



Office of the
Chief Electoral Officer
of Canada

Report on the 2020 By-elections



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Le directeur général des élections • The Chief Electoral Officer

March 31, 2021

The Honourable Anthony Rota, P.C., M.P.
Speaker of the House of Commons
House of Commons
Ottawa, Ontario
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Dear Mr. Speaker:

I am pleased to provide my report on the by-elections held on October 26, 2020, in the federal electoral districts of Toronto Centre (Ontario) and York Centre (Ontario).

I have prepared the report in accordance with subsection 534(2) 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.

The report includes a summary of the official voting results and other information on the by-elections.

For more information, please see the Elections Canada website at elections.ca.

Yours sincerely,

Stéphane Perrault
Chief Electoral Officer



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Foreword

This report discusses the conduct of the two by-elections held on October 26, 2020, in the electoral districts of Toronto Centre and York Centre in the province of Ontario.

Under the *Canada Elections Act*, if one or more by-elections are held in a year, the Chief Electoral Officer must, within 90 days after the end of the year, produce a report that sets out “any matter or event that has arisen or occurred in connection with the administration of the Chief Electoral Officer’s office since the last report and that he or she considers should be brought to the attention of the House of Commons.”

The fall 2020 by-elections were the first federal elections held since the general election in October 2019. They were also the first to be conducted during the COVID-19 pandemic and, furthermore, in an evolving setting: the Toronto and York regions moved from the “yellow” to the “red” zone designation during the course of the election calendar.

Conducting these two by-elections during the pandemic, in two of the most densely populated electoral districts in Canada, provided the agency with an opportunity to test its adaptive pandemic measures prior to a national-scale election, should one be called before the pandemic is over.

As part of our ongoing readiness planning, Elections Canada consulted stakeholders on their views about the adapted electoral services to be offered if an election were to be called during the pandemic. We factored the results from these consultations into our decision-making for the by-elections, and we continue to take them into account as we adapt our operational approach for any future electoral events held in the pandemic context. The adapted service offerings for the by-elections were also informed by lessons learned and strategies from the general elections held in three provinces in fall 2020.

Common to all elections held in Canada in 2020 was the implementation of health and safety measures to align with the guidance of public health authorities. For the two by-elections delivered by Elections Canada, these measures included an entry registry in case local public health authorities required information for contact tracing, capacity limits inside polling locations, personal protective equipment, physical distancing measures, hand sanitizing stations at entrances and exits, and non-medical masks. At each polling station, there was a single poll worker wearing a non-medical mask and face shield, and electors were provided with a single-use pencil to mark their ballot. We also adapted our training model for poll workers, including reduced class sizes, and promoted electronic transactions for candidates and political parties. All these measures were supported by communications to the public.

Conducting by-elections during a pandemic showed that more time and space are required to safely deliver election services. Recruitment and securing appropriate polling places also presented clear challenges, highlighting the need to give additional consideration to these two key areas ahead of a potential upcoming general election.

During the 2020 by-elections, many individuals did not show up at training sessions. The two returning officers managed recruitment challenges by recruiting from neighbouring electoral districts. For obvious reasons, this would be a much less viable solution in a general election.

As for polling places, owing to pandemic-related health and safety concerns, restrictions and protocols, returning officers were not able to rely to the same extent on the usual facilities such as schools, churches, apartment buildings, seniors' residences, community centres and YMCAs. Therefore, we secured new locations not normally considered—and in many cases not usually available to us—such as conference centres and hotel ballrooms. Should a general election occur during the pandemic, Canadians must expect more atypical voting locations, sometimes farther away from home and perhaps less accessible.

That being said, Elections Canada has made administrative changes to deliver a safe election under the current legislation and, should a general election be called during the pandemic, will deliver those changes that are operationally ready at the time of the issue of the writs. These include measures such as the single poll worker model, physical distancing at polling places, protective equipment for poll workers, adapting the way we offer services in long-term care facilities, and increasing the capacity and convenience of the vote-by-mail system to meet a potential increase in demand for this service.

For candidates, we will continue to offer the option of having their solemn declaration administered by videoconference, as we did for the by-elections. We will maintain the fact sheet on the Elections Canada website outlining public health best practices for canvassing door-to-door and in public spaces. This fact sheet was developed in collaboration with Health Canada and the Public Health Agency of Canada.

By working to ensure the safety of its staff and of electors and candidates, and by implementing physical distancing and other public health guidelines at polling places and at Elections Canada offices, we successfully delivered two safe and secure by-elections.

In closing, I would like to take this opportunity to recognize and thank the election workers, returning officers, field liaison officers and staff at Elections Canada headquarters who worked to ensure that their fellow Canadians could exercise their democratic rights to vote or run for office in these two by-elections.

Stéphane Perrault
Chief Electoral Officer of Canada

1. Launching the By-elections

COVID-19 pandemic affecting the by-elections

Delivering elections during a pandemic brought about a suite of challenges. In Toronto Centre and York Centre, the evolving pandemic situation was further compounded when both regions moved from the “yellow” to the “red” zone designation during the course of the election calendar. Elections Canada successfully tailored and adapted its processes and products to comply with local public health rules and recommendations, and was successful in providing a safe environment for electors, candidates, office staff and poll workers.

An estimated 29% of eligible electors voted during the two federal by-elections. In comparison, turnouts for the four by-elections held in 2019 ranged from 20% to 41%. Therefore, despite the COVID-19 circumstances, turnout for the 2020 by-elections was in line with previous by-elections.

The common trends for the fall 2020 by-elections were general concerns about creating a safe voting experience for everyone, the implementation of health and safety measures in Elections Canada offices and at the polls, and an uptick in voting during advance polling days and in requests to vote by mail.

Issue of the writs

By-elections were held in October 2020 to fill vacancies in the House of Commons in two electoral districts.

Issue of the writs for the 2020 by-elections			
By-election date	Electoral district	Reason for vacancy	Writ issue date
October 26, 2020 (39-day election period)	Toronto Centre	Resignation of the Hon. Bill Morneau (Liberal Party of Canada)	September 18, 2020
	York Centre	Resignation of Michael Levitt (Liberal Party of Canada)	

Opening Elections Canada offices; hiring and training election workers

Shortly after the writs were issued for the 2020 by-elections, the agency opened an Elections Canada office in Toronto Centre and one in York Centre.

