



Chief Electoral
Officer of Canada

Directeur général des
élections du Canada

E70TE
ME

Ottawa, Canada K1A 0M6

28 October 1993

The Independent Electoral Commission
The Technical Committee on the Electoral Bill
The World Trade Center
Kenton Park, Jones Road
Johannesburg
South Africa

by fax: 011 27-11-397 22 11

Attention Dr. Ginwala

I have recently received a copy of the Second Version of the Draft Electoral Bill which I received subsequent to sending my comments, as requested by you, concerning Special Voter ID cards.

In reviewing the narrative comments related to the Second Draft, I was left with the impression that some of the proposals might potentially result in making the electoral process susceptible to challenge and controversy which could affect the confidence in the integrity of the election. Other considerations, if adopted, may make it virtually impossible to organize and carry out the election by April 27th.

Specifically, the proposed criteria for voter eligibility in Sections 2.1 to 2.6 could make the registration process extremely difficult and time-consuming, if reasonable validation of electors' eligibility was required. Determination of ordinary residence over a defined period would be one that could be difficult to establish, and open to challenge. If these provisions were incorporated into the law, very specific definitions would be required with respect to "ordinary residence", and very specific criteria would also have to be determined with respect to acceptable documentation to prove this. Clear direction based on the legislation would be needed to identify the start and end of the defined periods of residence. Over and above, the difficulties arising from these expanded criteria would be the challenge of training competent registration officials in the application of these criteria; and subsequently, carrying out this very complex registration process and the subsequent challenge period in time to respect April 27th as Election Day.

A second concern has to do with special votes for special groups, including foreign voting as discussed in Section 10. Every additional voting system places major demands on an electoral organization, and although desirable, may not be realistic, at this first election, given

the fact that the Election Commission may have as little as four months to put together an electoral process which, in my view, normally, would require a minimum of one year.

With respect to **Section 12** -- if the voters are required to vote at specific voting stations, this would require a list of electors in each voting station, which I believe it would be impossible to produce electoral lists in time for an April 27th election. I also believe that the same problem arises when considering issuing new voters cards to all 22 million electors. If it was found that special Voters Cards were required for a limited group, as mentioned in my previous fax to you, I believe this might be possible to do within the limited timeframe which remains.

Obviously if the Voters Cards could not be issued to all voters, it would be impossible to have some voters with cards designating regions where they are eligible to vote, and the majority of cards with no such identification.

The provision of Special Ballot Papers for every region in every poll, and the determination of what quantities for each region in each poll would be required will certainly be a significant challenge to the Election Commission. In addition, an assessment should be made as to the potential for violence in situations where electors were clearly identified as being attached to a region other than the one in which they are voting, by the selection of the different regional ballots.

Although I have not yet had the opportunity to peruse the Second Draft in detail, I did want to make with these initial comments and also to express my very strong support for the amendment establishing a formal Liaison Committee between the Independent Electoral Commission and the registered parties.

Yours sincerely,



Ron Gould
Assistant Chief Electoral Officer