.1. For the distribution of the valid votes obtained, by candidate, see Table 3.2.

Table 3.1 – Numbers of ballots cast and overall voter turnout

Electoral District	Desnethé– Missinippi– Churchill River	Toronto Centre	Vancouver Quadra	Willowdale
Number of electors on final lists	42,375	85,962	83,602	93,027
Ordinary poll ballots	9,571* 91.4%	21,735* 90.7%	27,731* 84.0%	21,086* 92.3%
Advance poll ballots	847 8.1%	1,736 7.2%	3,437 12.2%	1,463 6.4%
Special Voting Rules ballots	57 0.5%	482 2.0%	1,075 3.8%	288 1.2%
Rejected ballots	37 0.4%	96 0.4%	77 0.3%	93 0.4%
Total valid votes	10,438 99.6%	23,857 99.6%	28,166 99.7%	22,744 99.6%
Total votes cast	10,475	23,953	28,243	22,837
Voter turnout (March 2008 by-elections)	24.7%	27.9%	33.8%	24.5%
Voter turnout (39th general election)	58.4%	66.5%	67.6%	62.8%

Note: Because the figures have been rounded, there may be some discrepancies in the totals.

*Includes electors who voted at mobile polls.

By-election results

- In Desnethé–Missinippi–Churchill River, Rob Clarke, the Conservative Party of Canada candidate, was elected.
- In Toronto Centre, Bob Rae, the Liberal Party of Canada candidate, was elected.
- In Vancouver Quadra, Joyce Murray, the Liberal Party of Canada candidate, was elected.
- In Willowdale, Martha Hall Findlay, the Liberal Party of Canada candidate, was elected.

Table 3.2 – Valid votes obtained, by candidate

Candidate	Political Affiliation	Place of Residence	Occupation	Valid Votes Obtained	Percentage (%) of Valid Votes
Desnethé–Missinippi–Churchill River					
Rob Clarke	Conservative Party of Canada	Warman	Peace officer	4,992	47.83
Joan Beatty	Liberal Party of Canada	Deschambault Lake	Journalist	3,296	31.58
Brian Morin	New Democratic Party	Buffalo Narrows	Fire protection officer	1,830	17.53
Robin Orr	Green Party of Canada	La Ronge	Computer technician	320	3.07
Total				10,438	100.00
Toronto Centre					
Bob Rae	Liberal Party of Canada	Toronto	Lawyer	14,187	59.47
El-Farouk Khaki	New Democratic Party	Toronto	Lawyer	3,312	13.88
Chris Tindal	Green Party of Canada	Toronto	Interactive media producer	3,199	13.41
Donald Meredith	Conservative Party of Canada	Richmond Hill	Entrepreneur	2,939	12.32
Liz White	Animal Alliance Environment Voters Party of Canada	Toronto	Animal and environmental protection	123	0.52
Doug Plumb	Canadian Action Party	Toronto	Computer programmer	97	0.41
Total				23,587	100.00
Vancouver Quadra					
Joyce Murray	Liberal Party of Canada	Vancouver	Reforester	10,155	36.05
Deborah Meredith	Conservative Party of Canada	Vancouver	University lecturer	10,004	35.52
Rebecca Coad	New Democratic Party	Vancouver	University student	4,064	14.43
Dan Grice	Green Party of Canada	Vancouver	Businessman	3,792	13.46
John Turner	neorhino.ca	Courtenay	Actor	111	0.39
Psamuel Frank	Canadian Action Party	Coquitlam	Musician	40	0.14
Total				28,166	99.99
Willowdale					
Martha Hall Findlay	Liberal Party of Canada	Toronto	Lawyer	13,507	59.38
Maureen Harquail	Conservative Party of Canada	Toronto	Lawyer	6,841	30.07
Lou Carcasole	Green Party of Canada	Toronto	Teacher/contractor	1,314	5.77
Rini Ghosh	New Democratic Party	Toronto	Administrative assistant and project coordinator	1,082	4.75
Total				22,744	99.67

The official voting results for the March 2008 by-elections, including poll-by-poll results, are now available on the Elections Canada Web site at www.elections.ca.

Enforcement of the *Canada Elections Act*

The Commissioner of Canada Elections has received five complaints stemming from the March 2008 by-elections. All but two have been resolved.

Candidates' election expenses

Candidates in the March 2008 by-elections had until July 17, 2008, to file their electoral campaign returns. There were 20 confirmed candidates in the by-elections; 10 filed within the original deadline, and 10 requested and were granted filing extensions and filed within the extended deadlines.

Of the 20 confirmed candidates, 13 were eligible for election expenses reimbursements. Initial reimbursements paid to the 13 candidates totalled \$172,607.45. As of December 17, 2008, final reimbursements totalling \$91,002.43 had been paid to three candidates, and audit subsidy payments totalling \$4,500.00 had been paid to three candidate auditors. The remaining 10 candidate returns are being reviewed in accordance with our normal procedures.