

Special Ballot Report

44th General Election



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Summary

- In Canada's federal elections, local electors voting by special ballot are required to return their marked ballot to Elections Canada at the close of polls; while national, international, Canadian Forces and incarcerated electors must return it to Elections Canada headquarters in Ottawa by 6:00 p.m.
- During the 44th general election, the COVID-19 pandemic generated an unprecedented number of requests to vote by special ballot, the majority of which were returned by mail.
- The increase in demand for special ballots was mainly from electors voting from inside their electoral district. Traditionally, these electors vote in person at advance polls or on election day.
- Ahead of the election, Elections Canada implemented numerous changes to meet an anticipated increase in demand for special ballots while maintaining the integrity of the special ballot process.
- A total of 1,275,226 electors requested a special ballot during the 44th general election, compared with 700,542 during the 43rd general election. This represents an increase of 82%.
- In the end, 1,168,531 special ballots were returned to Elections Canada. Of those, 99,988 were set aside in accordance with the *Canada Elections Act*. For the vast majority of these ballots, this is because they came in after legal deadlines. An additional 106,695 special ballots were never returned to Elections Canada.
- Elections Canada has made [recommendations to parliament](#) to improve the special ballot process. The agency is also conducting additional analysis to assess how it can further assist electors in returning their special ballots on time.

Pandemic Context

In past elections, electors, while in their home electoral district, rarely voted by special ballot and returned their ballot by mail. Electors who do this are known as “local electors,” and their special ballot kits are issued by the office of their local returning officer (ORO) and are counted locally. In an unpredictable pandemic context, Elections Canada could not risk being unprepared for a great increase in demand for voting by special ballot, especially for electors wishing to use that option from within their home electoral districts because of public health concerns.

Therefore, to prepare for the election, the agency worked on or included:

- Enabling electors to upload their identification documents and check the status of their application or returned marked ballot as part of the new online registration system for local electors
- Deploying to local offices the Internal Document Review System (IDRS), which used OCR (Optical Character Recognition) software; this allowed staff to review and process online requests from local electors to vote by special ballot
- Deploying additional computer equipment at every local Elections Canada office to increase capacity to issue special ballots
- Facilitating the deployment of additional staff at local Elections Canada offices to enable a night shift, if necessary, to manage volumes during peak periods
- A postage-paid return envelope in special ballot kits sent out by mail
- Designated ballot boxes at most polling locations on election day to allow local electors to return their special ballot in person if they could not do so by mail
- A process that would allow for electors who did not receive or could not use their special ballot voting kit to cancel their request and vote at their polling station on election day by completing a *Voting Status Certificate*
- Increased communications on the special ballot process and associated legal deadlines
- Adapting the *Canada Elections Act* (CEA)

Note: Data included in this report have been updated since the publication of the *Report on the 44th General Election of September 20, 2021*. Numbers presented herein are as of March 1, 2022, and are subject to further review and analysis.

Categories of Special Ballot Voters

While all electors are entitled to apply to vote by special ballot, the CEA divides electors into five categories for the purposes of the Special Voting Rules (Part 11 of the CEA).

They are:

1. Canadian Forces electors, members of the Canadian Armed Forces who vote at an established military poll
2. International electors, Canadian citizens who reside outside Canada
3. Incarcerated electors, electors who are incarcerated in a provincial or federal correctional facility
4. National electors, electors residing in Canada who vote at an Elections Canada office or by mail and who are not in their electoral district
5. Local electors, electors residing in Canada who vote at an Elections Canada office or by mail and whose application for registration and special ballot has been approved by the office in the electoral district where they reside

As outlined in the CEA, ballots for categories 1 to 4 are counted at the Office of the Chief Electoral Officer (OCEO) by special ballot officers. The Special Voting Rules Administrator supervises this count, and the results are reported as “SVR-Group1” in the [Official Voting Results \(OVR\) report](#). Ballots for category 5 are counted by election officers at the ORO in each electoral district and are reported as “SVR-Group2” in the OVR report. Exceptionally, ballots for category 5 that are received at the OCEO are counted centrally, and the results are included in “SVR-Group1” in the OVR report.

