

Subsection 5.—The Franchise at Dominion Elections

It was provided by the British North America Act, 1867, that, until otherwise directed by Parliament, elections to the House of Commons should be governed by the electoral laws of the several provinces. The qualifications of electors throughout the Dominion consequently varied but remained the same for both Dominion and provincial elections in any one province until, in 1885, Parliament legislated on the subject by passing the Electoral Franchise Act (47-48 Vict., c. 40). That Act defined a uniform qualification for voters throughout Canada for Dominion purposes, the basis of this new franchise being the ownership or occupation of land of a specified value, although the sons of owners, and particularly farmers' sons, were given the right to vote on special conditions. This Dominion franchise remained in force for thirteen years, but between 1898 and 1920, under the Franchise Act of the former year (59-60 Vict., c. 14), the provincial franchises were again made applicable at Dominion elections. The adoption of the provincial franchise laws for Dominion purposes was temporarily modified by the War-time Elections Act (7-8 Geo. V, c. 39), which admitted certain near female relatives of members of the military forces, or of the naval forces, to vote at Dominion elections. Three years later, on the adoption of a New Dominion Elections Act (10-11 Geo. V, c. 46), the provincial franchises were again wholly abandoned and a new electoral qualification was established for Dominion elections throughout Canada. The right to vote was conferred by the new Act upon all British subjects, men and women, of 21 years and upwards, who had resided in Canada for a year, and for two months in the electoral district in which they desired to vote. Women were granted general franchise in Canada in 1918 (8-9 Geo. V, c. 20), and have voted at all Dominion elections held since that date.

Franchise Legislation now in Force.—The right to vote is at present provided for in the Dominion Elections Act, 1938 (2 Geo. VI, c. 46) as amended by 6 Geo. VI, c. 26. The franchise is conferred upon all British subjects, men or women, who have attained the age of 21 years and who have been ordinarily resident in Canada for 12 months prior to polling day at a Dominion election, and ordinarily resident in the electoral district on the date of the issue of the writ for such election. Lists of electors are prepared afresh for use at each Dominion election. Those denied the right to vote are:—

1. Judges appointed by the Governor in Council;
2. The returning officer for each electoral district;
3. Persons undergoing punishment as inmates of any penal institution for the commission of any offence;
4. Indians ordinarily resident on an Indian reservation who did not serve in the War of 1914-18, or in the War that began on Sept. 10, 1939;
5. Persons restrained of their liberty or management of their property by reason of mental disease;
6. Eskimos, whether born in Canada or elsewhere;
7. Persons who are disqualified by reason of race from voting at an election of a member of the Legislative Assembly of a province in which they are residing, and who did not serve in the War of 1914-18, or in the War that began on Sept. 10, 1939;
8. Doukhobors, residing in the Province of British Columbia, whether born in Canada or elsewhere;
9. Persons disqualified under any law relating to the disqualification of electors for corrupt and illegal practices;
10. Inmates of an institution which is maintained by any government or municipality for the housing of the poor, if such persons are disqualified from voting at an election of a member of the Legislative Assembly of the province, and did not serve in the War of 1914-18, or in the War that began on Sept. 10, 1939;
11. Every Japanese who resided in the Province of British Columbia on July 1, 1938, and on Dec. 7, 1941, who did not serve in the War of 1914-18, or in the War that began on Sept. 10, 1939.