For the 2020 by-elections, returning officers hired 522 and 544 election workers in the electoral districts of Toronto Centre and York Centre, respectively. By comparison, 885 and 746 were hired to work in those same electoral districts during the 43rd general election. The difference is largely due to the new poll staffing model, which assigned a single poll worker to each polling station instead of two. We relied on recruitment in adjacent electoral districts to staff the required number of workers. See Table 1 in the Appendix for the type and number of election officer positions filled for the 2020 by-elections.

Elections Canada provided a wide range of training materials for staff in the electoral districts, including video presentations and manuals supplemented by online resources.

Training staff in both electoral districts received updated information and procedures as changes were made in response to the latest guidance on pandemic measures, which they then communicated to workers.

Moreover, to ease classroom training pressures, the agency deployed self-training workbooks for registration officers and information officers in the Toronto Centre by-election (at the returning officer's request). The independent audit and observations by visitors suggest that these alternate training methods were effective and did not diminish workers' abilities to serve electors at the polls.

Elections Canada encountered three key issues when hiring for these by-elections:

- Phone calls to potential poll workers took more time than usual, mostly to address questions related to working in the pandemic environment. As a result, more agents were required to make recruitment calls.
- Physical distancing in the office was not ideal for team work.
- There were also sanitary concerns about sharing computer and phone equipment during the pandemic.

To mitigate some of these issues in future electoral events, more equipment would be ideal.

Physical distancing was applied in the office, and designated sections were created for walk-in applicants. Poll workers were also clearly informed that they had to wear a mask while at work.

The Chief Electoral Officer authorized certain measures to give returning officers more flexibility in managing their human resources process. For more information, see Table 11 – Adaptations made pursuant to subsection 17(1) of the *Canada Elections Act*.

Working with political entities

Candidates and registered political parties

At the start of the by-election period, there were 23 political parties that could support candidates for the 2020 by-elections (20 registered parties and 3 eligible parties). Subsequently, 1 eligible party became registered with the confirmation of its candidate.

After the close of nominations, there were 21 registered parties (see the Appendix for the complete list). As stipulated in the *Canada Elections Act*, prospective candidates had to file their nomination papers or online nomination form by 2:00 p.m. on the 21st day before election day. Ten candidates submitted their forms in person, and five candidates opted for the online nomination process.

Number of candidates during the 2020 by-elections				
Electoral district	Candidate(s) affiliated with a political party	Independent candidate(s)	Unaffiliated candidate(s)	Total number of candidates
Toronto Centre	7	1	1	9
York Centre	5	1	0	6

In the Appendix, Table 2 lists the confirmed candidates and their party affiliation at the close of nominations for each electoral district. The average number of candidates per by-election held since 2014 is around six.

Soon after the close of nominations, returning officers held meetings by teleconference with the confirmed candidates and their representatives to describe their obligations and responsibilities under the *Canada Elections Act*. Electoral products such as maps of polling stations and lists of electors were made available to political entities via the Political Entities Service Centre's product repository.

Election expenses limits

Final election expenses limits are based on the number of names on the preliminary lists of electors or on the revised lists of electors, whichever is greater, and are established in accordance with the *Canada Elections Act*. Table 3 in the Appendix shows the election expenses limits for candidates and political parties.

The Act also places spending limits on third-party election advertising expenses. One third party was registered for the by-elections held on October 26, 2020. The spending limit was \$4,473 in each electoral district.

Pandemic-related adaptive measures

Electors consenting to candidacy

The *Canada Elections Act* required prospective candidates in Toronto Centre and York Centre to collect the witnessed signatures of at least 100 electors consenting to the candidacy. These signatures are usually collected on forms on which up to 10 electors may sign. Elections Canada introduced a single-sheet elector signature page to facilitate the collection of signatures while reducing the handling of documents by multiple individuals, thereby minimizing risks of COVID-19 infection. Political parties and candidates were informed of this new tool through the returning office and by way of the Advisory Committee of Political Parties. Of the 15 candidates, 8 used the new form in full or in part.

Elections Canada headquarters and offices of returning officers received a number of questions and complaints about the dangers of going door to door to collect signatures during the pandemic. Complaints typically centered on the risk of infection and the fact that the signatures requirement did not align with local public health guidelines about staying home and minimizing social contact. In addition, the applications of two prospective candidates were rejected because they failed to collect enough signatures.

Candidate solemn declaration by videoconference

As an adaptive measure to reduce the risk of COVID-19 infection and respond to the predicted increase in the use of online services for nomination submissions, Elections Canada offered prospective candidates the option of having their solemn declaration administered by videoconference. Of the 15 confirmed candidates, 3 chose to have their solemn declaration administered by videoconference. Two prospective candidates whose nomination papers were subsequently refused also completed their declarations in this manner.

Campaign guidance for canvassing during the COVID-19 pandemic

Elections Canada introduced a new fact sheet on its website outlining public health best practices for canvassing door-to-door and in public spaces. This fact sheet was developed in collaboration with Health Canada and the Public Health Agency of Canada. Candidates and canvassers were directed to follow local public health measures and to contact their local public health authorities for the most up-to-date information and instructions for their area.



2. Information Campaign for Electors

Objectives of the campaign

During the by-elections, Elections Canada ran a Voter Information Campaign designed to provide electors with all the information they needed on where, when and the ways to register and vote, and the safety measures in place. The multimedia campaign included paid advertisements in radio, print and digital formats; organic and paid social media; information on elections.ca; a public enquiries unit; direct mail; outreach to specific groups of electors; and media relations.

Multimedia campaign

The multimedia campaign included advertisements on 15 radio stations as well as on Spotify, in 6 daily and weekly publications, and through out-of-home elements such as digital screens in residential buildings and digital billboards. The Voter Information Campaign was also highly visible on several digital platforms, including social media platforms (e.g. Facebook, Instagram, YouTube, Google) and multiple websites.

The campaign had four phases with distinct focuses: registration, voter information card awareness, early voting options and election day. It also positioned Elections Canada as the official source of information on registering and voting and directed electors to elections.ca and to the agency's toll-free number for additional information. A complementary campaign provided information on the health and safety measures that were in place to ensure electors could register and cast their vote safely.

