

POLICY DIFFUSION IN THE CANADIAN ELECTORAL PROCESS:
THE CASE OF BRITISH COLUMBIA

by

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B.A., University of Lethbridge, 1980

A thesis submitted in partial fulfillment
of the requirements for the degree of

Master of Arts
in the Department
of
Political Science

ACCEPTED
FACULTY OF GRADUATE STUDIES
DEAN
DATE Jan 05, 1987

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August, 1986

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Abstract

This thesis examines policy changes that have occurred in the electoral process in British Columbia and other Canadian jurisdictions. Electoral law modifications made since 1970 are identified and the inter-jurisdictional diffusion of new electoral policies is analysed through an examination of ten policy features. The results of a questionnaire, distributed to all Canadian Chief Electoral Officers, are interpreted to determine the support given to propositions made by public policy researchers regarding innovation diffusion. British Columbia's electoral process is compared with the processes of other jurisdictions. Explanations for policy modifications in this field are examined in the context of the inter-governmental spread of innovative public policies.

The literature surrounding concepts of public policy innovation and diffusion is reviewed and associated themes of agenda-setting and policy convergence are discussed.

Six hypotheses with regard to patterns of diffusion in public policy innovation are identified in the review of the literature, and these are used to provide theoretical direction for investigating the changes in Canadian electoral policy.

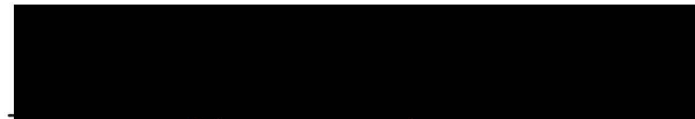
The study finds only one of the six hypotheses regarding diffusion of innovations in public policy to be supported. This hypothesis suggests that, where a policy area tends to be politically influenced, a low consensus will develop regarding leadership by any particular jurisdiction within the policy field. A corollary of this hypothesis, which is not supported, is that a 'low leadership' policy area is characterized by minimal diffusion.

Policy diffusion in Canadian electoral law indicates no discernible patterns of adoption. Innovations have not spread from large to small jurisdictions, nor have regional adoptions or leader/follower emulations become apparent. Diffusion of innovative electoral policy occurs in unpredictable patterns.

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Acknowledgements

The author gratefully acknowledges the co-operation and assistance he received from each of Canada's Chief Electoral Officers and other members of the Association of Canadian Election Officials. Special appreciation is extended to Harry M. Goldberg, Chief Electoral Officer for British Columbia, and his agency staff for their continued support and encouragement.

CHAPTER ONE

INTRODUCTION

In 1982 British Columbia's Social Credit government introduced legislation to amend laws regarding the provincial electoral process. This marked the first significant set of changes to B.C. election policy in thirty years. The legislation shortened the length of elections from thirty-eight to twenty-nine days, supplemented a 'permanent' voters list with regular enumerations, and provided an opportunity for non-registered voters to register and vote on the day of an election. At the same time numerous 'housekeeping' amendments were made to update administrative details and clarify the language of the election statute.¹

When it returned to power after a 1983 election, the same government embarked on a program of further modifying its election laws. It extended the period for Advance Poll operation, provided 'early voting' for those unable to vote on election day or at an Advance Poll, and eliminated voting rights for non-Canadians. Again, numerous alterations to the administrative detail of the electoral process were implemented.² Separate legislation amended British Columbia's Constitution Act and established a permanent and independent Electoral

Commission. This commission, comprised of three members, is assigned to impartially examine population change and the number of representatives in the provincial Legislative Assembly and to periodically propose modifications to representation levels and the boundaries of Electoral Districts when certain levels of population inequities are reached.³

Were these notable innovations really "aimed at modernizing the election process . . . making it more practical for the 1980s and the years following," as the Minister who introduced them claimed?⁴ Is British Columbia acting as a progressive force in the evolution of electoral methods, setting the standard for other administrations to follow? Are these really 'new' ideas, or have they been implemented elsewhere?

Such initial questions lead to more encompassing ones. Are other Canadian jurisdictions also changing their election laws extensively? If so, are the changes within the jurisdictions similar to one another? Are election laws different, in any important way, between one Canadian jurisdiction and another? How does policy in an area as fundamental as election law come to change? What have political scientists discovered about the nature of policy change? How is it that new policies are devised and how do they become important programs of government?

Unquestionably, public policies that deal with the electoral process must be regarded as significant. Electoral laws constitute the very 'rules of the game' that the citizens of Western democratic states have agreed to follow when deciding who acquires and who loses political power.⁵ These fundamental precepts set the framework within which the outcome of societal power struggles are supposed to be determined. In order that they retain their legitimacy, the structures that allow electorates to select and dismiss office holders are expected to be based on principles of freedom and equity.

In the Canadian context, the electoral process within each jurisdiction provides the only means by which the "people's will" is permitted widespread expression in a regular and civilized manner. The rules of this process have clearly changed over time. Electoral reform is generally equated with historically significant advances such as the non-propertyied franchise, women's voting rights, and the introduction of the secret ballot. And, as recent alterations in British Columbia's election laws illustrate, the evolution of the process continues.

Within this study the words 'election' and 'electoral' are used interchangeably. This is consistent with the usage employed by election officials, politicians, and the general public. For the purpose of defining specific

aspects of the broad concept of 'electoral process', one prominent scholar defines electoral laws as:

. . . those that govern the processes by which electoral preferences are articulated as votes and by which these votes are translated into distributions of government authority (typically parliamentary seats) among the competing political parties.⁶

The scope of this study is of sufficient breadth to avoid such narrow usage. Therefore reference to 'electoral laws' will be synonymous with 'electoral policy' and 'electoral process.' The concept of 'electoral process,' as it is used in this thesis, refers to the broad outline of legislated procedure which prescribes:

- who can and cannot vote
- who is eligible to be elected
- the determination of which candidates become legislators
- the apportionment of representatives and constituencies
- the mechanics of taking and counting the vote.

This study will compare the recent electoral policy changes that have occurred in Canadian jurisdictions, examine the electoral process in British Columbia, and then determine whether the pattern of new policy introductions fits within a 'diffusion' model that public policy researchers have devised regarding policy change. Chapter two discusses the paradigms that policy analysts

have developed regarding the introduction of new public policies, and sets the structure for the investigation of changes to electoral law that follows. In chapter three the electoral process innovations of each of the major Canadian jurisdictions -- ten provinces, two territories, and federal -- are examined. Chapter four extends this discussion and gives a more detailed description of the electoral process in British Columbia. Chapter five provides an analysis of the 'public policy diffusion' model and its application to the changes that have recently occurred in Canadian electoral policy. Chapter six, the conclusion, is followed by three appendices which provide a detailed analysis of electoral law modifications since 1970, and the results of a questionnaire that was administered to Canadian Chief Electoral Officers.

Notes

Chapter 1

¹ Election Amendment Act, 1982, S.B.C 1982, chap. 48.

² Election Amendment Act, 1984, S.B.C 1985, chap. 5.

³ Constitution Amendment Act, 1984, S.B.C. 1984,
chap. 12.

⁴ Hon. Evan Wolfe, British Columbia Hansard, July 9,
1982, p. 8677.

⁵ J. Patrick Boyer, Foreword, Election Law and
Practice: The Report of the Study Group of the
Commonwealth Parliamentary Association (Ottawa: Elections
Canada, 1985), p. 8.

⁶ Douglas W. Rae, The Political Consequences of
Electoral Laws, rev. ed. (London: Yale University Press,
1971), p. 14.

CHAPTER TWO

PUBLIC POLICY INNOVATION, DIFFUSION OF LEGISLATION,
AND CONVERGENCE: A LITERATURE REVIEW

Public policy analysis has been described as "finding out what governments do, why they do it and what difference it makes."¹ Most public policy research has been concerned with establishing the 'determinants' of policies. Since the mid-1960's public policy researchers have directed much of their effort toward trying to establish whether political or environmental influences have a greater impact in determining public policy. Sophisticated quantitative indicators have been devised to measure government activity against a variety of explanatory factors.

An important subfield within policy research concentrates on investigating the tendency for some public policies to be extensively replicated after their initial introduction. This phenomenon, generally termed the 'diffusion of innovations', results in the appearance of remarkably similar public policies in jurisdictions within nations and, sometimes, between nations. Innovative public policies, it would appear, have a marked tendency to spread from government to government. This wide-spread adoption process is in itself a fundamental determinant of policies for those governments that emulate others.

INNOVATION RESEARCH

The idea that diffused innovations might be an important source of public policy was not given serious consideration in Political Science until 1969. Extensive innovation and diffusion research was underway before that time in a number of other academic disciplines such as Anthropology, Communications, Education, Economics, Geography, Industrial Engineering, Journalism, Marketing, Psychology, and Sociology.

These disciplines have established numerous theoretical models to explain social change in terms of the introduction and subsequent spread of new ideas, methods and devices. For example, Communications scholars use a diffusion model that explains the spread of innovations in terms of messages carried through interpersonal networks. Individuals are seen to accept or reject innovations on the basis of information received from persons they are in regular contact with. Economists and geographers make frequent use of a 'hierarchy' model: innovations initially occur in larger, more populated centres and subsequently spread down from these areas through a hierarchy of increasingly smaller-sized units. Medical sociologists volunteer an 'epidemiology' model in which innovations are diffused by contagion, according to physical proximity. In this model innovations spread in a

wavelike manner from their centres to the peripheries of their influence. Other models have been constructed based on evidence of similar characteristics among adopters, similar environments of adoption and similar rates of diffusion.

Predictably, there have been suggestions recommending the entire study area be integrated under one multi-disciplinary umbrella. Perhaps the most ambitious proponent of such an approach is Everett M. Rogers who has collected the studies of more than 1,500 innovation researchers and synthesized their findings.²

Innovation-Decision Types:

Rogers identifies three possible decision relationships that can exist between a member or members of a social system and an innovation: optional decisions, collective decisions and authority decisions.

Optional innovation-decisions are made by individuals. An individual decides, for example, whether or not to purchase the latest innovation in electronic stereo equipment. The effect of an optional decision is limited, by and large, to the individual making it.

Collective innovation-decisions, says Rogers, are choices made by consensus among the members of a social system to adopt or reject innovations. Fluoridation of a

central water supply is an example of such a collective community decision. Once such a decision is made, the individuals within the community have little choice but to accept it. A collective decision can, conceivably, affect all of the members in a social system.

Authority decisions are made by a person or persons holding a superordinate position of power (e.g. the administrative head of a bureaucratic organization). This authority can be used to force an innovation-decision upon an individual or social grouping. Rogers suggests that the effect of an authority decision is generally confined to the formal organization within which it is made.³

Non-applicability to Public Policy Study:

Rogers, in his extensive review of diffusion research, identifies a major shortcoming in the studies. Optional innovation decisions, he found, were the concern of almost all of the studies he gathered, while almost no attention was paid to collective or authority decisions. He concludes that studies in the various disciplines have extensively examined the psychological process by which individuals decide to adopt or reject new ideas, but little is known about the innovation choice-making systems of communities or bureaucracies.⁴ For the student of public policy development this is an unfortunate

revelation. The most important innovation-decisions made in the arena of public policy are those of a collective nature; the remainder necessarily fall into the category of authority decisions.

Because innovation research traditions in other disciplines have focussed their efforts almost entirely on optional innovation-decisions, the field of collective innovation study lacks well-developed methodological tools. As a result, public policy researchers must undertake "considerable conceptual reformulation"⁵ when attempting to generalize from the findings of multi-disciplinary innovation research.

Innovation Defined:

In everyday use the term 'innovation' describes the introduction of something that is new -- whether it be a new idea, method or device. To be described as innovative is to be characterized as having a tendency to introduce innovations. In academic literature the term 'innovation' has come to have three meanings -- invention, adoption and adaptation. Joseph McGrath succinctly describes the distinction between these three notions:

. . . in any given case, an innovation can be a new idea/device/procedure that is created at that time and for that system; or it can be an idea/device/procedure that is adopted, pretty much

intact, from some other operating system; or it can be an idea/device /procedure that is adopted from some other system but at the same time adapted or modified to fit the referent system.⁶

The complex process of diffusion, which is at the heart of the widespread phenomenon of innovation adoption, is defined by Robert Savage as:

. . . the adoption of a communicable element, symbolic or artifactual, over time by decision-making entities linked to some originating source by channels of communication within some socio-cultural system . . .⁷

Richard Bingham identifies two broad types of innovation research that have been developed with regard to public agencies: "determinants" research and "diffusion" research.⁸ Determinants research, he says, is interested in answering the question 'Why is an innovation adopted?' and attempts to correlate independent variables with adoptions. Diffusion research, Bingham says, attempts to identify patterns of diffusion in the spread of innovations.

WALKER'S STUDY

The topic of public policy innovation and diffusion first received serious attention in 1969 when Jack Walker published an exploratory study on the diffusion of

innovations in the American states.⁹ His study is regarded as the original, and certainly most influential investigation concerning determinants of innovation adoptions for public policies.

In his search for an understanding of the "whole process of political change and development"¹⁰ Walker devises a measurement index of the relative speed at which American states have adopted new programs. Staying close to its everyday usage, he defines innovation as any program or policy new to the state adopting it, no matter how old the program is or how many other states have adopted it.¹¹ Walker emphasizes that his use of the concept of innovation relates to adoption, not invention or creation per se. For the purposes of his study he measures adoption in terms of legislative action. This is the single form in which policy innovation data are readily available.

'Innovativeness':

Walker analyses the way adoptions of new policies spread, or become 'diffused', across forty-eight states with regard to eighty-eight different programs. He then assigns an 'innovation index' score to each state. This score positions each state on a time continuum between aggregated first appearances and last state

implementations of all new programs. The scoring index suggests that some states are relatively quick to adopt new programs while others seem slow to do so. Using statistical correlations, Walker indicates that measures of social and economic development are related to a state's 'innovativeness.' He then makes a number of propositions about individual states' proclivities toward adopting new programs and suggests a prevalence of regional patterns of diffusion. Inter-regional diffusion occurs, Walker suggests, because regional leaders undertake a process of "cue-taking," which frequently results in the adoption of one another's new policies.¹²

Walker reasons that one of the major factors in diffusing policy innovations is the presence of specialized communication networks within professional associations of state officials. Professional associations, Walker hypothesizes, facilitate the diffusion of new programs by communicating information about innovations between themselves, developing national standards on the administration and control of services, and encouraging the interstate movement or transfer of personnel.¹³

GRAY'S STUDY

In the early 1970's Virginia Gray undertook a study

with the expressed intent of "extending in a more rigorous fashion the investigation of innovation by states."¹⁴

Her work is the first in the field of public policy analysis to clearly state an objective of discerning patterns of policy diffusion.

Gray posits an 'interaction' hypothesis based on the empirical findings of innovation researchers in Sociology and Education using information collected on the adoptions of twelve laws within three public policy areas. In each of these areas -- education, welfare and civil rights -- she presumes that political, rather than economic, differences will be influential in determining state emulation of new legislation. Utilizing a mathematical model of diffusion, Gray argues that political policy innovations diffuse through the interaction of "users and non-users." Adopters of an innovation must be expected to influence those who have not yet adopted, she says. When the number of adopters increases their influence on non-adopters is stronger. The continual gain in the number of adopters, Gray adds, is the result of potential adopters emulating previous adopters.¹⁵

"Issue-and-Time-Specific":

Gray is critical of the research approach used by Walker in studying innovations and their diffusion. His

method of producing state composite innovation scores by means of aggregating the adoption of laws over a long period of time on a large variety of issue areas, she states, is flawed at a fundamental level. Using Walker's data Gray shows that states which adopt laws early in one policy field are slow to adopt innovations in other program areas. Leaders in 'innovativeness' at one point in time appear to be laggards at another time. "Innovativeness," she concludes "is not a pervasive factor; rather it is issue-and time-specific at best."¹⁶

THE SCOPE OF PUBLIC POLICY INNOVATION STUDY

Walker and Gray have established two distinct approaches to the study of public policy innovation and diffusion. Since their publications, nearly all investigations into public policy innovations concentrate on the adoption process and 'why' or 'how' (i.e., a 'determinants' or a 'diffusion' approach) new policy ideas diffuse between governments.

Public policy innovation and diffusion analysis generally focusses on program policy innovations adopted by governmental systems within a nation. The United States is usually the nation studied. The established measurement standard is based on recording the adoptions of new policies which duplicate the new policies of other

jurisdictions. Little investigation is being done with the intent of examining the occurrence of non-legislative policy innovation diffusion or tracing the extent to which public policy innovation adoptions become adaptations. Presumably these areas remain un-researched because of difficulties in obtaining data. The interesting phenomenon of dis-adoption, in which policy innovations are discarded after varying periods of adoption, has not been extensively studied.

Study results have led researchers to a variety of interesting and sometimes conflicting conclusions. Disparities are in evidence in studies of both 'collective' and 'authority' types of innovation-decisions, and also in the investigations of 'optional' innovation-decisions in other disciplines. These inconsistencies have caused one critic to characterize the study of innovations and diffusion as 'having barely entered adolescence,' with much more development necessary before full maturity is reached.¹⁷ It is widely agreed, however, that ascribing public policy innovativeness to certain governmental jurisdictions (as was initially suggested by Walker) is a concept "beset with conceptual and operational difficulties."¹⁸ Subsequent researchers have repeatedly found that leadership patterns in innovation tend to cluster around functional areas and

cannot, therefore, be considered sustaining characteristics of states or cities.