The Special Ballot Process

All electors who wish to vote by special ballot, whether in person at a local Elections Canada office or by mail, must request to do so by completing an *Application for Registration and Special Ballot*,¹ including presenting or providing copies of the required [identification documents](#). The application must be received by 6:00 p.m. on the Tuesday before election day. This deadline is set out in the CEA.

Once an *Application for Registration and Special Ballot* has been approved, the elector is issued a special ballot voting kit. This kit includes:

- A write-in special ballot on which the elector must write a candidate’s name

¹ Slightly different rules apply to incarcerated electors and Canadian Forces members voting at military polls.

- Two envelopes, that is an *inner* envelope and an *outer* envelope
- Instructions on how to fill out the special ballot and use the envelope system
- A postage-paid return envelope, if the elector wants to return the special ballot by mail

Once an elector writes the name of the candidate of their choice on the special ballot, they must place the special ballot in the inner envelope and seal it. The inner envelope contains no markings that would make it possible to identify the elector. It is often referred to as a “secrecy envelope.” The elector then places that envelope in the larger outer envelope and also seals it. On the outer envelope is the elector’s name, electoral district, a unique outer envelope number or barcode, and a declaration that must be signed by the elector. By signing the declaration, the elector affirms that they are qualified to vote (i.e. at least 18 years old and a Canadian citizen), have not previously voted in the election and will not attempt to vote again.

The counting of special ballots is governed by two different Divisions of Part 11 of the CEA. Division 6 covers special ballots counted at the OCEO, while Division 7 covers special ballots counted at the ORO. The counting procedures are explained in detail later in this report. While the procedures for the count differ slightly between the two divisions, they both aim to provide results that are reliable and trusted by making sure that every special ballot that should be counted is counted and that ballots that should be set aside in accordance with the Act are set aside. Ballots that must be set aside include those received after the prescribed deadlines (at the close of polls for local electors and at 6:00 p.m. in Ottawa for national, international, Canadian Forces and incarcerated electors) and those set aside during the verification process or the count. Other ballots which must legally be set aside for other reasons are described in detail later in this report.

Integrity Measures

There are many legislated and administrative measures in place to protect the integrity of the vote by special ballot including:

- Striking the name of the elector from the list of electors once the *Application for Registration and Special Ballot* is approved to show that the elector has been issued a special ballot²
- Providing or mailing through Canada Post or another trusted carrier a special ballot kit only to the elector requesting it
- Not allowing an elector who is recorded as having voted by special ballot to vote again

² This does not apply to international or incarcerated electors.

- Not allowing an elector who has been issued a special ballot but who has not yet used it to vote at advance polls or at ordinary polls on polling day, except in rare circumstances authorized by the CEO, including when their kit has been damaged
- Verifying all outer envelopes to make sure that they meet the legal criteria to be counted, prior to counting special ballots
- Having election officers count special ballots by hand in front of witnesses, including candidates or their authorized representatives or authorized representatives of political parties, as with all other ballots
- Instructing returning officers to use security measures such as cabinets that can be locked and a 24/7 alarm system to protect ballots while in storage at Elections Canada offices across the country; storing ballots in secure locations with 24-hour security and alarm systems at the OCEO
- Referring the matter to the Commissioner of Canada Elections for investigation, if there is evidence that an elector has voted, or has attempted to vote more than once

Late and Unreturned Ballots

For the 44th general election, a total of 99,988 outer envelopes were received by Elections Canada but had to be set aside and left unopened in accordance with the Act. Of these, 92,542 were set aside because they were received after the legal deadlines; they represent nearly 93% of all outer envelopes set aside. An additional 106,695 special ballots were never returned to Elections Canada. As indicated previously, Elections Canada is conducting additional analysis to assess how processes can be improved further and identify potential remedies.

It should be noted that a ballot that was not used in the 44th general election may not be used in a future election. Notably, the ballot would not be counted, because it would not be associated with an application for a special ballot made for that future election.

