

THE WAR-TIME ELECTIONS ACT

Statutes of Canada, 7–8 George V, Chap. 39

Assented to 20 September 1917

His Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. During the present war, and until demobilization after the conclusion of peace, the operation of Part I of the *Dominion Elections Act* (being sections 5 to 30 inclusive) shall be suspended, and Part II of that Act (being sections 31 to 65 inclusive) shall operate and apply as amended, and shall be deemed to be amended, in the following respects:

- (a) By striking out the heading “Provinces of Saskatchewan and Alberta and Yukon Territory”;
- (b) By striking out section 31;
- (c) By striking out section 32 and inserting instead the following:

“**32. (1)** The qualifications necessary to enable any male person to vote at a Dominion election in any province shall, except as by this Act otherwise provided, be those established by the laws of that province as necessary to entitle such male person to vote in the same part of the province at a provincial election.

“(2) Except in the province of Quebec, and notwithstanding anything in this Act contained, in preparing or adding to the voters’ lists provided for by this Act, the qualifications as to residence and domicile of electors shall, in any province where there is no relevant or applicable provision to the contrary, be residence for one year in the province and residence and domicile in the electoral district for thirty days, both of said periods to be fixed by reference to the date of the writ of election: Provided that the requirements of this section as to domicile shall apply only to such provinces as, by their law applicable to provincial elections, require domicile as one of the qualifications of an elector.

“(3) In the province of Quebec, notwithstanding anything in this Act contained, the qualifications as to domicile of female voters shall be domicile at the date of the said writ of election”;

(d) By adding as section 33A, between sections 33 and 34, the following:

“33A (1) Every female person shall be capable of voting and qualified to vote at a Dominion election in any province or in the Yukon Territory, who, being a British subject and qualified as to age, race and residence, as required in the case of a male person in such province or in the Yukon Territory, as the case may be, is the wife, widow, mother, sister or daughter of any person, male or female, living or dead, who is serving or has served without Canada in any of the military forces, or within or without Canada in any of the naval forces, of Canada or of Great Britain in the present war: Provided that this section shall not apply to the wife, widow, mother, sister or daughter of a person no longer serving as aforesaid, unless such person has died in or has been honourably discharged from such service, or, in the case of an officer, has died in or has been permitted to resign from such service or has been dispensed by competent authority from further service, or in any case, has died after honourable discharge, resignation by permission, or dispensation from further service as aforesaid.

“(2) Such naval forces of Canada shall be deemed not to include members thereof engaged within Canada who may become members after the passing of this Act.”

(e) By adding as section 33B immediately after section 33A the following:

“33B. (1) No person possessed of the qualifications generally required by the provincial law to entitle him to vote at a provincial election shall be disqualified from voting at a Dominion election merely by reason of any provision of the provincial law disqualifying him from having his name on the list or from voting,

(i) the holder of an office; or,

(ii) any person employed in any capacity in the public service of Canada or of the province;
or,

(iii) any person belonging to or engaged in any profession, calling, employment or occupation; or

(iv) any one belonging to any other class of persons who, although possessed of the qualifications generally required by the provincial law, are, by such law, declared to be disqualified by reason of their belonging to such class,

“(2) No person whose son or grandson is serving or has served as in section 33A provided shall, by reason of the lack of any income or property qualification required by the provincial law be deemed non-qualified to vote at a Dominion election, but all such persons, being otherwise qualified as required by this Act, shall be entitled to vote at any Dominion election;”...

“62. (4)...

(p) By adding at the end of the second paragraph of form P the words:

“A female person when qualified as to age, race and residence as required of male persons, is capable of voting if she is the wife, widow, mother, sister, or daughter of any person, male or female, living or dead, who is serving or has served without Canada in the military forces, or within or without Canada in the naval forces of Canada or of Great Britain in the present war;” and by further amending said form P by inserting between the words “being” and “an” in the second line of the second paragraph thereof the words “a person affected by the provisions of section 67 of the *Dominion Elections Act*, nor,” and by striking out the word “two” from the third line of the third paragraph of said form P and inserting instead the word “five;”

(q) By striking out form Z No. 1 and inserting instead the following:

“Form Z No. 1. You swear that you are legally qualified to vote at this election, that you are of the (‘male’ or ‘female’) sex, a British subject, a resident of Canada, and of the full age of 21 years, (*In the case of a female voter add the following*):—You do further swear that you are (‘wife’, ‘widow,’ ‘mother’, ‘sister’ or ‘daughter’, *as the case may be*) of a person who is serving or has served without Canada in the military forces (or within or without Canada in the naval forces) of Canada (or of Great Britain, *as the case may be*) in the present war. So help you God”;

“65A....