Irwin Feller and Donald Menzel examined public sector diffusion in American states regarding widely applicable new technologies (products such as highway impact attenuators, air pollution measurement devices and applications of computer modelling hardware and software). They discovered that tendencies to adopt or reject innovations are specific either to state agencies or to the nature of the technologies being adopted. These findings add credibility to Gray's assertions about the non-pervasive nature of 'innovativeness.' The pattern of adoption within Menzel and Feller's study sample indicates that:

. . . technological innovation in state bureaucracies does not appear to be a general phenomenon but is time-and-issue (technology) specific.¹⁹

Feller and Menzel note other aspects of technological innovation that do not fit into the diffusion models suggested by Walker and others. Regional leadership patterns could not be identified in the diffusion of technologies, and communication patterns among the states seemed so diffuse that Feller and Menzel concluded "the diffusion process . . . may be conceptualized as both a horizontal and vertical process."²⁰

Technological vs. Programmatic Adoption:

In their most recent studies Feller and Menzel argue that public policy diffusion research requires a fundamental distinction between technological adoptions and programmatic adoptions.²¹ Other public policy diffusion scholars make a similar but less categorical distinction with terms such as 'product' versus 'process' innovations, or 'item' as opposed to 'policy' diffusion.

The study of programmatic policy innovations, Feller and Menzel say, may only need to focus on the communications network between potential adopters to provide adequate explanations of diffusions. However, they argue, technological innovation theory has to accommodate the powerful independent influence of suppliers of new technologies in the process of adoption, as well as the unique roles of technical decision-makers within particular policy fields.²²

Feller and Menzel use a concept of "diffusion milieus" as a tool in their study of diffusion of technological innovations in the public sector. They believe that this method allows "an enhanced conceptualization of the environment of adoption" which is required to understand technological diffusion and to distinguish it from programmatic diffusion. Feller and Menzel define a diffusion milieu as the unique environment in which public

sector technological innovation diffusions operate. It is essential, they maintain, for researchers to realize that the locus of decision-making regarding adoptions of technological innovations is necessarily different than that of policies requiring legislation.²³

The milieu concept can be usefully applied by researchers interested in examining the process by which non-legislative public policies spread between governments. Decisions about innovations that do not require a 'collective' approval process are frequently made by individuals or small groups within the public service. Such 'authority' decisions can be best analysed in terms of a milieu, taking into account such factors as organizational demands, the range of existing alternatives, limits of discretion vis à vis an executive body, internal resources, inter and intra-agency relationships and public demands for change.

PROGRAMMATIC DIFFUSION

The majority of studies conducted by political scientists on the topic of innovation diffusion in the public sector are not concerned with the adoptions of new technology or of discretionary administrative policies. Most diffusion studies, beginning with the landmark works of Walker and Gray, deal with programmatic innovations.

Most studies have emphasized the adoption of identical or similar program legislation by various governmental units and then accounted for the patterns in which they spread. Some investigations have concentrated on the traits of adopters, while others have stressed aspects of the innovations themselves. Many researchers simultaneously analyse the traits of the innovations and their adopters within their studies.²⁴

Adoptions of programmatic innovations are apparently rooted in the nature of interactions within governmental policy sub-systems, or result from internal demands for change. Robert Eyestone describes diffusion suitable to the interaction model as "emulation of virtue" and non-interactive adoptions as the "spread of necessity."²⁵ While diffusion researchers agree that the sources of emulation-based diffusion patterns lie in the nature of communications between the adopting governments, no general agreement has been established that provides a single model of how public policy programmatic innovations are communicated.

"Copy Your Neighbour" Routine:

In his book, The Routines of Politics, Ira Sharkansky persuasively argues that bureaucratic variables have a substantial effect on policy formation. One of

Sharkansky's 'routines' -- mechanisms that allow decision-makers to simplify complex situations -- is "regional consultation: copy your neighbour." When looking for policy solutions or innovations, Sharkansky states, officials often simplify their task by looking first to their regional neighbours to see what they have done in the policy area. This routine is widely supported, he claims, because neighbours are perceived as having similar problems, and a general attitude of legitimacy exists regarding the adoption of programs used by nearby governments. Further developing themes suggested by Walker, Sharkansky observes that professionalism and various structures of organizational affiliation tend to encourage the 'copying' of innovative policy, initially on a regional basis.

Sharkansky demonstrates, through a quantitative analysis of numerous policies having distinctively regional characters, that shared economic characteristics are not requisite for regionally based policy diffusion.²⁶

Innovation Diffusion - The Canadian Context:

In 1977 Dale Poel published the results of the first study undertaken on the subject of legislative diffusion between Canadian provinces. In examining twenty-five

policy items which "represented political responses to relatively contemporary issues"²⁷ in a variety of functional areas, Poel assigns adoption scores for the provinces under each item and then identifies 'clusters' of policy items by means of factor analysis. He distinguishes the dominant clusters of policy that factor together using the labels of 'interest group liberalism' and 'socialism.' Interestingly, there is one particular policy item Poel does not place into either grouping. That policy concerns the introduction of Electoral Boundary Commission legislation.

Poel then examines the possible tendency of provinces to 'cluster' together on a regional basis when adopting innovative legislation. His findings suggest that groups of provinces do have similar adoption patterns, but the clustering is not based on geographic regionalism. Poel labels his identified groupings 'Establishment Canada' (Ontario, B.C., P.E.I. and Nova Scotia) 'Eastern Canada' (New Brunswick, Newfoundland, and Quebec) 'NDP Saskatchewan' and 'Non-NDP Prairies' (Manitoba and Alberta). Leaders, he finds, are not consistently in the same cluster with respect to legislative initiatives.

Legislative Copying:

When legislation does diffuse, Poel notes, the

policies tend to be similar across the provinces, and in many cases statutes look identical once they are enacted.²⁸ This phenomenon is also observed by Walker in his study of American state policy diffusion. In some cases a 'wholesale' type of imitation is obvious to the point of embarrassment:

The California fair trade law, adopted in 1931, "was followed either verbatim or with minor variations by twenty states; in fact ten states copied two serious typographical errors in the original California law."²⁹

Walker quotes another author's comments on the adoptions of a particular piece of model legislation drafted by officials of a federal department:

. . . one state . . . even enacted the footnotes in the model act, footnotes intended simply to give advice to state officials with respect to alterations in the model act that would be necessary to 'fit' it to the situation of particular states.³⁰

Policy Area Emulation:

In another American study Alfred Light analysed the responses state executives gave to parts of a general questionnaire which had been administered to sixty-eight different agencies in fifty states. The answers he studies are those given by top agency decision-makers about perceived sources of innovation and program

improvement for their state agencies.

Further verifying Gray's "issue-and-time" hypothesis, Light's evaluation shows that administrators perceive that their source of new ideas is primarily related to their functional policy area, and weakly related to their geographic region. Some administrators rely heavily on the national government for policy leadership. Others look to states, often geographically distant from their own regional area, which have elaborate programs in their particular policy fields. Light concludes that public policy diffusion does not occur on a regional leader/follower basis:

These findings . . . suggest that scholars' movement away from emphasis upon the regionalism in state innovation diffusion patterns and toward treatments of the differences in patterns of diffusion by policy area is appropriate.³¹

Inequality of Esteem:

Without presupposing the prevalence of regional diffusion patterns, Fred Grupp and Alan Richards undertook a study of innovations which expanded on an aspect originally suggested by Jack Walker. Their objective was to investigate the phenomenon of policy "cue-taking" in which "highly-esteemed" states initiated policy innovations which then diffused to other agencies in the

policy area.

Using survey research, Grupp and Richards measure the "extent and effects of agreement about the most esteemed state agency among state executives within general policy areas." They then correlate their study results with the findings of researchers who have concentrated on studying state expenditures.³² Grupp and Richards' approach leads to a somewhat complex yet intriguing hypothesis. They suggest that a high degree of consensus regarding the identity of a leading state agency (i.e. the existence of great "inequality of esteem" in a policy area) will correlate to all top administrators holding considerable policy-making influence in that policy area. Conversely, when there is little agreement in a policy area about any one state having programs worth emulating (i.e. there is low inequality of esteem) administrators will be unable to point out proven solutions to problems. This inability, Grupp and Richards hypothesize, will seriously limit the amount of influence senior bureaucrats can have with executive policy-makers in that policy area's decision-making process.³³

Grupp and Richards find that consensus about 'best state agency' varies extensively depending on policy area. Using measurements of the inequality of esteem factor, they find that policy areas which carry a low

consensus about which agency consistently has better state programs have a high correlation to certain policy fields. State expenditure studies show that these policy areas (such as welfare and education) are heavily influenced by political factors such as policy input by political parties, lobbying by interest groups and elected officials, and extensive public debate.³⁴ According to Grupp and Richards' analysis, the diffusion of programmatic innovations can only be expected to develop into patterns of adoption within specific policy areas. In areas that have recognized program leaders the adoptions will be based on emulations of the most esteemed state agencies' programs and will have a tendency to spread via a communication network. However, their model suggests that when a consensus about the best source of programs within a policy area is lacking, the rate of diffusion in that area will be slow and the pattern random. Grupp and Richards imply that this is due to political factors which "dampen" the innovation diffusion process within specific policy areas.

Communication Networks:

Central to Grupp and Richards' study are their assumptions about the existence of formal and informal networks of communication between administrators in policy

areas. Walker originally suggested that this was a primary cause of the increasing speed of innovation diffusion among the American states. Via their numerous communication conduits, administrators are increasingly aware of programs and policies being considered and implemented in other jurisdictions. Consequently innovations that provide solutions to similarly experienced problems have the potential to diffuse with great speed.³⁵ Recent research indicates that legislators are less likely to communicate new policy ideas to politicians in other administrations because of a preoccupation with policy issues existing within their own jurisdictional boundaries.³⁶

Diffusion as Agenda Setting:

It is commonly understood that upper-level public service administrators promote legislative policy changes by using whatever influence they have with their political masters. Roger Cobb and others identify this kind of activity as a type of "agenda building" -- a process by which demands are translated into items receiving serious attention by public officials and legislators.³⁷ Cobb et al. identify three different models of agenda building: an 'outside initiative' model, a 'mobilization' model and an 'inside initiative' model.

The agenda building process most closely associated with public policy diffusion is the 'inside initiative' model. This model is characterized by an environment in which policy originates within a governmental agency and is communicated through the frequent and easy access of policy developers to political decision makers. The initiators, according to this model, do not wish their issue to expand to the point of reaching a 'public agenda'; indeed, attempts are made to limit expansion to influential groups important to the passage and implementation of the policy.³⁸

CONVERGENCE

Studies on the phenomenon of diffusion of legislated public policies also indicate a theoretical linkage to some proposals that have been made about policy 'convergence.' Primarily, the convergence concept has been investigated in terms of cross-national comparisons of political systems. The general observation is that government policies are becoming increasingly similar within industrial nations. It is also evident that similarities exist, to a limited extent, between policies of Communist and Western nations.

Lawrence Mayer and John Burnett suggest that the fundamental factors of labour division and specialization

have produced similarities in public sector decision-making processes in all technologically advanced or "post-industrial" nations. The trend toward increasing functional differentiation, Mayer and Burnett argue, is not likely to reverse; the 'knowledge explosion' brought about by current advances toward sophisticated states of technology will only further encourage specialization. They say a convergence becomes evident in the socioeconomic and political structures of all nations with a given state of technology.³⁹

Analysis of the notion that government policies are becoming more homogenous does not need to be confined to the trans-national level. Indeed, one of the shortcomings of public policy research has been its inclination to look at the differences rather than the similarities that exist in the policies of various governmental units within nations. Joyce Matthews Munns, in her cogent criticism of American policy determinants research, states:

It is rather curious that in their focus on differences in policies among American states and cities, the mainstream model practitioners fail to note the remarkable similarities. The latter would become obvious if one were to compare the range of policies in American states or cities with policies in other societies. Two of the most important influences upon this relative uniformity are, of course, the American national political culture and national political economy.⁴⁰

Convergence in Canadian Public Policy:

Richard Simeon and E.R. Miller's study of regional variations in Canadian public policy concluded that a substantial amount of convergence was indicated by public expenditure measurements. These measurements were taken in the major policy areas administered by the provinces during the period 1956-1974.⁴¹ Simeon and Miller suggest that if variations in policy were to be explained exclusively in terms of different governments' access to revenues, Canada should not be expected to vary substantially province-to-province. This, they state, is because federal transfers and shared cost programs between the federal and provincial governments have largely equalized per-capita provincial revenues. Their research indicates that within the large expenditure fields of health, education and welfare, there is a growing similarity in spending patterns. However, in other areas provincial differences remain high.

Simeon and Miller avoid making the suggestion (made by most 'determinants' researchers) that factors of economic development generally, and wealth more particularly, are primary policy determinants. In some areas, they conclude, province-specific characteristics (demographic, cultural and ideological) are the only explanatory factors. In terms of the range of public expenditures

they study, Simeon and Miller determine that unique provincial conditions explain twenty percent of total statistical variation.⁴²

Simeon and Miller emphasize that the primary cause of Canadian policy convergence is a levelling of provincial economic resources. This is a result of equalization payments and shared-cost programs. They also note three other possible sources of convergence among the provinces:

1. Citizen preferences, demands and expectations becoming similar across provinces.
2. Convergence of demands within interest groups and in the expectations of economic elites.
3. The process of interprovincial communication between officials and legislators causing a diffusion of innovative legislation.⁴³

The proposition of a link between convergence and the phenomenon of legislative diffusion of policy innovations suggests a theoretical association worthy of further exploration. Such investigations may prove particularly useful to those interested in developing macro social-science theory about social and political change. For others more interested in examining policy development and change in particular functional areas, the causes and effects of convergence may help explain limitations in the breadth of policy variations.

THIS STUDY AND THE PARADIGM OF INNOVATION/DIFFUSION

The literature concerning policy innovations and diffusion suggests a variety of areas and ways in which a student interested in studying change in Canadian electoral process might direct investigation.

American public policy innovation researchers have made a number of hypotheses which can be tested in the context of Canadian electoral policy changes. It is possible that focussing diffusion research on one policy area for a relatively short period will also generate new hypotheses about the nature of public sector innovations. The utility of a single-area approach (rather than studying aggregated innovations over several policy areas) is implicit in the repeated observations researchers have made about the time-and-issue-specific nature of government policy innovations.

It seems plausible that innovations in the policies regulating the administration of electoral process in the provincial, territorial and federal jurisdictions of Canada have a tendency to diffuse. Extensions of the voting franchise, requirements that candidates disclose their election expenses, and uniformity in balloting procedures seem ostensible examples of electoral process innovations diffusing across the nation. Given that each jurisdiction has an agency that is charged with

administration of elections, and that the senior administrators of these organizations have together formed a professional association, the basic structure necessary for the communication of policy ideas appears to be in place. What is not self-evident is whether patterns of diffusion have developed in the policy innovations that have been made since the professional association formed, the speed and the extent to which electoral process innovations have diffused since then, and whether senior electoral officials have come to play a dominant role in electoral policy development as well as in its administration.

The findings of public policy scholars who have examined innovations and their diffusion present a case study researcher with a variety of insights into the character of policy change. Propositions regarding communication patterns and the role of administrators in the diffusion process serve to trigger many questions about how Canadian electoral policy innovations might spread from one jurisdiction to another. For the purpose of studying changes to electoral process such queries can be conveniently organized around six hypotheses:

1. Policy innovations diffuse through professional associations which communicate information about

innovations between themselves, develop national standards on administration and control of services, and encourage inter-agency movement and transfer of personnel [Walker, 1969].

Does the field of Canadian electoral policy have an active professional association of senior administrators or legislators? If so, does this association encourage national standards within the policy field? Do professional personnel move from one electoral agency to another within the country? Are they encouraged to do so? If and when they do move, do they tend to act as policy carriers in the process of changing jurisdictions?

2. Adopters of innovations influence those who have not yet adopted and an increasing amount of influence is brought to bear on non-adopters as the number of emulators increases [Gray, 1973].

Is there extensive or minimal interaction between bureaucrats at the policy making level in Canadian electoral agencies? Is there a communication network between users and non-users

of innovative policies within Canadian electoral policy agencies? Are some Canadian electoral agencies consistently slow to adopt new legislated policies? Does adoption of particular policies appear to 'speed up' as the number of adopters increases? Does a general consensus or 'critical mass' of adoptions need to be achieved before a new policy starts to diffuse rapidly? Do electoral agency executives feel they are influenced by their counterparts who have adopted an innovative policy or policies?

3. Innovations diffuse on a regional basis because of the perceived legitimacy of copying the policy solutions of neighbours [Sharkansky, 1970]. Regional leaders take policy cues from each other and diffuse innovative policies between themselves [Walker, 1969].

Do certain government jurisdictions in each Canadian region have a reputation for being innovative regarding electoral policy? Do regional leaders of innovative electoral policies appear to provide policy cues for other regional leaders? Do the non-leaders in each region seem to adopt the innovations of leaders in their

area? Do adoptions occur primarily between members of Poel's 'clusters of provinces'? Can any diffusion patterns be identified?

4. Administrators perceive their sources of innovation to be weakly related to their geographic regions and strongly related to the leaders in their policy field [Light, 1978].

Are there certain jurisdictions recognized as policy leaders in Canadian electoral process? Do agency administrators seek out information from these leaders?

5. When general consensus exists about which is the leading agency within a policy area, the most senior bureaucrats in that policy area will wield considerable policy making influence with legislative officials [Grupp and Richards, 1975].

In Canadian electoral policy, is there a general consensus as to which agencies act as policy innovation leaders? Is it the case that top administrators successfully influence political decision-makers to implement certain electoral

policies? If so, do these policies emulate the electoral policy innovations of an agreed-upon agency leader?

6. When low consensus exists about which agency is the leader in a policy area, the patterns of diffusion will be diffuse and slow [Grupp and Richards, 1975].