LOCAL ELECTIONS CANADA OFFICES



1,016,084

special ballot voting kits issued

153.3%

MORE ballots than in the 2019 federal election



882,815

valid votes



68,011

set aside in accordance with the *Canada Elections Act*



62,460

not returned

ELECTIONS CANADA HEADQUARTERS



259,142

special ballot voting kits issued

13.5%

LESS ballots than in the 2019 federal election



185,728

valid votes



31,977

set aside in accordance with the *Canada Elections Act*



44,235

not returned

Special Ballot Kits Issued and Returned

Figure 1 below shows that nearly 21% (132,071) of all local applications to register to vote by special ballot were received and approved on or after Day 9 of the electoral calendar (Saturday, September 11, 2021) and sent to electors by mail. This left six business days or fewer for these ballot kits to make the round trip before the polling day deadlines. Close to 10% (61,179) of local applications to register to vote by special ballot where the kit had to be sent by mail to electors were received on the last day possible under the legislation, leaving only 3–4 business days for their special ballot kit to reach them and be returned in time to be counted. It is important to note that the deadline to return a special ballot is set out in the CEA and cannot be modified by Elections Canada. The information about the relevant deadlines was included in the special voting kits sent to electors and was featured prominently in the agency’s multimedia Voter Information Campaign throughout the election period.

Figure 1. Local Applications for Special Ballots Issued by Mail Received and Approved by Event Day Under Division 7 – 44th General Election