Social media

Elections Canada used social media (Facebook, Instagram, Twitter, LinkedIn and YouTube) to share information and digital products about where, when and the ways to register and vote.

The agency also used its Twitter and Facebook accounts to respond to questions from the public. Popular topics included ways to vote and pandemic-related safety measures.

- Elections Canada's corporate social media accounts received 388 questions and comments about the Toronto Centre and York Centre by-elections.
- Between September 18 and November 2, 2020, we responded to 91 enquiries related to the by-elections through our social media channels.

These statistics were captured for the first time for the 2020 by-elections and will continue to be reported in future elections.

Website

As in past elections, the Elections Canada website prominently featured a by-election section explaining the various ways to vote, offering two online services to help electors find the information they needed to be ready to vote and providing other details about voting. Electors could use the Online Voter Registration Service to register or check whether their information was correct. Electors could also enter their postal code into the Voter Information Service to learn who the candidates for their electoral district were, where and when they could vote, and the accessibility features of their polling place. The website also provided information about voter eligibility, safety measures in place at local offices and voting locations, and identification requirements for voting.

All told, there were 735,307 visits to the website during the 2020 by-election period, 149,037 of which were on the by-elections pages. This represents an increase from the 473,593 visits to the main website during the previous federal by-election, held in Nanaimo–Ladysmith on May 6, 2019.

Live election results were published on the website as ballots were counted. On election night, there were 45,430 visits to the Election Night Results application and 48,788 visits the next day. These numbers show an increased interest in these by-elections relative to the previous by-election (held in May 2019 for a single electoral district), which generated 14,316 visits on election night.

Enquiries from electors

Elections Canada's Public Enquiries Unit responds to calls and emails from electors on a variety of topics, such as registration, polling place location, accessibility, identification requirements and voting procedures (including COVID-19 precautions and safety measures). Agents in the Public Enquiries Unit at Elections Canada headquarters responded to 1,036 enquiries about the by-elections in Toronto Centre and York Centre, while Elections Canada offices in the electoral districts handled 9,213 enquiries. These figures represent an increase of approximately 100% over those of the 2019 by-elections.

During the by-election period, we received a small number of calls and emails about COVID-19 measures and voting by mail:

- 20 enquiries related to COVID-19 measures
- 14 enquiries related to Special Voting Rules (voting by mail)

Direct mail

Elections Canada mailed voter information cards (VICs) to electors whose names appeared on the preliminary lists of electors in Toronto Centre and York Centre. The VIC tells electors when and where they can vote at advance polls and on election day, describes other voting options, gives them basic information on the accessibility of their polling place and points them to the Elections Canada website for more detailed accessibility information.

Shortly before the advance polls opened, Elections Canada also sent all households in each electoral district a guide to the federal by-election with information about voter eligibility, registration, ways to vote, identification requirements (including information about accepted pieces of identification), safety measures, accessibility of polling locations, and voting assistance tools and services available on election day. The guide also prompted electors to contact Elections Canada if they had not received a VIC.

Number of VICs and guides sent during the 2020 by-elections		
Electoral district	Number of VICs sent	Number of guides sent
Toronto Centre	81,228	66,389
York Centre	69,902	34,488

Community relations and outreach

As part of Elections Canada's outreach efforts to groups that often face greater barriers to voting, returning officers were asked to determine whether a community relations officer should be appointed based on the demographics and needs in their electoral district.

Five community relations officers were appointed in Toronto Centre and two in York Centre. To protect the health and safety of electors and election workers during the pandemic, community relations officers distributed information products digitally and liaised with organizations or facilities providing services to electors known to face particular barriers to the electoral process.¹

Media relations

Elections Canada's Media Relations handled approximately 40 media requests regarding the York Centre and Toronto Centre by-elections. Most enquiries focused on the administrative changes put in place in response to the COVID-19 pandemic.

The agency issued 13 news releases related to these two by-elections. News releases are an important component of our efforts to reach out to and inform the public through traditional media. For the 2020 by-elections, the topics of ways to vote and special COVID-19-related measures were central to our media relations efforts.

¹ Community relations officers work with local organizations to assist electors known to face barriers when participating in the electoral process. These include students, seniors, electors with disabilities and Indigenous, homeless and ethnocultural electors. Community relations officers provide information on when, where and the ways to register and vote and on the tools and services available to electors.



3. Voter Registration Services

National Register of Electors

Elections Canada maintains the National Register of Electors, a database of Canadians who are 18 years or older. The Register is regularly updated between and during elections, using administrative data received through agreements with federal, provincial and territorial agencies. Specifically, agreements are held with the Canada Revenue Agency; Immigration, Refugees and Citizenship Canada; the Canadian Armed Forces; most provincial and territorial agencies responsible for driver licensing and vital statistics; and provincial and territorial electoral management bodies.

When an election is called, the agency uses data from the Register to produce the preliminary lists of electors, which are provided to registered and eligible political parties and to returning officers. Returning officers then provide the lists to the local confirmed candidates, as required by the *Canada Elections Act*. The preliminary lists are also used to produce the VICs and as a basis for the revised lists of electors (with elector information added during the revision period) and the official lists of electors (the lists used on election day).

Coverage, currency and accuracy of the Register

The quality of the information held in the Register is key to ensuring that all electors receive a VIC at their current address. It is also important to political parties and candidates wanting to engage with electors. Quality is a function of three factors: coverage, currency and accuracy.

Coverage is the proportion of eligible electors who are registered to vote. Historically, national coverage has varied between 91% and 96%. In the 2020 by-elections, the coverage of the preliminary lists was 97.6% in Toronto Centre and 90% in York Centre.

Currency is the proportion of eligible electors who are registered at their current address. Historically, the national currency has varied between 81% and 90%. In the 2020 by-elections, the currency of the preliminary lists was 90.9% in Toronto Centre and 79.8% in York Centre.

Accuracy is the proportion of registered electors who are listed at their current address. These electors are correctly registered and can vote without taking extra steps. Accuracy is calculated by dividing the currency estimates by the coverage estimates. Historically, national accuracy has varied between 88% and 93%. In the 2020 by-elections, the accuracy of the preliminary lists was 93.2% in Toronto Centre and 88.7% in York Centre.

