



ELECTORAL Insight

A MAGAZINE PRODUCED BY ELECTIONS CANADA TO PROMOTE EXCELLENCE AND LEADERSHIP IN ELECTORAL MATTERS

Review of Electoral Systems

Right-to-vote Activist
Still Stands Tall
But Who Was
Nellie McClung?

Australia:
The 1999 Referendum
on the Republic



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THE COVER

Eleanor Milne, Chris Fairbrother and Marcel Joannis
The Vote (1979-1980)

Indiana limestone, 121.9 x 182.8 cm, House of Commons, Ottawa

Sixth in a series of sculptures on the east wall of the House of Commons chamber, *The Vote* is a wheel-shaped high relief with a central "X", the traditional mark made on the ballot when voting. The spokes of the wheel represent Canada's rivers, symbolizing the great distances Canadians once travelled to exercise their franchise. The faces represent the various races and the two sexes in the population, all of whom now have the right to vote. The base stone shows four heads with flowing hair whose mouths shape, in song, the first syllables of Canada's national anthem, "O-Ca-na-da".

Electoral Insight is prepared by Elections Canada and is published biannually. *Electoral Insight* is intended for those interested in electoral and related matters, including parliamentarians, officials of international and domestic electoral management bodies, election officers and academics. The opinions expressed are those of the authors; they do not necessarily reflect those of the Chief Electoral Officer of Canada.

Submissions of articles and photos that might be of interest to *Electoral Insight* readers are welcome, although publication cannot be guaranteed. If used, submissions will be edited for length and clarity as necessary.

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Jean-Pierre Kingsley
Chief Electoral Officer, Elections Canada

The Chief Electoral Officer's Message

Elections Canada created *Electoral Insight* as a forum for discussing the electoral process, and to encourage the collaborative spirit that is growing among electoral agencies and our stakeholders and partners. We hope everyone concerned with electoral matters will use it to exchange knowledge and to inform Canadians about important issues.

In recent years, the environment and dynamics of electoral administration have changed significantly. Many countries have undergone democratization, new technologies have emerged, governments have rationalized their operations and become more accountable. As a result of these and other factors, collaboration among electoral organizations, government and the private sector has grown. The information exchange that accompanies such collaboration often leads to new methods that increase the effectiveness and accessibility of the electoral process.

The National Register of Electors exemplifies this kind of productive collaboration. The Register grew out of an electronic list of electors created by Elections Canada with the co-operation of the public sector in 1992. The 1996 legislation that established the Register permits further collaboration, and the Chief Electoral Officer has concluded agreements with federal, provincial and territorial departments to update it and with provincial electoral agencies to share data for electoral purposes.

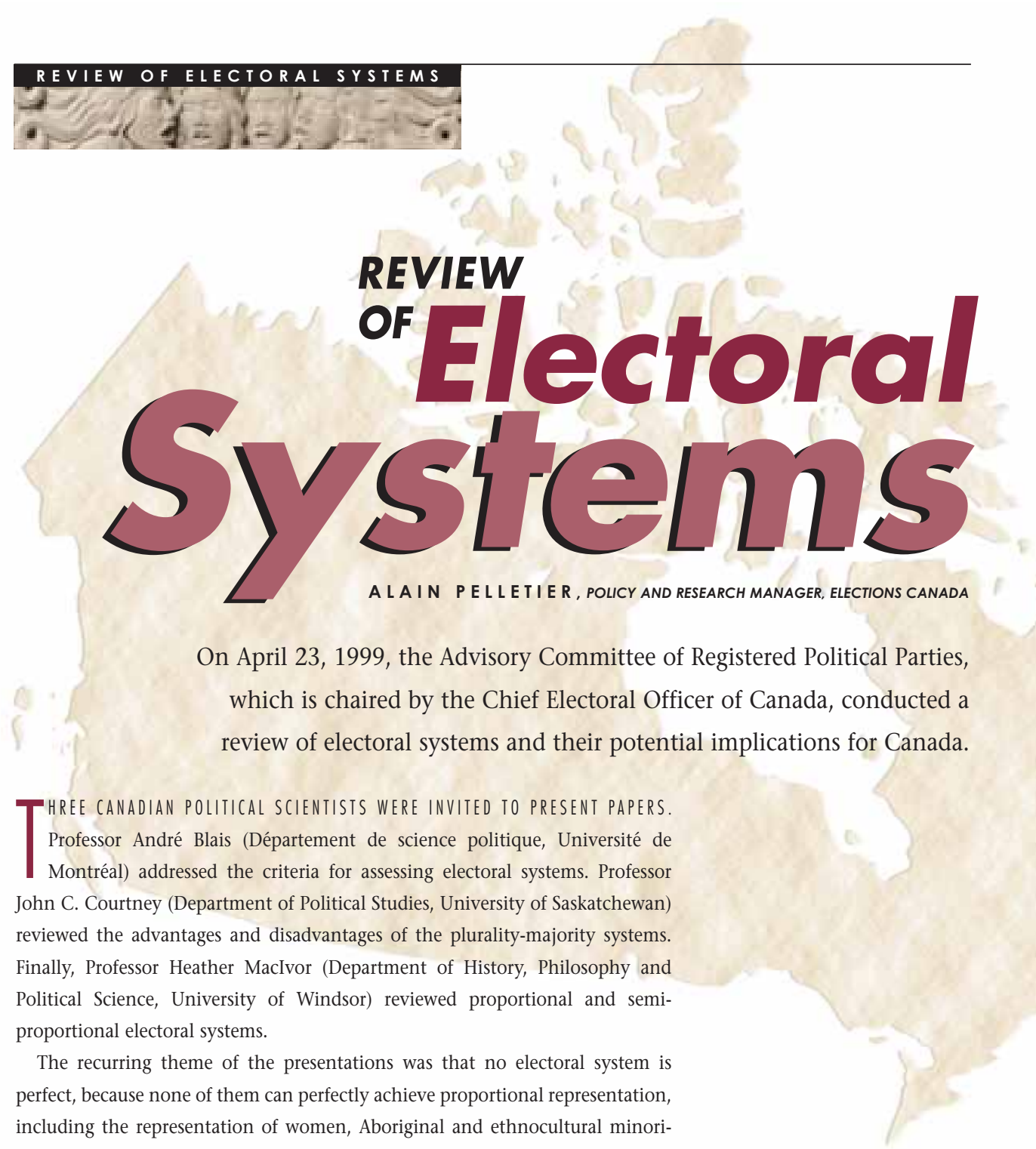
Our involvement on the international front, which is based on bilateral or multilateral partnerships, is another example. No longer only election observers, we also provide professional electoral assistance, and we learn much from these exchanges.

Further examples include the Advisory Committee of Registered Political Parties, which I chair, and our research program. The Advisory Committee furthers better mutual understanding of electoral procedures and the search for useful alternatives. And through our research program, we have established links with the academic community and other research centres.

Electoral Insight will be published biannually and include articles about Canada and other jurisdictions, by academics, our staff, other election officers, and the public. I welcome your comments to make it a better product. ✕

A handwritten signature in black ink that reads "Jean-Pierre Kingsley". The signature is written in a cursive, flowing style.

Jean-Pierre Kingsley



REVIEW OF *Electoral Systems*

ALAIN PELLETIER, POLICY AND RESEARCH MANAGER, ELECTIONS CANADA

On April 23, 1999, the Advisory Committee of Registered Political Parties, which is chaired by the Chief Electoral Officer of Canada, conducted a review of electoral systems and their potential implications for Canada.

THREE CANADIAN POLITICAL SCIENTISTS WERE INVITED TO PRESENT PAPERS. Professor André Blais (Département de science politique, Université de Montréal) addressed the criteria for assessing electoral systems. Professor John C. Courtney (Department of Political Studies, University of Saskatchewan) reviewed the advantages and disadvantages of the plurality-majority systems. Finally, Professor Heather MacIvor (Department of History, Philosophy and Political Science, University of Windsor) reviewed proportional and semi-proportional electoral systems.

The recurring theme of the presentations was that no electoral system is perfect, because none of them can perfectly achieve proportional representation, including the representation of women, Aboriginal and ethnocultural minorities. According to Professor MacIvor, if a change from the current process were to be contemplated, the choice of a new electoral system should be made through a binding referendum to be put before Canadian electors.

Summaries of the three papers are presented here. The full text of each paper is available on Elections Canada's Web site at www.elections.ca. ❧



Criteria for Assessing Electoral Systems

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THE CHOICE OF AN ELECTORAL SYSTEM HINGES ON TWO SETS of judgments: *empirical* judgments about the likely consequences of the various options and *normative* judgments about how “good” or “bad,” and “important” or “trivial” these consequences are. In this paper, I concentrate on the second dimension.

I follow two approaches. I start with a theoretical reflection. I ask: Why do we believe it is a “good” thing that legislators be chosen by the people in a fair and honest election? I identify two

major benefits that are presumed to flow from democratic elections and I examine the conditions that must be fulfilled for these goals to be achieved. These conditions help us to specify criteria for assessing electoral systems. I then review the debate over electoral systems and point out additional criteria that have been invoked in that debate.