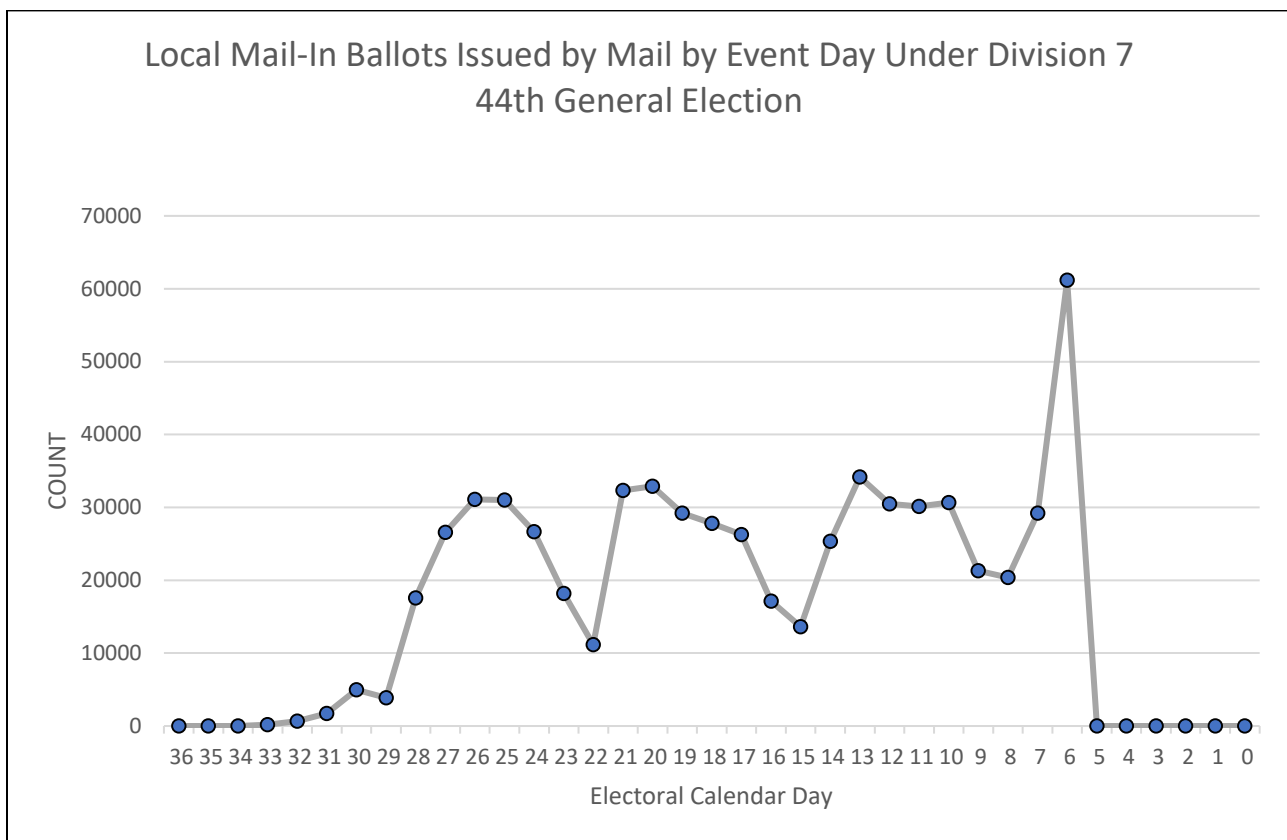


Figure 2 below shows that the vast majority of late local special ballots, 87% (53,799), were received within the first four days following election day. This percentage rises to 92% (56,924) if one counts a full week following election day.

Figure 2. All Local Special Ballots Received by Electoral Event Day Under Division 7 – 44th General Election

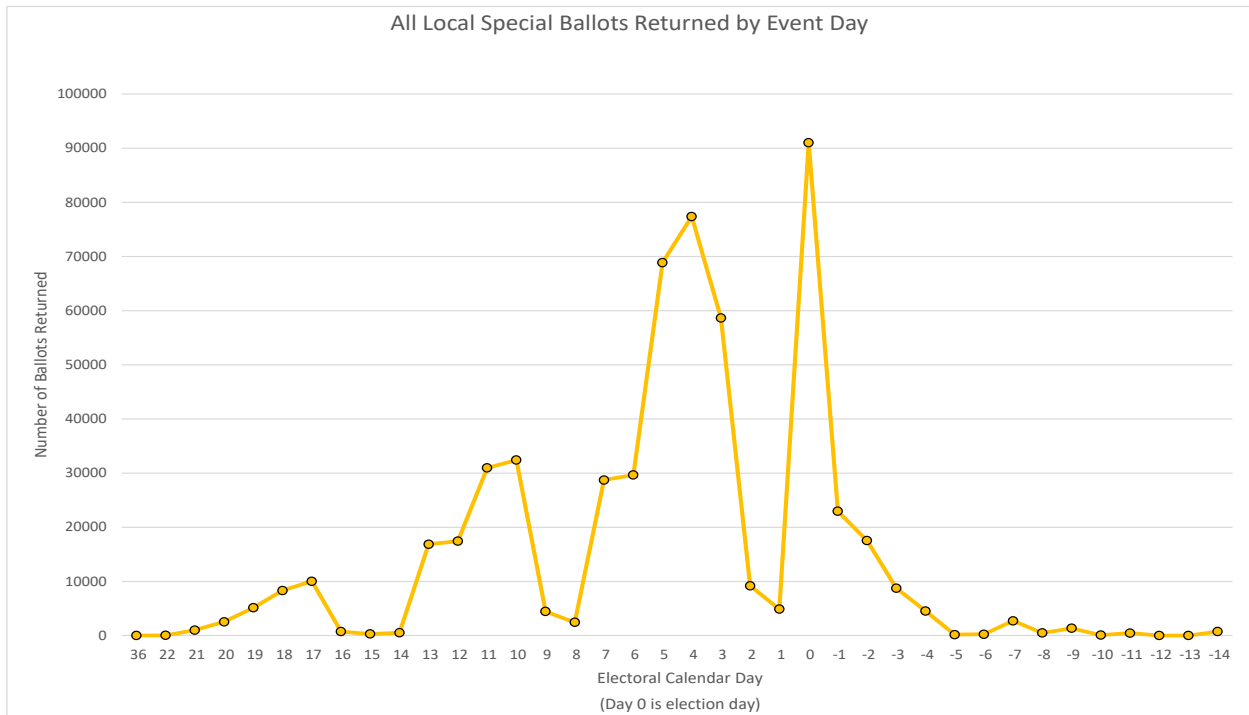


Figure 3 below shows that 14% (36,529) of all mail-in special ballots issued by the OCEO were issued on or after Day 9 of the electoral calendar (Saturday, September 11, 2021). This left six business days or fewer for these ballot kits to make the round trip before the polling day deadlines. Close to 10% (24,794) of all special ballots issued by mail by the OCEO were requested by electors on the last day possible under the legislation, leaving only 3–4 business days for their special ballot kit to reach them and be returned in time to be counted.

