

Democratic  
rights of  
citizens

Maximum  
duration of  
legislative  
bodies

Continuation  
in special  
circumstances

### *Democratic Rights*

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

Even though we have, over the years, tended to take our rights for granted, there have been cases in Canada where some fundamental rights have been denied by laws of government.

For example, in 1937 the Alberta Legislature passed a law that would have required newspapers to reveal their sources of news and to publish without charge "information" supplied by the government. In 1937, the Quebec government's "padlock law" banned the propagation of Communism and Bolshevism by closing up and padlocking any premises used for those purposes. In the early 1950s a Quebec City bylaw, passed under the Charter of the City of Quebec, prohibited the distribution in the streets of any book, pamphlet or tract without permission of the chief of police. To Jehovah's Witnesses, the bylaw was a restriction of their rights as Canadian citizens to freedom of expression and freedom of religious practice.

The tradition of democratic rights in Canada is specifically guaranteed by the Charter. Citizens will have a constitutionally enshrined right to vote in elections for members of the House of Commons or a legislative assembly and to seek election to either of those houses.

The only restrictions that may be placed on your right to vote or run in an election will be those that are considered to be reasonable and justified, such as the age restriction for minors, mental incompetence, and certain restrictions on some election officials, such as returning officers, who may have to cast a deciding ballot. In the case of seeking elective office there may be some restrictions on judges because of the non-partisan nature of their office.

It is a well-established principle in a democracy that governments cannot continue their hold on power indefinitely without asking the voters for a new mandate. Now