Many factors may affect the quality of the lists, including demographic changes and the timely availability of data. The occurrence of these factors varies by region. However, revision activities carried out by returning officers and through online registration in the weeks before election day aim to improve the quality of the lists.

Revision period

The revision period began on Day 35 (September 21, 2020) for the Toronto Centre and York Centre by-elections and ended at 6:00 p.m. on October 20.

During the revision period, Elections Canada offices in each electoral district offered registration services in person and over the phone. Paper registration forms were also distributed to certain key areas, such as high mobility buildings and new residential neighbourhoods. Throughout the 2020 by-elections, electors could also go online to check whether they were registered, update their address or complete their registration.

Table 4 in the Appendix provides details on the number of electors on the preliminary lists of electors and the changes made to the lists during the revision period for the two electoral districts involved in the 2020 by-elections.



4. Voting Services

Electors can cast their ballot at their assigned advance polling station during one of the four designated days, at their assigned polling station on election day, by special ballot at an Elections Canada office or by mail. Other voting methods are also available for residents of long-term care facilities and seniors' residences and for incarcerated electors.

Polling places

For the by-elections in Toronto Centre and York Centre, the returning officers established 26 polling stations at 15 polling places for the advance polls and 256 polling stations at 87 polling places on election day. One mobile polling station visited 2 establishments.

Given that returning officers were not able to rent many of the locations typically used as polling places and the difficulty in securing new locations, there were fewer polling places and polling stations compared with previous elections. Many polling divisions were merged together, which reduced the number of polling stations, thus allowing enough space for physical distancing around each polling station. Table 5 in the Appendix breaks down the number of polling stations and polling places for each electoral district.

Across the two electoral districts in the 2020 by-elections, 85 of the 87 polling places met the 15 mandatory accessibility criteria.

Voting

Voting at assigned advance and election day polling places

In Toronto Centre and York Centre, the majority of voters (more than 64%) chose to cast their ballot at their polling station on election day. Approximately 33% voted at the advance polls. These turnout numbers help confirm a continuing upward trend of electors choosing to vote in advance of election day.

Voting by mail or at an Elections Canada office

Under the Special Voting Rules provisions of the *Canada Elections Act*, electors who are in their electoral district during an election can also vote by mail or in person at any Elections Canada office. Canadians temporarily outside their electoral district or living abroad can apply online for a special ballot voting kit to be mailed to them.

In past by-elections, very few electors voting from within their electoral district under the Special Voting Rules opted to vote by mail, choosing instead to vote in person at their local Elections Canada office. In the 2020 by-elections, there was a significant increase in uptake for the vote-by-mail option. In Toronto Centre, 182 electors voted by mail compared to 190 who voted in person at the local office. In York Centre, more electors voted by mail than in person at the local Elections Canada office (216 by mail and 211 in person). This is likely

due to the pandemic context, which may have pushed some electors to avoid in-person transactions.

For every by-election, Elections Canada communicates with its partners in the Canadian Armed Forces, at Correctional Service Canada and at Global Affairs Canada to disseminate information and registration materials to Canadian Forces electors, incarcerated electors and electors residing outside Canada whose address of ordinary residence is in the electoral district.

In the 2020 by-elections in Toronto Centre and York Centre, a total of 1,151 electors voted by special ballot. This represents 2.64% of the electors who voted, compared with 3.6% in the 2019 general election. In the Appendix, Table 6 breaks down the vote by category for each electoral district. Table 7 breaks down special ballot voting.

On September 21, 2020, the Chief Electoral Officer made new *Special Voting Rules as Adapted for the Purposes of a By-election* to reflect the changes made in 2018 by Parliament to the Special Voting Rules applicable to general elections. During the by-elections, the Chief Electoral Officer also issued instructions addressing issues with the Special Voting Rules process or filling gaps in the Rules that would prevent electors who are otherwise qualified to vote from casting their ballot. For more information, see Table 12 – Instructions issued pursuant to subsection 178(2) and section 179 of the *Canada Elections Act*.

Voter turnout

For the 2020 by-elections, 43,547 registered electors voted in Toronto Centre and York Centre.

In the Appendix, Table 8 shows turnout by electoral district and compares turnout rates with those for the 2019 general election. Historically, voter turnout in by-elections is lower than in general elections. The turnout rate for the 2020 by-elections was generally in line with other by-elections. An estimated 29% of eligible electors voted during the two federal by-elections, compared to turnout rates ranging from 20% to 41% for the federal by-elections held in 2019.

Projects enabled by IT Services

During the 43rd general election, Elections Canada deployed new field telephony systems and introduced an online case management system to enhance services to field staff and candidates. Both systems were used extensively during the 2020 by-elections.



5. Maintaining Security and Integrity

Elections Canada's role in electoral security

There is no one simple solution that eliminates threats to democracy while maintaining an accessible, fair and transparent electoral process. These threats are complex—ranging from criminal acts, terrorism and cyberattacks to foreign interference and attempts at disinformation—and reach beyond our borders and the realm of election management. Elections Canada pays careful attention to these threats to democracy. For the 2020 by-elections, we continued our efforts to limit their impact, working within the bounds of our legal mandate and with the assistance of government departments and agencies. Elections Canada coordinates with other federal organizations that contribute to election security, including:

- Communications Security Establishment
- Canadian Centre for Cyber Security
- Canadian Security Intelligence Service
- Royal Canadian Mounted Police
- Public Safety Canada
- Global Affairs Canada
- National Security and Intelligence Review Agency
- Public Health Agency of Canada

While no criminal activity, cybersecurity incident or disinformation campaign disrupted the administration of the 2020 by-elections, it is important to remain vigilant to emerging threats. Canadians can count on Elections Canada to make registration and voting as accessible, convenient and secure as possible.

Role of the Commissioner of Canada Elections

The Commissioner of Canada Elections is the independent officer responsible for ensuring that the *Canada Elections Act* is complied with and enforced. The Commissioner is appointed by the Chief Electoral Officer, after consultation with the Director of Public Prosecutions. Under the *Canada Elections Act*, the Chief Electoral Officer and the Commissioner each have a specific statutory mandate that provides expressly for their appointment and the exercise or performance of particular powers, duties and functions in relation to federal elections. The Commissioner of Canada Elections reports annually on the activities of the Commissioner's office.