Figure 3. Ballots Issued by Mail at the Office of the Chief Electoral Officer by Electoral Event Day Under Division 6

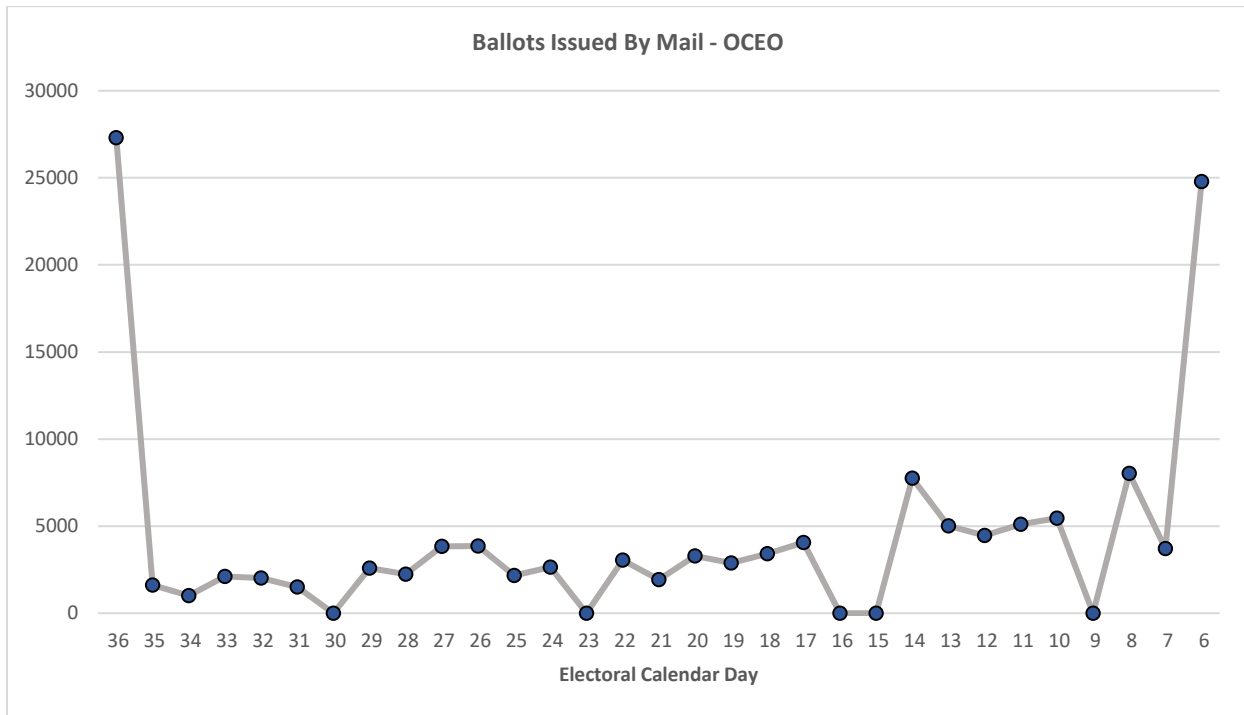
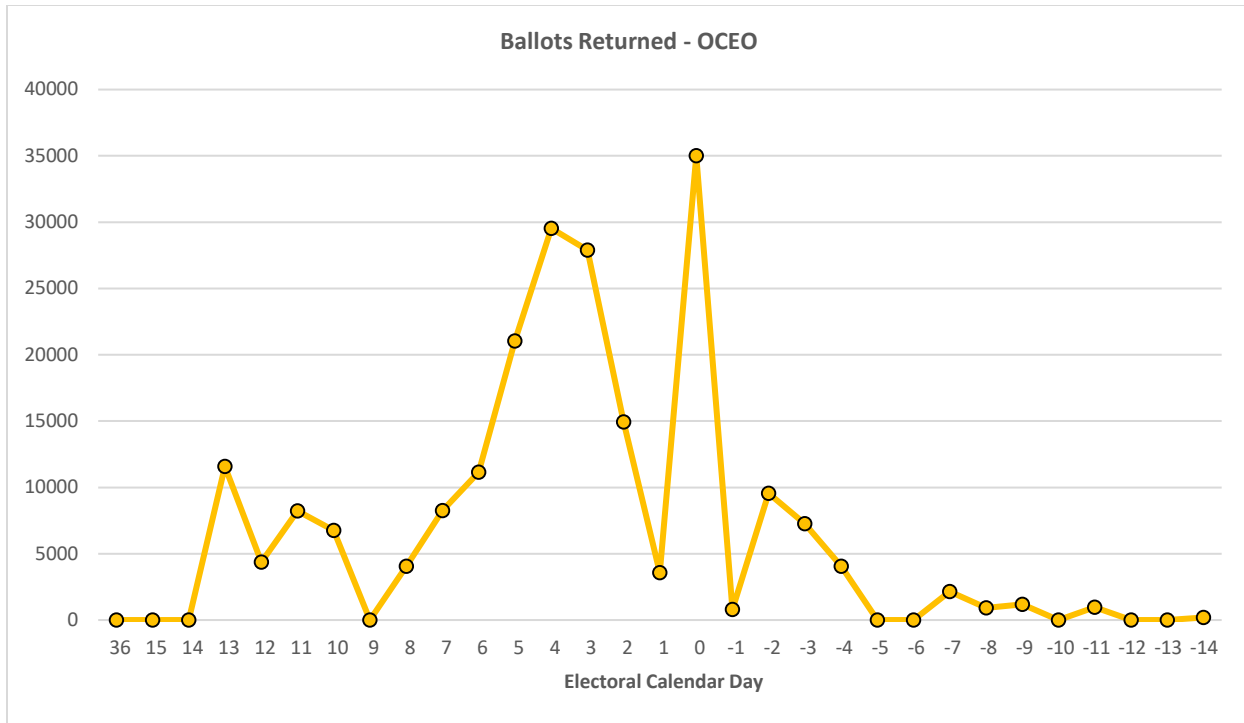


