



Report of the Chief Electoral Officer of Canada

Following the May 24, 2005,
By-election Held in Labrador

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Report of the Chief Electoral Officer of Canada following the May 24, 2005, by-election held in Labrador

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March 30, 2006

The Honourable Peter Milliken
Speaker of the House of Commons
Centre Block
Ottawa, Ontario
K1A 0A6

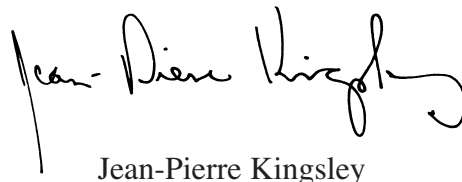
Dear Mr. Speaker:

I have the honour to submit this report, which covers the administration of the only by-election held in 2005 – on May 24 in the electoral district of Labrador – and the administration of my Office since the publication of the statutory report on the 38th general election held in 2004. I am submitting this report in accordance with subsection 534(2) of the *Canada Elections Act* (S.C. 2000, c. 9), within 90 days after the end of the year in which one or more by-elections were held.

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

I have included summary information on the by-election, together with an account of the events. The official voting results of the by-election held in 2005 were published on the Elections Canada Web site at www.elections.ca on August 24, 2005.

Yours truly,



Jean-Pierre Kingsley

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Foreword

Note: A more detailed account of the Chief Electoral Officer's activities since the June 28, 2004, general election will be included in the report following the January 23, 2006, general election, which will be submitted to the Speaker of the House of Commons within 90 days after the return of the writs.

Closing the cycle of the 2004 general election

This section highlights three post-electoral activities: enforcement of the *Canada Elections Act*, evaluation of the Field Liaison Officer Program and the production of reports.

By January 13, 2006, the Commissioner of Canada Elections, who is responsible for ensuring compliance with and enforcement of the *Canada Elections Act*, had received 1,393 complaints regarding the June 2004 general election. Of these complaints, 1,004 have been resolved and 389 are under review. Compliance agreements have been concluded in 14 cases.

Following the 2004 general election, evaluation of the new Field Liaison Officer Program, an initiative to support returning officers, demonstrated that it was an added asset to the level of support provided to field staff during and between election periods. Field liaison officers were also able to provide Elections Canada's Executive Committee with insight into the conduct of the election at the local level.

The Chief Electoral Officer of Canada has submitted five reports to Parliament since the last general election:

- *Report of the Chief Electoral Officer of Canada on the 38th General Election Held on June 28, 2004* (October 2004)
- *Official Voting Results* for the June 28, 2004, general election (November 2004)

- *Enhancing the Values of Redistribution* (May 2005), which makes 23 recommendations on time periods, representation and information related to the redistribution of electoral districts
- *Official Voting Results Following the May 24, 2005 By-election Held in Labrador* (August 2005)
- *Completing the Cycle of Electoral Reforms* (September 2005), which proposes 49 recommendations on operations issues, voter registration, allocation of broadcasting time, financial matters and technical amendments

Ongoing activities

What follows is a brief description of our key ongoing activities, which include initiatives to update the National Register of Electors, the Electoral Technology Accord, parliamentary and international activities, and outreach initiatives targeting Aboriginal people and youth.

In 2005, Elections Canada sent a mailing to more than 620,000 potential electors, asking them to confirm their citizenship and to consent to be added to the National Register of Electors. To date, over 100,000 names have been added to the Register. The Chief Electoral Officer is working with the Canada Revenue Agency to modify the income tax form to include a separate check box for confirming citizenship; this would allow Elections Canada to add new consenting electors – young people in particular – to the Register directly. In addition, new agreements concluded with the Canada Revenue Agency and Citizenship and Immigration Canada enable us to gather the information of consenting tax filers and new citizens on a monthly basis. In addition, Elections Canada provided data and assistance to a number of electoral agencies.

Between November 2003 and spring 2004, Canada's federal, provincial and territorial electoral agencies signed an accord to develop a system for sharing information technology knowledge and

resources. The working group formed as a result of the accord created a shared model for collecting voter, address and electoral event data, which include information on candidates, polling sites and election results.

Since the 38th general election, Elections Canada has had a number of meetings with the representatives of registered political parties (e.g. the Advisory Committee of Political Parties), and the Chief Electoral Officer has appeared before various committees of the House of Commons. Some 20 amendments to the Act have been proposed or adopted since the 2004 general election.

