

**BILL C-16: AN ACT TO AMEND THE CANADA
ELECTIONS ACT (EXPANDED VOTING OPPORTUNITIES)**

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LEGISLATIVE HISTORY OF BILL C-16

HOUSE OF COMMONS

| Bill Stage | Date |
|-------------------|------------------|
| First Reading: | 1 November 2007 |
| Second Reading: | 1 November 2007 |
| Committee Report: | 10 December 2007 |
| Report Stage: | |
| Third Reading: | |

SENATE

| Bill Stage | Date |
|-------------------|------|
| First Reading: | |
| Second Reading: | |
| Committee Report: | |
| Report Stage: | |
| Third Reading: | |

Royal Assent:

Statutes of Canada

This bill did not become law before the 39th Parliament ended on 7 September 2008.

N.B. Any substantive changes in this Legislative Summary that have been made since the preceding issue are indicated in **bold print**.

Legislative history by Michel Bédard

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CANADA

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BILL C-16: AN ACT TO AMEND THE CANADA ELECTIONS ACT
(EXPANDED VOTING OPPORTUNITIES)*

BACKGROUND

Bill C-16: An Act to amend the Canada Elections Act (expanded voting opportunities) was introduced in the House of Commons by the Hon. Peter Van Loan, PC, MP, Leader of the Government in the House of Commons and Minister for Democratic Reform, and received first reading on 1 November 2007.

Bill C-16 was previously introduced in the House of Commons in the 1st Session of the 39th Parliament as Bill C-55. As of prorogation, Bill C-55 had received second reading and had been referred to the Standing Committee on Procedure and House Affairs. Pursuant to a motion adopted by the House on 25 October 2007, the Hon. Peter Van Loan informed the House on the date of the introduction of Bill C-16 that it was in the same form as Bill C-55 at the time of prorogation. The Speaker being satisfied that this was the case, Bill C-16 was deemed read the second time and referred to the Standing Committee on Procedure and House Affairs.

Bill C-16 makes various amendments to the *Canada Elections Act*⁽¹⁾ (“the Act”). It increases from three to **four** the number of advance polling days and increases the number of polling stations open on the last day of advance polling.

As its title suggests, the objective of Bill C-16 is to increase voter participation.⁽²⁾ It builds upon the increasing use of advance polling by Canadian voters. Since 1997, the percentage of voters who cast their vote in advance polls increased from 5.4% in 1997

* Notice: For clarity of exposition, the legislative proposals set out in the bill described in this Legislative Summary are stated as if they had already been adopted or were in force. It is important to note, however, that bills may be amended during their consideration by the House of Commons and Senate, and have no force or effect unless and until they are passed by both houses of Parliament, receive Royal Assent, and come into force.

(1) *Canada Elections Act*, S.C. 2000, c. 9.

(2) Office of the Leader of the Government in the House of Commons and Minister for Democratic Reform, *Canada's New Government Introduces the Expanded Voting Opportunities Bill*, News release, Ottawa, 9 May 2007, <http://www.democraticreform.gc.ca/eng/media.asp?id=1379> (accessed 25 July 2007).

to 6% in 2000, 9.2% in 2004 and 10.5% in 2006.⁽³⁾ Bill C-16 is based on the premise that additional advance polling days will increase voter turnout, which has been declining since 1988 (see Table 1). The sponsor of bill, during the study of the Standing Committee on Procedure and House Affairs on Bill C-55, enumerated a number of studies on which the bill was premised.