Figure 4 below shows that the vast majority of late special ballots returned to the OCEO, 70% (21,700), were received within the first four days following election day. This percentage rises to 77% (23,840) if one counts a full week following election day.

Figure 4. All Ballots Returned to the Office of the Chief Electoral Officer by Electoral Event Day Under Division 6



Division 6 – Counting of Votes at the Office of the Chief Electoral Officer

Counting Procedures at the Office of the Chief Electoral Officer

Verification process

Prior to being sorted by electoral district and then counted, the outer envelope of each special ballot kit returned to the OCEO is examined by a pair of special ballot officers (SBOs); the information on the envelope is compared to the information in the elector's application. If the SBOs determine that the outer envelope meets any of the exclusion criteria set out in CEA sections 267(1) or (2), the envelope is set aside unopened and the reason why is recorded on a large yellow sticker. These labels are subsequently signed by the two SBOs and the Special Voting Rules Administrator. All the sealed outer envelopes are then sorted by electoral district.

Counting

Given the number of special ballots counted at the OCEO (nearly 186,000 in the 44th general election and 262,000 in the 43rd), this count must begin before election day. SBOs—who are appointed by the CEO on the recommendation of political parties in a ratio set out in the CEA—count the ballots.

When political parties do not recommend enough SBOs, the CEO appoints more of them. Counting begins on a date the CEO sets, if no earlier date is set, five days before election day. During the 44th general election, counting started on the 11th day before election day (Friday, September 10, 2022) and finished the day after election day. Once the count was finished, the results for each of the 338 electoral districts were sent to each returning officer to be added to the overall voting results in their respective district.

In this election, access to the OCEO at the 440 Coventry location was granted to representatives of political parties for the first time. They were thus able to observe the counting process on days when counting was taking place. Political parties were notified of the count days via the Political Entities Service Centre.