As part of its involvement in international missions, Elections Canada provides review and advice to countries making a transition to democracy. In this regard, the Chief Electoral Officer chairs the International Mission for Monitoring Haitian Elections and the International Mission for Iraqi Elections, both composed of independent electoral commissions from around the world. The Chief Electoral Officer also participated in various meetings with international organizations that promote democracy.

The Assembly of First Nations and Elections Canada entered into a partnership on voter education in First Nations communities. Moreover, an information kiosk about First Nations' participation in the Canadian electoral system was developed for various events. Elections Canada also revamped its Web site to better serve Aboriginal electors. In addition, a DVD version of the television show *Seekers* aimed at Aboriginal youth was produced, in English and in French, to ensure as broad a distribution as possible.

To encourage young people to vote, Elections Canada supported the Historica Foundation in the development of the educational *Voices YouthLinks* module, and is currently working with the Dominion Institute on The Democracy Project, an education

and research program. Elections Canada has further renewed its support for the Student Vote program.

Election preparation

In 2005, Canada's political landscape was marked by the imminent possibility of a general election. Returning officers were asked, in accordance with election preparation plans, to participate in a series of pre-writ tasks related to logistics (finding an office for the returning officer, recruiting an additional assistant returning officer, if required, and finding an office for him or her, assessing polling station accessibility, hiring staff, training election workers and community relations officers, and organizing Aboriginal Elder and Youth Program activities), targeted revision planning, improvement of voter registration and advance polling.

On May 19, 2005, members of the House of Commons voted on a confidence motion that could have dissolved Parliament and launched a general election. Subsection 31(3) of the *Parliament of Canada Act* provides that, if Parliament is dissolved after the issue of a writ, the writ is deemed to have been superseded and withdrawn. Since the date of the by-election had been set for May 24, 2005, Elections Canada had to devise a contingency plan to halt the by-election in Labrador and simultaneously prepare the general election. Elections Canada was therefore ready to run special communication programs to apprise electors of the situation. Furthermore, the materials and computer hardware required for an election had already been delivered to various regions across the country; in Labrador City, they were stored in the office of the returning officer. Finally, Elections Canada had also planned to deploy specialists to Labrador to assist the returning officer for that district.

The 2005 By-election

Launch of the by-election

On December 16, 2004, Lawrence David O'Brien, the Liberal Party of Canada Member of Parliament for Labrador since March 25, 1996, passed away.

At that time, the seat distribution in the House of Commons was: Liberal Party of Canada – 132 seats; Conservative Party of Canada – 99 seats; Bloc Québécois – 54 seats; New Democratic Party – 19 seats; Independent – 3 seats; and vacant – 1 seat.

The boundaries of Labrador were the same as those in effect during the 2004 federal general election. They coincide with the boundaries defined in the Representation Order of 2003, issued in accordance with the *Electoral Boundaries Readjustment Act*.

On April 17, 2005, the Prime Minister announced a by-election for May 24 to fill the vacant seat. That same day, the Chief Electoral Officer issued a writ to the returning officer for the electoral district, directing her to conduct a by-election. This gave the returning officer an electoral calendar of 36 days. Under subsection 57(3) of the *Canada Elections Act*, federal elections are always held on a Monday, unless the Monday of that week is a holiday. In such cases, subsection 57(4) of the Act directs that election day will be the Tuesday of that week. Since Monday, May 23, 2005, was a holiday, election day for the by-election in Labrador was Tuesday, May 24, 2005.

The Chief Electoral Officer also received two official warrants from the Speaker of the House of Commons indicating vacancies – one on July 20, 2005, for the seat in Surrey North, British Columbia, and the other on November 14, 2005, for the seat in Verchères–Les Patriotes, Quebec. Chuck Cadman, the member for Surrey North with no affiliation, passed away on July 9, 2005. The Bloc Québécois member for Verchères–Les Patriotes resigned on November 9, 2005. Under subsection 31(1) of the *Parliament of Canada Act*, the Chief Electoral Officer must call a by-election at least 11 days and no more than 180 days after receiving a warrant. However, no by-election was held within that period, and both seats were filled at the general election held on January 23, 2006.

Table 1
Returning officer

| Electoral district | Name | Occupation | Place of residence |
|--------------------|-----------------|------------|--------------------|
| Labrador | Barbara Roberts | Manager | Labrador City |

Milestones of the electoral process

Table 2 provides an overview of the important milestones in the process from the issue of the writ to its return for the single by-election held in 2005.