Table 1 – Canadian Voter Turnout for Recent Federal Elections

| Date of the Election | Voter Turnout (%) |
|----------------------|-------------------|
| 21 November 1988 | 75.3 |
| 25 October 1993 | 69.7 |
| 2 June 1992 | 67.0 |
| 27 November 2000 | 64.1 |
| 28 June 2004 | 60.9 |
| 23 January 2006 | 64.7 |

Source: Elections Canada.⁽⁴⁾

DESCRIPTION AND ANALYSIS

Bill C-16, as it was introduced in the House of Commons, sought to add two advance polling days to those already provided for under the Act: the Sunday that is the 8th day before polling day, and the Sunday just before polling day. **This last advance polling day would have been a special advance polling day where all polling stations that are to be open on polling day would also have been open. However, the bill was amended at committee stage and this last day of advance polling was removed.** As a result of Bill C-16, there will be four consecutive advance polling days on the 10th, 9th, 8th, and 7th days before polling day – Friday to Monday the week before the election.

A. Holding of Advance Polls (Clauses 1, 5, 6 and 7)

Sections 171 and 172 of the Act, which provide rules on the conduct of advance polls and with regard to the notice of advance polling, will be replaced by new sections 167.1 and 167.2 (clauses 5 and 6).⁽⁵⁾ These two provisions substantially mirror former sections 171

(3) Elections Canada, *The Electoral System of Canada*, 2nd ed., Ottawa, 2007, p. 31, http://www.elections.ca/gen/canelecsys_e.pdf.

(4) Elections Canada, *The Electoral System of Canada*, p. 57.

(5) This amendment entails a consequential amendment to the definition of “spoiled” in section 2(1) of the Act (clause 1).

and 172, but are placed at the beginning of Part 10, Advance Polling.⁽⁶⁾ New sections 167.1 and 167.2 differ slightly from former sections 171 and 172 in that they refer to the new additional advance polling day, **Sunday the 8th day before polling day.**⁽⁷⁾

Consequential amendments are made to sections 175(2) (close of advance poll), 175(4) (reopening of advance poll) and 175(6) (candidates may check seals on ballot boxes) **to reflect the addition of an advanced polling day** (clause 7).⁽⁸⁾

B. Official List of Electors (**Clause 3**)

Prior to Bill C-16, the official list of electors for each polling division had to be prepared on the 3rd day before polling day. Amended section 106 changes this timeline by providing that the list shall be prepared as soon as possible after the 7th day before polling day (just after the first four advance polling days) and no later than the 3rd day before polling day (clause 3).

C. Counting of Votes on Polling Day (Clause 9)

Clause 9 amends section 289(1) of the Act by replacing the reference to section 172(a)(iii), which is repealed by clause 6, with a reference to new section 167.2(a)(iii), which is added by clause 5, with regard to the place where the votes cast on advance polling days are counted.

D. Coming Into Force (**Clause 13**)

Bill C-16 comes into force three months after it receives Royal Assent, unless the Chief Electoral Officer publishes in the *Canada Gazette* a notice to the effect that the necessary preparations for the bringing into operation of the bill have been completed, in which case they come into force on the day said notice is published (clause 13).

(6) The definition of “advance polling station” in section 2(1) is also amended and refers generally to Part 10, Advance Polling, in order to include the advance polling stations for the first four days of advance polling as well as the advance polling stations for the last day of advance polling (clause 1).

(7) **Clause 5 also adds, just before section 168 of the Act, the heading “First Four Days of Advance Polling,” which is the terminology used in the bill as it was introduced in the House in order to differentiate these four advance polling days from the last day of advance polling. As has been explained, that last day of advance polling was removed from the bill.**

(8) The French versions of sections 175(1), (2) and (4) are also amended to be consistent with the English versions and thus reflect that the candidate or his or her representative may be at the polling station (clause 7).

COMMENTARY

Bill C-55, upon its introduction in the House of Commons during the 1st Session of the 39th Parliament, had received little media attention. Most of its coverage merely restated the intent of the bill and paraphrased its main provisions. An editorial comment from *The Globe and Mail* referred to it as being unexpected and called for the members of Parliament to pay rigorous attention to its clauses and to endorse the bill unless they find that it contains significant flaws.⁽⁹⁾ Bill C-16 has received almost no media coverage since its introduction on 1 November 2007.

(9) *The Globe and Mail* [Toronto], 14 May 2007, p. A16.