Setting Aside of Outer Envelopes

SBOs will set aside any outer envelope if:

- The information concerning the elector as described on the outer envelope does not correspond to the information that appears in the *Application for Registration and Special Ballot*.
- The outer envelope declaration was not signed by the elector.
- The correct electoral district of the elector cannot be ascertained.
- The outer envelope was received after 6:00 p.m., Ottawa time, on election day.
- The elector has voted more than once.

Table 1. Number of Outer Envelopes for Electors Under Division 6

| Elector Category | Outer Envelopes Issued | Outer Envelopes Received | Valid Outer Envelopes | Outer Envelopes Set Aside During the Count | Late Outer Envelopes | Outer Envelopes Not Returned |
|---------------------------------|-------------------------------|---------------------------------|------------------------------|---|-----------------------------|-------------------------------------|
| Canadian Forces electors | 17,062 | 16,868 | 16,742 | 25 | 101 | 194 |
| Incarcerated electors | 14,386 | 14,193 | 14,134 | 59 | 0 | 193 |
| International electors | 55,696 | 38,955 | 27,035 | 221 | 11,699 | 16,741 |
| National electors | 171,998 | 144,891 | 125,061 | 700 | 19,130 | 27,107 |
| Local electors | 0** | 2,798* | 2,756* | 42* | 0 | 0 |
| Total | 259,142 | 217,705 | 185,728 | 1,047 | 30,930 | 44,235 |

*Refers to local outer envelopes that were sent by mistake to the Office of the Chief Electoral Officer and counted exceptionally at Elections Canada headquarters.

**Local ballot kits are issued by the Office of the Returning Officer and are reported on elsewhere in this report.

Table 2 illustrates the number of outer envelopes set aside unopened under each subsection of CEA section 267.

Table 2. Number of Outer Envelopes Set Aside at the Office of the Chief Electoral Officer Under Division 6

| Elector Category | Canada Elections Act | | | | | Total by Elector Category |
|---------------------------------|--|-------------------------------------|--|--------------------------------|----------------------------------|---------------------------|
| | Section | 267(1)(a) | 267(1)(b) | 267(1)(c) | 267(1)(d) | |
| Section Description | Elector information does not match the application | Missing signature on outer envelope | Correct electoral district cannot be ascertained | Late arrival of outer envelope | Elector has voted more than once | |
| Local electors | 7 | 34 | 0 | 0 | 1 | 42 |
| International electors | 0 | 220 | 0 | 11,699 | 1 | 11,920 |
| National electors | 11 | 686 | 2 | 19,130 | 1 | 19,830 |
| Canadian Forces electors | 0 | 20 | 5 | 101 | 0 | 126 |
| Incarcerated electors | 2 | 52 | 5 | 0 | 0 | 59 |
| Total | 20 | 1,012 | 12³ | 30,930 | 3⁴ | 31,977 |

³ The address provided on the application is either incomplete, cannot be linked to a specific electoral district or is a non-residential address (i.e. a business address).

⁴ Potential violations of the *Canada Elections Act* are referred to the Commissioner of Canada Elections.

Division 7 – Counting of Votes at the Office of the Returning Officer

Procedures at the Office of the Returning Officer

Unlike the ballots received at the OCEO, those received at the ORO cannot be counted until after the close of polls in the electoral district. During the 44th general election, the counting of local special ballots was deliberately delayed until at least the day after polling day. The decision to delay the count was made to ensure that the necessary integrity checks could be performed. Two key factors informed the decision:

- The anticipated high volume of electors wishing to vote by special ballot resulted in a decision to make available a specially designated ballot box to let electors place their special ballot at most ordinary polling places. This was intended for electors who were sent a special ballot by mail and were concerned that, if they mailed it back to Elections Canada, it would not arrive in time.
- If an elector requested a special ballot and never received it, lost it, or was not aware of the specially designated ballot box option and then requested to vote at their designated polling place, the elector was allowed to “cancel” their special ballot request by completing a *Voting Status Certificate* form.

All special ballots collected in these specially designated ballot boxes and any *voting status certificates* were returned to the ORO after the close of polls on polling day and the end of the count of regular ballots in order to support the verification steps before the counting of local special ballots could begin.

