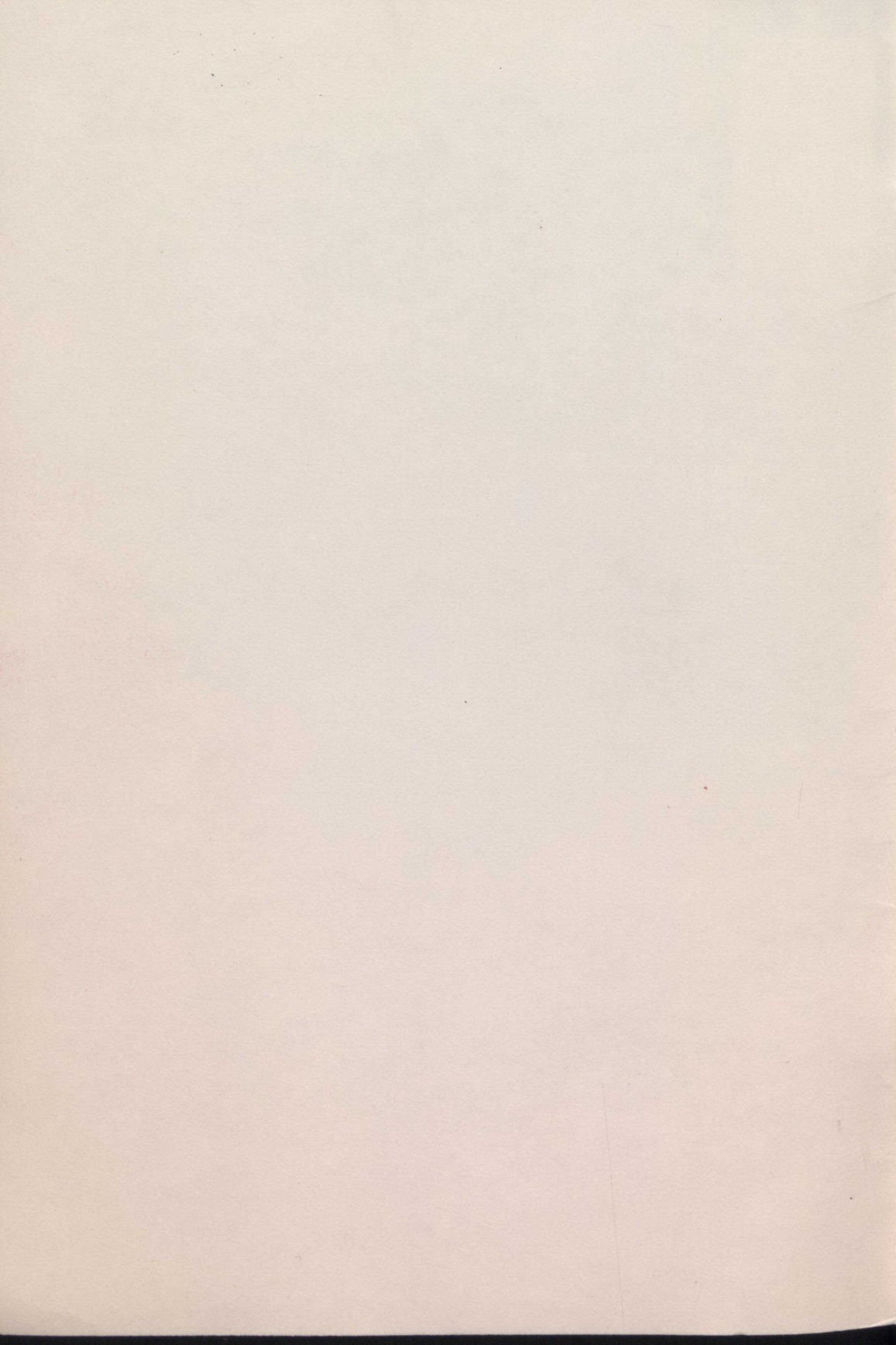


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General Elections in Canada



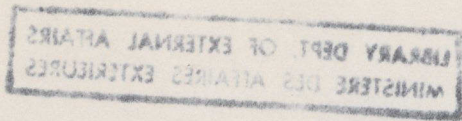
Reference Paper 109



General Elections in Canada

(Revised April 1978)

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Canadians choose their federal governments through general elections for the House of Commons, the leading law-making body in the country.