I define an electoral system as the set of rules which govern the process by which citizens' opinions about candidates and parties are expressed in votes and by which these votes are thereafter translated into the designation of decision-makers (see Blais 1988). An electoral system comprises the constituency structure (how many representatives are to be elected in each constituency?) the ballot structure (how are electors supposed to express their opinions?) and the electoral formula (what conditions must be fulfilled in order to be elected?).

What Should Elections Accomplish?

There are two major reasons why we may be better off with elected representatives than with a dictator. The first is that the policies adopted by elected representatives are more likely to reflect the views of the majority. The second is that conflict is more likely to be dealt with peacefully in a democracy.

We believe that the holding of elections increases legislators' sensitivity to public opinion and that, as a consequence, there will be congruence between what citizens want and what governments do. How and why is this congruence supposed to occur?

The first mechanism is *accountability*. If politicians attempt to maximize the probability of being elected (or re-elected) they will propose policies that correspond to the views of the greatest number of electors and they will implement these policies if they are elected in order to increase their probability of being re-elected next time.

Once elected, legislators are free to do what they want. But electors are able not to re-elect them if they feel their representatives have not done a good job. This creates an incentive for representatives to be

sensitive to the views of their constituents. This suggests a first criterion for assessing an electoral system: Does it produce legislators and governments that are easily *accountable* to voters? The concern is that it should be easy for voters to determine who is responsible for the decisions that have been made and to dismiss those people if they have not performed adequately.

The second mechanism is *representation by reflection*. If electors vote for candidates who best represent their views, the legislature is likely to reflect the overall distribution of viewpoints and perspectives in society. If opinions in the legislature accurately reflect those in society, the decisions that legislators make should resemble those that citizens would have made in a direct democracy.

There is no guarantee that a legislator who shares my perspectives will not start behaving differently once elected. But it is reasonable to assume that our interests are more likely to be defended by legislators who are similar to us. Here is a second criterion for assessing an electoral system: Does it produce legislatures and governments that are broadly *representative* of the electorate?

The second major virtue perceived in elections is that they allow citizens to resolve their conflicts peacefully. Votes substitute for arms. This raises the question of why, or under what conditions, losers peacefully accept the outcome of the election.

There are three main reasons. First, because they believe that some basic rights

will not be infringed upon by the government. This is why we have institutions such as a charter of rights and freedoms. Second, because they believe that even though they may have lost this time there is a real possibility that they will win another time (in the next election) or place (they may lose in a federal election but win in a provincial one). Third, because, even though they do not like the outcome, they recognize that the procedure is legitimate.

Consider a small minority group within a democratic polity that always finds itself on the losing side on the major issues of the day. Even though legislators may be selected through perfectly democratic elections, this group may well feel that electoral democracy is deeply unsatisfactory. Groups will accept the outcome of elections provided they feel that the process is *fair*, that it is not systematically *biased* against them. This leads me to enunciate a third criterion: Does the electoral system produce legislatures and governments that are *system-*

atically biased against certain groups or interests? I call this criterion *fairness* (and this is the concept that is most widely used in the literature) but in my mind what really matters is the absence of a systematic bias.

Losers in an election may finally accept the outcome because they perceive the electoral procedure to be legitimate. But what makes the election device legitimate? I would argue that what is most critical for an election to be judged legitimate is the perception that each vote counts the same. This



... the holding
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is so because the most fundamental principle in a democracy is that each person should have equal rights. Hence a fourth criterion: In the election, does *each vote count equally*?

This theoretical discussion has led me to suggest four criteria for assessing electoral systems: accountability, representativeness, fairness, and equality. There is some overlap between the last three criteria. Those who are most concerned with these criteria wish to improve the quality of representation to prevent exploitation of some groups in society over others. Those who are more concerned with accountability give priority to citizens' capacity to "throw the rascals out," possibly because their greatest fear is "protection of individuals and groups from tyrannical exploitation by government" (Katz 1997, 309).

Reviewing the Debate on Electoral Systems

The four criteria identified above are prominent in the debate over electoral systems (see Blais 1991), but other values are also invoked. This suggests that the list of criteria has to be expanded.

The first two values that need to be considered are: *effectiveness* and *accommodation*. An important aspect of the debate over electoral systems is stability. A standard argument against proportional representation (PR), for instance, is that it may produce unstable governments. This raises two questions: Is stability always a good thing? and Why is it a good thing?

It is difficult to argue that stability as such is always good. We would be concerned, I think, if the same government were to rule over a very long period of time. Too much stability may be bad. This is why I do not put stability on my list of criteria.

At the same time, it is difficult not to agree that the state cannot adequately function if governments are reconstituted every month. We want an *effective* government, a government that is capable of effectively managing the state. Too much instability is (rightly) perceived to undermine government *effectiveness*. I prefer to talk about effectiveness than about stability because the former is a more inclusive criterion. A minimum degree of stability may be a necessary condition of effectiveness but there are others, such as a minimum level of cohesion within the cabinet.

Another value that is invoked, this time by proponents of PR, is that of compromise. The party(ies) in power must be able to implement the policies it (they) had promised during the election campaign. But we do not want the government to have too much power either; we do not want it to be able to impose its will all the time. We want a government that is both firm and open-minded, that is willing to make concessions to preserve social peace.

It is impossible to reach all collective decisions by consensus. This would entail a veto power for all groups and a most ineffective government. But we hope that governments will try hard to find compromises in order to prevent social conflicts from becoming too divisive. We want governments to manifest a *sense of accommodation*.

There is a tension between effectiveness and accommodation. A government that is

effective gets out to implement the policies it had advocated during the election campaign. A government that seeks accommodation will consult widely before making final decisions and will look for compromises that will be acceptable to as many groups as possible. These objectives are partly contradictory. It seems to me that most people want to prevent extreme ineffectiveness and complete absence of accommodation. I thus propose a fifth criterion: Does the electoral system

produce legislatures and governments that are *both effective and accommodating*?

The debate over electoral systems also raises issues about the role of parties in a democracy. According to most analysts, parties are absolutely essential in a democracy. As Schattschneider (1942, 1) put it in his famous defence of political parties, "The political parties created democracy and ... modern democracy is unthinkable save in terms of the parties."

For this reason, we want an election to produce a strong party system. This may create another problem. With "party government," the party decides and the individual legislator has to vote the way his or her party says. The consequence is that electors do not have any control over their representatives.

Here again, there is a tension. We want strong parties and parties are meaningless if they are not cohesive. But we do not want parties to be too strong. We want our representatives to be sensitive to our concerns and not to always cave in to the dictates of the party.



"The political parties created democracy and ... modern democracy is unthinkable save in terms of the parties."

The upshot, again, is that we want to avoid the extreme situations where parties lack cohesion or where they entirely control the behaviour of their elected members. Hence my sixth criterion: Does the electoral system produce *relatively strong parties and relatively strong representatives*?

The final issue concerns the quality of the information provided by the vote. Let me start with a truism. The more *precisely* voters are allowed to express their views on the ballot, the greater the likelihood that what governments do will reflect what citizens want.

The truism may seem trivial but it has important implications. We should prefer a ballot in which voters are allowed to express not only their first choice but also their second or third choices, and a formula that takes into account these second or third choices. Likewise, we should prefer a system in which voters are allowed to express their specific views about the parties, the leaders and the local candidates over one in which those distinctions cannot be made.

In the same vein, we should prefer an electoral system in which there is strong congruence between vote choice and preferences. In other words, we would like voters to vote *sincerely* rather than *strategically*, because the more sincere the vote is, the more accurately it reflects voters' preferences. And representation by reflection works only if voters vote (sincerely) for parties or candidates that are closest to their views about what governments should do.

For all these reasons, we should look for an electoral system in which the vote reflects as precisely as possible citizens' preferences. But precision cannot be achieved without cost. The most obvious cost is complexity. Ranking the ten candidates running in one's constituency from one to ten is more

demanding than just indicating one's first choice. In other words, we also like simplicity. This leads me to propose a seventh criterion: Is the vote both *simple enough and a relatively precise reflection of citizens' preferences*?

Conclusion

My reading of the literature on electoral democracy and on the debate over electoral systems has led me to formulate the following criteria for assessing existing and proposed electoral systems: accountability, representativeness, fairness, equality, effectiveness, accommodation, party cohesion, freedom for representatives, simplicity and precision.

It should be obvious that no electoral system can fully satisfy all of these criteria. I would argue that in such a situation we should aim for a solution that is satisfactory rather than optimal. A prudent approach is, in my view, to devise an electoral system that is devoid of serious shortfalls.

My presentation was meant to be theoretical. I believe it is important to distance oneself from the peculiarities of our situation and to reflect broadly on the bases on which we should assess democratic institutions. The arguments put forward by advocates of the various options are basically the same all over the world.

This being said, there is a special emphasis in Canada, and it is on the question of regional representation. It is no accident that the most important proposal for electoral reform in Canada, advanced by the Task Force on Canadian Unity, was meant "to contribute substantially to the building of national parties in the regions from which they are effectively excluded from Parliament" (Irvine 1985, 106-107). And it is no accident that, according to its author, the

major advantages of a recent proposal "concern the incentives for nationwide political appeals and its strong tendency to reduce under-representation of some regions in the governing party" (Weaver 1997, 511). ❧

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Plurality-majority Electoral Systems: A Review

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Plurality-majority systems include first past the post (FPTP), alternative vote (AV), block vote (BV), and two-round (TR). This summary explores their implications for the allocation of seats, regionalism, and the representation of women and Aboriginal persons in Canada.