Is consensus about a leading agency in Canadian electoral process lacking? Is the diffusion of legislated electoral policy innovations rapid and patterned or random and slow? Do some electoral agencies consistently ignore the new electoral programs of others? Do some agencies seem to develop their own solutions to electoral process problems without having others emulate these policies?

There are other topics regarding the diffusion of innovations of Canadian electoral policies which require investigation. Answers to the following questions may contribute to a general understanding of the nature of public policy innovations and illuminate the substance and process of recent Canadian electoral policy changes.

Do Canadian electoral agencies emulate each other by 'copying' legislation, or do they adopt and then adapt extensively? Does electoral policy across the nation appear to be converging or diverging? Do senior administrators in Canadian electoral agencies influence policy adoption by means of access to politicians? Do government turnovers correlate with the implementation of a large number of innovations in the electoral policies of these jurisdictions? Are 'dis-adoptions' of electoral policies occurring? Do they follow any discernable patterns? Are the electoral policies of other nations a source of innovations?

SUMMARY

The study of public policy innovation has derived from similar studies conducted in a number of academic disciplines on the topic of innovations and their diffusion. While multi-disciplinary innovation research has examined innovation in terms of social change, public policy researchers have been interested in innovation and diffusion as a phenomenon in public administration and as a source of political policy change.

In a multi-disciplinary assessment three types of

innovation-decisions have been identified: optional, collective and authoritative. The vast majority of innovation research has pertained to 'optional decisions' -- that is, innovation-decisions made by individuals for themselves. Public policy innovation study has concentrated primarily on the analysis of 'collective decisions' which are consensual and have the capacity for wide-spread effect. Although 'authority decisions' play a significant role in the non-legislated activities of governments, they have had less attention from public policy researchers. This is because public policy authority decisions -- i.e. those made by individuals or small groups in a position to implement innovations on their own authority -- can be made without requiring the passage of legislation and consequently are more difficult to measure than collective programmatic innovations. Figure 1 indicates the relationship between the study of innovations on a grand multi-disciplinary scale and the research of public policy analysts.

The central concern of public sector innovation research has been the 'adoptions' of new policies; 'inventions' and 'adaptations' have not been investigated extensively. Two basic approaches have been followed in the study of innovative public policy adoptions. One approach, introduced by Jack Walker, examines the reasons

INNOVATION AND DIFFUSION STUDY

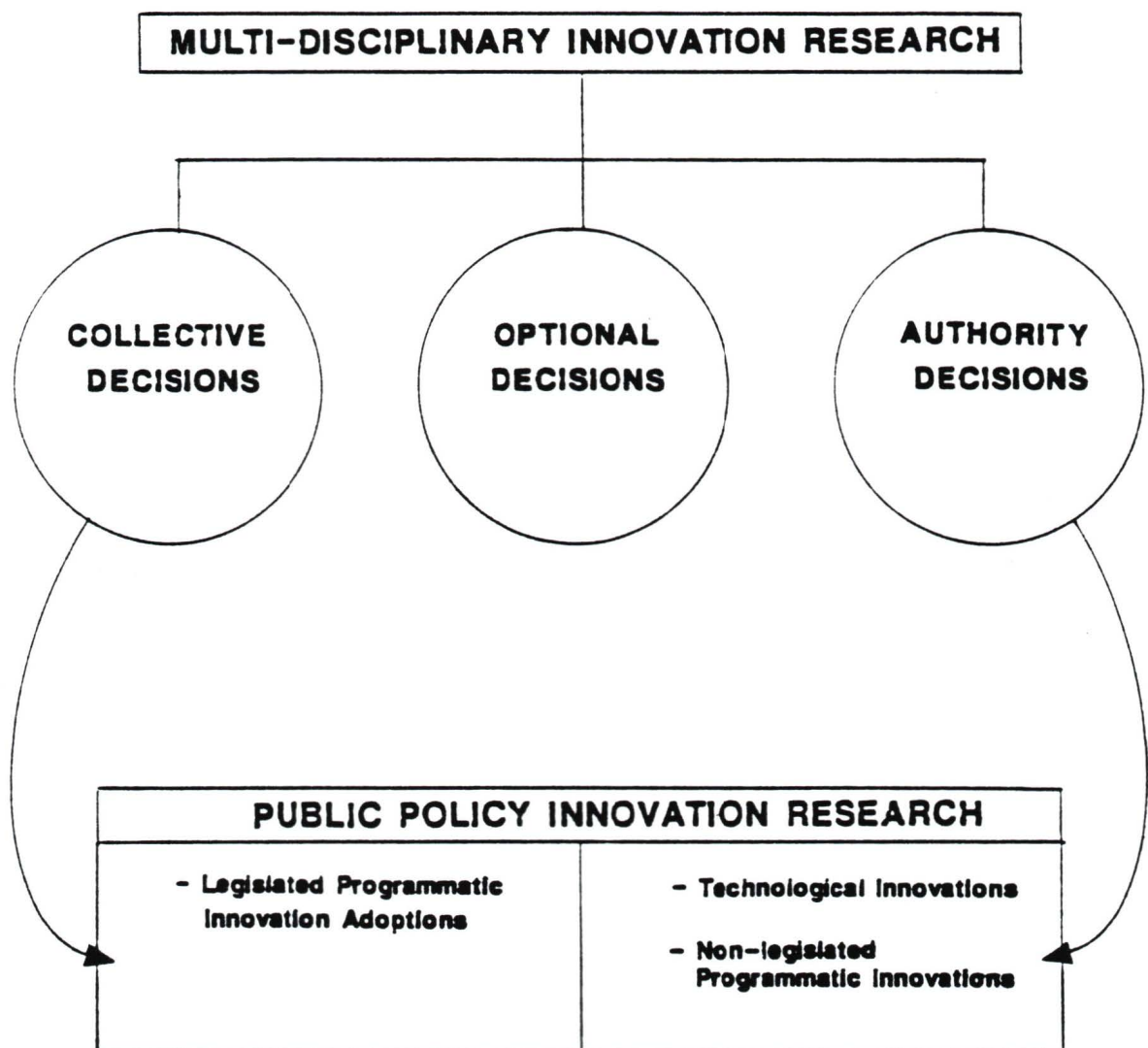


FIGURE 1

certain jurisdictions adopt innovations, and tries to correlate independent variables to a measure of innovativeness. The other approach, initiated by Virginia Gray, attempts to identify patterns of innovation diffusion and to explain the difference of patterns between policy areas.

This study of change in legislated Canadian electoral policies will use the fundamentals of Gray's approach. The innovativeness of particular electoral agencies will be examined, but the author's primary intention will be to determine if patterns of diffusion can be identified and whether existing hypotheses about diffusion patterns are confirmed. A number of legislated policy changes will be surveyed to see if electoral policy innovations diffuse and to determine the existence of emulation patterns occurring within the 1970-86 period.

Notes

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CHAPTER THREE

POLICY INNOVATIONS IN THE CANADIAN ELECTORAL PROCESS:

AN OVERVIEW

Canadian political scientists and other members of the academic community have paid relatively little attention to public policy regarding the electoral process. By comparison, the political results of elections and the policy changes espoused during election campaigns generate enormous scholarly and public attention. Researchers have hesitated to analyze the ponderously detailed statutes that define electoral process within Canada. This understandable reluctance is reinforced by the popular conception that electoral policy is well established and not subject to change.

Professor Terence H. Qualter's book, The Election Process in Canada, is the only publication to date that explains "all the ins and outs of the requirements and principles of the electoral process at both the federal and provincial levels of government."¹ Qualter introduces his study with a sketch of what he includes in his concept of 'election process':

. . . the manner in which we elect our representatives -- the election process -- is a vitally important subsystem within the broader democratic political process, setting the character and style of that broader process and, to a large extent, determining the

success of its operation.

It conceives of an election as being a dynamic process operating within a specific political system. The participants, the actors in the process, are the electors, the candidates, and the election officials who interact within given territorial limits, the constituencies, according to definite electoral procedures, and subject to a set of administrative rules and regulations.²

Qualter extends his conceptual net to include political and socio-economic influences on the election process. This is consistent with his general approach which is concerned with the impact of election and electoral systems on a total political process.³

Since Qualter's study was published in 1970 the Canadian academic community has not entirely disregarded electoral laws and the process they regulate. J. Patrick Boyer has produced an excellent analysis of the legal framework of Canadian elections and the associated political rights which "give life and meaning to the election processes."⁴ Other authors have developed proposals for reforming Canada's electoral system through the introduction of proportional representation (PR), alternate ballot voting, or mixed PR/plurality systems.⁵ As well, analysis of voting behaviour has been undertaken for both federal and provincial elections.⁶ However, no research has been directed

toward re-examining the overall electoral process or evaluating the changes made to it.

While it was not central to Professor Qualter's discussion to provide an historical overview of policy development and change, he made a number of pertinent observations regarding electoral process changes that have occurred since Confederation. Qualter's work has unfortunately become dated because, since its publication, numerous and significant innovations in electoral policy have occurred. The remainder of this chapter will review Qualter's suggestions regarding the diffusion of innovations in Canadian electoral process, briefly discuss current electoral law features in the various jurisdictions, and provide summary tables. Modifications that have been adopted since 1970 are noted in both the text and tables.

THE VOTER FRANCHISE

Canadian provinces have controlled their own franchise since they joined in Confederation. As well, the provinces played an intermittent role in providing the federal franchise within their boundaries until the passing of the Dominion Elections Act in 1920.⁷

The intra vires authority of the provinces regarding their power to limit access to the ballot box was clearly

established by a 1903 Privy Council judgement. In the case of Cunningham v. Tomey Homma the Privy Council upheld the constitutionality of a section in the British Columbia Provincial Elections Act which denied the vote to all persons of Japanese descent, whether naturalized or not. The decision legally entrenched the concept that each jurisdiction within the Canadian federation was free to write and administer its own election laws as it chose.⁸

At the time of his writing Qualter noted:

In respect to provincial elections, each province controls its own franchise and there are no over-riding constitutional provisions . . . protecting the vote of any class of citizens at the provincial level. A Canadian province could, even now, quite legally deny the vote to women, Negroes, those earning less than \$10,000 a year, or to any other category of voters.⁹

Since the adoption of the Canadian Constitution in 1982, the freedom provinces have in administering their voting franchise is subject to limitations outlined in the Charter of Rights and Freedoms. Allowing only for reasonable limitations that can be "demonstrably justified in a free and democratic society," the Charter guarantees that:

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.¹⁰

A full decade before the Charter came into existence, Qualter noted a convergence of franchise qualifications and that "except in some very minor details" all of the Canadian jurisdictions had uniform and universal adult suffrage in place.¹¹ The uniformity had diffused across national boundaries, Qualter suggests:

. . . the actual requirements for the suffrage in most western democracies have been reduced to a relatively few minimal standards, denying the vote to a few broad and more or less readily identifiable classes such as those below a certain age, those in prisons, or lunatic asylums and so on . . .¹²

Property Qualifications:

In 1885 all of the provinces except one used a property qualification as the basis of their franchise. The exception was British Columbia which granted the vote to all adult, male, natural born British subjects, except those who were native Indians or of Chinese descent.¹³ Noting that every extension of the franchise has met opposition, Qualter alleges the most determined defence was made with regard to property:

The basic assumption, unchallenged until the mid-nineteenth century, was that a man derived his right to vote

from his property and not from anything else, although the property qualification might itself be further restricted by other criteria such as residence, age, sex or race.¹⁴

The adoption of policies that replaced property as the basis of the franchise diffused very slowly between the provinces. Property qualifications were not abolished in Nova Scotia until 1920 or Quebec until 1936. The last province to abandon the propertied franchise was Prince Edward Island, in 1963.¹⁵

Citizenship:

In 1970 all of the provinces except Quebec and Prince Edward Island had general provisions that extended voting rights to British subjects who were not Canadian citizens.¹⁶ Largely because of the complicated nature of defining the breadth of such citizenship in Commonwealth terms,¹⁷ the federal jurisdiction and most of the provinces have amended their electoral legislation in the past sixteen years and now impose a Canadian citizenship qualification. Table 1 shows citizenship qualifications required for voter registration as of January 31, 1986.

Age:

At the time of Qualter's study in 1970, Canada and

VOTER CITIZENSHIP QUALIFICATIONS

<u>Citizenship Requirement</u>	<u>Electoral Jurisdiction</u>
Canadian Citizens	* Canada * Yukon * Northwest Territories * British Columbia * Alberta * Manitoba Quebec Prince Edward Island * Ontario (effective July 1/86)
Canadian Citizens; British Subjects resident in province prior to a specified date	* Saskatchewan (British Subjects prior to June 23, 1971) * New Brunswick (British Subjects prior to January 1, 1979)
Canadian Citizens or other British Subjects	Nova Scotia Newfoundland

NOTE: '*' denotes legislative change regarding citizenship qualification since 1970

TABLE 1

three of the provinces set voting age qualifications at twenty-one years. As is indicated on table 2, the current minimum age requirement is consistent for all jurisdictions except British Columbia and the

territories. Qualter accurately predicted that there would be adoptions of the policy of a lowered voting age:

The fact that the voting age has already been reduced below twenty-one in several of the provinces without any obviously disastrous effects will undoubtedly add stimulus to the move towards similar changes in the remaining provinces and at the federal level.¹⁸

If the remaining three jurisdictions lower their age requirement the diffusion process will have completed a full cycle, converging at one identical qualification. In British Columbia the governing party has resisted opposition party demands for a reduction of the voting age, arguing that the legislated definition of nineteen years as the age of majority in the province serves a number of purposes besides voter qualification.¹⁹ A policy adoption that lowers the voting age may only come about only as a result of a court challenge based on Charter of Rights provisions. The 'unreasonableness' of having age limitations differ between jurisdictions and levels of government could be a successful argument for a court petitioner.

Sex:

The granting of the female franchise in Canada, after a long and frequently bitter struggle,²⁰ presents an

VOTER AGE QUALIFICATIONS

<u>Age Requirement</u>	<u>Jurisdiction</u>
18 on or before Polling Day	* Canada * Alberta Saskatchewan Manitoba * Ontario Quebec * New Brunswick * Nova Scotia Prince Edward Island * Newfoundland
19 on or before Polling Day	British Columbia * Yukon * Northwest Territories

NOTE: '*' denotes legislative change regarding age requirement since 1970

TABLE 2

example of how rapidly a new policy in electoral law can diffuse across the nation. With the notable exception of Quebec, women's suffrage spread from coast-to-coast within ten years and to the majority of jurisdictions in two years. Table 3 shows the dates that female voting rights were first adopted in the various Canadian jurisdictions. Not all of these were adoptions of the full female franchise,²¹ nor were they all permanent. In Newfoundland's case, renunciation of self-government in 1934 resulted in elimination of women's voting rights until union with Canada in 1949.²²

FEMALE FRANCHISE POLICY ADOPTION

<u>Female Franchise Royal Assent</u>	<u>Jurisdiction</u>
January, 1916	Manitoba
March, 1916	Alberta
March, 1916	Saskatchewan
April, 1917	British Columbia
April, 1917	Ontario
September, 1917	Canada
April, 1918	Nova Scotia
April, 1919	New Brunswick
May, 1922	Prince Edward Island
April, 1925	Newfoundland
April, 1940	Quebec

TABLE 3

Residence:

Currently, as was the case at the time of Qualter's study, all of the provinces require a minimum period of residence within their borders as a franchise qualification. Since 1970, however, six provinces have reduced their required residency period by half -- from twelve months to six months. Residency requirements

presently in force for national, provincial and territorial franchises are outlined in table 4.

VOTER RESIDENCY QUALIFICATION

<u>Residency Requirement:</u>	<u>Jurisdiction:</u>
As of 1st day of Enumeration	* Canada
6 months prior to Writ of Election	Saskatchewan New Brunswick * Nova Scotia * Prince Edward Island * Ontario
6 months prior to Polling Day	* Alberta * Manitoba * Newfoundland
6 months in Province and 12 months in Canada prior to registration	British Columbia
12 months prior to Polling Day	* Yukon * Northwest Territories Quebec

NOTE: '*' denotes legislative change regarding residency requirement since 1970

TABLE 4

Voters Lists:

Even though persons may meet the statutory qualifications to be voters, the right to vote is not automatically granted. Qualter describes the preparation of lists of voters to be "the first form of administrative disfranchisement":

It is here that individual carelessness, inefficient administrative procedures, overly rigid formalities, or deliberate manipulation of rules for partisan advantage, can operate to deprive hundreds of citizens of their right to vote.²³

In all Canadian electoral jurisdictions the responsibility for preparing voters lists is assumed by the governments, each of which employ an enumeration process to compile their list. In other advanced democratic political systems it is legally mandatory for citizens to register themselves (Australia, West Germany, Switzerland and Sweden), or the state expects individuals to register as voters on their own initiative (many American states) at registration facilities provided by the government.²⁴

All voters lists may be classified into two general types: 'temporary' or 'permanent.' A list is considered temporary if it is prepared immediately after an election has been called, is used only for the election, and is discarded afterwards. Permanent lists are ones prepared at fixed intervals, regardless of whether or not an election is to be held. A permanent list is considered 'periodic' if the preparation work ends once the list has been drawn up, and 'continuous' if attempts are made to keep it up-to-date through a constant process of

additions, changes and deletions.²⁵

When Qualter researched voters list preparation methods used in Canada, all of the jurisdictions except British Columbia produced temporary lists. A permanent list, updated continuously through a voluntary registration scheme, was used in British Columbia. The temporary lists in other jurisdictions were prepared by virtually identical house-to-house enumeration procedures occurring immediately after each Writ of election was issued.²⁶ Qualter notes that the use of enumerations as a method of preparing lists began in 1908, and that this practice became well accepted by 1940.²⁷ Currently all jurisdictions, including British Columbia, use an enumeration process as the basis of their voters list preparation. Since 1970 a number of jurisdictions have abandoned the process of preparing a voters list after an election call primarily in favour of a shorter election period.²⁸ Table 5 shows the type of list used in each jurisdiction and table 6 indicates the number of days required (or allowed) to elapse between the start of an election and the day that voting takes place.