The Canadian Constitution requires the election of a new House of Commons at least once every five years. This is called a federal general election to distinguish it from the many other elections held in Canada.

At the next federal general election, 282 legislators, representing the same number of constituencies will be chosen to sit in the House of Commons. They are called Members of Parliament or M.P.s. The leader of the party with the most seats becomes Prime Minister and forms a Government, which thereafter remains answerable to the House for its policies and actions.

Under Canadian law, representation in the House of Commons must be reviewed at ten-year intervals, after each decennial census. The review normally results in the redrawing of a number of electoral boundaries. This work is carried out by an electoral redistribution commission appointed in each of the ten provinces and in one of the two territories.

The voting populations of constituencies varies from one to the other, and averages 52,000.

The Prime Minister chooses 25 or more individuals from his party to serve with him as Ministers in the Cabinet. Though one or two may be Members of the non-elective Upper House, the Senate, all usually are Members of the House of Commons or are elected to that House after their appointment.

The Cabinet, consisting of the Prime Minister and the other Ministers, discharges the executive functions of Government. Indi-

vidual members administer different government departments such as finance, agriculture, external affairs, justice. In addition, there are sometimes one or more Cabinet members known as Ministers without Portfolio, who are not in charge of departments but who may be assigned by the Prime Minister to carry out specific executive functions within departments.

Collectively, the Cabinet provides leadership and initiative in the determination of national policy and the appointment of other chief officers of state, including lieutenant-governors of the provinces, judges and ambassadors. The Cabinet is at all times responsible to the House of Commons.

A federal general election is only one of many occasions on which Canadian citizens record their will concerning the conduct of public affairs. Each of the ten provinces in the Canadian federation has its own elected legislature. Each province has its own system of local government under which elected councils direct the affairs of cities, towns, villages, rural municipalities and school districts.

The federal Parliament, however, is the only body that makes laws for and speaks for Canada as a nation. It consists of the Queen, represented in Canada by her viceroy the Governor General, the appointed Senate and the elected House of Commons.

Nominally important, the Queen's powers — exercised through the Governor General — are used only on the advice of the Cabinet, in respect to executive decisions, and of the two Houses of Parliament, in respect to legislation. The powers of the Cabinet, too, are often exercised through the Governor General, by Orders-in-Council that he must sign.

The Senate's powers are limited in two fundamental respects. It may not initiate financial legislation. This means that it has little more than a negative say on the taxes to be levied on Canadians and the use to which public funds may be put. Furthermore, unlike the House of Commons, it has no control over the executive. It cannot unseat a Government.

Senators are appointed by the Governor General.

The House of Commons derives its power from the fact that the Prime Minister and most members of his Cabinet also belong

to the House and are responsible to it. They are called upon to explain their conduct and policies daily while the House is in session, especially during the question period. Their positions depend on the confidence of the House. If the House votes lack of confidence in them, they must resign or bring on an immediate election. Through the latter device they can appeal the verdict of the House to the voters at large. This happened in May 1974, when the Government was defeated in the House of Commons and then obtained from the Governor General a dissolution of Parliament so that a new federal general election could take place July 8.

If five years pass without an election, Parliament is dissolved through the expiry of its mandate, and an election automatically becomes necessary. More often, before the end of this term, the Prime Minister fixes an election date. Prime Ministers do not like to appear fearful of an election by putting it off until required to call one. Normally, an election takes place four years or so after the previous one. In a minority-government situation, however (where no party has an absolute majority in the House of Commons), the vote is likely to come sooner, since the Government is more vulnerable.

Election arrangements

The dissolution of Parliament sets the complicated election machinery in motion. Essentially, it consists of an Office headed by the Chief Electoral Officer in Ottawa and a returning officer for each constituency. Each returning officer is responsible for the conduct of the election in his constituency.

As insurance against being caught unprepared, the Chief Electoral Officer starts to get ready for a new election as soon as the last one is over. A general election requires the production of several tons of paper material, such as background papers, manuals of instruction and forms of many kinds.