Table 2
Key dates for the by-election in Labrador

| Date | Election calendar day | Event |
|---------------------|-----------------------|--|
| April 17 | Day 36 | Issue of the writ; preparations made to open the office of the returning officer; notice to persons entitled to recommend revising agents; voting by special ballot begins |
| April 18 | Day 35 | Office of the returning officer opens to the public |
| April 20 | Day 33 | Revision of lists of electors begins |
| April 21 | Day 32 | Notice of Election published; candidates may file nominations |
| April 22 | Day 31 | Spending limit for candidates released |
| April 25 | Day 28 | Targeted revision begins |
| April 27, 28 and 29 | Days 26, 25 and 24 | Voter information cards mailed to all registered electors |
| May 2 | Day 21 (2:00 p.m.) | Nominations for candidates close |
| May 4 | Day 19 | List of confirmed candidates released |
| May 4, 5 and 6 | Days 19, 18 and 17 | Reminder cards mailed |
| May 12 | Day 11 | Revised lists of electors distributed |
| May 13, 14 and 16 | Days 10, 9 and 7 | Advance voting |
| May 15 | Day 8 | Registration and voting begins in acute care hospitals |
| May 17 | Day 6 (6:00 p.m.) | Revision and special ballot registration end; registration and voting end in acute care hospitals |
| May 20 | Day 3 | Official lists of electors distributed to candidates |
| May 24 | Day -1 | Election day; preliminary results by electoral district posted on the Elections Canada Web site |
| May 30 | Day -7 | Validation of results; validated results posted on the Elections Canada Web site |
| June 6 | Day -14 | Writ returned |

Communicating with electors

An important part of Elections Canada's task in a by-election, as in all electoral events, is to generate awareness – among the general public, political parties, candidates and the media – of the by-election and of the key dates in the election period.

The principal means of communicating with the general public at the May 24, 2005, by-election was the voter information card. It was sent to all electors registered on the preliminary lists and provided details on when and where to vote, as well as alternatives for electors unable or unwilling to vote at their polling stations on election day. Elections Canada then mailed out a reminder card repeating this information.

Print advertisements were run in one daily and two weekly newspapers, notifying electors that they should have received a voter information card. The ads explained how to register, for those electors who had not received the card, and how to have erroneous information corrected. The ads also included details on advance voting and the special ballot. However, the publication of print ads announcing election day had to be suspended, since the publication dates coincided with a confidence vote in the House of Commons. If the government had fallen, the by-election would have been cancelled. From the 17th to the 11th day before election day, mainstream and Aboriginal radio stations ran repeated ads on the voter information card. In the last five days of the campaign, ads reminding electors of election day were broadcast on morning radio shows.

Information kits were also sent to student associations, the registrar of Memorial University, the Centre for Nursing Studies, the College of the North Atlantic and the Fisheries and Marine Institute. In addition, Elections Canada provided essential information to organizations for persons with special needs in Labrador.

We supplied the media with information to ensure that electors were well informed of the vote. As part of the by-election in Labrador, we distributed a media information kit containing the launch news release, an electoral district profile, a calendar of key dates as well as backgrounders on a variety of topics, ranging from the electoral process to the special ballot and the National Register of Electors. The kit also included information for parties and candidates regarding contributions and expenses. We then distributed 14 news releases highlighting key dates, including election day, and clarifying what the media could and could not report on election day. All news releases were posted in the Media section of our Web site.

A special segment on the Labrador election was also established on our Web site. It featured voter information about the electoral district as well as the list of confirmed candidates, the electoral district map, the address and telephone number of the returning officer, and general information on the voting process – in particular, voting by special ballot. This segment attracted 8,135 visitors during the event. The Voter Information Service, a Web-based and speech-enabled service launched on-line at the 2004 general election, was available for the first time during a by-election. This service provided a variety of information, including the contents of the voter information card. On election night, results were posted on our Web site as they became available.

During the election period, the bilingual staff at our Enquiries Unit – which can be reached through our toll-free number or our toll-free TTY number for people who are deaf or hard of hearing – fielded some 30 calls from the public and provided documentation about the electoral process.

Communicating with candidates, official agents and auditors

For the Labrador by-election, the returning officer supplied candidates, official agents and auditors with the documents and cards they needed.

The returning officer met with the parties' representatives to make sure that they had all received the same information. These meetings were crucial, since they facilitated explanations and discussions regarding voting procedures, election day rules and the various positions for which candidates and parties could recommend applicants.