6. Concluding the By-elections

Election results

In the October 26, 2020, by-elections, the candidates elected in the electoral districts were as follows:

- Toronto Centre: Marci Ien, Liberal Party of Canada
- York Centre: Ya'ara Saks, Liberal Party of Canada

A new staffing model was used at polling places for these by-elections. One deputy returning officer managed the voting process alone at each polling station, rather than together with a poll clerk. Other workers at the polling places were paired with a deputy returning officer to ensure that the ballot count for each polling division was completed by two workers. In some polling places, the reduced complement of poll workers led to a worker helping one deputy returning officer with a count and then, once that count was done, assisting a second deputy returning officer with their counting. This resulted in a small delay in some polls reporting their results.

If the next general election is held during the pandemic, the staffing plan is to have a dedicated second worker available to assist each deputy returning officer with the count. In areas where there are recruitment challenges, there will be the option of hiring additional workers for the peak voting period in the evening and having them stay for the ballot counting after the polls close.

Validation of results and return of writs

Returning officers in each electoral district validate the results of a by-election as soon as possible after election day. Once validation is completed, returning officers issue a certificate showing the number of votes cast for each candidate.

A returning officer must hold the writ for six days after the validation of the results to allow time for candidates and electors to request a judicial recount. If there is no recount, the returning officer declares the candidate who received the most votes elected and returns the writ to the Chief Electoral Officer.

There were no judicial recounts initiated in either of the 2020 by-elections.

In the Appendix, Table 9 lists the number of valid votes obtained by each candidate in each electoral district.

The [official voting results](#) were published on the Elections Canada website.

Complaints

During and after general elections or by-elections, Elections Canada receives, reviews and responds to complaints from electors. Complaints may relate to a wide range of issues such as long lines, campaign financing irregularities and accessibility problems at polling places.² Electors can register complaints by phone, mail or email or by using a [special form](#) on the Elections Canada website. They can also lodge a complaint at an Elections Canada office or at their polling place. Elections Canada received 46 complaints related to the 2020 by-elections:

- 7 complaints about the agency's central services—such as the VIC, lists of electors and voting by special ballot—2 of which were COVID-19-related³
- 10 complaints related to polling place accessibility, 4 of which were about parking, 2 about the level access entrance, 2 about signage and 2 about the location of the voting room
- 18 complaints about services at the polls, 13 of which were COVID-19-related
- 4 complaints about activities of political parties—such as campaigning and spending—2 of which were COVID-19-related
- 6 complaints about services to electors, 3 of which were COVID-19-related
- 1 complaint about counting the votes. This complaint was signed by a group of electors regarding the counting and reporting of the results in York Centre, which led to an administrative review. The review concluded that three advance polls—those where the Liberal candidate did better than the Conservative candidate—submitted their results for entry into the computer system at almost the same time, between 11:44 p.m. and 11:46 p.m. on election night (October 26). There was nothing irregular about this coincidence, but since these three polls yielded a large number of ballots in favour of the Liberal candidate, the impact was immediately noticeable. The votes for the three polls in question had already been cast between October 16 and October 19. The counting of the advance poll ballots was open to the candidates, and a representative for the Conservative candidate was present to observe the proceedings. The validation of the results took place on Thursday, October 29, and again, candidates or their representatives were invited to be present.

² The agency defines a *complaint* as an expression of dissatisfaction with the products or services provided by Elections Canada, the way in which services were provided by Elections Canada or the conduct of a person or group during the electoral process.

³ One elector complained that Elections Canada was holding a by-election in Toronto Centre during the pandemic. The other elector who complained had wanted to vote by special ballot because of the pandemic and the health regulations in effect in Toronto Centre. Using Elections Canada's online service, he had applied to vote by special ballot. However, he received his ballot too late for it to be counted. He therefore decided to go to his ordinary polling station. The election officers asked the elector to destroy his special ballot (which he had fortunately brought with him) in front of them and then gave him a regular ballot.

The volume and types of complaints for the 2020 by-elections were consistent with those for previous by-elections, with the exception of the complaints related to COVID-19. The majority of these were about poll workers not wearing their masks properly.

Elections Canada follows up on all complaints received and analyzes them to improve the agency's services. Complaints that may impact an elector's right to vote are given the highest priority. Those that are related to a potential offence under the *Canada Elections Act* are referred to the Commissioner of Canada Elections for possible investigation. For the 2020 by-elections, three complaints were referred to the Commissioner. Table 10 in the Appendix shows a summary of complaints for the 2020 by-elections.

Reporting obligations after polling day

Candidates and third parties must file their campaign return with Elections Canada by no later than four months after election day. For the two 2020 by-elections, the filing deadline was February 26, 2021.

Candidates who were elected or who received at least 10% of the valid votes cast in their electoral district were eligible to receive a partial reimbursement of their electoral campaign expenses. Initial instalments were paid to these eligible candidates in the total amount of \$81,512.65 for the October 26, 2020, by-elections.

Cost of the by-elections

As of January 31, 2021, the total estimated cost for the two by-elections is \$3.3 million, including \$212,000 projected to be paid to candidates for the partial reimbursement of their election expenses and the subsidies to candidates' auditors. The cost per registered elector is estimated at \$21.57, which is 72% higher than the historical average⁴ of \$12.55. This increase is mainly due to the challenges of delivering an election during a pandemic and to both electoral districts being located in the Greater Toronto Area, where the delivery costs are higher than average (e.g. rental space, media buys, etc.).

⁴ The historical average is based on actual expenditures of the last 7 by-election events across 17 electoral districts from April 2017 to May 2019.

The following table provides the estimated cost of the by-elections.

Estimated cost of the 2020 by-elections (in thousands of dollars)	
Activity	October 26 by-elections*
Conducting the by-election Includes expenses for the fees and allowances of returning officers and election workers, printing ballots and lists of electors, leasing local offices and polling places, shipping election materials, running communications campaigns, hiring temporary staff and deploying IT infrastructure and telecommunications	3,075
Reimbursing election expenses to candidates and subsidies to candidates' auditors	212
Total estimated costs	3,287

*In Toronto Centre and York Centre

Compliance with procedures

The *Canada Elections Act* requires Elections Canada to arrange for an independent audit of the performance of election officers at each general election and by-election. Since 2015, these audits have been conducted by the firm PricewaterhouseCoopers LLP (PwC).