THREE CONSIDERATIONS SHOULD BE BORNE IN MIND. The first two stem from the fact that every electoral system contains distinctive elements; the third is unique to Canada.

1 Political parties find it “rational” to pursue strategic alternatives that maximize their chances of winning. Incentives contained in any method of converting votes into seats differ from one electoral system to another. In Canada, the principal incentive for any party intent on forming a government is to appeal to a wide cross-section of voters.

Canada’s major “brokerage” parties have sought to accommodate social and regional differences under FPTP. Coalitions have been built *within* Canadian parties, rather than *between* them, reflecting an incentive contained in FPTP for parties to minimize inter-regional and inter-linguistic conflicts. It cannot be assumed that the same incentives for parties to broker social cleavages would be present in other electoral systems.

2 Voters also have strategic choices. These are influenced by the number of votes they have been allocated, the way preferences may be ordered, and the manner of distributing votes among the candidates. Different electoral systems can prompt different voting behaviour. It cannot be assumed that every voter would support the same party under one system as another.

3 Determining the size of the Commons is a matter separate from choosing an electoral system. Under the *Constitution Act*, Parliament has the exclusive power to determine the number of seats to which each province or territory would be entitled. No reference to an electoral system is contained in the *Constitution Act*.

According to the *Representation Act* (1985), the number of seats assigned to a province or territory cannot be reduced from what it had been in 1976 or during the 1984-85 Parliament, whichever is less. A 1915 constitutional amendment assured the provinces that they will never have fewer seats in the Commons than they have in the Senate. This “senatorial floor” was included in the *Constitution Act* (1982) as one of the sections requiring approval by Parliament and all provinces before it could be amended.

Any move to adopt a new formula for allocating Commons seats would require amending the 1985 statute. If the guarantees of the senatorial floor were to be changed, the Senate abolished, or changes made to the number of senators to which the provinces were entitled, a constitutional amendment would be required.

The way in which seats are distributed within the provinces is a function of the type of system used to elect MPs. Single-member constituencies serve as the base for FPTP, AV, and TR. They could continue to be established under the existing *Electoral Boundaries Readjustment Act* (1985) (EBRA). For elections under BV, multi-member districts would need to be created, the EBRA (1985) would have to be altered to reflect the constituency requirements of the new electoral system, and the boundaries of the new and larger districts would have to be drawn.

First Past the Post

FPTP is the most widely used electoral system in the world. In 1997, 68 out of 211 countries, comprising 45 percent of the world’s population, chose their national legislatures through FPTP. Canada was one of them. FPTP is a misnomer, for there is technically no “post” for candidates to get by. Very simply, the person with the most votes wins. To win in a two-member contest, a candidate must gain a clear majority of the valid votes cast. When three or more candidates contest an election there is no certainty that the winner will gain a clear majority.

ADVANTAGES

- FPTP is the easiest electoral system for the voter to use and to understand. Nothing is simpler than casting one “X” for a single candidate.
- FPTP is the most familiar of all electoral systems to Canadians. It has been used in all federal and most provincial elections since 1867.
- Vote counting is simple and speedy. Usually, within a few hours of the close of polls Canadians know who their new government and opposition will be.
- In general, Canada’s FPTP system has tended to produce single-party majority governments. In the 36 Canadian general elections since 1867, all but eight have brought one party to power with a majority of seats. This is seen as an advantage, because it implies a greater likelihood of government stability than would be found in a coalition government formed of two or more parties.
- FPTP in Canada has favoured broadly-based, accommodative, centrist parties. By winning office with a majority of the

seats, a “catch-all” party generally succeeds in creating a coalition of supporters and MPs drawn from different regions, and different linguistic and ethnocultural groups. The government draws part of its strength from being an *intra-party* coalition rather than a less stable *inter-party* one.

- Extremist parties have not fared well under FPTP in Canada.
- FPTP is based on geographically-bounded constituencies, each electing a single member. This establishes an obvious, easily understood link between constituents of a district and “their” MP, and stands in contrast to the more complex representational relationships that result from proportional electoral schemes in multi-member districts.
- A government’s responsibility and accountability to the voters at election time is directly established under FPTP.

DISADVANTAGES

- FPTP has a demonstrated tendency to convert votes into seats in a seemingly arbitrary and often unfair manner. Canadian history contains many examples of that. Charges of “unfairness” in converting votes into seats have been levelled at Canada’s system for three reasons.
 - (a) A party forming a majority government has rarely been elected with a majority of the popular vote. In only three of the 23 elections since 1921 has a party won a majority of the seats and been supported by a majority of voters. The lowest level of popular support to translate into a majority government came in 1997 when the Liberals won 51.5 percent of the seats with 38.5 percent of the vote.

(b) A party forming a government may receive a smaller share of the popular vote but still win more seats than its principal competing party. This has happened three times since Confederation: in 1957, 1962, and 1979. In 1925, the Liberal government continued in office although it won both fewer seats *and* fewer votes than the Conservatives.

(c) A party winning at least as much, if not more, of the popular vote as another party may end up with fewer seats. In 1997, the Reform Party and the Progressive Conservatives won 19.4 percent and 18.8 percent of the vote respectively, but Reform elected 40 more MPs than the Tories. The Bloc Québécois elected twice as many members as the NDP, but with fewer votes (10.7 percent to 11.0 percent).

FPTP can reward regionally strong parties, penalize nationally weak ones, and discriminate against some, but not all, parties by denying them their “fair” share of seats. Major national and strong regional parties tend to be the principal beneficiaries of the system. All other parties pay an electoral cost by having either too diffuse a support base nationally or too little in the way of regionally concentrated support.

- Electors who support an unsuccessful candidate in a FPTP constituency may sense after the election that they are somehow “unrepresented.”
- The picture painted of a party’s support by the number and location of seats it has won is often a misleading portrayal of the actual level of electoral support that it received. The results from the 1997 election would suggest that, because the Reform party elected no members from Ontario, it had gained

little support there, whereas the fact was that almost one of every five Ontario voters supported the party.



Electors who support an unsuccessful candidate in a FPTP constituency may sense after the election that they are somehow “unrepresented.”

- Once in the Commons, a party with few or no MPs from any region may find it difficult to support or to understand policies that are of critical importance to any area of the country from which they have no members. The unrepresentativeness of party caucuses is seen as a contributor to inter-regional frictions in Canada.
- FPTP’s tendency to produce single-party majority governments is seen by some to be an advantage. To others it is a drawback. Favouring a coalition government that includes representatives from two or more parties, they argue that a multi-party government represents a larger cross-section of society and forces

compromise among more regionally, linguistically, or culturally uniform parties.

- FPTP does not take a voter’s preference orderings into account. The failure to allow ranking of candidates and the limitation imposed on the voter of casting a single “X” can lead to perverse results, such as (in the extreme) the election of a constituency’s least preferred candidate.
- Women and Aboriginal persons have never gained seats in the Commons commensurate with their share of the total Canadian population. The explanation for the poor showing of women and members of Aboriginal communities is a complex mixture of social, cultural, and political factors. Both groups were late in getting the franchise and the right to run for public office: 1920 in the case of women, 1950 for the Inuit, and 1960 for status Indians. Party structures have remained overwhelmingly the preserve of white males. This has affected negatively party recruitment of female and Native candidates for public office.

FPTP limits the entry point for anyone wanting to run for office to a single nomination per party per constituency. Without that nomination and party endorsement, women and Aboriginal Canadians can run only as independent or non-affiliated candidates, and will likely find it more difficult to be elected. The weakness of FPTP on this point is apparent when its record is compared with proportional electoral schemes in some other parts of the world. Proportional systems based on party lists are generally considered to offer incentives for parties to construct socially-diverse lists in order to maximize the likelihood of gaining the electoral support of a wide cross-section of the electorate.

Alternative Vote

AV is a rarely used electoral system. In AV voters are required to rank their preferences numerically on the ballot paper. The person elected is the candidate gaining a majority of the votes. If no one receives a clear majority based on the first preferences, the candidate with the fewest first preferences is dropped and that candidate's second preferences are distributed among the remaining candidates on the ballot. The process continues until one candidate eventually receives a majority of the original + transferred votes.

ADVANTAGES

- AV ensures a "majority" winner. This may not come on the initial count of ballots, but the gradual transfer of preferences creates a "manufactured majority" winner. AV is less likely to be faulted than FPTP for having "unfairly" converted votes into seats.
- AV allows for the full expression of a voter's preferences by ranking the candidates nominated.
- With the gradual elimination of candidates from a ballot, the votes of several aligned candidates can eventually accumulate to the point of enabling one of them to win.
- AV is based on single-member, territorially-bounded districts. As with FPTP, this makes for clear lines of representation, responsibility, and accountability.
- Based on the experience of Australia's House of Representatives, reasonably centrist and moderate parties can expect to form a majority government (either singly or in close alliance with a coalition partner) under AV.

DISADVANTAGES

- For some voters, a rank-ordered selection may not be as easy to make as a single "X." As a preference ordering of a possibly large number of candidates must be completed for the ballot to be considered valid, some voters may be deterred from exercising their franchise.
- AV may be superior to FPTP in ensuring a majority winner but, like FPTP, it too can eliminate the most preferred choice.