In addition to 'temporary' and 'permanent' classifications, voters lists are also categorized as 'open' or 'closed'. An open list allows the addition of names of qualified electors after the list has been

VOTERS LIST PREPARATION

<u>Electoral Jurisdiction</u>	<u>Type of Voters List</u>
Canada.....	Temporary
Yukon.....	Temporary
Northwest Territories.....	Temporary
British Columbia	* Permanent/Continuous, - regular enumerations
Alberta.....	* Permanent/Periodic, - regular enumerations
Saskatchewan.....	Temporary
Manitoba	Temporary
Ontario.....	Temporary
Quebec.....	* Permanent/Periodic, - annual enumerations
New Brunswick.....	Temporary
Nova Scotia.....	Temporary
Prince Edward Island.....	Temporary
Newfoundland.....	* Permanent/Periodic, - no regular enumerations

NOTE: '*' denotes legislative change since 1970 regarding
the method used to prepare the voters list

TABLE 5

LENGTH OF ELECTION PERIOD

<u>Jurisdiction</u>	<u>Length of Time Writ - Polling Day</u>
Canada	50 Days Minimum
Yukon	31 Days Minimum
Northwest Territories	60 Days Minimum
British Columbia	29 Days
Alberta	28 Days
Saskatchewan	29-34 Days
Manitoba	35-50 Days
Ontario	37-74 Days
Quebec	47-53 Days
New Brunswick	35 Days
Nova Scotia	36 Days Minimum
Prince Edward Island	26-32 Days
Newfoundland	21 Days

TABLE 6

compiled and delivered to the polling stations; a closed list permits ballots to be issued only to those persons whose names appear on the prepared list.

When Qualter published his study, Quebec, Prince Edward Island and British Columbia had completely closed lists while Canada, Alberta, New Brunswick, and

Ontario permitted the list to remain open for rural polling divisions but kept it closed for urban areas. The remaining provinces had an open list for both urban and rural divisions. Where lists were open, voters were allowed to register if they subscribed an oath or made a declaration as to their identity. In most cases a late registrant had to be 'vouched' for by another elector who could only vouch for the identity of one voter.²⁹ Table 7 shows the current configuration of open and closed lists in Canada and indicates the method by which persons are permitted to vote in open list systems.

TYPE OF VOTERS LIST

<u>Jurisdiction</u>	<u>Open or Closed</u>
Canada	Open for rural divisions - vouching on polling day by elector on list in same polling division
Yukon	* Closed
Northwest Territories	* Open - vouching on polling day by elector on list in same polling division
British Columbia	* Open - polling day registration at all regular polling places

TYPE OF VOTERS LIST
(cont'd)

<u>Jurisdiction</u>	<u>Open or Closed</u>
Alberta	* Open - polling day registration at all regular polling places
Saskatchewan	Open - declaration at the polling place
Manitoba	Open - oath at the polling place
Ontario	* Open for rural divisions - vouching until the day preceding polling day by elector on list in same polling division
Quebec	Closed
New Brunswick	* Open - in rural divisions voter may be sworn or vouched for by another elector - in urban divisions certificate must be received from qualification officer on polling day

TYPE OF VOTERS LIST
(cont'd)

<u>Jurisdiction</u>	<u>Open or Closed</u>
Nova Scotia	Open - in cities, voter obtains certificate and votes at Returning Office - in towns, voter obtains certificate at Returning Office and votes at polling place - in rural divisions, voter takes oath at polling place
Prince Edward Island	* Open - oath at the polling place
Newfoundland	Open - sworn in or affirmation at the polling place

NOTE: '*' denotes legislative change regarding use of open or closed list since 1970

TABLE 7

Advance Polls, Absentee Voting and Proxy Ballots:

"One measure of the efficiency of an election system," Qualter writes, "is the extent to which it can extend voting rights to . . . electors who will be unable to be in their polling division on polling day . . . without excessive increase in cost and without furthering the opportunities for fraud."³⁰ The principal methods used to achieve this goal involve advance polls, absentee

voting provisions, and proxy voting. The first allows voters to vote on a day or on days prior to polling day; the second permits electors to cast ballots while away from home but have the vote counted in their home constituency; the third permits voters to authorize someone else to vote on their behalf.³¹

Qualter noted that every jurisdiction held advance polls in one form or another, but only British Columbia and Alberta had absentee voting provisions of any sort. Proxy voting was available in Ontario and Nova Scotia but limited to certain specified groups. Since 1970, the time allowed for advance poll voting has generally increased and has been supplemented in some jurisdictions with the availability of early voting in the Returning Office. Absentee voting has also been greatly extended, and four additional jurisdictions have adopted proxy voting. Tables 8, 9, 10 and 11 indicate current polling access available via advance, absentee, proxy and early voting methods respectively.

ADVANCE POLL VOTING PROVISIONS

<u>Jurisdiction</u>	<u>Days of Advance Polls</u>	<u>Hours of Operation</u>
Canada.....	6th, 7th, 9th before polling day	12 noon to 8 p.m.

ADVANCE POLL VOTING PROVISIONS
(cont'd)

<u>Jurisdiction</u>	<u>Days of Advance Polls</u>	<u>Hours of Operation</u>
Yukon.....	23rd and 24th after Writ	2 p.m. to 8 p.m.
Northwest Territories.....	6th and 11th before polling day	4 p.m. to 8 p.m.
British Columbia	Wednesday, Thurs- day, Friday, Satur- day of week before polling day	1 p.m. to 9 p.m.
Alberta.....	Thursday, Friday, Saturday of week before polling day	9 a.m. to 8 p.m.
Saskatchewan.....	2nd, 3rd, 4th, 5th, 6th, 7th before polling day	3 p.m. to 10 p.m.
Manitoba	5 days fixed by CEO, one of which is Saturday following close of nominations	8 a.m. to 8 p.m.
Ontario.....	Thursday, Satur- day and Monday prior to polling day	11 a.m. to 8 p.m.
Quebec.....	Sunday and Monday of week before polling day	2 p.m. to 10 p.m.
New Brunswick.....	Saturday and Monday before polling day	8 a.m. to 8 p.m.
Nova Scotia.....	Friday and Satur- day before polling day	2 p.m. to 10 p.m.

ADVANCE POLL VOTING PROVISIONS
(cont'd)

<u>Jurisdiction</u>	<u>Days of Advance Polls</u>	<u>Hours of Operation</u>
Prince Edward Island.....	7th and 9th before polling day	9 a.m. to 7 p.m.
Newfoundland.....	up to 7 days before polling day	

TABLE 8

JURISDICTIONS WITH
ABSENTEE BALLOT VOTING PROVISIONS

<u>Electoral Jurisdiction</u>	<u>Method and Access to Absentee Ballot</u>
Yukon	Mail-in ballot <ul style="list-style-type: none"> - voters who are remand prisoners - voters who are hospital patients - voters in polling divisions with fewer than 15 electors
British Columbia	Advance Poll ballot envelope <ul style="list-style-type: none"> - voters outside electoral district Regular Poll ballot envelope <ul style="list-style-type: none"> - voters outside electoral district or outside polling division Mobile Poll ballot envelope <ul style="list-style-type: none"> - prisoners not convicted of indictable offense - treatment centre patients - hospital patients

JURISDICTIONS WITH
 ABSENTEE BALLOT VOTING PROVISIONS
 (cont'd)

<u>Electoral Jurisdiction</u>	<u>Method and Access to Absentee Ballot</u>
Alberta.....	Mail-in ballot - voters absent from electoral district - physically incapacitated voters - inmates qualified to vote
Saskatchewan	Mail-in ballot - physically incapacitated voters
Manitoba.....	Mail-in ballot - physically incapacitated voters - voters in remote areas specified by CEO Moving Poll ballot envelope - inmates qualified to vote - treatment centre patients - hospital patients
New Brunswick	Mail-in ballot - voters unable to vote because of absence, illness or incapacity

TABLE 9

JURISDICTIONS WITH
PROXY VOTING PROVISIONS

Jurisdiction	When Available and to Whom
Canada	- available on polling day to: <ul style="list-style-type: none"> - mariners - fishermen - members of an air crew, forestry crew, or topographical survey crew - prospectors - trappers - ill or physically incapacitated - students during academic term
Yukon	- available on polling day to: <ul style="list-style-type: none"> - electors absent on advance and regular polling days
Northwest Territories	- available on polling day to: <ul style="list-style-type: none"> - persons absent in course of regular employment - ill and physically incapacitated - prisoners awaiting trial - full-time students and their spouses during academic term
Ontario	- available on advance and regular polling days to: <ul style="list-style-type: none"> - members of Canadian Forces, their spouses and children - persons employed in business of long distance transportation - persons with business commitments or employer's directions - persons incapable of attending a polling place for medical reasons - registered students in educational institutions - persons in job training or retraining - inmates not under sentence

JURISDICTIONS WITH
PROXY VOTING PROVISIONS
(cont'd)

<u>Jurisdiction</u>	<u>When Available and to Whom</u>
Nova Scotia	- available on polling day to: - fishermen - mariners - patients in 10 bed or more hospitals - armed forces personnel - unmarried students in educational institutions - persons in licensed nursing homes or homes for the aged - blind persons

TABLE 10

JURISDICTIONS WITH
EARLY VOTING IN THE RETURNING OFFICE

<u>Electoral Jurisdiction</u>	<u>Days of Early Voting</u>	<u>Hours of Operation</u>
Canada	- between 21st day before and Friday before polling day, except on Sundays and advance poll days	- 12 noon to 6 p.m. and 7 p.m. to 9 p.m.
British Columbia	- between close of nominations and start of advance poll days, except Sundays and holidays	- 4 p.m. to 8 p.m.

JURISDICTIONS WITH
EARLY VOTING IN THE RETURNING OFFICE
(cont'd)

<u>Electoral Jurisdiction</u>	<u>Days of Early Voting</u>	<u>Hours of Operation</u>
Manitoba	- between 3rd and 15th day before polling day, except on Sundays and advance poll days	- 12 noon to 6 p.m.
Nova Scotia	- 10th, 11th and 12th days before polling day	- 12 noon to 9 p.m. on first 2 days - 9 a.m. to 5 p.m. on third day

TABLE 11

CANDIDATES

Candidates for election comprise those individuals chosen by legal and customary procedures. Qualter suggests that this selection process exists because of its practical efficiency, and further examines the question of candidacy in terms of legal, political and socio-economic considerations.³²

At the time of Qualter's study, and at present, those legally permitted to become candidates comprise "a population not very much smaller than that of eligible electors."³³ Prohibitions regarding candidate

eligibility follow similar standards in all Canadian election statutes. A predominant feature of candidate disqualification pertains to corrupt practices at a previous election. Civil servants in all jurisdictions are required to resign or take leave of absence from their positions before they are nominated as candidates in a provincial, federal or territorial election.³⁴ Dual membership in federal and provincial Houses is prohibited and each legislative body continues to have prohibitions against government contractors being elected as members.³⁵

Qualter found that all except one of the provinces imposed the same residency qualifications for candidates as for electors. British Columbia, however, requires its candidates to have resided in the province for at least a year prior to Polling Day, while electors may register to vote after six months residency. As well, B.C. remains the only jurisdiction in Canada that requires candidates to be registered as voters in order to qualify for candidacy.

In 1970, two provinces maintained age qualifications for candidates that were more restrictive than those used for voter registration.³⁶ Prince Edward Island and Newfoundland required their candidates to be twenty-one years of age, but today these provinces equalize elector

and candidate age qualifications at age eighteen. Curiously, Nova Scotia currently requires candidates to be at least nineteen years of age while voting is allowed at eighteen. In every other jurisdiction candidate qualification age now corresponds with voting age.

Nomination Requirements:

Candidates must complete a legal nomination process to have their names appear on the official ballots that are used in elections. This procedure is mandatory in each of the thirteen jurisdictions examined in this study and has not changed, except in minor details, since Qualter's investigation.

Candidates in each of the administrations must be nominated by voters in the district for which they wish to hold office, although the number of assentors varies greatly from jurisdiction to jurisdiction. Except in British Columbia, Manitoba, and Quebec, candidates must also submit a deposit of one or two hundred dollars to election officials. This token sum, and the collection of nominating signatures ostensibly discourages "crank candidates."³⁷ Table 12 provides a summary of the number of signatures and the size of deposit necessary for candidates who are otherwise qualified.

NOMINATION REQUIREMENTS

<u>Electoral Jurisdiction</u>	<u>Signatures Req'd on Nomination Papers</u>	<u>Deposit Required</u>
Canada.....	25 qualified electors	\$200
Yukon.....	25 qualified electors	\$200
Northwest Territories	10 qualified electors	\$200
British Columbia ...	25 registered voters in districts with less than 10,000 reg'd voters; 50 registered voters in districts with more than 10,000 reg'd voters	None
Alberta.....	4 qualified electors	\$100
Saskatchewan.....	4 qualified electors	\$100
Manitoba	100 qualified electors	None
Ontario.....	25 qualified electors	\$200
Quebec.....	60 qualified electors	None
New Brunswick.....	10 qualified electors	\$100
Nova Scotia.....	5 qualified electors	\$100
Prince Edward Island	2 qualified electors	\$200
Newfoundland.....	2 qualified electors	\$100

TABLE 12

Selection by Political Parties:

Qualter examines the methods used by political parties to select their "standard-bearers." He comments aptly on the political realities of electoral candidacy in all parts of Canada:

. . .the official party candidates are, in almost all cases, the important ones, the only ones with any real chance of winning . . . the most important piece of information most voters wish to know about a candidate is his party affiliation . . . it requires very little effort to demonstrate that, with only occasional exceptions, the winning candidate will be a party man.³⁸

In no Canadian jurisdiction, in the time before Qualter's investigation or since, have election laws been extended to regulate the methods used by political parties to nominate their candidates. In a review of the literature concerning the selection of candidates by parties, Qualter develops six propositions about the process and concludes:

. . . it is quite clear that only a very small segment of the electorate has any effective say whatever in determining who the candidates will be. . . . Candidates are chosen by, at worst, one man or, at best, by a relatively small group of men. In some areas and some parties it is better than in others, but nowhere is it particularly democratic. Candidate selection seems to be one area of Canadian party politics which departs widely from the democratic ideal . . .³⁹

Candidate Financing:

As the cost of campaigning has increased, candidate financing has become more significant in determining the identity of candidates. Because candidates and their supporters are required to bear a large part of the high cost of campaigning, Qualter suggests, candidate financing cannot help but affect the selection process.⁴⁰

Qualter found that only two jurisdictions had seriously addressed the question of candidate expenses and campaign costs. He identifies Quebec as the original innovator in the area of election finance policy:

. . . (In 1964 Quebec) initiated the scheme, which may eventually be copied more widely, of reimbursing candidates for part of the cost of running an election. The Election Act first of all sets limits on the election expenses that may be incurred by either a recognized party or by individual candidates. This in itself is a major step forward and one that could well be imitated elsewhere. It is then provided that the Returning Officer will reimburse a portion of the election expenses actually incurred and paid by the official agent of each candidate that has been elected, or who has obtained at least 20 percent of the valid votes cast in the constituency .
 . .⁴¹

Qualter observed that in 1969 Nova Scotia "adopted" legislative provisions regarding election costs "basically similar to those already enacted in Quebec."⁴² Since

that time five other jurisdictions have implemented laws limiting candidate and party election expenses and providing partial reimbursement of campaign costs. Tables 13 and 14 summarize the varying Canadian election finance laws regarding spending limitations and public subsidies for election candidates.

LIMITATIONS ON CANDIDATE
EXPENDITURES

<u>Jurisdiction</u>	<u>Formula for Expenditure Limits</u>
Canada.....	\$1 per elector up to 15,000 + 50¢ per elector from 15,000 to 25,000 + 25¢ per elector over 25,000.
Yukon.....	None.
Northwest Territories..	None.
British Columbia	None.
Alberta.....	None.
Saskatchewan.....	For southern ridings \$19,646 or \$1.31 per elector, whichever is greater. For northern ridings \$26,194 or \$2.62 per elector, whichever is greater.
Manitoba	For electoral districts with less than 30,000 sq. miles, \$1.25 per elector. For electoral districts of more than 30,000 sq. miles, \$2 per elector.
Ontario.....	\$2 per first 15,000 electors + \$1 each for next 10,000, 25¢ for each name in excess of 25,000. Northern Ridings extra \$5,000.

LIMITATIONS ON CANDIDATE
EXPENDITURES
(cont'd)

<u>Jurisdiction</u>	<u>Formula for Expenditure Limits</u>
Quebec.....	80¢ per elector in most ridings, \$1 per elector in 4 large constituencies and \$1.35 per elector in one remote riding.
New Brunswick.....	\$1.50 per elector. Limit not less than \$7,500 nor greater than \$20,000 per riding.
Nova Scotia.....	Adjusted according to CPI from 1969 base of \$1 per elector up to 5,000 + 85¢ per elector from 5,000 to 10,000, + 75¢ per elector over 10,000.
Prince Edward Island...	None.
Newfoundland.....	None.