PwC conducted independent audits of the two 2020 by-elections. Findings indicated that on all days of advanced polling (October 16, 17, 18 and 19, 2020) and on ordinary polling day (October 26, 2020), election officers had, in all significant respects, properly exercised the powers conferred on them and properly performed the duties and functions imposed on them under sections 143 to 149, 161, 162 and 169 of the *Canada Elections Act*. The audit report also concluded that the administrative controls established by Elections Canada—including manuals, training materials and optimized certificates and forms—were effective in supporting election officers in the performance of their duties and functions.

The [full audit report](#) can be found on the Elections Canada website.

Surveys

Further information and feedback on the 2020 by-elections, including electors' and election workers' perceptions of the safety measures put in place, can be found in the Survey of Electors and the Survey of Election Officers, which are available on the [Elections Canada website](#).



Appendix

Registered political parties during the 2020 by-elections

- Animal Protection Party of Canada
- Bloc Québécois
- Canada's Fourth Front
- Canadian Nationalist Party
- Christian Heritage Party of Canada
- Communist Party of Canada
- Conservative Party of Canada
- Free Party Canada
- Green Party of Canada
- Liberal Party of Canada
- Libertarian Party of Canada
- Marijuana Party
- Marxist-Leninist Party of Canada
- National Citizens Alliance of Canada
- New Democratic Party
- Parti pour l'Indépendance du Québec
- Parti Rhinocéros Party
- People's Party of Canada
- Stop Climate Change
- The United Party of Canada
- Veterans Coalition Party of Canada

Table 1 – Type and number of positions filled* for the 2020 by-elections

Position	Toronto Centre	York Centre
Poll Workers		
Central poll supervisor	105	129
Deputy returning officer	184	186
Information officer	163	149
Poll clerk	0	0
Registration officer	104	98
Special messenger	4	0
Subtotal	560	562
Other Election Workers		
Additional assistant returning officer	0	1
Assistant automation coordinator	2	1
Assistant recruitment officer	7	1
Assistant returning officer	1	1
Automation coordinator	1	1
Community relations officer	5	2
Financial officer	1	1
Inventory clerk/ Electoral material coordinator	5	4
Office clerk	10	44
Office coordinator	0	1
Office messenger	0	4
Receptionist	2	4
Recruitment officer	2	2
Returning officer	1	1
Service agent	22	9
Revision centre clerk	3	0
Service point supervisor	1	2
Support staff for office of additional assistant returning officer	0	0
Training officer	7	5
Witness – validation of results	2	0

Table 1 – Type and number of positions filled* for the 2020 by-elections

Position	Toronto Centre	York Centre
Special Voting Rules Expansion – Special ballot coordinator	0	0
Safety officer	0	0
Hospital liaison officer	0	0
Assistant service point supervisor	2	0
Subtotal	74	84
Total	634	646

*Includes individuals on standby. Excludes trainees not retained.

Table 2 – Confirmed candidates, by electoral district

Electoral district	Number	Name	Party affiliation
October 26, 2020, by-elections			
Toronto Centre	9	Bawa, Baljit	People's Party of Canada
		Cappelletti, Dwayne	Free Party Canada
		Chang, Brian	New Democratic Party
		Clarke, Kevin	Independent
		Ien, Marci	Liberal Party of Canada
		Komar, Keith	Libertarian Party of Canada
		Paul, Annamie	Green Party of Canada
		Sharma, Benjamin Gauri	Conservative Party of Canada
		Znoneofthe, Above	No affiliation
York Centre	6	Bernier, Maxime	People's Party of Canada
		Saks, Ya'ara	Liberal Party of Canada
		Tiangson, Julius	Conservative Party of Canada
		Turmel, John the Engineer	Independent
		Vásquez Jiménez, Andrea	New Democratic Party
		Zavarella, Sasha	Green Party of Canada

Table 3 – Expenses limits for the 2020 by-elections**Candidate expenses limits for October 26, 2020, by-elections**

Electoral district	Expenses limits for candidates
Toronto Centre	\$110,649.38
York Centre	\$105,734.74

Registered political party expenses limits for October 26, 2020, by-elections

Electoral district	Expenses limits for party
Toronto Centre	\$88,993.53
York Centre	\$77,071.40
Combined limit for parties with candidates in both electoral districts	\$166,064.93

Table 4 – Voter registration statistics for the 2020 by-elections, by electoral district

Electoral district	Electors on preliminary lists (incl. Special Voting Rules (SVR))	Electors added ¹	Inter-ED address changes ²	Moves within ED ³	Other corrections ⁴	Electors removed ⁵	SVR Group 1 updates ⁶	Electors on final lists ⁷
October 26, 2020, by-elections								
Toronto Centre	81,020	434	719	292	372	338	25	81,860
York Centre	69,865	493	221	681	329	164	127	70,542

¹ Electors who did not appear on any lists of electors at the beginning of the by-election and were added during the by-election.

² ED = electoral district. Electors who appeared on the lists of electors of one ED at the beginning of the by-election but changed their address during the by-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 by-election and changed their address during the by-election because of a move to another polling division. These figures also include administrative changes that the returning officer made to elector records during the by-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 by-election.

⁵ Electors who appeared on a list of electors but were removed for one of the following reasons: the elector was deceased, the elector requested to be removed, the elector was no longer resident at that address or 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 a move to another ED during the by-election and duplicate records removed during the by-election, including during the preparation of the final lists of electors.

⁶ SVR = Special Voting Rules. This row indicates a change 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 by-election.

⁷ The total number of electors on the final lists is the sum of electors on the preliminary lists of electors, electors added, electors with inter-ED address changes and SVR Group 1 updates, minus removed records.