Revising the lists of electors

Elections Canada has used the electronic system REVISE to generate and update the preliminary lists of electors for several elections, including the by-election in Labrador. REVISE offers a complete range of functions that facilitate the management of the revision and improve the quality of the electoral data gathered by revising agents. First, the system processes changes of address on a national scale by electronically transferring data for individuals who have moved. This eliminates most duplicates found in the National Register of Electors and simplifies data

input. As well, the supplementary data integrated into the Register after the preliminary lists have been prepared are now forwarded electronically to the REVISE database in each electoral district.

As part of the targeted revision drive in Labrador, revising agents visited 1,816 addresses identified by the returning officer. These addresses were located in high-mobility areas, new residential developments, chronic care facilities, shelters, university residences and eight Aboriginal communities.

Overall, the returning officer made 1,483 registration transactions – 572 additions and 911 corrections. In addition to those transactions, 679 corrections and removals were made, bringing the total number of revisions performed during the Labrador by-election to 2,162. This figure, which reflects changes to the information of electors who voted by special ballot, represents 11 percent of the 19,571 electors registered on the preliminary lists. Of those revisions, 1,259 were performed during the revision period and the remaining 903 on election day. Additional information is provided in Table 3.

Table 3

Lists of electors – revision transactions during the by-election in Labrador

| Electors on the preliminary lists (including SVR) | Electors added ¹ | Moves between electoral districts ² | Moves within the electoral district ³ | Other corrections ⁴ | Electors removed from lists ⁵ | SVR Group 1 updates ⁶ | Electors on the final lists |
|---|-----------------------------|--|--|--------------------------------|--|----------------------------------|-----------------------------|
| 19,571 | 572 | 78 | 833 | 306 | 359 | 14 | 19,876 |

1. Electors who did not appear on any lists at the beginning of the election and were added during the event.
2. Electors who appeared on a list at the beginning of the election but who changed their address due to a move to another electoral district during the event.
3. Electors who appeared on a list at the beginning of the election and changed their address due to a move within the same electoral district during the event. These figures also include administrative changes the returning officer made to elector records during the event.
4. Electors who appeared on a list of electors and requested a correction to their name or mailing address during the event.
5. Electors who appeared on a list of electors but were removed due to one of the following: the elector was deceased, the elector requested to be removed, the elector moved, the elector was unqualified to be on the list (for example, less than 18 years old or a non-citizen) or the elector had a duplicate record on the same list. This figure also reflects elector records removed as a result of elector moves to another electoral district during the event and duplicates removed during the preparation of the final lists of electors.
6. Indicates the increase in the number of Group 1 electors registered under the Special Voting Rules (Canadian electors temporarily residing outside Canada, Canadian Forces electors and incarcerated electors) during the event.

Voting in the by-election

In the Labrador by-election, 10,622 of the 19,876 registered electors cast their ballots, for a turnout of 53.4 percent. In comparison, 8,923 of the 19,909 registered electors in the 2004 general election voted, for a turnout of 44.8 percent.

Ordinary polls and advance polls

At the May 24, 2005, by-election, 9,796 people (92.2 percent) voted at one of the 65 ordinary polling stations (64 stationary and 1 mobile) distributed across the 33 polling sites of the electoral district. Each ordinary poll served an average of 151 electors.

Pursuant to subsections 125(1) and 538(5) of the *Canada Elections Act*, mobile polling stations are established to collect the votes of seniors or persons with disabilities confined to chronic care facilities. These polling stations are set up in polling divisions with at least two health care institutions. For the by-election in Labrador, one mobile poll served electors in two institutions and collected the ballots of 27 electors.

In accordance with section 131 of the Act, the polling stations were open for 12 hours on election day, from 8:30 a.m. to 8:30 p.m. (Atlantic Time).

Electors who were unable or unwilling to cast their ballots on May 24 could vote at the advance polls, which were open on May 13, 14 and 16 from noon to 8:00 p.m. (Atlantic Time), at 17 polling locations. A total of 589 people voted in advance in the Labrador by-election, compared with 660 electors at the 2004 general election.

Table 4 shows the details of the polling station sites, and Table 5 shows how many and what kind of polling stations were available. Table 6 shows polling station accessibility in the Labrador by-election. In total, 82 polling stations were established at 47 polling sites (some of which served for both advance and ordinary polls).