AV allows for the full expression of a voter's preferences by ranking the candidates nominated.

- As with FPTP, large national parties and strong regional ones with concentrated pockets of support stand to do well.
- It is difficult to see how women, Aboriginal persons, or members of ethnocultural minorities that have traditionally not fared well under FPTP would do any better under an AV system. The same basic difficulty would remain, that is, of relying on a nominating process which is itself reflective of a larger problem of the political culture.

Block Vote

BV is a variant of FPTP in multi-member districts. In 1997, 13 countries used BV. Electors are given as many votes as there are seats to be filled. In most systems, the elector is entitled to vote for individual candidates regardless of their party affiliation. Electors are free to use as many or as few votes as they wish. A variation of BV, called the *party block vote* (PBV), permits the elector to cast only one vote for a party list of candidates in a multi-member district, with the party receiving the largest number of votes (not necessarily a majority) electing all the members from that district.

ADVANTAGES

- BV permits electors to choose among individual candidates and to cast, up to an assigned maximum number, an "X" for candidates of their choice.
- BV is simple to use and requires no preferential ordering of candidates. It would be familiar to Canadians who live in cities in which multi-member, "at large" municipal councils are elected.
- Under PBV, voters are usually given one vote to cast for party lists of candidates to be elected in the multi-member district. The parties may try to "balance" their lists to include individuals from social or ethnic groups. In Canada, such party lists could be constructed to include women, Aboriginal Canadians, and members of ethnocultural minority groups.

DISADVANTAGES

- Whatever advantages might be achieved with fewer and larger districts would be more than offset by the physical size of the districts. They would be bigger than they now are and the links between

constituents and “their” MP less direct than under FPTP.

- BV can produce “super-majoritarian” results where one party can win virtually all the seats in a Parliament without having won much more (possibly even less) than a simple majority of the votes cast.
- BV can be as “unfair” as FPTP. When electors cast all their votes for members of a single party, BV simply repeats the disproportionality feature of FPTP in converting votes in seats. A party’s electoral success in different regions of Canada and the electoral success of women, and members of Aboriginal and ethnocultural minority groups could not be assured under BV.
- There is no guarantee of proportionality (converting votes into seats) in BV, nor is there any guarantee that the most preferred candidate(s) would get elected.

Two-Round

TR the world’s third most commonly used system, is also known as a “run-off” or “double-ballot” system. Any candidate gaining at least a clear majority of the votes on the first ballot wins. If no one receives a majority on the first round of voting, all but the leading candidates are eliminated and a second round of voting takes place. The most common form of the second ballot system requires a majority run-off on the second ballot between the top two candidates from the first round of voting. In some TR systems, all candidates receiving a certain minimum percentage of the votes on the first round are entitled to run on the second ballot. When more than two candidates compete on the second ballot, a simple plurality of the vote is all that is needed to win.

ADVANTAGES

- Run-off elections between two candidates produce majority winners.
- The direct relationship between constituent and member is retained, as is the greater sense of government responsibility and accountability that comes from a clearly established representational link.
- TR encourages the creation of coalitions between the two rounds. This can encourage a measure of inter-party or inter-candidate bargaining and trade-offs. These can be healthy in socially and ethnically diverse communities, encourage a measure of openness to public scrutiny of inter-elite bargaining, and help to accommodate inter-regional tensions or rivalries.
- Run-off elections tend to discriminate against extremist parties and favour accommodative parties aiming to construct winning coalitions.
- TR opens up more strategic possibilities than FPTP for both voters and parties. It permits electors to express first ballot true preferences, change their minds between ballots, or cast strategic votes on both ballots. A two- or three-week interval between the two votes enables parties to pursue mutually beneficial coalition-building strategies through policy and organizational trade-offs.
- TR would not be entirely foreign to Canadians who have watched or taken part in party leadership conventions.

DISADVANTAGES

- TR places burdens on the political system that are not present in any single-vote electoral system. Operating two rounds of voting increases costs for party

organizations and electoral administrations. The additional burden placed on the electorate, in such respects as becoming informed of inter-ballot developments, considering further (possibly unexpected) alternatives, and generally getting interested enough to cast a second vote, helps to explain the typical drop-off in turnout that occurs between the two elections.

- Depending upon the outcome of the first round and the various strategies parties employ in their respective searches for coalition partners, the political and economic systems could go through a period of uncertainty and instability.
- TR does not ensure the distribution of votes into seats in any more proportionate ratio than other plurality-majority systems.
- TR may produce a majority winner, but there is no certainty that the most preferred candidate on the first ballot will even make it onto the ballot for the second round.
- Party coalitions that form for the purpose of winning the second ballot in a TR electoral system are not necessarily going to last once elected to Parliament.
- TR, like other plurality-majority systems, allows as much or as little social diversity as parties wish to encourage or establish at the level of district nominations. There is nothing specific in TR that suggests that in Canada a party would attempt to construct a representative socio-demographic corpus of candidates. ❌



Proportional and Semi-proportional Electoral Systems: THEIR Potential Effects ON CANADIAN POLITICS

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Canada's single-member plurality (SMP) electoral system is no longer acceptable. Our representative democracy faces serious problems, including declining voter turnout, public discontent with our political institutions, the under-representation of women and minorities in the House of Commons, and growing regional divisiveness.

While proportionality is not the only criterion for evaluating electoral systems, a more proportional system – specifically, parallel mixed-member plurality (MMP) – would likely alleviate the problems just mentioned. Other alternatives include “top-up” MMP, single transferable vote (STV), single non-transferable vote (SNTV), and proportional representation based on party lists (list-PR). The two MMP systems are the most promising alternatives for Canada. Both produce greater proportionality in translating parties' national and regional vote shares into parliamentary seats. Both offer women, Aboriginal persons and minor-party candidates a better chance of election to the House of Commons. Parallel MMP, the less

proportional of the two, would still permit the election of single-party majority governments with less than half the popular vote. While no electoral system is perfect, parallel MMP would likely reduce the problems described above without necessarily making matters worse.

Ideally, an electoral system encourages voter turnout by giving each elector a meaningful influence over the outcome. SMP does not meet this standard. The percentage of eligible voters who exercise their franchise has fallen over the past four Canadian general elections, from 75 percent in 1984 to 67 percent in 1997.¹ While individual motivation to vote depends on several factors – including age, education, political interest, and satisfaction with the available choices – it is also influenced by the belief that one's vote is “wasted.”² In the 1997 Canadian election, almost 65 percent of the successful candidates won fewer than half of the valid votes in their ridings.³ So at least half of the ballots were “wasted,” in the sense that they did not elect members of Parliament. Comparative studies conclude that “turnout is over eight percent higher in a PR election than in a plurality one.”⁴ Finally, SMP discourages voters who wish to cast their ballots for parties or candidates with little or no chance of winning. This “psychological effect,” which punishes “third” parties and discourages their supporters over the long term, reduces their vote share under

SMP by about 20 percent relative to PR systems.⁵ The greater the proportionality, the weaker the psychological effect.

Electoral systems directly affect the composition of legislative chambers. The more proportional the system, the more accurately the parties' seat shares in Parliament reflect their respective shares of the popular vote. Disproportional systems, such as SMP, distort party caucuses, both in their relative sizes and in terms of their regional composition. In a 1997 survey of proportionality in national elections from 1945 to 1996, Canada ranked 35th of the 37 cases studied.⁶ Although the distortion of the parties' parliamentary representation is often expressed in abstract mathematical terms, SMP does real harm to some parties while unfairly helping others. In 1993 the federal Conservatives won 16 percent of the national vote, and less than one percent of the seats in the Commons. Although it had received millions of votes, the party was placed on a death watch because it elected only two MPs. In the 1997 election the Reform Party won 66 365 more votes than the Conservatives (out of almost 13 million), but its dominance in the West gave it three times as many seats.

SMP favours the largest party and regionally concentrated "third" parties – such as the Bloc Québécois – at the expense of the second-largest national party and "third" parties with widely diffused support (like the New Democratic Party [NDP]).⁷ The brokerage function of the national parties in Parliament is seriously compromised. By over-rewarding regionally concentrated votes, SMP gives Canadian parties a powerful incentive to engage in divisive appeals. It also protects a governing party from the political consequences of losing support in smaller regions of the country if it can sweep a populous province such as Ontario, and it deprives entire provinces of cabinet representation. Two-thirds of the current Liberal caucus

comes from Ontario; 73 of the West's 88 seats are held by opposition parties, as are 21 of the 32 seats in the Atlantic and 49 of Quebec's 75 seats. Some would argue that if voters outside Ontario wanted to be represented in cabinet, they would have voted Liberal. But millions of voters did vote Liberal, and their votes were wasted. These seat distributions distort the wishes of the voters.