2. During the present war and until demobilization after the conclusion of peace, Part III of the *Dominion Elections Act* shall operate and apply as if amended and shall be deemed to be amended in the following respects: ...

“154. No voter who has refused to take any oath or affirmation or to answer any questions, or produce any evidence as by this Act required shall receive a ballot paper or be admitted vote;”

(d) By adding as paragraphs (e), (f), (g), (h) and (i) to subsection (1) of section 67 the following:

“(e) Any person who shall have applied pursuant to section 11, subsection (1), clause (f) of the *Act respecting Military Service* for a certificate of exemption from combatant military service on conscientious grounds, whether or not a certificate of exemption from such service shall have been granted, and unless and until it has been refused.”

“(f) All persons who on the sixth day of July, 1917, were members of the religious denomination or sect called “Mennonites” (the members of which denomination or sect were exempted from military service by Order in Council of August 13, 1873), and all persons who on said sixth day of July, 1917, were members of the religious denomination or sect called “Doukabors” (the members of which denomination or sect were exempted from military service by Order in Council of December 6, 1898): Provided that this paragraph shall not apply to such Mennonites or Doukabors as shall have volunteered for and been placed on active service in the military or naval forces of Canada or of His Majesty in the present war.”

“(g) Except as in this paragraph provided, every naturalized British subject who was born in an enemy country and naturalized subsequent to the 31st day of March, 1902. A person shall be deemed to have been born in an enemy country, within the meaning of this paragraph, if he was born in a country which forms part of the territory of any country with which His Majesty is at war. Provided that a person claiming to vote who was a natural born citizen or subject of France, Italy or Denmark, and who arrived in Canada before the date upon which the territory in which he was born became part of Germany or Austria (as the case may be) shall not be deemed to have been born in an enemy country if he produces to the deputy returning officer an unrevoked certificate in the form W-3 in the Schedule. Such certificate may be issued by the enumerator of

the polling division whereof the person, were it not for his nationality would be an elector, not later than three days before polling day upon satisfactory proof furnished by deposition under oath to the enumerator as to the facts. If at any time before such person has voted the returning officer of the electoral district has reason to believe that the facts did not justify the issue of any such certificate he may revoke the same.”

“(h) Every naturalized British subject who was born in any European country (whether or not the sovereign or government thereof is in alliance with His Majesty in the present war) whose natural language, otherwise described as “mother tongue,” is a language of an enemy country, and who was naturalized subsequent to the 31st day of March, 1902.

Provided that nothing contained in this section shall be construed as preventing any naturalized British subject (if otherwise qualified) from having his or her name on a list of voters or from voting who—(i) is serving or has served without Canada as one of the military or within or without Canada as one of the naval forces of Canada or of His Majesty or of any of his allies in the present war, or, (ii) produces a certificate signed by the Commanding Officer of a Military District, or an officer thereto authorized by him, that that person is or has been a member of any of such forces and has been engaged in active service within or without Canada during the present war, or is a person who has applied for enlistment as a member of such forces to so serve and has been rejected only because medically unfit, or is a grandparent, parent, son or brother of a person who is or has been a member of any of such forces and has been engaged in active service, or of a person who has so applied and been so rejected; or, (iii) is or has been at any time during the present war a member of the Parliament of Canada or of a province; or, (iv) is a Christian and either a Syrian or an Armenian; or, (v) is a female voter entitled to vote under section 33A of this Act.”

“(i) every person who has been convicted of any offence against the *Act respecting Military Service*, passed in the year 1917;”

(e) By adding as section 67A, between sections 67 and 68, the following:

“67A. Notwithstanding anything appearing in the *Act respecting Military Service* passed in the year 1917, or in any other Act or Order in Council,

(1) All persons who are by the terms of paragraphs (g) and (h) of section 67 of this Act disqualified from voting, with such of their sons as on polling day are not of legal age, shall be, and shall be held, exempt from combatant military and naval service; and,

(2) All persons who shall have voted at a Dominion election held subsequent to the 7th day of October, 1917, during the present war shall be held ineligible and incompetent,—(a) to apply for or to be granted on the application of another exemption from combatant military or naval service on conscientious grounds, or, (b) to be excepted as a Mennonite or as a Doukabor from the provisions of said *Act respecting Military Service* or exempted as such from combatant military or naval service on conscientious grounds;” ...

Source: *Statutes of Canada*, 7–8 George V, Chapter 39.