Table 4
Labrador – Types of polling station sites*

| Facility type | Ordinary polling stations** | | Advance polling stations | |
|----------------------------|-----------------------------|------------|--------------------------|------------|
| | No. | % | No. | % |
| Apartment building | 1 | 3 | 0 | 0 |
| Church hall | 2 | 6 | 0 | 0 |
| Commercial site | 1 | 3 | 1 | 6 |
| Community centre | 18 | 55 | 9 | 53 |
| Educational facility | 1 | 3 | 2 | 12 |
| Federal building | 1 | 3 | 0 | 0 |
| Municipal or township hall | 3 | 9 | 2 | 12 |
| Recreation centre | 2 | 6 | 2 | 12 |
| Royal Canadian Legion | 2 | 6 | 1 | 6 |
| Other | 2 | 6 | 0 | 0 |
| Total | 33 | 100 | 17 | 100 |

* Because the figures were rounded, there may be some discrepancies in the totals.

** Excludes mobile polling stations that served electors in two chronic care institutions.

The most common locations for ordinary and advance polling stations were community centres.

Table 5
Labrador – Types of polling stations

| Ordinary | | Advance | Total |
|------------|--------|---------|-------|
| Stationary | Mobile | | |
| 64 | 1 | 17 | 82 |

Table 6
Labrador – Polling station accessibility

| Total | Accessible | Percentage |
|-------|------------|------------|
| 82 | 79 | 96.3% |

No facility was modified to provide level access. Only two polling sites, comprising three polling stations, did not have level access.

Special Voting Rules

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

Persons unexpectedly hospitalized in acute care facilities during the event may have been unable to vote on election day, at an advance poll or by special ballot at the returning office. Elections Canada adopted procedures enabling such patients to register and to vote by special ballot. In Labrador, registration and voting in acute care facilities took place on the 8th, 7th and 6th days before election day.

On October 31, 2002, the Supreme Court of Canada rendered a decision in *Sauvé v. Canada (Chief Electoral Officer)* holding that the former paragraph 51(e), now paragraph 4(c), of the *Canada Elections Act* limiting inmates' right to vote was in breach of section 3 of the *Canadian Charter of Rights and Freedoms*. As a result, all incarcerated electors may now vote in federal elections regardless of the length of the term they are serving. In the Labrador by-election, therefore, all eligible incarcerated electors who were in a correctional institution or federal penitentiary in Canada could vote by special ballot in accordance with the relevant provisions. For electors to be eligible, their place of ordinary residence had to be in the electoral district of Labrador.

Table 7 shows the number of registrations for voting by special ballot in the by-election by group and category.

Table 7
Labrador – Registrations under the Special Voting Rules

| Groups and categories of electors asking to vote under the Special Voting Rules | No. of ballots |
|---|----------------|
| Group 1* | |
| Members of the Canadian Forces | 214 |
| Incarcerated electors | 13 |
| Electors temporarily residing outside Canada | 1 |
| Group 1 subtotal | 228 |
| Group 2** | |
| Electors temporarily outside their electoral district | 17 |
| Electors voting in their electoral district | 189 |
| Group 2 subtotal | 206 |
| Total number of registrations for people voting by special ballot | 434 |

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

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

Ballots cast and voter turnout

The population of Labrador, based on the 2001 Census, was 27,864. The preliminary lists of electors (with 19,571 names) were produced from information in the National Register of Electors. During the revision period, which extended from April 20 until May 17, 2005, 728 electors were registered, including those who were already on the lists but whose address had changed. The names recorded on the final lists (prepared after election day, under section 109 of the *Canada Elections Act*) numbered 19,876, including the names of 755 electors who registered on election day, some of whose address had changed.

The final lists included electors listed in the National Register of Electors, electors registered during the revision period, electors who registered on election day, Canadian Forces electors whose

Statement of Ordinary Residence provided an address in Labrador, Canadian electors temporarily residing abroad whose address for voting purposes was located in Labrador and incarcerated electors whose residence for voting purposes was located in Labrador.

Of the 19,876 electors on the final lists, a total of 10,622 Canadians cast their ballots, for a participation rate of 53.4 percent. The vast majority of electors (9,796 or 92.2 percent) voted on election day at an ordinary polling station. Table 8 presents statistics on the number of ballots, and Table 9 compares voter turnout in the 2005 by-election with turnout in the 2004 general election.

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

| Number of electors on final lists | Ordinary polls | Advance voting | Special Voting Rules | Rejected ballots | Total valid votes | Total votes cast | Voter turnout |
|-----------------------------------|------------------|----------------|----------------------|------------------|-------------------|------------------|---------------|
| 19,876 | 9,796** 92.2% | 589 5.5% | 237 2.2% | 58 0.6% | 10,564 99.5% | 10,622 | 53.4% |

* Because the figures were rounded, there may be some discrepancies in the totals.