When the date is set, appropriate quantities of these materials are shipped to the constituencies. Returning officers complete plans for the recording of the votes cast in their areas, set up polling divisions and polling stations, assign enumerators to compile lists of eligible voters, and appoint deputy returning officers. The voter lists are posted in public places so that anyone may check them for

accuracy and call for a revision if names have been wrongly omitted or wrongly included.

The independence of the Chief Electoral Officer is assured by the fact that he is appointed by resolution of the House of Commons and not by the Cabinet, as are most public servants of similar rank. His salary is set by law and not by Order-in-Council. Finally, he is responsible to the Commons, and not to the Government, and can be removed only for cause by the Governor General on address of the Senate and the House of Commons.

The voters

Every Canadian citizen 18 years of age or over has the right to vote.

Persons born in Canada or born in a foreign land of Canadian parents are automatically Canadian citizens. Persons born in a foreign country may acquire Canadian citizenship after living three years in Canada.

Among those deprived of their franchise — but only so long as the cause of the deprivation lasts — are prisoners in penal institutions and persons confined to hospitals for mental illness. Certain classes of person are deprived of their vote because of their official functions: the Chief Electoral Officer and his deputy, judges (except for citizenship judges), and returning officers. The last-mentioned must cast the tie-breaking ballot when two candidates for election have received the same number of votes. Finally, any person found guilty of electoral fraud may lose the franchise for a specified period.

Voters who for any reason feel they cannot get to the polls on election day — whether because they plan to take a trip or attend a wedding — can vote in an advance poll held on the ninth, seventh and sixth days before polling day. Those who are unable to cast their vote at an advance poll or an ordinary poll may do so in the office of the returning officer from the fourteenth day to and including the Friday before polling day, except for the advance polling days.

Fishermen, mariners, prospectors, physically-incapacitated persons, members of air crews, forestry crews, topographical survey crews, or trappers and students away from home have, under certain conditions, the right to vote by proxy.

Canadian public servants posted abroad, such as the staffs of embassies, vote before election day, with their dependants. The total in the next election is expected to be about 3,400.

In the same category for voting purposes are all 83,000 members of the regular armed forces plus the dependants in Germany of about 5,000 Canadian troops stationed there under NATO command.

These special votes usually take place throughout the second week before the election.

The candidates

In general, anyone eligible to vote is eligible for nomination and election to the House of Commons. There are no property or educational qualifications.

Some exceptions to this rule are members of provincial legislatures, judges, persons convicted of corrupt electoral practices, public servants, except those having been granted leave of absence without pay to seek nomination under the Public Service Employment Act, and members of the regular armed forces. None of these may run for election to the House of Commons.

Most candidates are the official representatives of the various political parties, chosen at party-nominating conventions.

Nominations close, in general, 21 days before election day. In a few isolated constituencies, nominations are held 28 days before the voting date. A candidate need not reside in the constituency he is contesting. His nomination, however, must be endorsed by at least 25 electors in the constituency, and must identify the official agent and the auditor he or she is required to appoint. He must put up a \$200-deposit which is returned to him if he wins the election or polls 15 per cent of the total valid votes cast. This is to discourage frivolous nominations.

Parties

Everyone is free to form a political party and to join or support any party he chooses, but only a federally registered political party may enjoy election expenses privileges.

Two parties have hitherto shared the allegiance of most Canadian voters. They are the Progressive Conservatives, usually called

simply the Conservatives, and the Liberals. Every Canadian Government up to now has been formed by one or other of these parties or a merger of elements of both. On occasion, other parties have succeeded in winning provincial elections, and other parties regularly elect groups of Members to the House of Commons. Two of the most prominent in this respect are the New Democratic and the Social Credit Parties.

On entering a polling station, the voter is handed a ballot listing the candidates (by name) and — in the case of qualified, registered parties, — party affiliation.

The principal political parties function through voluntary associations with headquarters in the national capital but in more-or-less intimate association with organizations at the provincial and constituency levels.

The constituency association is responsible for selecting the candidate who will contest that seat in the election. (It also sends delegates to national assemblies where the party leader is chosen and party policies formulated.)