TABLE 13

CANDIDATE RE-IMBURSEMENT FORMULAS

<u>Jurisdiction</u>	<u>Formula for Expenditure Re-imbusement</u>
Canada.....	If rec'd 15% of votes (minimum); 50% of candidate's actual election expenses.
Yukon.....	None.
Northwest Territories..	None.
British Columbia	None.
Alberta.....	None.

CANDIDATE RE-IMBURSEMENT FORMULAS
(cont'd)

<u>Jurisdiction</u>	<u>Formula for Expenditure Re-imbusement</u>
Saskatchewan.....	If rec'd 15% of votes (minimum); 50% of candidate's actual election expenses.
Manitoba	If rec'd 10% of votes (minimum); 50% of candidate's actual election expenses.
Ontario.....	If rec'd 15% of votes (minimum); actual expenses or 20% of maximum allowable expenditures, whichever is less.
Quebec.....	If rec'd 20% of votes (minimum); 50% of candidate's actual election expenses.
New Brunswick.....	If rec'd 20% of votes (minimum); actual expenses or cost of one first class letter to each elector + 35¢ per elector, whichever is less.
Nova Scotia.....	If rec'd 15% of votes (minimum); CPI adjusted base of 25¢ (1969) per elector maximum or actual expenses, whichever is less.
Prince Edward Island...	None.
Newfoundland.....	None.

TABLE 14

ELECTORAL CONSTITUENCIES

Organizing groups of those who are represented (the voters) around their individual representatives (the

elected candidates) is a difficult problem in any democracy, Qualter says.⁴³ In Canada, he states, the two basic criteria used to establish constituencies have been population and geography. The idea that constituencies should be composed of approximately equal numbers of persons has been rivaled by a concept of geographic community. A compromise between the two approaches to representation has resulted in boundaries drawn according to both criteria.

Historically, the principle of population equality between electoral districts has been subordinated to a concept of 'communities of interest.' It has frequently been argued that although 'rep. by pop.' may be desirable in theory, it is impossible to achieve in a Canadian context because of the country's vast areas and widely dispersed population. Qualter demonstrates that the compromise approach to distributing legislative seats has resulted in under-representation of urban interests and over-representation of rural interests in all parts of Canada. He considers the maldistribution of electoral boundaries to be a serious problem:

. . . this unrepresentative character of our legislatures is the most serious defect in our total election system . . . the majority of the legislators are chosen by a minority of the constituents, and that minority is largely a rural minority.⁴⁴

Redistribution:

While the disproportionate weighting of urban and rural populations is "a well-established convention of Canadian political life,"⁴⁵ there is also a political realization that there are limits beyond which a measure of inequality cannot be defended. The first statutory provision to recognize such limits was the Canadian Electoral Boundaries Readjustment Act of 1964. It specified that no constituency could have a population that varied more than twenty-five percent above or below a quota set for the federal constituencies of a province.

Legislators gradually came to realize that their vested interest in the status quo made them poor candidates for the task of re-adjusting electoral district boundaries.⁴⁶ In 1957 Manitoba became the first jurisdiction to create an independent agency to draft electoral boundaries.⁴⁷ The legislation creating the agency instructed it to make a distinction between urban and rural districts using separate population quotas established for each. The statutory requirement to over-represent rural ridings was abandoned in 1968 when Manitoba adopted what Qualter describes as:

. . . a new formula which in principle is very similar to that of the federal Electoral Boundaries Readjustment Act of 1964.⁴⁸

When the federal government entrusted the responsibility of redistribution to a body of independent commissioners it adopted Manitoba's model. It made an important adaptation to this innovation by ensuring that the commissioners' recommendations were ultimately binding. The legislation also provided for the establishment of new Boundary Commissions in each province which would review federal boundaries after every decennial census.

Qualter noted that Ontario formed a boundary commission in 1962, but neglected to define the criteria that it should use in its considerations. He states that the resulting recommendations were very different from those of the "Commission of Inquiry into the Redefinition of Electoral Boundaries" established in British Columbia in 1965. This latter commission was given very specific criteria and formal restraints. However,

. . . the Government which appointed this Commission virtually ignored its recommendations, including those set out in the Commission's Terms of Reference. . . . One is left with the conclusion that the British Columbia Government would like to have the provincial electoral boundaries defined by an independent commission, because this is a very democratic thing to do, but at the same time it was not prepared to risk the possible political consequences of actually accepting the recommendations of such a commission.⁴⁹

By 1970, Manitoba, Canada and Alberta (in that order) had legislated a permanent role for independent boundary commissions. Manitoba's "revolutionary" innovation had diffused to two other jurisdictions in the span of twelve years. Since then four other jurisdictions have established independent agencies to draft the boundaries of electoral districts.⁵⁰ Redistribution in other administrations is done on an ad hoc basis by either a select committee of the legislature or a commission of inquiry established for this purpose. Table 15 shows the basis used for redistributions in each of the thirteen Canadian jurisdictions.

Gerrymandering:

The term 'gerrymander' immortalizes Elbridge Gerry who was once Governor of the State of Massachusetts. In 1812 the Massachusetts legislature carved up Essex County in such a way that Gerry's party would gain maximum advantage from the new boundaries. The result created a district that resembled the shape of a salamander when it was placed on the State map.⁵¹

Gerrymandering is "not solely an American weakness," Qualter remarks, given the long history of its Canadian use in the determination of federal electoral boundaries prior to the 1964 redistribution legislation.

ELECTORAL DISTRICT REDISTRIBUTION

<u>Jurisdiction</u>	<u>Authority</u>	<u>Frequency</u>
Canada.....	Boundary Commissions (independent, binding)	- every 10 years
Yukon.....	Legislation to estab- lish Commission	- irregular
Northwest Territories..	Legislation to estab- lish Commission	- irregular
British Columbia	Permanent Electoral Commission (uses a rigid formula, unique)	- every 6 years or after every 2nd election
Alberta.....	Boundary Commission (independent)	- after every 2nd election
Saskatchewan.....	Boundary Commission (independent)	- every 8 years
Manitoba	Boundary Commission (independent)	- every 10 years
Ontario.....	Legislation to estab- lish Commission	- irregular
Quebec.....	Boundary Commission (independent, binding)	- after every general election
New Brunswick.....	<u>ad hoc</u>	- irregular
Nova Scotia.....	<u>ad hoc</u>	- irregular
Prince Edward Island...	<u>ad hoc</u>	- irregular
Newfoundland.....	Boundary Commission (independent)	- every 10 years

TABLE 15

Furthermore, in 1970 Qualter found sufficient evidence to conclude that the practice of partisan map revision was "still alive and flourishing in most of the provinces."⁵²

The initial diffusion of policy that assigned independent commissions to undertake redistributions was applauded by Qualter as a measure to eliminate gerrymandering:

As long as the drawing of constituency boundaries is carried out by the legislature with the majority party in control, the charge of gerrymandering will always be levied against any boundary proposals and the legislature will never be completely successful on refuting those charges. Redistribution by independent commissions is the first major step in removing both the fact and the appearance of the gerrymander -- in a democratic system it is as important to remove the appearance of partisan manipulation of boundaries as it is to abolish the fact of such manipulation.⁵³

Single and Multi-Member Constituencies:

Qualter reports that in Britain, which provided Canada the basis of its election processes, the traditional pattern of representation was the return of two members to Parliament by each district. Reform that began in 1832 resulted in the diminishment of dual-member ridings, and by 1885 they were the exception to the rule. Eventually all such ridings were abolished and every constituency in Britain returned one member.⁵⁴

In Canada, federal two-member districts were slowly dis-adopted as well, Qualter states. The provinces, however, had a history of multi-member districts which frequently returned between two and five legislators, and occasionally returned as many as ten. Qualter discovered that in the late 1960's the provinces together returned sixty-eight members from dual-member ridings, eighteen from triple-member constituencies, twelve from four-member districts and ten from five-member electoral areas. At the time of Qualter's study, dual-member districts existed in British Columbia, New Brunswick, Nova Scotia, Prince Edward Island and Newfoundland. New Brunswick was the last to retain three, four and five-member districts.⁵⁵

Since 1970 every Canadian jurisdiction except British Columbia and Prince Edward Island has discontinued the practice of returning more than one representative from each electoral district (table 16 indicates the number of members returned to the various legislatures). In P.E.I. each district has consistently returned two members; a councillor and an assemblyman. In British Columbia a combination of single and dual-member ridings is still used. Fifty-seven members were returned at the last election; forty-three from single-member and fourteen from dual-member constituencies. As will be discussed further in the next chapter, the formula used for redistribution

REPRESENTATIVES PER JURISDICTION

<u>Electoral Jurisdiction</u>	<u>Number of Elected Members</u>
Canada.....	282 (295 next election)
Yukon.....	16
Northwest Territories.....	24
British Columbia.....	69; 34 from dual-member ridings
Alberta.....	83
Saskatchewan.....	64
Manitoba	57
Ontario.....	125 (130 next election)
Quebec.....	122
New Brunswick.....	58
Nova Scotia.....	52
Prince Edward Island.....	32; all from dual-member ridings
Newfoundland.....	52

TABLE 16

in B.C. perpetuates and will actually increase the number of dual-member ridings. The 1986 election saw the return of thirty-four members (49.3% of the total) from districts having two representatives apiece. The retention and increased use of multi-member districts in British Columbia demonstrates intervention of partisan interest by the governing party.⁵⁶ In Qualter's analysis:

The weaknesses of the multi-member district are most apparent under a plurality voting system where each voter has as many votes as there are seats to be filled, and where strong party loyalties increase the tendency to bloc voting. It is almost inevitable that wherever there are strong partisan divisions, split-ticket voting will become the anomaly (frequently the consequence of error on the part of the voter) and the one party will win all the seats in the district.⁵⁷

ADMINISTRATION OF THE ELECTORAL SYSTEM

Administration of modern electoral process is extremely complicated. It concerns the appointment of various election officials, along with their functions and responsibilities; the establishment of polling places; the design and use of ballots; the establishment of security measures (to prevent fraud and voter intimidation); the protection of ballot secrecy; vote counting and reporting;

and methods of adjudicating disputed elections. Specific and lengthy administrative direction regarding these topics is found in each of the statute books that deal with Canadian election law. Although he devotes a chapter to examining these subjects, Qualter makes it evident that he finds the "huge proportions" of related administrative detail to be beyond his scope of analysis:

Some of the elements have been described in detail in the preceding pages, but there are others, perhaps just as important to the efficient conduct of an election, which have not been mentioned at all. These neglected matters have, for the most part, been purely administrative questions about which there has been little debate, or which do not vary greatly from province to province . . .⁵⁸

Although many innovations have been and continue to be legislated with regard to the detail of how elections operate, neither Qualter's study nor this one is of sufficient breadth to include a cross-nation survey of any except the most substantive administrative features. However, a wide range of administrative aspects will be discussed in the next chapter which describes in detail the electoral process in British Columbia.

The Electoral System:

In academic terms the manner in which votes are

counted and translated into seats is broadly referred to as an 'electoral system'. The nature of these systems varies tremendously within Western democracies. The spectrum ranges from strict plurality systems with single-member districts which elect representatives on a simple majority basis, to proportional representation (PR) voting systems that elect members from a national list of candidates. Almost all democracies outside of North America have adopted a variation of PR, while Canada and the United States have steadfastly employed the 'first-past-the-post' (FPTP) plurality system based on single-member constituencies returning the candidate who has gained the largest number of votes.

The jurisdictions of British Columbia, Alberta and Manitoba all experimented with different electoral systems, Qualter reports, but they dis-adopted their innovations within a relatively short time. Alberta employed two electoral systems simultaneously from 1926 - 1959. The alternative ballot was used in single-member rural districts, and a single transferable vote method was used in the two urban multi-member constituencies of Calgary and Edmonton.⁵⁹ From 1920 - 1945 Manitoba used a combination of preferential and single transferable ballots. As in Alberta, the alternative ballot was available in rural single-member districts, but the

proportional representation scheme was used in only one urban riding. In the city of Winnipeg, ten members were elected in one multi-member district by voters who were given long ballots on which to mark their choice of favoured candidates in rank order. During the counting process votes were transferred from those candidates who had more votes than necessary to be elected, as well as those who had fewest first preferences, and given to second or third preferences until all ten were elected.⁶⁰

British Columbia had the shortest period of alternate system adoption (two years) with its brief implementation of alternative ballot voting. This method, used in the successive elections of 1952 and 1953, required voters to mark names on their ballot in order of preference.⁶¹ If no candidate received a majority on the first count of ballots, the lowest candidate was excluded and second choices (on the lowest candidate's ballots) were transferred to other candidates. The elimination and transfer process continued until one candidate secured an absolute majority.⁶²

Although the plurality system has been extensively criticized in Canadian academic circles⁶³ it has prevailed except for the "experiments" outlined above. No change to the FPTP system, except with regard to the use of multi-member districts, has been implemented in the

federal, provincial or territorial jurisdictions since 1959.

Election Finance:

It is predictable, says Qualter, that the parties and candidates having the most money to spend on campaign activities will, over any period of time, have the best chance of getting elected. Quoting a study that examined the innovative election finance legislation used in Quebec, he argues that the democratic process is better served when there are controls over election expenses:

The legal control of the election expenses of candidates . . . serves two purposes. One is the elimination of expenditures and practices of a corrupt, unfair or otherwise undesirable kind. The other is the prevention of overlavish expenditure by exceptionally wealthy candidates. Legal control can do no more. It cannot alter the fact that to contest a modern election is necessarily an expensive affair.⁶⁴

Qualter identifies four innovations that developed in the area of election finance control. The legal requirement for candidates to disclose their election expenses to the Chief Electoral Officer had been adopted by all of the jurisdictions in 1970. However the disclosure requirements were "simply not taken seriously" and "only candidates that have been defeated are likely to

make accurate returns," Qualter noted.⁶⁵

In 1954 Manitoba adopted a limit on the expenditures (\$25,000) that central committees of political parties could incur during elections. As no other jurisdiction had emulated this policy, Qualter predicted that it would be generally ignored. This had been the case, he noted, with similar legislation that existed federally prior to 1930.⁶⁶ Nonetheless, as was discussed earlier in this chapter, by the end of the 1960s Quebec and Nova Scotia had adopted the innovations of controlling individual candidate expenditures and providing a partial reimbursement scheme to those with demonstrated support.

Since Qualter's assessment, the area of election finance control has experienced tremendous growth.⁶⁷ Across the country various new features have been introduced which include: limitations on contributions to parties and candidates; disclosure of contributors to both parties and candidates which indicate the annual amounts donated by each donor; availability, to contributors, of income tax credits or deductions; a requirement of annual expenditure reporting by parties (whether or not an election has taken place); political party election expense reimbursement; annual public funding allowances for political parties; limitations on advertising by government departments and Crown agencies during an

election campaign; and the provision of free broadcast time to political parties during elections. As well, in numerous jurisdictions⁶⁸ the failure to properly report election expenditures after each election now results in large fines or a loss of seat. The adoption of spending limits for political parties has spread from Manitoba to five other administrations.⁶⁹

It is beyond the scope of this study to examine the full range and complexity of this expanding field of electoral law. However, the topic area of election financing and 'political money' clearly merits an investigation using the public policy innovation/diffusion paradigm.⁷⁰

Appointment of Returning Officers:

The Returning Officer for an electoral district holds the most important position with regard to the actual operation of an election. In all parts of Canada Returning Officers, who are individually responsible for the administration of elections within their constituency, have traditionally been chosen by the party in power on the basis of political friendship.⁷² Because each Returning Officer is given the discretionary power to select an Election Clerk (to act as a primary assistant) and also has the authority to hire subordinate election

officials, it is arguable that the governing party controls the mechanics of the election operation. Many have contended that such an obvious combination of opportunity and motive serves to fuel speculation about partisan activity on the part of election officials.

In 1925 the federal government introduced a measure of impartiality by amending the Dominion Election Act to allow Returning Officers to retain appointment for more than one election. A subsequent reform, introduced in 1929, established the independent authority of the Chief Electoral Officer to appoint Returning Officers. This transfer of power, however, was a short-lived innovation as it was discontinued in 1934. The Chief Electoral Officer had found it necessary to rely on partisan advice in making the appointments and was therefore suspected of partisan behaviour himself.⁷³

Qualter determined that, in 1970, Returning Officers in all jurisdictions were still appointed at the "pleasure" of the party in power. He argues that this practice negatively influences popular perceptions of the integrity of the election process:

It is not enough to establish that, even though appointed by the party in power, the majority of election officers have behaved with scrupulous impartiality. As long as they receive their appointments as political favors they will always be suspected of

returning the favor.⁷⁴

Since 1970 only one jurisdiction has significantly modified the method used to appoint persons delegated to act as key administrators in elections. A 1979 rewrite of the Quebec Election Act assigned the province's Chief Electoral Officer the duty of appointing Returning Officers. However, to avoid the problem experienced at the federal level, the Act prescribes that the position be filled on the basis of a well publicized public competition which allows "impartial consideration of the merits of the candidates." Although the term of office was set at five years, the Chief Electoral Officer was given specific authority to dismiss any Returning Officer who "engages in partisan work."⁷⁵ Table 17 summarizes the methods used to appoint Returning Officers in each jurisdiction and shows the lengths of their tenures.