Table 5 – Polling stations and polling places, by category, for the 2020 by-elections

Electoral district	Election day polling stations	Election day polling places	Advance polling stations	Advance polling places	Mobile polling stations
October 26, 2020, by-elections					
Toronto Centre	126	43	15	6	1
York Centre	130	44	11	9	0

Table 6 – Ballots cast for the 2020 by-elections

Electoral district	Ballots at election day polls	Ballots at advance polls	Voting by special ballot (SVR)	Total valid ballots	Total rejected ballots	Total ballots cast
October 26, 2020, by-elections						
Toronto Centre	16,526	8,037	642	25,205	118	25,323
York Centre	11,307	6,261	490	18,058	166	18,224

Table 7 – Special Voting Rules ballots cast for the 2020 by-elections

	Electoral district	Ballots issued	Valid ballots	Rejected ballots	Ballots cast	Ballots returned ³
Group 1 (international, incarcerated)	October 26, 2020, by-elections					
	Toronto Centre	777	194	6	200	25.74%
	York Centre	170	41	2	43	25.29%
	Subtotals	947	235	8	243	25.66%
Group 2 (local¹ and national²)	October 26, 2020, by-elections					
	Toronto Centre	564	448	7	455	80.67%
	York Centre	535	449	4	453	84.67%
	Subtotals	1,099	897	11	908	82.62%
Totals		2,046	1,132	19	1,151	56.26%

¹ Electors whose applications were processed and whose ballots were counted at local Elections Canada offices. This includes electors who registered to vote in acute care facilities.

² Electors whose applications were processed and whose ballots were counted at Elections Canada headquarters in Ottawa.

³ Total ballots cast divided by ballots issued.

Table 8 – Ballots cast in the 2019 general election and 2020 by-elections

Electoral district	Election			
	2019 general election		2020 by-elections	
	Ballots cast	Turnout	Ballots cast	Turnout
October 26, 2020, by-elections				
Toronto Centre	54,896	66.1%	25,323	30.9%
York Centre	43,851	61.7%	18,224	25.8%

Table 9 – Valid votes obtained, by candidate

Electoral district	Candidate and affiliation	Place of residence	Occupation	Valid votes obtained	Percentage of valid votes
October 26, 2020, by-elections					
Toronto Centre	Marci Ien (Liberal Party of Canada)	Toronto, Ontario	Journalist	10,581	42
	Annamie Paul (Green Party of Canada)	Toronto, Ontario	Lawyer	8,250	32.7
	Brian Chang (New Democratic Party)	Toronto, Ontario	Research Associate	4,280	17
	Benjamin Gauri Sharma (Conservative Party of Canada)	Toronto, Ontario	Policy Advisor	1,435	5.7
	Baljit Bawa (People's Party of Canada)	Mississauga, Ontario	Immigration Consultant	269	1.1
	Keith Komar (Libertarian Party of Canada)	Barrie, Ontario	Bricklayer	135	0.5
	Kevin Clarke (Independent)	Scarborough, Ontario	Servant	123	0.5
	Dwayne Cappelletti (Free Party Canada)	Laval, Quebec	Construction Labourer	76	0.3
	Above Znoneofthe (No Affiliation)	Maple, Ontario	Customer Service	56	0.2
	Ya'ara Saks (Liberal Party of Canada)	North York, Ontario	Trauma Practice for Healthy Communities	8,253	45.7
York Centre	Julius Tiangson (Conservative Party of Canada)	Mississauga, Ontario	Real Estate Developer and Investment Consultant	7,552	41.8
	Andrea Vásquez Jiménez (New Democratic Party)	Toronto, Ontario	Consultant	1,046	5.8
	Max Bernier (People's Party of Canada)	Verdun, Quebec	CEO of the People's Party of Canada	642	3.6
	Sasha Zavarella (Green Party of Canada)	Toronto, Ontario	Shipping/Receiving Manager	461	2.6
	John The Engineer Turnel (Independent)	Brantford, Ontario	Banking Systems Engineer	104	0.6

Table 10 – Complaints in relation to the 2020 by-elections, by type

Electoral district	Type of complaint				
	Elections Canada central services	Polling place accessibility	Services at the polls	Activities of political parties	Services to electors
October 26, 2020, by-elections					
Toronto Centre, York Centre	7	10	18	4	6

Table 11 – Adaptations made pursuant to subsection 17(1) of the *Canada Elections Act*

Under subsection 17(1) of the *Canada Elections Act* (the Act), the Chief Electoral Officer may, for the sole purpose of enabling electors to exercise their right to vote or enabling the counting of votes, adapt the Act to address an emergency, an unusual or unforeseen circumstance, or an error. These adaptations are only applicable for the period of the election during which they are made and for the 30 days after election day.

Provision	Explanatory notes
Section 289	<p>Purpose: Provided returning officers with more flexibility in the assignment of human resources to polling day operations.</p> <p>Explanation: As a consequence of both the anticipated recruiting challenges and the physical distancing measures during the COVID-19 pandemic, the Chief Electoral Officer authorized the recruitment of a single election worker for each table serving a polling division. This change required that experienced election officers be assigned to polling stations on polling day.</p> <p>For the purpose of counting the votes cast at advance polls, which occurs on polling day, the adaptation allowed returning officers to assign election officers who did not work at advance polls. By doing so, the adaptation allowed returning officers to reassign experienced election officers who worked at advance polls to work at ordinary polls on polling day.</p>

Table 12 – Instructions issued pursuant to subsection 178(2) and section 179 of the *Canada Elections Act*

Subsection 178(1) of the *Canada Elections Act* (the Act) provides that the Special Voting Rules set out in Part 11 of the Act apply to general elections only. However, subsection 178(2) stipulates that the Chief Electoral Officer may, by instructions, adapt Part 11 so that any or all of its provisions apply to a by-election. The *Special Voting Rules as Adapted for the Purposes of a By-election* (the Rules) constitute such instructions. On September 21, 2020, the Chief Electoral Officer made new *Special Voting Rules as Adapted for the Purposes of a By-election* in order to reflect in those Rules the changes made by Parliament—through Bill C-76—to various provisions found in Part 11 of the Act.

The Chief Electoral Officer may, pursuant to section 179 of the Rules, issue instructions to execute their intent in a particular circumstance. In general, instructions address issues with the Special Voting Rules process that are not contemplated by the Act or the Rules, or fill gaps in the Rules that would prevent electors who are otherwise qualified to vote from casting their ballot. These instructions can be made applicable for the purposes of a particular by-election only, or they can be made to continue to apply for future by-elections until rescinded by the Chief Electoral Officer or superseded by new instructions.