In recent years, the emphasis in the debate over SMP has shifted to the demographic reflection of the electorate in the House of Commons. Women constitute slightly over half of the Canadian electorate, but have never accounted for more than 21 percent of the House of Commons. While women are in a minority in every national legislature, female representation in the

Glossary

ABBREVIATION	FULL NAME	DESCRIPTION
SMP	Single-member plurality	The country is divided into single-member constituencies. The voter chooses one of the candidates on the ballot. The candidate with more votes than any other wins the seat.
STV	Single transferable vote	The country is divided into multi-member constituencies. The voter ranks some or all of the candidates on the ballot. A Hare or Droop quota is calculated on the basis of the valid votes cast, and the first-preference votes are counted. Any candidate with more first preferences than the quota is declared elected, and his or her surplus votes are redistributed among the remaining candidates on the basis of second preferences. The counting continues, eliminating the lowest candidates and redistributing the surplus votes of the winners, until all the seats have been filled.
SNTV	Single non-transferable vote	As STV, except that each voter casts only one vote (instead of a maximum of one per available seat).
List-PR	List-proportional representation	The country is divided into multi-member constituencies (or is designated as a single multi-member constituency). Each of the parties lists its candidates on the ballot, and the voter chooses one of those lists. The lists can be open (the voter can express a preference among the candidates of her favourite party) or closed (a simple vote for a party). The seats are allocated on the basis of either a highest-average or a largest-remainder formula. When the number of seats for each party has been determined, they are filled by the candidates at the top of the lists.
MMP	Mixed-member plurality	Each voter casts two ballots: one for a candidate in an SMP constituency and one for a party list. In top-up MMP, the number of seats for each party is calculated on the basis of the list-PR votes and the number of SMP seats is subtracted to determine the number of list-PR seats to which each party is entitled. In parallel MMP the two groups of MPs are elected separately, and their combined totals determine each party's seat allocation.

Canadian parliament is only in the middle rank of Western democracies.⁸ Canada ranks 11th out of 28 democracies in the proportion of female cabinet ministers.⁹ There are several reasons why women are less likely than men to seek election to Parliament and why, once nominated, they are less likely to win. These include the wage gap, the gendered division of labour at home and at work, and persistent derogatory stereotypes about women.¹⁰ But cross-national surveys consistently identify the electoral system as the most important variable affecting women's representation in national legislatures.¹¹ A more proportional Canadian electoral system would level the political playing field between men and women. It would also lower the barriers to members of minority groups who seek election to the House of Commons. At present, SMP works against ethnic, linguistic and other minority groups which are not territorially concentrated. The party lists used in the MMP system would give members of these groups a better chance to win election to the House of Commons. A similar argument has been made for Aboriginal Canadians, whose territorial concentration – particularly in northern ridings – has not yet sufficed to guarantee them a fair share of Commons seats.¹²

Finally, any discussion of alternative electoral systems must consider public and judicial opinion, and the practicality of various systems in a given setting. Electoral reform is not a burning issue in Canada, but there is evidence of public disenchantment with SMP. A 1990 national survey found that 42 percent of those who expressed an opinion accepted the distorting effects of SMP, while 75 percent preferred the principle of MMP (casting one ballot for a local candidate and a second ballot for a provincial party list).¹³ While the Supreme Court of Canada has not yet assessed the constitutionality of SMP, its 1991 ruling on electoral boundaries suggests that SMP might fail a

court challenge. Madam Justice McLachlin, writing for the majority, held that “Each citizen is entitled to be represented in government. Representation comprehends the idea of having a voice in the deliberations of the government as well as the idea of the right to bring one’s grievances and concerns to the attention of one’s government representative. ...”¹⁴ SMP denies a majority of citizens the “effective representation”



“Each citizen
is entitled to be
represented in
government.”

*Madam Justice McLachlin
Supreme Court of Canada*

described in this passage, although it does give each citizen a single “government representative.” A more proportional “mixed” system, which wastes fewer votes while preserving single-member constituencies, could guarantee the Charter right to “effective representation” as defined by the Court.

In the same Supreme Court judgment, the justices held that any alternative electoral system must be practical in a country with vast, underpopulated regions.¹⁵ Any proposed electoral system which required the creation of multi-member constituencies in sparsely populated areas, where some ridings are already larger than most European countries, might not survive a court challenge under s. 3 of the Charter. Because the district magnitude largely determines the proportionality of a given STV or list-PR system – and a minimum of four seats per constituency is required for a

tolerably proportional outcome – such a system would be impractical in Canada. If we wish to enhance proportionality, we must do so without sacrificing single-member constituencies, at least in northern and rural areas.

While the effects of any electoral reform cannot be predicted with certainty, and one cannot apply the experience of one country to another, the literature on electoral systems offers some firm conclusions about the relative benefits of the systems listed in the introduction to this paper. STV is an unacceptable alternative, for four reasons. First, it requires multi-member constituencies. Second, it forces candidates from the same party to compete against each other directly. This can divide local party organizations, and it can also foster serious and persistent factional divisions in national parties. Third, the way in which surplus votes are redistributed can have a powerful and arbitrary impact on the outcome. Fourth, it can take days or weeks to count the votes and elect a government.

SNTV is equally unacceptable, both because it would require multi-member constituencies and because it would not guarantee sufficient proportionality.¹⁶ List-PR systems, which also require multi-member constituencies, could deprive local party associations of the right to nominate candidates, depending on who prepares the lists. However, list-PR does have an excellent record of electing women and minorities.

Canada should adopt some form of MMP. Public and judicial opinion already appear to support the principle of a “mixed” system, which offers the advantages of SMP and list-PR while mitigating their disadvantages. Under top-up MMP, which is presently used in Germany and New Zealand, each party nominates two groups of candidates. The first group runs in SMP constituencies, just as candidates for the Canadian House of Commons do now. The second group competes on party lists, either

national or regional. When the ballots are counted, each party's share of parliamentary seats is calculated on the basis of its "second-ballot" vote. The second-ballot results are used to correct the disproportionality of the first-ballot results. This is the most proportional of the "mixed" systems.

Under top-up MMP, some party caucuses include substantially more "list" MPs than others. This need not be a problem, if all MPs are given substantial and clearly defined responsibilities.¹⁷ SMP creates high turnover in the Canadian House of Commons, which is weakened by inexperienced members who lack policy expertise and a working knowledge of the rules. A more stable membership would make the Commons a more powerful legislative body,¹⁸ as would a "class" of MPs with the time and energy for serious committee work, departmental oversight and legislative review. The real obstacle to adopting top-up MMP is the extreme proportionality of the seat allocations. Defenders of SMP argue that an excessively proportional electoral system would rule out single-party majority governments, and require the formation of "unstable coalitions." There are several flaws in this argument, not the least of which is the stability of many coalitions, but it must be taken seriously by those who would introduce a more proportional electoral system in Canada.

The second type of mixed system is parallel MMP. The crucial difference between top-up and parallel MMP is that in the latter system the seat total for each party is the sum of the seats won on both ballots (instead of being determined by the second-ballot result, as in top-up MMP). The seats won on the second ballot are added to those won on the first ballot; they are not used to correct the disproportional first-ballot results. Parallel MMP is therefore substantially less proportional than top-up MMP. While this may seem like a failing, it does

answer those critics who prefer single-party majority governments. By favouring the largest party nationally, parallel MMP permits the election of majority governments with a large minority of the popular vote – probably between 43 and 49 percent, as Table 1 suggests. It also gives every voter a chance to elect a second-ballot MP, reducing the problem of wasted votes and thereby boosting voter turnout, and it gives all of the major national parties a good chance to win

seats in every region. It also benefits women and minority candidates.

To gauge the relative proportionality of the two MMP systems and SMP, Table 2 compares the seat allocations under the three systems. While the Liberals are always the winners, their share of Commons seats varies from an artificial majority of 51.5 percent (SMP) to an extremely proportional 38.5 percent (top-up MMP). The two parallel MMP systems award the Liberals around

TABLE 1

Approximate Seat Distributions Under SMP and Parallel MMP, 1984-1993

Party	1984 SMP	1984 MMP	1988 SMP	1988 MMP	1993 SMP	1993 MMP
Lib.	40	54	83	87	177*	157*
P.C.	211*	189*	169*	151*	2	24
N.D.P.	30	37	43	52	9	12
Ref.	–	–	–	–	52	52
B.Q.	–	–	–	–	54	47
Other	1	2	0	5†	1	3
TOTAL	282	282	295	295	295	295

* Indicates a single-party majority government.

† Includes the Reform vote.

TABLE 2

Party Seat Totals Under SMP and Three Variants of MMP

Party	Parallel MMP / Provincial Lists	Parallel MMP / National List	Top-up MMP	SMP
Lib.	139	138	116	155
Ref.	60	60	58	60
P.C.	36	36	57	20
B.Q.	38	39	32	44
N.D.P.	28	27	33	21
Other	0	1	5	1
TOTAL	301	301	301	301

Note: The above tables use actual voting data from Canadian federal elections for illustrative purposes; they should not be taken as projections of actual outcomes, because the voting pattern would almost certainly have differed under an alternative electoral system.

45 percent of the seats – not enough for a single-party majority government, but a comfortable plurality over the second- and third-place parties (Reform and the Progressive Conservatives, with 20 and 12 percent of the seats respectively).