Chief Electoral Officers:

Legislation creating the position of a jurisdictional Chief Electoral Officer (who would act as the overall director of electoral procedures) had been implemented by all administrations except Alberta by the time Qualter prepared his study. In 1977 Alberta adopted this provision which removed electoral regulation and management from the functions of the Clerk of the

RETURNING OFFICER APPOINTMENT AND TENURE

<u>Jurisdiction</u>	<u>Method of Appointment</u>	<u>Tenure</u>
Canada.....	Cabinet order	Until next boundary redistribution
Yukon.....	Cabinet order	At pleasure of cabinet
Northwest Territories.....	Order of Commissioner of N.W.T.	Four years
British Columbia	Cabinet order	At pleasure of cabinet
Alberta.....	Cabinet order	Until four months after a general election
Saskatchewan.....	Cabinet order	Until next boundary redistribution
Manitoba	Cabinet order	At pleasure of cabinet
Ontario.....	Cabinet order	Indefinite until age 65
Quebec.....	Appointed by CEO after public competition	Five years
New Brunswick.....	Cabinet order	At pleasure of cabinet
Nova Scotia.....	Cabinet order	Until next boundary redistribution or age 65
Prince Edward Island..	Cabinet order	Indefinite until age 65

RETURNING OFFICER APPOINTMENT AND TENURE
(cont'd)

<u>Jurisdiction</u>	<u>Method of Appointment</u>	<u>Tenure</u>
Newfoundland.....	Cabinet order	From Writ Day till Return Day

Note: In every jurisdiction a Returning Officer may be removed for cause

TABLE 17

Executive Council.⁷⁶

When he researched the substantial nation-wide variation in the responsibilities and independence statutorily assigned to Chief Electoral Officers, Qualter discovered that a measure of legislative copying had taken place in the maritimes. The extent to which this copying occurred, however, differed among the provinces:

(Nova Scotia and Prince Edward Island)
. . . have identically worded sections on the responsibilities of the Chief Electoral Officer. He is to "exercise general direction and supervision over the administrative conduct of elections;" and "(b) enforce on the part of election officers, fairness, impartiality and compliance with this Act."

The principal duties of the Chief Electoral Officer in New Brunswick and Newfoundland are worded in terms exactly following those of Nova Scotia and Prince Edward Island, but the appointment is less detailed, there is no specification of qualifications, and tenure and independence are less certain.⁷⁷

The independence of a Chief Electoral Officer is potentially at issue if the reporting structure -- i.e. the method by which authority to administer the electoral process is granted -- in any way allows for the exercise of partisan influence. In the majority of Canadian jurisdictions the Chief Electoral Officer (CEO) is accountable only to the Legislature, or the Speaker of the House. However, the provinces of British Columbia, Saskatchewan, and Newfoundland have not yet adopted this measure of impartiality. The type of reporting structure each CEO works within is indicated in table 18.

Qualter concludes that the Chief Electoral Officers in Canada are a significant source of electoral process policy development. The administrative and legal machinery of elections, he says,

. . . has been subject to continual review and amendment generally directed to more efficient and more honest administration. Great credit must be given to the federal and provincial Chief Electoral Officers who have initiated or drafted so many of the needed reforms.⁷¹

Although there is no suggestion of agenda-setting on the part of senior electoral policy officials, this assessment indicates that CEOs have been perceived as having a legitimate role in policy initiation for some time.

INDEPENDENCE OF CHIEF ELECTORAL OFFICER

<u>Jurisdiction</u>	<u>CEO Reports to</u>
Canada.....	House of Commons
Yukon.....	Legislative Assembly
Northwest Territories..... (see note below)	Territorial Commissioner
British Columbia	Minister - Provincial Secretary
Alberta.....	Legislative Assembly
Saskatchewan.....	Minister - chosen by cabinet
Manitoba	Legislative Assembly
Ontario.....	Legislative Assembly
Quebec.....	National Assembly
New Brunswick.....	Minister - Municipal Affairs
Nova Scotia.....	Legislative Assembly
Prince Edward Island.....	Legislative Assembly
Newfoundland.....	Minister - Justice

Note: Although the Northwest Territories has proposed the establishment of its own Chief Electoral Officer, territorial elections are currently conducted under the authority of the CEO for Canada

TABLE 18

SUMMARY

Qualter's seminal study on the Canadian election process provides numerous examples of policy diffusion in Canadian electoral law. Since 1970 a variety of innovations have been introduced into the Canadian electoral process. Some of these innovations are currently spreading from one jurisdiction to another. Ten such policy innovations will be further investigated to determine the extent and patterns of their diffusion.

They are:

1. Canadian Citizenship Qualification
2. Reduction of Voter Age Qualification
3. Equalizing Candidate and Voter Age Qualifications
4. 'Open' Voters Lists
5. Limitations on Candidate Expenditures
6. Re-imburement of Candidate Expenditures
7. Regular Electoral Map Revision by Independent Boundary Commissions
8. Elimination of Multi-member Districts
9. Absentee and/or Proxy Voting Provisions
10. Early Voting

Qualter identified the presence of some legislative copying between jurisdictions (especially in the

Maritimes), but the occurrences were on a limited scale. He observed that, while the format and content of election legislation was basically similar across the country, the presence of a common source and tradition did not preclude substantial differences between the various jurisdictions. Qualter concluded that the political "style" of each jurisdiction was evident in the unique characteristics of the separate election processes.⁷⁸

Even a cursory examination of innovative electoral policy indicates both fast and slow rates of diffusion. The rate seems to be somewhat dependent on the policy item. For example, the adoption of the female franchise spread to almost every jurisdiction within ten years, whereas the removal of property qualifications for voter registration diffused slowly over an eighty year period. Canadian citizenship as a franchise qualification has been adopted by nine jurisdictions since Qualter's study, while only four have provided absentee voting in the same period.

The innovative character of particular jurisdictions has changed from one period to another. Quebec was slow to remove property ownership as a voting qualification and was the last to permit women to vote. However, it was the first to introduce electoral finance legislation and remains the only jurisdiction to appoint Returning Officers on a non-partisan basis. Manitoba took the lead

in adopting independent electoral boundary commissions and setting ceilings on party expenditures during elections, but was slow to lower the voting age and introduce absentee voting methods.

British Columbia was clearly an innovator in terms of the early adoption of a non-propertyied franchise, a lowered voting age, absentee voting provisions, and equality of voter and candidate qualifications. However, B.C. has avoided the adoption of expenditure limitations and re-imburements for candidates, and has yet to dis-adopt multi-member constituencies. A number of features of the British Columbia electoral process remain unique to the province. It is the only jurisdiction with a permanent and continuous voters list, and is the only one to require voter registration as a qualification for candidacy. By employing a rigid and non-discretionary formula for adjusting representation levels and electoral redistribution, B.C. differs from every other administration in the manner in which it effects changes in these areas.

The details of the British Columbia electoral process, according to current legislation, will be examined in the next chapter.

Notes
Chapter 3

¹ Paul W. Fox, Foreword, The Election Process in Canada, by Terence H. Qualter (Toronto: McGraw-Hill, 1970), p. v.

² Terence H. Qualter, The Election Process in Canada, p. 1.

³ Qualter, p. 162.

⁴ J. Patrick Boyer, Political Rights: The Legal Framework of Elections in Canada (Toronto: Butterworths, 1981).

⁵ See, for example, David Elton and Roger Gibbons, Electoral Reform: The Need is Pressing, The Time is Now (Calgary: The Canada West Foundation, 1980); William P. Irvine, Does Canada Need a New Electoral System?, 2nd ed. (Kingston: Institute of Intergovernmental Relations, Queen's University, 1981); Mildred Schwartz, Politics and Territory (Montreal: McGill-Queen's University Press, 1974).

⁶ See, for example, Harold D. Clarke, Jane Jenson, Lawrence LeDuc and Jon H. Pammett, Political Choice in Canada, 2nd ed. (Toronto: McGraw-Hill Ryerson, 1980); William Mishler, Political Participation in Canada (Toronto: Macmillan, 1979); Mildred Schwartz, "Canadian Voting Behaviour," in Electoral Behaviour: A Comparative Handbook, ed. Richard Rose (New York: The Free Press, 1974), pp. 55-81; T. Patrick Boyle, Elections British Columbia (Vancouver: Lions Gate Press, 1982).

⁷ Dominion Elections Act, S.C. 1920, chap. 46. From 1867 - 1885 the federal franchise was controlled by the provinces. In 1885 the Conservative government passed the Electoral Franchise Act, which provided a federal franchise, albeit extraordinarily complex and diverse. A Liberal government restored franchise control to the provinces in 1898. From 1917 -1920 'wartime' legislation was used to both expand and contract franchise provisions set by the provinces, enfranchising certain persons and disfranchising others.

⁸ Boyer, p 75.

⁹ Qualter, p. 2.

¹⁰ Canadian Charter of Rights and Freedoms, Sec. 1 and 3.

¹¹ Qualter, p. 4.

¹² Qualter, p. 5.

¹³ Qualification and Registration of Voters Act, 1876, S.B.C. 1876, No. 3, Sec. 2.

¹⁴ Qualter, p. 5.

¹⁵ Qualter, p. 41, footnotes 16 - 18.

¹⁶ Qualter, p. 7.

¹⁷ Qualter, pp. 6-7.

¹⁸ Qualter, p. 8.

¹⁹ British Columbia Hansard, for July 19, 1982, p. 8862; May 8, 1984, p. 460; and Febraury 11, 1985, pp. 4898-4899.

²⁰ See, for example, Catherine L. Cleverdon, The Women Suffrage Movement in Canada (Toronto: University of Toronto Press, 1950).

²¹ The federal franchise legislation provided the female vote only to women who participated in the armed forces, or had a close relative who participated. Full female enfranchisement was granted at the federal level on May 24, 1918. In Newfoundland the female franchise was limited to women 25 years or older.

²² Qualter, p. 9.

²³ Qualter, p. 18.

²⁴ Qualter, p. 19.

²⁵ Qualter, pp. 18-21.

²⁶ Qualter, p. 22.

²⁷ Qualter, p. 23.

²⁸ An exception to the correlation of a shorter election period to the use of a permanent list occurs in Quebec.

²⁹ Qualter, pp. 174-176.

³⁰ Qualter, p. 30.

³¹ Qualter, p. 31.

³² Qualter, p. 45.

³³ Qualter, p. 45.

³⁴ For a detailed discussion of the rights of civil servants regarding candidacy and public office holding in each of the Canadian jurisdictions see J. Patrick Boyer, Political Rights: The Legal Framework of Elections in Canada, pp. 238-266.

³⁵ Qualter, pp. 46-51. See also Boyer, pp. 211-213.

³⁶ Qualter, p. 52.

³⁷ Qualter, p. 54.

³⁸ Qualter, pp. 57-60.

³⁹ Qualter, pp. 66,76.

⁴⁰ Qualter, pp. 69-72.

⁴¹ Qualter, pp. 73,80.

⁴² Qualter, p. 74.

⁴³ Qualter, pp. 81-83.

⁴⁴ Qualter, p. 93.

⁴⁵ Qualter, p. 94.

⁴⁶ Qualter, pp. 98-106.

⁴⁷ Qualter, p. 106.

⁴⁸ Qualter, p. 106.

⁴⁹ Qualter, p. 109. See also R. K. Carty, "The Electoral Boundary Revolution in Canada," The American Review of Canadian Studies, Vol XV, No. 3 (Autumn, 1985), pp. 273-286.

⁵⁰ See p. 271 this thesis.

⁵¹ David V. Edwards, The American Political Experience (Englewood Cliffs, N.J.: Prentice-Hall, 1979), p. 260.

⁵² Qualter, p. 116.

⁵³ Qualter, p. 115.

⁵⁴ Qualter, p. 118.

⁵⁵ Qualter, pp. 118-122.

⁵⁶ In the two elections that occurred prior to the establishment of the current British Columbia electoral boundaries, the governing party won the seats in ten of the eleven ridings that returned two members instead of one in the 1986 election.

⁵⁷ Qualter, p. 122. The tendency for electors to avoid split-ticket voting is confirmed in British Columbia voting results. Only twice, in the four elections prior to the 1986 election, have members of differing parties been elected in any of the dual-member ridings.

⁵⁸ Qualter, p. 162.

59 Qualter, pp. 131-133.

60 Qualter, pp. 133-134.

61 Qualter, p. 130.

62 British Columbia Chief Electoral Office,

Alternate Voting: An Explanation of the Procedure of
Alternative Voting as it Applies to the "Provincial
Elections Act" (Victoria: Queen's Printer, n.d.), p. 1.

63 See note 5 references.

64 H.M. Angell, Report on Electoral Reform in the
Province of Quebec, unpublished manuscript prepared for
the Quebec Liberal Federation, 1961, in Qualter, p. 154

65 Qualter, p. 155.

66 Qualter, p. 155.

67 Canada, Alberta, Manitoba, Saskatchewan, Ontario,
Quebec and Nova Scotia have all enacted extensive (but by
no means identical) controls on election finances.

68 For candidates that fail to accurately disclose
their election expense, heavy fines are levied by Canada,
the Yukon, Saskatchewan, and Manitoba. In the Northwest
Territories, Alberta, Ontario, Quebec, New Brunswick, and
Nova Scotia the candidate can also lose his or her seat
and be prevented from running again.

69 Election spending limits for political parties
are now in place in Canada, Saskatchewan, Manitoba,
Quebec, New Brunswick and Nova Scotia.

70 The most current and concise summary of Canadian election finance law is to be found in a monograph published by the Ontario Commission on Election Contributions and Expenses, Political Financing: Studies on Election Spending Limits and Party Leadership Campaigns (Toronto: n.p., 1986), pp. 34-55. See also Ontario Commission on Election Contributions and Expenses, A Comparative Survey of Election Finance Legislation, 1983 (Toronto: n.p., 1983); J. Patrick Boyer, Money and Message: The Law Governing Election Financing, Advertising, Broadcasting and Campaigning in Canada (Toronto: Butterworths, 1983); and Khayyam Z. Paltiel, Party, Candidate and Election Finance: A Background Report (Ottawa: Royal Commission on Corporate Concentration, 1977).

71 Qualter, p. 170.

72 Qualter, p. 145.

73 Qualter, p. 146. See also Norman Ward, The Canadian House of Commons: Representation, 2nd ed. (Toronto: University of Toronto Press, 1963), p. 185.

74 Qualter, p. 146.

75 Election Act, S.Q. 1979, chap. 56, sec. 205-215.

76 The Election Amendment Act, 1977, S.A. 1977, chap. 17, sec. 3.

78 Qualter, p. 144.

⁷⁹ Qualter, pp. 171-173.

CHAPTER FOUR

THE ELECTORAL PROCESS IN BRITISH COLUMBIA

In order to develop further the concept of 'electoral process' and to place into perspective the relative importance of various types of innovations in electoral law, this chapter provides an overview of the actual workings of the electoral system in British Columbia.

In the early years of the province's history election laws were contained in a number of separate acts, such as the Provincial Voters Act, the Election Regulation Act, the Provincial Controverted Elections Act, and the Legislative Electorates and Elections Act.¹ In 1897 a consolidation of almost all election-related legislation took place. Since then a single Election Act² has been used to regulate the functions of various election officials, the timing of election activities, methods of voter registration and candidate nomination, and the actual voting process. The last major redraft of the British Columbia Election Act took place in 1953,³ but significant amendments were made in 1982 and 1984.⁴

The method used to determine electoral boundaries, and the corresponding number of representatives that will serve as members in the legislative body, is a fundamental component in the structure of any democratic electoral

process. In British Columbia this facet of electoral law is regulated by the Constitution Act⁵. Modifications to the province's representation levels and electoral district boundaries have traditionally been made on an ad hoc basis. Until very recently, special committees of the House⁶ or temporary commissions appointed under the Inquiry Act⁷ were assigned to investigate the possible necessity of boundary re-adjustment and consequent changes to the numbers of sitting members, and then make recommendations to the Legislative Assembly.⁷ In 1984 a permanent electoral commission was established and assigned to regularly change representation levels and redefine boundaries according to a precise formula.⁸ Adjustment of the province's electoral boundaries has taken place eleven times since the turn of the century, but only once per decade during the past forty years.⁹

THE ELECTION CYCLE

As soon as an election is called, provincial election officials commence administering the enormous workload defined by the statutory deadlines of the Election Act. The 'election cycle' is the fifty-five day period between Writ Day and Return Day.

Writ Day is the day on which individual Writs of Election for each Electoral District are signed by the

Lieutenant Governor and the Chief Electoral Officer.¹⁰ By Constitutional convention, this takes place only upon the request of the Premier of the Province and is coincident with the dissolution of the Legislative Assembly. A general election must be held at least once every five years; a by-election must be called within six months of the resignation or demise of a member of the Legislative Assembly.¹¹ Return Day is the day on which the Writs are officially returned to the Chief Electoral Officer. Unless there has been a request for an official recount of ballots, Returning Officers are required to return their Writs on the fifty-fifth day after the election is called.¹² Each Writ returned bears the name (or names) of the member (or members) elected to represent an Electoral District in the Legislature.

When a general election has been held, the date on which the last Writ of Election is returned to the Chief Electoral Officer signifies the completion date of the election cycle. It is on this day that the five year 'time clock' begins again, but it has been unusual for more than four years to pass without an election call in British Columbia.¹³

Between Writ Day and Return Day are several days which signify statutory deadlines. These days (see figure 2) are referred to as Proclamation Day, Closing Day,

Nomination Day, Notice of Poll Day, Early Voting Days, Advance Poll Days, Polling Day and Final Count Day(s).

Proclamation Day is the day the Returning Officer in each Electoral District publishes 'Proclamations' in local newspapers indicating the time and place for the Nomination of Candidates, the date of Polling Day, and the dates Advance Polls will be held. These Proclamations must appear on the seventh day following the issue of an Election Writ.¹⁴

Voter registration officially closes on Closing Day, the tenth day after the election call.¹⁵ Voters lists are prepared, checked and distributed around the province between Closing Day and the opening of Advance Polls. (Any person who is not registered as a voter by midnight of Closing Day can only vote using the Polling Day registration and voting process.)