Provision	Explanatory notes
Section 181	Purpose: Permitted the appointment of an additional special voting rules administrator to facilitate the counting of the votes at Elections Canada headquarters.
(Instructions issued for the purposes of the October 26, 2020, by-elections only)	Explanation: Section 181 of the Act provides for the appointment of a special voting rules administrator, whose duties include supervising the counting of the votes at Elections Canada headquarters. The scope of the duties assigned to the special voting rules administrator by the Chief Electoral Officer having increased, it is desirable to attribute to more than one election officer the specific tasks assigned by the Rules to the special voting rules administrator. The instructions provided for the temporary appointment of one additional special voting rules administrator, who was granted the authority to exercise the special voting rules administrator's duties in relation to the counting of the votes at Elections Canada headquarters.
Sections 227, 235, and 237	Purpose: Allowed electors a new opportunity to vote when circumstances outside the elector's control—such as a delay affecting the delivery to the elector of the special ballot voting kit—could have prevented the elector from voting by special ballot.
(New instructions)	Explanation: The Rules provide that electors whose applications for registration and special ballot have been accepted may vote only under the Special Voting Rules. Circumstances outside their control may prevent electors from voting by special ballot—for example, when a delay affected the timely delivery to electors of their special ballot voting kits. These instructions allowed the special voting rules administrator and returning officers to allow the elector to be given a new

	<p>opportunity to vote and, when necessary, to annul the application for registration and special ballot made by the elector.</p>
<p>Sections 267 and 277</p> <p>(New instructions superseding instructions issued at a previous by-election)</p>	<p>Purpose: Allowed electors to be given a new opportunity to vote, if they wanted to, in cases where they had been registered by election officers to vote by special ballot in the wrong electoral district.</p> <p>Explanation: Section 6 of the Act provides for each elector's right to have their name included in the list of electors for the polling division—and, by extension, for the electoral district—in which they ordinarily reside and to vote at the polling station established for that polling division.</p> <p>Electors are sometimes mistakenly registered by an election officer in the wrong electoral district. These instructions permitted electors who were registered and who voted in the wrong electoral district to vote again in the correct electoral district, if a by-election was ongoing in that electoral district. They also authorized election officers to set aside, during the counting of the votes, special ballots cast by electors in the wrong electoral districts.</p>
<p>Sections 267 and 277</p> <p>(New instructions superseding instructions issued at a previous by-election)</p>	<p>Purpose: Allowed electors to be given a new opportunity to vote, if they wanted to, in cases where it was believed that they could have improperly marked their special ballots because of erroneous information provided to them by election officers.</p> <p>Explanation: The Rules set out the voting procedure that must be followed by an elector voting with a special ballot.</p> <p>Electors voting by special ballot are sometimes mistakenly given erroneous information that may cause them to improperly mark their ballots. A ballot is marked improperly when the mark will lead to the ballot's rejection, pursuant to subsections 269(1) or 279(1) of the Rules. These instructions permitted electors to be given a new opportunity to vote in cases where election officers had provided them with erroneous information that may have caused them to improperly mark their special ballots. When the elector accepted to vote again, the instructions also provided for the setting aside of the envelope, unopened, containing the special ballot initially marked by the elector.</p>
<p>Sections 267 and 277</p> <p>(New instructions superseding instructions issued at a previous by-election)</p>	<p>Purpose: Allowed electors to be given a new opportunity to vote, if they wanted to, in cases where they had not signed the declaration shown on the outer envelope.</p> <p>Explanation: An elector who votes under the Special Voting Rules must, after having marked the ballot or special ballot, place it in the inner envelope and seal that envelope, sign the declaration shown on the outer envelope, and place the inner envelope in the signed outer envelope and seal that envelope. An unsigned declaration will generally lead to the setting aside of the envelope pursuant to paragraphs 267(1)(b) or 277(1)(b) of the Rules.</p> <p>Some electors in this situation inadvertently fail to follow this voting procedure. These instructions permitted electors to be given a new opportunity to vote. They also provided for the envelopes containing the special ballots affected by the errors to be set aside unopened.</p>

Sections 267 and 277	<p>Purpose: Authorized the procedure for the verification of electors’ declarations to be conducted without opening the outer envelopes in certain cases.</p> <p>Explanation: The special ballot voting procedure could eventually be modified to allow some electors to vote using a special ballot voting kit provided to them electronically. As part of this process, those electors would be required to print and sign a declaration form and to provide their own inner and outer envelopes. Amendments made to the Act by Bill C-76 allow for this additional flexibility in the administration of the Special Voting Rules. As a consequence, where the Act used to speak of the setting aside of outer envelopes, it now speaks of the setting aside of inner envelopes.</p> <p>For the purposes of the October 26, 2020, by-elections, the declaration that had to be signed by electors who voted under the Special Voting Rules was always printed on the outer envelope provided to the elector by the Chief Electoral Officer. Therefore, the election officers who proceeded to verify the electors’ declarations did not have to open outer envelopes to retrieve electors’ declarations.</p> <p>These instructions authorized an election officer who set aside an outer envelope to accomplish their duties by noting on the outer envelope—instead of the inner envelope—the reasons for setting it aside and by initialing the outer envelope.</p>
Section 267	<p>Purpose: Authorized the special voting rules administrator to validate the outer envelope received from an elector residing outside Canada who inadvertently voted using the special ballot voting kit received for a previous federal election.</p> <p>Explanation: A special ballot voting kit is sent, upon the issue of a writ in relation to a given electoral district, to each elector whose name is entered on the International Register of Electors and whose last place of ordinary residence in Canada is located in that electoral district. The outer envelope provided in each special ballot voting kit does not identify the election for which it was issued but includes a unique code allowing the Chief Electoral Officer to associate each envelope to a specific election and elector.</p> <p>An elector, whose name had been entered on the International Register of Electors for more than one election and whose last place of ordinary residence in Canada is in the electoral district of Toronto Centre (Ontario), transmitted his vote for the October 26, 2020, by-election using, by mistake, the outer envelope provided to him in respect of the 43rd general election instead of the outer envelope provided to him in respect of the by-election. As verifications led by the special voting rules administrator confirmed that the integrity of the special ballot voting process was not affected by the error, the instructions authorized the validation of the outer envelope received from the elector.</p>