While the effect of any electoral reform should not be overstated, and cannot be fully predicted, parallel MMP has enough potential to warrant serious official investigation and public discussion. The federal government should establish a commission of inquiry into the electoral system, with a mandate to recommend an alternative to SMP. A binding decision between the two systems should be left to a national referendum, preceded by an impartial campaign of public education about the issues involved in the choice. In recent years, several other established democracies – including New Zealand, Japan and Italy – have adopted variants of MMP in response to the failings of their existing electoral systems. The conditions are right for a similar leap of faith in Canada.✘

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A Summary of the Jenkins Report (United Kingdom)

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Photo: British Tourist Authority

In December 1997, the British government established the Independent Commission on the Voting System, chaired by the Right Hon. Lord Jenkins of Hillhead, to recommend an alternative to the first past the post (FPTP) system now used in the United Kingdom that could be put before the electorate in a government referendum. In October 1998, its report was presented to Parliament by the Secretary of State.

The Commission received more than 1 500 written submissions, from members of the public, academics, political parties, members of Parliament and various lobby groups. It also held public hearings across the UK and visited other countries (the Republic of Ireland, Germany, New Zealand, and Australia) to examine their electoral systems.

The Commission was guided by four requirements: “broad proportionality, the need for stable government, an extension of voter choice, and the maintenance of a link between MPs and geographical constituencies” (Report, Terms of Reference). It also wanted to ensure fairness and neither to increase nor reduce the roles of political parties and members of Parliament.

The Commission concludes that the current system has the advantage of usually leading to one-party majority government. On the other hand, the Commission feels that FPTP does not ensure fair representation of political parties, women and ethnic minorities. In addition, they observe that FPTP forces electors to give priority either to the selection of a constituency representative or to the determination of a national government, and that it narrows the terrain over which the political battle is fought.

As an alternative, the Commission proposes a variant of the additional member system, where constituency members and top-up members, who would be allocated according to party vote, would be elected by the alternative vote system in 80 top-up areas, cities and counties.

For the Commission, the election of constituency members by alternative vote presents three advantages:

“First, there will be many fewer “wasted votes” in the constituency side of the election, and far more voters will potentially influence the result. This, we hope, will encourage turn-out and participation. Second, it would encourage serious candidates to pitch their appeal to a majority of their constituents

(...) Third, because second and subsequent preferences may count, it will discourage individual candidates from intemperate attacks on their rivals (...)” (Report, par. 126)

The Commission suggests that top-up members would correct the disproportionality created by the constituency outcomes. Top-up members would be selected through an open list, giving the voter the capacity to discriminate among individuals, as opposed to a closed party list. The Commission has the opinion that a substantial degree of proportionality could be obtained with a top-up of 15 to 20 percent (there are currently 659 members of Parliament).

The Commission believes that such a mixed system is flexible, as it will allow national, regional and local representation. The Commission also believes that the voter’s choice would be enhanced, as the voter would not have to subordinate his or her view of the best individual candidate for the constituency to his or her choice of governing party or vice-versa.

In addition, the Commission believes that there is no evidence that such a system would produce less stability of government than the current system. In the Commission’s view, a 50 percent top-up rule would make coalitions the norm, and the electoral system chosen should not create continuous coalitions.

Based on the British tradition of considerable difference between county and borough members, the Commission does not see any problem in having two classes of MPs. In their opinion, the top-up members would represent the broader interests of the counties and cities in the House of Commons.



The Commission suggests that top-up members would correct the disproportionality created by the constituency outcomes.

The full report is available at the following Internet address: <http://www.official-documents.co.uk/document/cm40/4090/4090.htm>

Summary of Commission Recommendations

- That constituency members and top-up members be elected by the alternative vote system. The majority of MPs (80 to 85 percent) would continue to be elected on an individual basis and the remainder (15 to 20 percent) on a corrective top-up basis.
- That the second vote determining the allocation of top-up members allow the voter the choice of either a vote for a party or for an individual candidate from lists put forward by the parties.
- That the allocation of top-up members be made using the following method:
 1. the number of second votes cast for each party would be counted and divided by the number of constituency MPs plus one gained by each party in each area;
 2. the party with the highest number of second votes after this calculation would be allocated the first top-up member;
 3. any second additional member for an area would be allocated using the same method, but adjusting for the fact that one party would already have gained a top-up member.
- That each designated top-up area have at least one top-up member.
- That the right to put forward candidates for top-up member seats be limited to those parties which have candidates standing for election in at least half of the constituencies within the top-up area.
- That constituency and top-up members have equal status in the House of Commons.
- That top-up member vacancies be filled by the candidate next on the list of the party holding the seat. If there is no available person, the seat should remain vacant until the next general election. Constituency vacancies would be filled by a by-election.
- That changes to the rules for the redistribution of seats be made to reduce the number of existing constituencies and to preserve the ratio of constituency members.
- That an education program be implemented by an electoral commission to prepare voters for the decision they will be required to make in the referendum.
- That the new electoral system be reviewed after two general elections and that substantial further changes not be made without a second referendum. ✖



Photo: © J.A. Knollys/Macmillan

RIGHT-TO-VOTE ACTIVIST STILL STANDS TALL

WAYNE BROWN
ELECTIONS CANADA

On October 18, 2000, the “Famous Five” will become the first Canadian women to be honoured with a statue on Parliament Hill. They are the five Alberta women who, 70 years ago, fought Canadian lawmakers all the way to the Privy Council in Britain in their determination to have women recognized as persons and, therefore, eligible to serve as senators. The “Famous Five” are Judge Emily Murphy, Nellie McClung, Irene Parlby, Louise McKinney and Henrietta Muir Edwards.

But
WHO
Was



Nellie McClung?

Photo credit: Glenbow Museum, Calgary (NA-1514-3)

The sizable statue of the “Famous Five” will be located beside that of Queen Elizabeth, to the east of the Centre Block. Until now, sites on Parliament Hill have been reserved for statues of Fathers of Confederation, monarchs of Canada and deceased prime ministers. The bronze sculptures will be a little larger than life size. The design of the five standing and sitting figures suggests that the one who will figure most prominently will be Nellie McClung. The sculpture will show McClung standing and holding a newspaper heralding the women’s milestone victory. It was, in fact, McClung who led the Canadian movement to obtain the right for women to vote and run for office, and who was subsequently hailed as Canada’s most formidable women’s rights activist.



A computer simulation shows where the Famous Five statue will stand on Parliament Hill.

Photo credit: Courtesy of Digital Simulation Laboratory, Public Works and Government Services Canada

Last year, in its July 1 edition, *Maclean's* magazine ranked the 100 most important Canadians in history. Nellie McClung, the only woman in the top ten, ranked seventh, in the company of explorer Samuel de Champlain, former prime minister William Lyon Mackenzie King and New Brunswick industrialist K. C. Irving, among other notables.

McClung was born in 1873, in Grey County, near Owen Sound in rural Ontario. Her family name was Mooney. She went west as a child, when her family started a homestead southwest of Brandon, Manitoba. Starting school at the age of ten, she had earned a teaching certificate by age fifteen.

She taught briefly in rural schools before marrying Wesley McClung, the son of temperance worker and suffragist Mrs. J. W. McClung. Her mother-in-law encouraged her to write *Sowing Seeds in Danny*, the first of her sixteen novels. It was published in 1908 and sold over 100 000 copies.

In 1911, McClung became active in the Women’s Christian Temperance Union and the Canadian Women’s Press Club in Winnipeg. She helped found the Manitoba Political Equality League in 1912. Its major concern was women’s suffrage, but it had other goals too, including the

prohibition of the sale of alcohol and the reform of labour laws. Some women argued that, since they were required to pay taxes on the property they owned, they also had every right to be represented in the legislatures. By 1900, most women property owners across the country could vote in municipal elections, but none had the right to cast ballots in provincial or federal elections or to run for election. Bills recognizing the right of women to vote had been introduced in at least half of the provinces, but none of them were passed into law. Many suffragists also saw obtaining the vote as a means of ensuring that prohibition laws were passed.

The Manitoba Political Equality League shunned the violent methods of its British counterparts. Instead, it distributed pamphlets and campaigned by sending speakers across the province with petitions. In 1914, the League sponsored a witty satirical play, *The Parliament of Women*, which reversed roles and cast women as legislators, making bombastic speeches and listening to a group of men petitioning for the vote. Nellie McClung played the role of Conservative Premier Sir Rodmond Roblin, who opposed female enfranchisement. (More recently, this event has

been portrayed on television. In one of the CRB Foundation's most powerful *Heritage Minutes*, Nellie (actress Sharman Sturges) humourously turns around the premier's statement, "Nice women don't want the vote.")

Less than two years later, in 1916, Manitoba women became the first in Canada to win the right to vote and run for office in provincial elections. By then, a provincial Liberal government was willing to introduce suffrage legislation, which it passed into law after receiving a petition bearing over 40 000 names. One by one, most of the provinces removed their barriers against voting by women and, in 1920, federal legislation finally recognized the right of women 21 years of age or older to vote in federal elections.

Meanwhile, McClung moved to Edmonton, where she was elected to the Alberta legislature (as a Liberal), but served only one term. She was busy fighting for another, related cause. The *British North America Act of 1867*, which set out the powers and responsibilities of the provincial and federal governments, used the word "persons" when it referred to more than one person and the word "he" when it referred to a single person. The traditional interpretation was that this wording meant that only a man could be a person. And if, as the Act said, only "qualified persons" could be appointed to the Canadian Senate, then only men could be appointed as senators. Despite pressure from women's groups, several consecutive prime ministers refused to appoint a female senator.