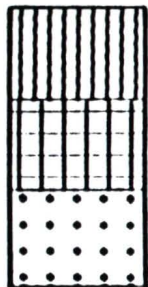
The final list of Candidates is officially announced on Nomination Day, the sixteenth day of the election cycle.¹⁶ Each Candidate must be nominated in writing by a prescribed number of registered voters who live within the district he or she is contesting.

Notice of Poll Day falls on the eighteenth day after the election Writ is 'dropped.'¹⁷ It is the deadline day for notices being posted within each Polling Division in every Electoral District. Notices of Poll indicate the

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

BRITISH COLUMBIA ELECTION CALENDAR

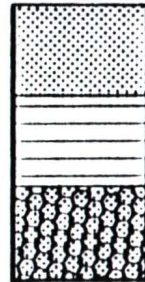
FIGURE 2



Writ Day

Closing Day

Nomination Day



Early Voting

Advance Poll

Polling Day

names, addresses, occupations and political affiliations of the Candidates who have been nominated, the locations of all polling places for the election, and the dates the polls will be open. On or before Notice of Poll Day, this information must be published in newspapers circulating in each Electoral District.

Early Voting Days are the days between Nomination Day and the first day of Advance Polls. Early Voting takes place in the office of the Returning Officer and permits registered voters to vote between the hours of four p.m. and eight p.m. on the days specified, excepting holidays and Sundays. Depending on which day of the week the Writ of Election is issued, Early Voting Days can last from one to six days with the twenty-third day of the election cycle as the last possible Early Voting Day.¹⁸

Advance Polling is available between the hours of one p.m. and nine p.m. on the Wednesday, Thursday, Friday and Saturday of the week preceding Polling Day. Depending on the date of the election call, Advance Polling Days can begin as early as day nineteen or as late as day twenty-four in the cycle.¹⁹

The majority of voters go to the polls and the unofficial results of the election are determined on Polling Day. Voting takes place between the hours of eight a.m. and eight p.m. (at all 'regular' polling

places) on the twenty-ninth day after the election is called.²⁰

The total number of votes cast in the election is established by the Returning Officer of each Electoral District on Final Count Day(s). Once this process is complete, the election results are made official and the winning Candidates are declared.²¹ Final Count begins on day forty-two of the election cycle and continues for as many days as necessary.²²

THE ELECTION OFFICIALS

Numerous formal designations are assigned to the officials responsible for the administration and regulation of the electoral process in British Columbia. The relationship between the titles of these officials and the functions they must perform is difficult to comprehend. More difficult still is determining the importance of each official's duties and understanding how their separate roles work together in the overall process.

The British Columbia Election Act specifies a need for the following election officials:

- Chief Electoral Officer
- Registrar General of Voters
- Deputy Chief Electoral Officer
- Deputy Registrar General of Voters
- Registrars of Voters
- Deputy Registrars of Voters
- Enumerators

Returning Officers
Deputy Returning Officers
Election Clerks
Poll Clerks
Official Agents
Scrutineers

The administration of the British Columbia Election Act is assigned to a line agency within the Ministry of the Provincial Secretary and Government Services. This agency, 'Elections British Columbia,' has developed a number of civil service positions which are not mentioned in the province's electoral legislation. Even though they are not statutorily defined, some of these administrative positions are vitally important to the operation of the electoral process in B.C.. They include the following titles:

Operations Manager
Finance and Personnel Manager
Systems Manager
Voter Registry Co-ordinators
Office Assistants
Election Assistants
Registration Assistants
Registration Clerks
Certificate Writers
Special Registration Officers
Form 200 Writers
Polling Place Constables

Various positions described by the Election Act are filled by persons who carry both a statutory title and an administrative title. Some officials are assigned more than one statutory title. If one examines the specific

functions of election officials, their roles within the electoral process become clear. Most electoral functions can be placed into one of three categories: Voter Registration, Administration of Voting, or Executive Administration.

Voter Registration:

In all Canadian electoral jurisdictions, as in all Western democracies, the voting franchise is freely available to those who meet minimal qualifications and register as voters. In British Columbia the names, addresses and occupations of all registrants are compiled in a 'continuous' list of voters.²³ This voters list is updated as persons register upon reaching the age of majority (or otherwise come to meet the qualifications), or re-register as a result of changing residences. Names are removed from the list when Notices of Death are received by Registrars of Voters from the Vital Statistics branch of the provincial government.²⁴ Two years after each general election is held, the list is purged and a new list is created via the process of a General Enumeration.²⁵

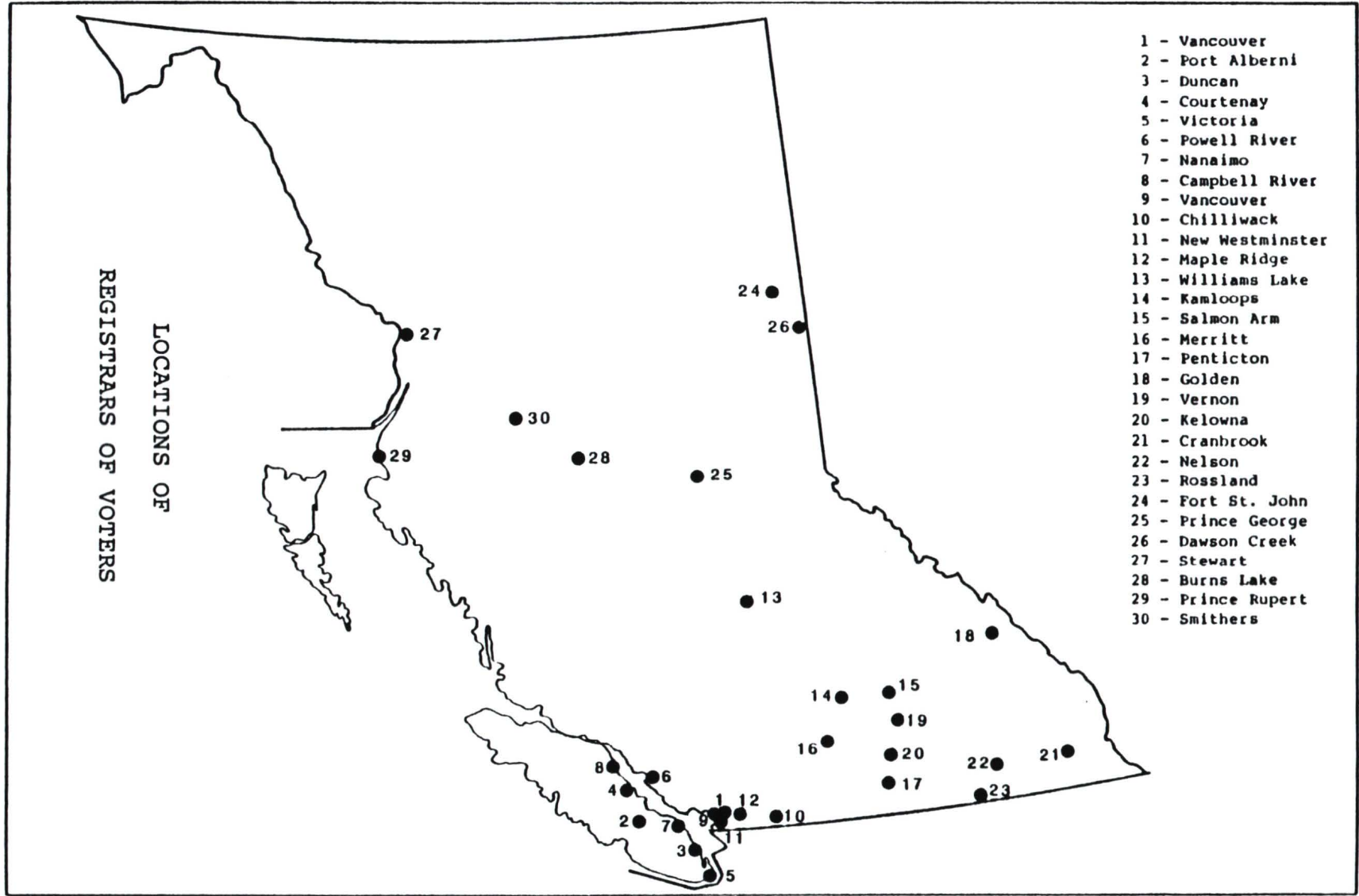
The Election Act places primary responsibility for the administration of voter registration and voters list maintenance with the **Registrar General of Voters** and

Registrars of Voters of each Electoral District.²⁶ Assistance is provided, according to the Act, by a Deputy Registrar General and Deputy Registrars. Official appointment of these positions is made by Cabinet in the form of Orders-in-Council.²⁷ Working within the legal parameters established by the Act, the Registrar General of Voters sets the policies and procedures followed in day-to-day registration activity, General Enumerations, and all aspects associated with voters list maintenance. Since 1950 the positions of Registrar General and Chief Electoral Officer have been combined in British Columbia. Recently, the position of Deputy Registrar General of Voters was combined with that of the Deputy Chief Electoral Officer.²⁸

There are thirty Registrars of Voters in British Columbia located in the towns and cities shown on the provincial map, figure 3. Twenty-five of these Registrars are responsible for voter registration and the maintenance of the voters list within one Electoral District. The remaining five have multi-district jurisdictions varying between two and eleven ridings.

Since 1858, British Columbia has maintained a unique public service institution known as the 'Government Agency.'²⁹ Government Agents in sixty locations around the province act in a variety of capacities on behalf of

FIGURE 3



the provincial government. They are employed to function as Registrars of Births, Deaths and Marriages; Gold Commissioners or Mining Subrecorders; Provincial Property Tax Collectors in unorganized areas; Angling and Hunting Licensers; Strike Vote Supervisors; and Electrical and Gas Permit Issuers. They also act on behalf of a number of different Government Ministries in sales and payment functions.³⁰ Twenty-seven of these Government Agents are also Registrars of Voters; the remaining thirty-three are Deputy Registrars of Voters.

Government Agent Registrars are allocated a small contingent of permanent support staff to assist in the administration of their Registrar of Voters activities. In addition, they are permitted to hire temporary **Registration Assistants** for major projects in improving the accuracy and completeness of the voters list, and making periodic adjustments to the boundaries of polling divisions within their jurisdiction. When a General Enumeration is underway, Registrars hire Registration Assistants for clerical processing functions in their offices. Enumerators are also hired at this time to collect voter registrations by visiting every household in their assigned areas.³¹ During elections and by-elections Registrars require field employees - **Registration Clerks** - to operate Registration Centres

which provide broad public access to voter registration.

Administrative and technological developments of the last few years have changed the way the voters list is prepared and produced. The Registrar is responsible for the collection, coding, and accuracy of voter registrations, but the actual preparation and production of the list is performed by a centralized computer system. Registrars forward voter registrations to eight assigned data entry locations where **Voter Registry Co-ordinators** supervise the entry and maintenance of the registrations in both electronic and physical files. In the largest urban areas, three Registrars of Voters act both as Registrars and as data centre co-ordinators.³² These personnel work full-time in voter registration and list-maintenance activity, and comprise the only Registrars in the province who are not Government Agents.

In all Voter Registry Co-ordinating offices full-time **Office Assistants** are employed to help with the data entry and file maintenance work that occurs between enumerations and elections. These office assistants also help train and supervise hundreds of temporary workers hired during 'peak' events.

Administration of Voting:

The administration of vote-taking in each of British

Columbia's fifty-two Electoral Districts requires the assembly of well-trained officials with demonstrated organizational skills. These persons are referred to in the Election Act as **Returning Officers**. One Returning Officer is appointed, through Order-in-Council (Cabinet) approval, to each of the fifty-two Electoral Districts in the province.³³ These appointments are made as vacancies arise so that a full complement of Returning Officers is ready for an election at any time. Once an election is called, each Returning Officer appoints an **Election Clerk** as an official assistant. The Election Clerk has many of the same powers as the Returning Officer and may act in his or her stead when necessary.³⁴

There is a tremendous volume of work associated with the preparation of polling activities. Within a very short time, polling places must be established, poll officials must be hired and trained, and ballots and notices must be prepared. To accommodate these activities Returning Officers establish temporary Returning Offices, and hire **Election Assistants**.

Returning Officers are responsible for setting up Early and Advance Polling for voters who are unable to cast their ballots at a regular polling place on Polling Day. They hire **Certificate Writers** to complete advance poll certificates. Voters, in order to vote in the Early

Voting process or at Advance Polls, must obtain an advance poll certificate before they are issued a ballot.³⁵

The only election officials most voters ever contact are the poll officials stationed in voting locations on Polling Day. These officials control the distribution of official ballots to voters, the placement of marked ballots into ballot boxes, and the ballot count after the polls have closed. In British Columbia a polling station must comprise a **Deputy Returning Officer (DRO)**, a **Poll Clerk**, and a ballot box.³⁶ Each Candidate for election to the Legislative Assembly is permitted to assign one **Scrutineer** per polling station to monitor the voting procedure, make formal objection if the exact voting methods prescribed by the Act are not followed, and verify the count of ballots at the end of the day.³⁷

At every regular polling place in the province persons who are not registered may apply to register and vote at the voting location.³⁸ **Form 200 Writers** are hired to complete voter registration application forms at polling places. **Special Registration Officers** examine the identification of each person applying to register, and issue a document allowing the 'Section 80' voter to receive a ballot.

In predominantly ethnic areas, Returning Officers are encouraged to hire Deputy Returning Officers and Poll

Clerks familiar with the language(s) used in the area.³⁹ As a result of this administrative practice, DROs rarely have to find and swear in interpreters to assist those who have difficulty understanding the English language, although the Act permits them to do so.⁴⁰

Returning Officers or Deputy Returning Officers are also permitted, by the Election Act, to swear in "special constables" for "the maintenance of peace and of good order at the election."⁴¹ If Polling Place Constables are required, they are usually hired before the opening of the polls.

Executive Administration:

Executive direction must be provided to ensure that the thirty Registrars of Voters and fifty-two Returning Officers co-ordinate their functions during and between election cycles. Funds must be allocated for the purpose of paying staff, materials must be acquired and distributed for voter registration and voting activities, and new Registrars and Returning Officers must be trained soon after they are appointed. It is also necessary that a central source providing procedural policy and interpretation of statutory requirements is available to these officials. In British Columbia the **Chief Electoral Officer** and his agency headquarters staff provide overall

administration and support for the key officials involved in the electoral process.

The Chief Electoral Officer, whose mandate is to keep his agency in a constant state of 'election readiness,' has considerable discretionary authority regarding the day-to-day operations of his officials and staff. As he is the Registrar General of Voters as well as the Chief Electoral Officer, he bears ultimate responsibility for carrying out all the requirements of the Election Act. The Chief Electoral Officer is responsible for his agency's interaction with the Executive of the Ministry of the Provincial Secretary. He also communicates and meets regularly with the administrative directors of the ten political parties in the province, acts as the media spokesperson for his agency, and decides on all significant policy changes within the agency. When desired policy changes require legislative amendments, he initiates the drafting of new legislation and presents it to the Ministry Executive for consideration. On occasion, the current Chief Electoral Officer has been requested to defend his legislative initiatives before the Provincial Secretary and Deputy Minister, the Cabinet Planning and Priorities Committee, and the Cabinet Committee on Legislation.⁴²

The Chief Electoral Officer is assisted by a Deputy

who holds the statutory titles of both **Deputy Chief Electoral Officer** and **Deputy Registrar General of Voters**. The deputy assists the Chief Electoral Officer with his administrative duties and is responsible for the supervision and direction of the agency's staff, the content and timing of advertising campaigns, the acquisition of field office space, and the co-ordination of telecommunications. Reporting to the Deputy Chief Electoral Officer are an Operations Manager, a Finance and Personnel Manager, a Systems Manager, and all thirty Registrars of Voters.

The **Operations Manager** is responsible for the acquisition and distribution of all supplies and materials necessary for elections, enumerations and on-going activities. This manager trains the Returning Officers and Registrars of Voters and directs the writing, assembly and appropriate dispersal of procedural manuals for their use. Also, the Operations Manager supervises a cartographic department which creates maps indicating current Electoral District and Polling Division boundaries. The fifty-two Returning Officers, a Warehouse Supervisor, and a Cartographer/Graphic Artist report to the Operations Manager.

The **Finance and Personnel Manager** is responsible for the general financial control of the agency's

expenditures. This manager prepares an annual budget for the agency, develops the large scale pay systems required during 'peak' events, provides general personnel management, and directs professional development. The Finance and Personnel Manager provides training and documentation to agency staff regarding hiring policies for temporary personnel, and controls financial expenditures incurred by Registrars, Returning Officers, Co-ordinators and the agency headquarters.

The **Systems Manager** is responsible for the agency's computer systems, including a large mainframe application which is used to store the voters list and administrative information. This manager also supervises the wordprocessing systems in the agency headquarters and two field offices, and the use of microcomputers within the Chief Electoral Office. The five full-time voter registry data co-ordinators report to the Systems Manager, as does a Project Development Leader who oversees the maintenance of the existing computer software and all program development activity.

THE VOTERS

To qualify as a provincial voter in British Columbia a person must be at least nineteen years old, must reside in the Electoral District in which he or she is registering,

must have lived in the province for six months, in Canada for a year, and must be a Canadian citizen.⁴³ Persons who have been convicted of an indictable offence and have not completed their sentence or obtained a pardon, and persons who are detained in a mental health facility under court order, are specifically disqualified from registering.⁴⁴ Also ineligible are those who have been convicted of fraudulent practices during previous provincial elections.⁴⁵

In order to have their names placed on the Provincial Voters List, qualified persons are required to complete and sign a voter registration card. In B.C. voter registration is technically available to all eligible persons at any time excepting the eighteen day period immediately prior to Polling Day. However, more than eighty percent of all registrations are processed during general enumerations or elections. Registration of the majority of British Columbia's eligible electors takes place during each General Enumeration (held the last two weeks of September in the second year following each General Election).⁴⁶ Heavy registration activity also occurs in the ten days permitted for registration immediately after an election is called.