As the time for an election approaches, party associations launch massive campaigns aimed at publicizing the party's policies and the personality of its leader. These campaigns reach their peak in the weeks immediately preceding an election, as the leaders move across the country addressing meetings and meeting individual voters.

Expenses

Canadian elections are expensive. The country is vast and many parts are sparsely populated. Yet, as far as possible, every voter, no matter where he lives, must be given a chance to vote.

Chief Electoral Officer J. M. Hamel, expects to spend \$55 million in public funds at the next election — on printing, salaries and fees for electoral officials, transportation and other costs. Included in this amount are the cash reimbursements to which some candidates and political parties may be entitled to receive.

The campaign expenses of candidates and political parties will exceed several million dollars. These funds come from private sources — the candidates themselves, friends and well-wishers, and party supporters.

Individual candidates must keep detailed accounting records and, after the election, must declare their election expenses. They are required to appoint official agents to receive all contributions and make all disbursements on their behalf and an auditor.

Under the Income Tax Act, persons or corporations who donate money to a registered political party during any given year, or to an official candidate during an election are entitled to a partial reimbursement in the form of a tax-credit receipt. They may then deduct this directly from their income tax payable.

A disclosure requirement now exists as well, so that the reports submitted by registered political parties and official candidates must identify all donors whose contribution exceeded \$100. This becomes public information.

Legislation approved by Parliament, which has been in force since August 1, 1974, has the effect of limiting campaign spending. At the same time, candidates are reimbursed from the public treasury for part of their campaign expenses and registered political parties are also entitled to a reimbursement of half their broadcasting expenses.

Large expenditures are required to finance the national campaigns of the parties, but these, too, are limited by law. They cover advertising in newspapers and other publications, radio and television broadcasts, printing and distribution of literature, travel expenses of the leaders and party organizers, and rental of office space and meeting-halls.

Partisan radio and television broadcasts as well as advertising in periodical publications are prohibited from the day of the issue of the writs to the twenty-ninth day before polling day, as well as on polling day and on the day immediately preceding polling day. Owing to time-zone differences, election results in Eastern Canada are known before voting ends in the West. Federal law therefore prohibits the publication or broadcast in any area, before polls close in that area, of the result of voting in any electoral district in Canada. This is intended to prevent late-voting Westerners from being influenced by results already made public in the East.

Compilation of results

As soon as the polls close, counting of ballots begins. The deputy returning officer and the poll clerk are responsible for counting the votes in each polling division. These counts are transmitted to the returning officer and made public as they are completed. Within a few hours of the closing of the polls, the result in most constituencies is known. The national outcome of the election is usually known by midnight. The official count is usually undertaken in each electoral district by the returning officer on the Thursday following polling day.

Consequences of an election

If the party forming the Government before the election wins a majority or has the largest number of seats in the new House of Commons, the members of the Cabinet must be sworn in again. Even when a general election returns the same party to power, the makeup of the Cabinet usually changes.

If another party wins a majority or has the largest number of seats in the new House of Commons, the Prime Minister within a few weeks submits his resignation and that of his Cabinet to the Governor General with a recommendation that the leader of the winning party be called on to form a Government.

The Parliamentary system, combined with the Canadian electoral system, appears to have served Canada well. During more than 100 years of Canadian federation it has, by and large, produced Governments responsive to the will of the people and capable of developing long-range policies.



Compilation of results

As soon as the polls close, counting of ballots begins. The party counting tables and the poll clerk are responsible for counting the vote in each polling division. These counts are transmitted to the returning officer and made public as they are completed. Within a few hours of the closing of the polls, the result of an election becomes known. The national outcome of the election is usually known by midnight. The official count is usually announced by each electoral district by the returning officer on the Friday following polling day.

Consequences of an election

If the party leading the Government before the election wins a majority in the House of Commons, the members of the Cabinet resign. Even when a general election returns the same party to power, the members of the Cabinet usually change.

The winning party will appoint a new Prime Minister and a new Cabinet. The Prime Minister will usually be the leader of the winning party in the House of Commons. The new Prime Minister will usually be the leader of the winning party in the House of Commons.

The Parliamentary system, introduced into the Dominion after World War II, has been a success. Canada has enjoyed a long period of stability and progress. The system has allowed the government to carry out its duties in an efficient and orderly manner.

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