The "Famous Five" appealed to the Supreme Court of Canada. When that Court decided, on April 24, 1928, that the word "person" did not include women, they did not

give up. They persuaded Prime Minister Mackenzie King to appeal the "Persons Case" to Britain's Privy Council, Canada's highest court in those days. On October 18, 1929,

the British Privy Council concluded that Canadian women were indeed "persons" and eligible to participate in the final stages of enacting federal laws in Canada. The decision paved the way for Canadian women to enter the Senate and, the next year, Cairine Reay Wilson was appointed Canada's first female senator.

The Persons Case was undoubtedly one of Nellie McClung's greatest victories, but she achieved many. She was the first woman to serve on the Board of Governors of the Canadian Broadcasting Corporation, the first female elder of the United Church of Canada, and the first and only woman on the Canadian delegation to the League of Nations in 1938. In addition, she was regarded by many as the most successful Canadian novelist and writer of her time.

Nellie McClung died in 1951, at the age of 78, and was buried in Saanich, British Columbia. Several schools, libraries and a park in western Canada bear McClung's name. A sculpture similar to the one to be placed on Parliament Hill next year will be unveiled in Calgary's Olympic Plaza on October 18 of this year, the 70th anniversary of the day on which

it became possible for Canadian women to fully participate in public life.

Since 1979, the Governor General has presented an annual award to commemorate the Persons Case. At several of these presentations, Governor General Roméo LeBlanc has quoted McClung's better-known maxims, such as: "Women are going to form a chain, a greater sisterhood than the world has ever known," and "Never retreat, never explain, never apologize. Get the thing done and let them howl." ❧



One by one, most of the provinces removed their barriers against voting by women and, in 1920, federal legislation finally recognized the right of women 21 years of age or older to vote in federal elections.



Australia

The 1999 Referendum on the Republic

MARGARET MENEGHEL
AUSTRALIAN ELECTORAL COMMISSION

AND

HELEN GLADSTONES
REFERENDUM TASK FORCE, AUSTRALIA

THIS NOVEMBER, AUSTRALIAN voters will vote in a constitutional referendum on whether Australia should become a republic. Australia is currently a constitutional monarchy. Under Australian law, Queen Elizabeth II is Queen of Australia. Almost all of her powers are exercised by the governor general as her representative in Australia. Should the referendum be carried, the Government proposes that Australia would become a republic on January 1, 2001.

Altering the Australian Constitution

The process for amending the Australian Constitution is set out in section 128 of the Constitution, which provides, broadly, that a proposed law to alter the Constitution must first be passed by an absolute majority of each house of the federal Parliament and then put to a referendum for approval by the electorate. The referendum is carried only if it is approved by a majority of voters overall and a majority of voters in a majority of states (at least four of Australia's six states). The votes of people living in any of Australia's internal or external territories count only towards the overall majority.

This requirement for a special majority has proved difficult to meet. Since the Australian Constitution was adopted at Federation on January 1, 1901, Australians have voted in 18 referendums which have included 42 separate proposals for change. Only eight proposals have received the special majority needed in order to pass; a further five proposals have received the overall majority of votes, but not a majority in a majority of states.

The Constitutional Convention

In February 1998, the Government met an election commitment to provide a public forum for debate on the issue of whether Australia should become a republic, and held a Constitutional Convention. Half of the 152 delegates to the Convention were appointed by the Government, including delegates from every state and territory, and community, government, indigenous and youth representatives. The other half were elected by the Australian voters in a voluntary postal ballot conducted by the Australian Electoral Commission (AEC), in which 47 per cent of eligible voters returned ballot papers.

The Prime Minister of Australia, the Hon. John Howard, MP, invited the Convention to consider three questions:

- ❑ whether or not Australia should become a republic;
- ❑ which republican model should be put to voters to consider against the current system of government; and
- ❑ in what time frame and under what circumstances might any change be considered.



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Delegates met for two weeks in Old Parliament House in Canberra, Australia's capital, and their deliberations attracted a considerable degree of interest around Australia. The delegates considered a number of different models for choosing a head of state, including direct election, appointment by a constitutional council, and election by Parliament. Delegates also considered issues

such as the powers, title and tenure of the new head of state, and proposals for a new preamble to the Australian Constitution.

The Proposed Republican Model

The Convention supported an in-principle resolution that Australia become a republic, and recommended that the "bi-partisan appointment of the president" model, and other related changes supported by the Convention, be put to the Australian people at a referendum. The Government agreed to hold this referendum in 1999 and indicated that, in drafting the referendum legislation, it would follow closely the Convention's model. The main features of the model are as follows.

The president would be Australia's head of state and would exercise the same powers as are currently exercised by Australia's governor general. The existing constitutional conventions (unwritten rules) that apply to the exercise of the governor general's powers would continue to apply.

The Parliament would establish a broadly representative presidential nominations committee to invite and consider nominations from the public and report on the nominations to the prime minister. After taking into account the committee's report, the prime minister would present a single nomination for the office of president, seconded by the leader of the opposition, to the federal Parliament. The nomination would require approval by a two-thirds majority of a joint sitting.

The term of office of the president would be five years. The prime minister could remove the president; however, the prime minister would then have to seek the approval of the House of Representatives for this action within 30 days.

Apart from the head of state, the proposed model makes no changes to Australia's system of representative parliamentary democracy.

The 1999 Referendum

The constitutional changes needed to give effect to the republican model outlined above are contained in a Constitution alteration bill, a draft of which was released by the Australian Government for public comment in March 1999. Separate legislation has also been drafted to deal with the establishment of the presidential nominations committee: this would not require changes to the Constitution and so does not form part of the referendum.

A second question, on whether to insert a preamble to the Australian Constitution, will also be put at the referendum. The proposed preamble is drafted in such a way as to enable it to be adopted regardless of the result of the referendum on the republic. A draft of the proposed preamble has also been released for public comment.

The 1999 referendum will be the first time Australians have voted on whether to become a republic.

Drafts of the *Constitution Alteration (Establishment of Republic) 1999*, the *Presidential Nominations Committee Bill 1999*, and the *Constitution Alteration (Preamble) 1999* are available on the Internet at www.dpmc.gov.au/referendum.

1999 REFERENDUM LOGISTICS

The Australian Electoral Commission is undertaking preparations for the 1999 referendum to ensure that all Australians have their say on whether Australia should become a republic. These preparations involve organizing a large quantity of materials, infrastructure and people all around Australia and overseas.

Australia has over 12 million electors. Voting is compulsory for all Australian citizens who are at least 18 years of age. Approximately 7 500 ordinary polling places will operate on polling day. They will be set

up mainly in schools or community halls. As far as practicable, buildings with wheelchair access will be selected.

Polling places will be open between the hours of 8:00 a.m. and 6:00 p.m. Polling officials will be available to provide voters with any information that they require in order to vote.

Not all voters will be able to attend a polling place on polling day. To enable every eligible voter to cast a vote, the AEC will provide a number of alternative arrangements.



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PRE-POLL AND POSTAL VOTING

Electors unable to get to a polling place on polling day will be able to cast a vote in advance at a pre-poll voting centre or by post. Approximately 300 pre-poll centres will be set up in key locations around Australia.

Australians living or travelling overseas will be able to vote at approximately 100 different overseas locations, including Australian embassies, consulates and high commissions, or they will be able to vote by post.

MOBILE POLLING

Mobile polling teams bring the polling place to the voter. Mobile teams will visit approximately 2 000 locations, including

special hospitals, remote outback areas and prisons, to ensure that people who cannot attend a polling place will still be able to vote.

PUBLIC EDUCATION CAMPAIGN

The AEC will conduct an extensive public education campaign reminding voters of their rights and responsibilities. To communicate this information to the public, and in particular to key target audiences such as those from non-English speaking backgrounds and young electors, the AEC will use a range of different communication strategies.

National and state-based advertising using press, radio and television media will be conducted throughout the referendum period, and a multi-page referendum information leaflet will be distributed to households throughout Australia. A large-scale public relations campaign will also be conducted to complement the advertising campaign.

Other activities will include:

- establishment of a referendum Internet site with live results on referendum night
- operation of a national telephone hotline with an interpreting service for people from non English-speaking backgrounds
- distribution of publications, including a series of the AEC's regular bulletin, the *Electoral Newsfile*
- placement of articles and editorials in specialist magazines and publications

The cost of conducting the referendum is expected to be A\$63.6 million. In addition, the Government will provide approximately A\$15 million for a separate public information campaign. ✕

Electoral News in Brief

INTERNATIONAL CONFERENCE HOSTED BY ELECTIONS CANADA

Elections Canada has hosted a major conference of officials of election management bodies from around the world. Almost 100 delegates, representing 25 countries and 35 organizations, attended the first meeting of the Global Electoral Organization (GEO) Network which was held in Ottawa, April 11-14, 1999. Participants included representatives of 12 associations of election management bodies and more than 15 bilateral development agencies, foreign ministries and international financial institutions.

The GEO Network Conference's major objectives were:

- to exchange information about electoral administration and democratic governance
- to provide links within a global professional network
- to identify common areas of need in electoral governance and multilateral programs which could be developed in response
- to offer organizational models for future co-operative ventures

The GEO Network Conference was sponsored by the International Foundation for Election Systems (IFES), the International Institute for Democracy and Electoral

Assistance (International IDEA), and the United Nations Electoral Assistance Division (UN-EAD).