As an added integrity measure, election officers verified that each elector who had completed a *Voting Status Certificate* and voted on polling day had not, in fact, returned their special ballot. If it was determined that an elector who voted on polling day had also returned a special ballot, the special ballot was set aside in accordance with the CEA, and the case was referred to the Commissioner of Canada Elections (CCE) for investigation.

Note: Elections Canada is responsible for administering the election, while the CCE is responsible for investigating and enforcing any potential breaches of the CEA.

Verification process

First, the information on each outer envelope is compared with that provided in the application process. Candidates and/or their designated representatives (scrutineers) may observe the entire verification process that takes place just before the count starts.

Two election officers complete the verification of outer envelopes by making sure they are all local outer envelopes. They set aside any of these envelopes that were not issued for the electoral district. Afterwards, they:

- Ensure that the declaration on each outer envelope is signed by the elector
- Compare the elector's name on the outer envelope with that on the *Application for Registration and Special Ballot*

Then, the election officers verify the voting status of all electors who were issued a *Voting Status Certificate*, as described above. Once all voting status certificates have been processed, outer envelopes are separated from the inner envelopes, and the inner envelopes are placed in a ballot box for counting.

Counting

Deputy returning officers count special ballots in pairs at the ORO. Called "Deputy Returning Officers Counting Special Ballots" (DROs Counting Special Ballots), they are appointed by the returning officer based on lists provided by candidates. The returning officers will identify and appoint the remaining DROs Counting Special Ballots when political parties do not recommend enough of them. Candidates and/or their designated representatives (scrutineers) may observe both the verification and count processes.

Note: As with special ballots counted at the OCEO, all **valid** outer envelopes are opened and inner envelopes extracted, placed back in a ballot box and mixed before they are in turn opened and the ballots extracted and counted. These procedures preserve the secrecy of the vote by ensuring that each special ballot cannot be linked to a particular outer envelope or a specific elector.

Setting Aside of Outer Envelopes

The election officers set aside any outer envelope if:

- The elector information on the outer envelope does not correspond to that appearing on the *Application for Registration and Special Ballot*.
- The declaration on the outer envelope was not signed by the elector, although it may be signed by the person who assisted the elector.
- The outer envelope was received after the close of local polls on election day.
- The elector has voted more than once.

The number of outer envelopes that are set aside unopened, except late outer envelopes, and the reason why this is done is not recorded in any computer system for local electors, only on paper *Statements of the Vote*. These are considered "election documents" and are therefore not easily available until an audit is conducted and the Chief Electoral Officer gives authorization to access them. They are also available for further consultation in a court proceeding such as a judicial recount or a contested election. Consequently, the number of local outer envelopes set aside that is presented

in this report has been estimated by calculating the difference between the total number of outer envelopes received, as recorded in the computer system, and the number of ballots counted. As some ballots are issued through paper-based *Applications for Registration and Special Ballot* (i.e. for electors in acute care hospitals), this calculation cannot be done in all electoral districts (see Table 5 in the appendix for the breakdown by electoral district). The same is true for the number of outer envelopes that were cancelled or not returned.

Table 3. Number of Outer Envelopes—Local Electors⁵

| Elector Category | Special Ballot Voting Kits Issued | Valid Outer Envelopes | Outer Envelopes Set Aside | Late Outer Envelopes | Envelopes Not Returned |
|-------------------------|--|------------------------------|----------------------------------|-----------------------------|-------------------------------|
| Local electors | 1,016,084 | 882,815 | 6,399 | 61,612 | 62,460 |

⁵ Some procedures are carried out manually and are paper-based. Data from these procedures, which are used in local offices in the country's 338 electoral districts, are not directly captured in any computer system. Some of the data presented in this report, with the exception of the count results, should therefore be used accordingly.

Appendix

Table 4 - Outer Envelopes Set Aside Under Division 6 by Electoral District.

[Download the raw data file \(CSV\)](#)

Table 5 - Special Ballots by Category and Electoral District.

[Download the raw data file \(CSV\)](#)