** Includes electors who voted at a mobile poll.

Table 9
Voter turnout in Labrador by-election

| 2005 by-election | 2004 general election |
|------------------|-----------------------|
| 53.4% | 44.8% |

The candidates and by-election results

From April 21, 2005, the date the returning officer published the Notice of Election, the candidates in the by-election had until 2:00 p.m. on May 2, 2005, to file their nomination papers. The candidates had until 5:00 p.m. that same day to withdraw or make corrections to the name, address or occupation they had set out on the nomination papers.

Four registered parties nominated candidates: the Conservative Party of Canada, the Green Party of Canada, the Liberal Party of Canada and the New Democratic Party. One candidate chose to run as an independent. None of the five candidates withdrew during the period in which a withdrawal of candidacy was permitted.

We posted candidates' names on our Web site as they were confirmed, and posted the official lists once nominations closed. To ensure that Canadians abroad and members of the Canadian Forces could exercise

their right to vote, we also transmitted the lists of official candidates to Canadian diplomatic missions and consular posts through the Department of Foreign Affairs, and to Canadian Forces bases through the Department of National Defence.

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

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

Table 10
Statistics on valid votes obtained, by candidate, in Labrador

| Candidate | Political affiliation | Place of residence | Occupation | Valid votes obtained | Percentage of valid votes (%) |
|----------------------|------------------------------|----------------------------|---|----------------------|-------------------------------|
| Condon, Ern | Independent | Labrador City | Retired/ Guidance counsellor | 598 | 5.7 |
| Crummey, Jason | Green Party of Canada | St. John's | Writer/Author | 68 | 0.6 |
| Fry, Frances | New Democratic Party | Wabush | Social worker | 1,045 | 9.9 |
| Letto, Graham | Conservative Party of Canada | Labrador City | Retired | 3,415 | 32.3 |
| Russell, Todd Norman | Liberal Party of Canada | Happy Valley- Goose Bay | President/CEO of Labrador Metis Nation | 5,438 | 51.5 |
| Total | | | | 10,564 | 100 |

Todd Norman Russell, the Liberal Party of Canada candidate, was elected as the Member of Parliament for Labrador.

Special adaptations

In accordance with subsections 17(1) and 178(2) of the *Canada Elections Act*, the Chief Electoral Officer may adapt any provision of the Act. During the 2005 by-election in Labrador, the Chief Electoral Officer used his authority four times to this effect.

Incarcerated electors serving a term of two years or more could vote under adaptations made, pursuant to subsection 17(1) of the *Canada Elections Act*, to sections 246 and 247 of the Act and, pursuant to subsection 178(2) of the Act, to sections 246 and 262.1 of the *Special Voting Rules as Adapted for the Purposes of a By-election*. The need for these adaptations flows from the decision in *Sauvé v. Canada (Chief Electoral Officer)*, which rendered ineffective paragraph 4(c) of the Act providing that persons incarcerated in correctional institutions who are serving a term of two years or more are ineligible to vote.

Due to an unexplained delay, special ballot kits arrived at the Labrador Correctional Centre on election day. Consequently, through no fault of their own, 11 incarcerated electors were unable to ensure

that the Special Voting Rules Administrator in Ottawa received their ballots by the statutory deadline. Division 1 of the *Special Voting Rules as Adapted for the Purposes of a By-election* was adapted to appoint a Special Voting Rules Administrator and additional special ballot officers in Labrador to receive, sort and count the votes of incarcerated electors who were eligible to vote under the Special Voting Rules.

On election night, it was noted that the transmission of the preliminary poll-by-poll results could have jeopardized the secrecy of the vote for certain advance polling stations. Therefore, in order to preserve the secrecy of the vote, subsection 168(4) of the *Canada Elections Act* was adapted to allow the returning officer to combine the results of two or more advance polling districts.

Enforcement of the *Canada Elections Act*

The Commissioner of Canada Elections received no complaints stemming from the May 24, 2005, by-election in Labrador.

Candidates' election expenses

Under the *Canada Elections Act*, candidates are required to file an election expenses return within four months of election day. Elections Canada examines the returns for compliance purposes and to determine the amount of reimbursement owed to qualified candidates. The candidates who ran for office in the May 24, 2005, by-election in Labrador filed their reports by September 24, except for one candidate who obtained authorization to file his return on October 24, which he did. The information in the returns was published as filed on the Elections Canada Web site a few days after they were submitted.