The Honourable Don Boudria, Leader of the Government in the House of Commons, opened the conference, along with Jean-Pierre Kingsley, Chief Electoral Officer of Canada; Bengt Säve-Söderbergh, Secretary-General, International IDEA; Carina Perelli, Director, United Nations Electoral Assistance Division; and Richard W. Soudriette, President, International Foundation for Election Systems.

Mr. Boudria's speech is available on the Internet at http://www.pco-bcp.gc.ca/lgc/speech/GEO_e.htm

MAINTAINING THE REGISTER

Between federal electoral events, the National Register of Electors must be kept as up-to-date and accurate as possible, so that it is ready at any time to generate reliable preliminary lists of electors for general elections, by-elections, and referendums. The Register is continually updated with data received from Revenue Canada and Citizenship and Immigration Canada, from provincial and territorial motor vehicle and vital statistics registrars and from electoral agencies in British Columbia and Quebec, which maintain provincial registers of electors.

In March and April 1999, two new initiatives were launched as part of the Register's comprehensive maintenance program.

Some 270 000 verification notices were sent to electors whose information appears to be incorrect or to have been added more than once to the National Register of Electors. Electors were asked to confirm or correct their information and mail back the notice.

Elections Canada also wrote to some 150 000 people who have turned 18 since the June 1997 federal election, to advise them they are now of legal age to vote, and to obtain their permission to add their names to the National Register of Electors. Recipients were asked to confirm, at the same time, that they are Canadian citizens.

The letters to 18-year-olds were not mailed in Ontario, the Northwest Territories, Nunavut or Newfoundland, to avoid potential confusion because of recent or expected provincial or territorial elections. The chief electoral officers in those jurisdictions will provide Elections Canada with electoral lists, including recent 18-year-olds who registered to vote, to update the national Register. The letters were not mailed in Quebec either, since Elections Canada has an agreement with the Directeur général des élections du Québec providing for quarterly updates from Élections Québec which include the names of 18-year-olds to be added to the national Register.



Participants at the Global Electoral Organization (GEO) Network Conference in Ottawa included Don Boudria, Leader of the Government in the House of Commons, and Jean-Pierre Kingsley, Chief Electoral Officer of Canada (front row, fourth and fifth from left).

SHARING REGISTER DATA

Forging data-sharing partnerships is a corporate priority for Elections Canada. Since 1997, Elections Canada has signed data-sharing agreements with 60 electoral agencies at the provincial, territorial and municipal levels, including agreements to supply Register data to municipalities in Nova Scotia, Manitoba and New Brunswick, as well as to some in Ontario. Considerable cost savings have resulted for jurisdictions that have used national Register data to produce preliminary electoral lists. The City of Winnipeg, for instance, which used the Register data in place of enumeration to compile the list of electors for its municipal elections in October 1998, saved about \$600 000.

On April 6, 1999, an historic agreement was announced between Elections Canada and Elections Ontario for the provision of National Register of Electors data to build Ontario's new Permanent Register of Electors. Use of the permanent register virtually eliminated the need for enumeration in the June 3, 1999, provincial election, and was projected to save Ontario some \$10 million. Federal data were provided by Elections Canada at cost.

The agreement also provides Elections Canada with the reciprocal opportunity to update the national Register with data that Elections Ontario will provide from lists revised for the provincial election.

RESEARCH PARTNERSHIP

Elections Canada will contribute to a project, sponsored by the Centre of Election Studies (University of Waterloo), that will establish an electronic database of federal election results. The database will include data related to general elections from 1867 to 1999, sorted by electoral district, and socio-demographic information on each candidate. Once completed, the database will be in the public domain and available on the Internet. The Centre for Election Studies is directed by Professor John M. Wilson of the Department of Political Science, University of Waterloo.

COURT RULING

On March 10, 1999, the Ontario Court (General Division), ruled unconstitutional several provisions of the *Canada Elections Act* relating to the following principles:

- the requirement for a candidate to obtain 15 percent of the valid votes in order to receive reimbursement of 50 percent of the deposit
- the requirement for parties to nominate candidates in 50 electoral districts to obtain or keep registered status
- the mandatory liquidation of a party deregistered for not having 50 candidates at a general election
- the requirement that only candidates whose party fields 50 candidates and hence becomes a registered party may list their party affiliation on the ballot

The case was brought to court by the leader of the Communist Party of Canada, Miguel Figueroa, after his party was required to liquidate its assets after the 1993 federal general election. The party had failed to field 50 candidates in that election. The Government of Canada has appealed the court decision except for the parts of the ruling dealing with liquidation and the candidate's deposit.

CD-ROM – OVER 12 000 AND COUNTING

Elections Canada's interactive, informative CD-ROM, *Exploring Canada's Electoral System*, has been enthusiastically received by users across Canada. Over 12 000 copies of the bilingual program have been ordered from Elections Canada since the disc was released one year ago. Many have been requested by schools, particularly in Ontario, which has changed its curriculum to include an electoral studies component at the grades five and six level. The CD-ROM guides users to explore a polling station, the office of a returning officer, Elections Canada's offices, a campaign headquarters and the Chamber of the House of Commons. It was designed for students, but can be used by anyone interested in learning about Canada's federal electoral system. One free copy can be ordered by calling Elections Canada at 1 800 INFO-VOTE (1 800 463-6868) or by visiting the Elections Canada Web site at www.elections.ca and clicking on "general information."

CONTRIBUTIONS AND EXPENSES

Elections Canada has published a searchable database of the contributions and expenses reported by candidates and registered political parties. The information is available from the Elections Canada Web site at <http://www.elections.ca> and can be easily searched, printed or downloaded. This electronic publication includes information from the June 1997 general election and subsequent by-elections, and also the receipts and expenses of registered political parties by fiscal period from 1994 to 1997.

ACE PROJECT

Three international organizations are assisting new democracies by assembling the first global information bank on the administration and cost of elections, now easily accessible on the Internet and on CD-ROM. The Administration and Cost of Elections (ACE) Project is an ongoing partnership venture of the United Nations Department of Economic and Social Affairs (UN-DESA), the International Foundation for Election Systems (IFES) and the International Institute for Democracy and Electoral Assistance (International IDEA). Elections Canada produced the French version of this huge resource for election administrators, legislators, multinational assistance agencies, academics and the media. The information can be viewed on-line at <http://www.aceproject.org>.

Electoral Facts

WAYNE BROWN, ELECTIONS CANADA

Canada has experienced many electoral “firsts” in this century. Here are the major ones.

- 1915** The first postal ballot for military voters on active service was introduced.
- 1916** Manitoba became the first province to extend the franchise to women.
- 1917** Some 2 000 military nurses, the “Bluebirds”, became the first Canadian women to obtain the right to vote at the federal level and use it at the 1917 federal election, as a result of the wartime *Military Voters Act*.



- 1920** The first federal Chief Electoral Officer was Colonel Oliver Mowat Biggar, following the creation of that position by Parliament.
- 1920** The first centralization of the financial and logistical operations of federal election administration occurred as a result of Parliament’s overhaul of electoral law.
- 1920** Advance polling was first authorized, but only for commercial travellers, sailors and railwaymen.
- 1921** This was the first federal election open to voting by all Canadian women at least 21 years of age.
- 1921** The first woman elected to Canada’s House of Commons was Agnes Macphail (Grey South East riding in Ontario), following the amendment of electoral law in 1919 to allow women to stand as candidates.
- 1929** The stipulation that federal polling day would be on a Monday was first enacted. (If the Monday is a federal or provincial holiday, voting day shifts to Tuesday.)
- 1934** The first permanent register of electors of Canada was established, and then abandoned in 1938.
- 1960** Legislation extending the vote to all adult Aboriginal people in Canada was passed by Parliament.
- 1964** The task of determining the boundaries of electoral districts was first placed in the hands of independent boundaries commissions.
- 1968** The first Aboriginal person elected to Canada’s House of Commons was Len Marchand, representing the British Columbia constituency of Cariboo.
- 1970** Parliament passed legislation requiring federal political parties to register with the Chief Electoral Officer.
- 1972** Candidates’ political party affiliations appeared on the ballot for the first time in a federal general election.
- 1972** The first federal general election at which Canadians aged 18 to 20 could vote was in 1972, after the minimum voting age was lowered from 21 in 1970.
- 1974** The *Election Expenses Act* imposed ceilings on election spending by parties and candidates and required them to report their income, its sources (including the identity of those who contributed more than \$100) and expenses to the Chief Electoral Officer.
- 1982** The right of Canadians to vote and to be a candidate was enshrined in the new *Canadian Charter of Rights and Freedoms*.
- 1988** Cardboard ballot boxes first replaced the traditional metal ones at the federal election polls in Ontario and Quebec.
- 1989** The first (and only) elected Senator in Canada’s history was Stan Waters, who won an Alberta-wide vote and was appointed to the Senate in the following year by Prime Minister Mulroney.
- 1993** Bill C-114 extends use of the special ballot to all electors who are unable to vote on election day or at an advance poll, including Canadians travelling or temporarily living abroad.
- 1997** The National Register of Electors was used for the first time to generate the preliminary lists of electors for the 1997 general election, following the passage of legislation in 1996 that provided for the establishment and regular updating of a permanent register in the form of a computer database.✕