Persons who register in the first ten days of the election include those who declined registration during

Enumeration, many whose registrations became invalid due to a change of address since the Enumeration, and those who simply neglected to register beforehand. The transient nature of British Columbia's population results in a great deal of 'last minute' registration activity during elections. Provincial government statistics prepared in 1985 reported that thirty-one percent of the province's households had moved during the previous year.⁴⁷

Notice to Voters:

After each General Enumeration a 'Confirmation Notice' postcard is mailed to all persons on the voters list advising them of their registration status and requesting that they update their registration information should they change their address or legal name.

Within the first five days of a General Election 'You-Are-Registered' postcards are mailed and delivered to all registered voters advising that they are currently registered. Concurrent province-wide advertising informs people that, if they are registered, they should receive a mailed notice, and informs them of nearby locations where they can register if they do not receive a postcard. Within two or three days of an election call more than 650 registration centres around the province are set up to

accommodate registration activity.⁴⁸

During the registration period at the beginning of the election cycle, as many as half a million voter registrations are collected and processed by the thirty Registrars of Voters. These registrations are forwarded to the eight regional data-entry locations where the information is entered into the computer system. Once all the registrations have been processed, the computer system produces 'Where-to-Vote' notices which provide information about the location of the assigned polling place, the hours of polling and the date of the election. These postcard notices are then mailed to each person who was registered as of Closing Day.

Voting Before Polling Day:

Early Voting takes place, excepting on Sundays and holidays, from the day after the deadline for Candidate nomination until the day before Advance Polls open.⁴⁹

Early Voting is available in the office of the Returning Officer to electors who were registered on the date of the election call.

Advance Polls are held the Wednesday, Thursday, Friday and Saturday of the week before Polling Day. The use of Advance voting by the handicapped, and by those who otherwise anticipate difficulty in dealing with regular

polling place activities, is administratively encouraged.⁵⁰

Voting 'Absentee':

During Advance Poll days or on Polling Day, a voter absent from his or her own Electoral District may cast a ballot for his or her own constituency at any regular polling place in the province.⁵¹ A list of Candidates for the district in which the absentee voter lives is provided by the DRO at the polling station. A special write-in ballot is used and each absentee ballot is placed into a sealed ballot envelope once it has been marked. After Polling Day, all out-of-district absentee ballot envelopes are sent to their 'home' constituency Returning Officers.

According to within-district absentee voting provisions, British Columbia voters are also permitted to vote at a polling place other than the one assigned for their polling division.⁵² (This type of voting is not available in eight urban ridings where the population is highly concentrated.) Where within-district absentee voting is employed, the voter casts an ordinary ballot (i.e. of the type printed for use within the constituency boundaries). The ballots are placed in ballot envelopes, and the votes are counted at the Final Count.

In statistics compiled at the Final Count, valid votes cast under absentee provisions are recorded as totals under each type of absentee vote (Advance Poll out-of-district, ordinary poll out-of-district, ordinary poll within-district), thereby maintaining the secrecy of votes cast in such a manner.

Hospital, Mobile and Detention Centre Polls:

British Columbia's Election Act instructs Returning Officers to establish 'special' polling places for eligible voters unable to attend a regular poll because they are confined to a hospital, long-term care facility, mental care sanatorium or detention centre.⁵³ On Polling Day, special teams (each comprised of a DRO, a Poll Clerk, and Scrutineers) are sent out to accommodate voting in these institutions. A team operates a mobile poll, or establishes a stationary poll for a certain number of hours. A mobile poll involves the transport of a ballot box, voters list and ballots from one eligible voter to another (e.g. bed-to-bed in a hospital). Often institutionalized eligible voters are registered in an Electoral District or polling division away from the institution. Consequently, almost all of the votes taken at special polling places use absentee ballot envelope voting procedures.

Election officials are instructed to follow regular procedures as far as is possible when operating these special polls. However, in the case of hospitals and long-term care facilities, aspects such as privacy of ballot marking may be compromised depending on the degree of patient infirmity.

Very few provisions exist in British Columbia election law to accommodate non-institutionalized voters who are in some way handicapped and unable to vote using regular procedures. A blind voter, or one that is "incapacitated from any other physical cause,"⁵⁴ is permitted to ask a DRO or a friend to mark his or her ballot. The friend must take an oath stating that he or she has not acted as a "friend of a voter" previously in the election.⁵⁵ Such handicapped persons must, in any event, appear at a polling place in order to exercise their franchise.

THE REGULAR VOTING PROCEDURE

On Polling Day voters enter their assigned polling place and then must locate the applicable polling station for the division in which they live. In large polling places forty or more stations may exist. If the elector brings along his or her 'Where-to-Vote' notice (as requested on the notice itself), locating the correct station is a straightforward matter. The voter's polling

division number is indicated both on the notice and at each polling station.

During the process of handling ballots, careful procedures are followed to protect the secrecy of the vote and to prevent fraudulent voting activity. When electors arrive at appropriate polling stations, the DROs locate each person's name on the voters list and ask each voter to sign his or her name, address and occupation in a Poll Book. The Poll Clerk compares the signature in the Poll Book to that on the voter's original registration card. If they match, the Poll Clerk takes the sequential number that corresponds to the voter's name from the voters list, and enters it in the Poll Book.

At this point the DRO announces the voter's sequential number, name, address and occupation for final clarification and for the benefit of the Candidates' Scrutineers. The DRO also crosses out the voter's name on the voters list to indicate successful application for a ballot. After the DRO has marked the number from the voters list on both the ballot stub and the counterfoil, the folded ballot, with the counterfoil still attached, is given to the voter. The DRO instructs the voter to take the ballot to a nearby polling booth, mark his or her vote with with a cross using the pencil provided, and return the ballot folded with the counterfoil still attached.

The voter proceeds to a booth in which are posted instructions regarding the proper method of marking the ballot. Having marked and re-folded it, the voter returns the ballot paper to the DRO, who compares the counterfoil markings with those on the ballot stub to ensure that the ballot is valid. If satisfied that the ballot is one he or she issued, the DRO removes the counterfoil and places the still folded ballot paper in the ballot box in full view of the voter and the Scrutineers. The voter then leaves the polling place.

This process is encountered by most British Columbians who vote at their assigned polling places. While the procedures differ somewhat in each case, the same basic methods are used for all other types of voting in B.C. provincial elections. Built-in safeguards against fraudulent behaviour, on the part of either poll officials or voters, exist in the processes of early voting, advance poll voting, absentee voting, blind or handicapped voting, mobile poll voting, detention centre voting, and in polling day registration/voting procedures.

THE BALLOT COUNTING PROCEDURE

At the close of polls on Polling Day, DROs and Poll Clerks count all the votes taken at their respective polling stations, except for those cast under a procedure

that required the use of a ballot envelope.⁵⁶ The counting process must be witnessed by at least two people; if no Scrutineers are present this function can be fulfilled by two voters. As with the voting process, the Election Act prescribes very specific methods to be followed in the count in order to prevent fraudulent results being recorded.

The DRO unlocks the ballot box and empties the contents, separating any ballot envelopes from the regular ballots. The Poll Clerk prepares a tally sheet on which each vote is marked. The DRO unfolds each ballot, shows it to the Scrutineers or witnesses present, and then calls out the name(s) of the marked Candidate(s) or declares a ballot rejected. Rejection occurs when a voter has marked the names of more Candidates than he or she is entitled to, when the ballot is unmarked, when the mark is placed outside the specified space or is not a cross (X), or when the ballot paper is marked in such a manner that the voter could be identified.

Once all the votes have been announced, witnessed, and tallied the DRO totals the number of votes recorded for each candidate as well as the number of ballots rejected. These figures are then transferred to a document known as a Statement of Poll. The Statement is also used to record the total number of voters who voted at the polling

station, the number of signatures in the Poll Book, and the number of ballot envelopes (which still contain uncounted ballots) used.

The counted ballots are placed in parcel envelopes which are sealed and signed by the DRO. A Ballot Paper Account is then completed in the Poll Book. The Account indicates the number of ballot papers issued for the polling station, the number of ballots considered at the count, the number of ballot envelopes used for each type of absentee voting, the number of ballot papers cancelled because of error, and the number of ballot papers unused. The Account is totalled and balanced, and summary figures are transferred onto the Statement of Poll. The Statement is then signed by the DRO and this signature must be witnessed by someone who was present at the count. Copies of the Statement are made available to Scrutineers. Once this process is complete the DRO telephones the results of his or her count to the Returning Officer. Although it is not statutorily required, Returning Officers post these results as they are received. Representatives of the electronic media are generally on hand to tally these figures and pass them on to the public. Until the final count is completed these are 'unofficial results.'

THE FINAL ELECTION RESULTS

Thirteen days after Polling Day the Final Count begins and continues for as many consecutive days as necessary for its completion.⁵⁷ The Final Count involves checking the accuracy of the figures provided by the DROs from each polling station, counting the valid ballot envelope votes and then calculating the 'final' results for each Candidate in the Electoral District. Candidates are not 'officially' elected until this has been done. If a Candidate is unconvinced that the ballot count has been accurately and fairly conducted, he or she may request a judicial recount of the ballots.

DROs are responsible for the safe return of the ballot boxes to the Returning Office after the polls have closed and the 'ordinary' ballots have been counted. These locked and sealed ballot boxes contain the packages of ballots that have already been counted, the corresponding Poll Copy Voters Lists (indicating which voters on the list have voted), the Poll Books, all Advance Poll Certificates, voter registration cards, a copy of the Statement of Votes, and unopened ballot envelopes.⁵⁸

Ballot envelopes containing absentee or Polling Day registrant votes are sealed and bear the voter's name, address, occupation and signature. The type of vote is also indicated on the envelope. This allows the Returning

Officer to check registrations and forward the ballot envelopes as required while maintaining the secrecy of the votes. Candidates and their Official Agents are invited to observe the removal of the ballot envelopes from the ballot boxes, and the Final Count procedure. As a rule, soon after all the ballot boxes have been delivered to the Returning Officer he or she designates a date for ballot envelope removal.

The number of sealed ballot envelopes collected at each polling station is noted on a document titled the Statement of Final Count. Ballot envelopes that were used for out-of-district absentee votes (at both Advance and regular polls) are separated and forwarded to the Returning Officers of the districts to which the votes belong. A record is maintained of the number of ballot envelopes sent to and received from each district.⁵⁹

To ensure that voters casting ballot envelope votes are registered in the appropriate Electoral District and that they did not also vote by another method, ballot envelopes are carefully checked after they have been removed from the ballot boxes and before the votes they contain are counted on Final Count Day(s). Ballot envelopes that do not meet these criteria are rejected and the votes they contain are never counted.⁶⁰

A Candidate or Official Agent may request that the

Returning Officer recheck the ballots counted on Polling Day. If such a request is received, ballots from one or more polling stations can be recounted before or during the Final Count. If no request is received, the totals noted by the DRO for each poll are considered final and entered as such in the Statement of Final Count.⁶¹

Final Count:

On Final Count Day(s), all the valid ballot envelopes are opened and the folded ballots they contain are placed into empty ballot boxes according to type. The ballot counting procedure employed on Final Count Day(s) is almost identical to that used by DROs and Poll Clerks on Polling Day.⁶² The number of votes and number of rejected ballots is recorded in the Statement of Final Count. The columns of figures for each Candidate are added to attain final, grand totals of all the votes cast in the district. Unless a recount of the ballots is demanded by one of the Candidates or Official Agents, the Returning Officer completes a declaration on the Statement of Final Count indicating the name(s) of the person(s) elected. At the end of Final Count each Returning Officer verbally proclaims the names of those elected to be representatives in the Legislative Assembly.⁶³

A Judicial Recount:

If an affidavit claiming that a Returning Officer or DRO improperly counted or rejected ballot papers is presented by a "credible witness"⁶⁴ to a British Columbia County Court Judge, the Election Act requires the Judge to undertake a recount. This type of recount request must be made within eight days of the proclamation of the election results. After the affidavit has been presented, the recounting procedure itself must take place within eight days. The Judge must give written notice to the Returning Officer, the Candidates, and their Official Agents, as to the time and location of the recount. All the ballot papers previously counted by the Returning Officer and the DROs are recounted by the Judge, and those ballot papers and ballot envelopes that were rejected are reconsidered. The Judge announces the result of the recount and allows two days for appeal before certifying the results to the Returning Officer.

If a Candidate wishes to appeal the County Court Judge's recount, he or she must advise "the other candidate"⁶⁵ and the Judge within the specified two day period. The County Court Judge forwards the Candidate's notice to the Registrar of the Court of Appeal, along with a certificate of the results of his recount and all the ballots and papers in question. The Court Registrar

obtains an appointment time from one of the Appellate Judges and notifies the Candidates and their solicitors of the appeal time. After the Candidate has presented notice the appeal must begin within four days.

The appeal can be limited to the consideration of certain ballots. The Court of Appeal recounts the ballots as necessary and then certifies the result to the County Court Judge, who in turn certifies it to the Returning Officer. At this point the Returning Officer can complete the "Certificate of Name(s) of Person(s) Elected" on the reverse side of the Writ of Election and return it to the Chief Electoral Officer.⁶⁶

THE POLITICAL CANDIDATES

Although most provincial election Candidates in British Columbia affiliate themselves with a political party,⁶⁷ the Election Act does not regulate Candidate selection activities within a party. Political parties determine their own nomination methods, and in most cases party constituency associations choose their own Candidates. As no legislation regulates these methods, the actual selection process varies extensively from one party to another. Candidates are usually chosen within the political parties before an election is called. When the party in power begins nominating Candidates in every

Electoral District, the press, the opposition parties and the provincial electoral agency consider an election call to be imminent.

In addition to securing nomination from their political party, Candidates for election must undertake a legal nomination process. This process requires each Candidate to collect, on a document called a 'Nomination Paper,' the names and signatures of fifty registered voters from their district.⁶⁸ The Nomination Paper is made available to Candidates by the Returning Officer or the Registrar of Voters in each Electoral District. Once candidates have collected the sufficient number of signatures, their Nomination Paper must be submitted to the appropriate Registrar of Voters. The Registrar ensures that the signatures are those of registered voters, and that voters have not acted as sponsors for more than one candidate.⁶⁹ If sufficient valid signatures have been collected, the Registrar endorses the list of assentors with his or her signature.

In addition to the list of assentors, the Nomination Paper contains a number of other legal forms that must be completed to make the nomination official. These include a declaration signed by the Candidate indicating that he or she is registered as a voter and consents to being a nominee for election, a form to legally appoint the

Candidate's Official Agent, and a receipt from the Returning Officer accepting the Nomination.

Candidates must submit their completed and verified Nomination Papers to the Returning Officer in their district by one o'clock in the afternoon on Day 16 of the election cycle. At precisely one hour past noon on 'Nomination Day' the Returning Officer announces the names of the Candidates who have been nominated and declares the nominations closed.⁷⁰

Campaigning Regulations:

Candidate campaigning activities are well underway by the time official nomination procedures draw to a close. The Election Act imposes a limited number of standards and qualifications on Candidate activities.

Every Candidate must be a registered voter and must have resided in British Columbia for the twelve months prior to Polling Day.⁷¹ 'Independent' Candidates cannot use the name of any political party,⁷² and no Candidate can stand for election in more than one Electoral District.⁷³

Candidates are not allowed to influence any person to vote in their favour by paying for "any expenses incurred for any meat, drink or provision" in their campaign for election.⁷⁴

The Official Agent for a Candidate is responsible for making all campaign related payments, loans, advances and deposits. If no Official Agent is appointed, the Candidate must undertake these duties.⁷⁵ Returning Officers, Deputy Returning Officers and Election Clerks are not allowed to act as an Official Agent for any Candidate.⁷⁶

On Polling Day Candidates and their supporters are prohibited from actively campaigning. They may not use any public address system to promote the election of any Candidate, nor can they distribute advertising material or place posters in the vicinity of any polling place. Party flags and Candidate badges are not to be displayed or worn by any person on Polling Day, although this Section of the Act is generally considered unenforceable.⁷⁷

Financial Disclosure:

Each Candidate for election in B.C. must complete a Financial Disclosure Form outlining his or her financial assets and interests, and debts or liabilities. These forms are submitted to the Returning Officers along with Nomination Papers. The Returning Officers forward the disclosure forms to the Chief Electoral Officer, who in turn passes them to the Clerk of the Legislative Assembly. Once received by the Clerk (who acts as the

Disclosure Clerk in terms set out by the Financial Disclosure Act) they become public documents.⁷⁸

Within sixty days after Polling Day, all Candidates and their Official Agents must forward a "Return of Candidate's Election Expenses" to the Chief Electoral Officer. This form provides a record of the total election expenses incurred on behalf of the Candidate. Both the Candidate and Official Agent must sign statutory declarations stating that no monies, other than ones spent by the central committee of the political party to whom the Candidate belongs, were expended under their authority and consent for the purpose of the election campaign.⁷⁹

Political Party Registration and Reporting:

Section 176 of British Columbia's Election Act defines a political party as ". . . an affiliation of electors comprised in a political organization which has expended money in the support of any candidate in the election."

If a party is registered with the Director of Income Taxation it is legally permissible for the party to issue tax credit receipts to persons and corporations providing it with financial contributions. This pecuniary incentive has been persuasive in motivating all the political parties to register, thus permitting the Chief Electoral Officer to determine the parties that are active during

elections or by-elections. This is useful because, although political parties are required to disclose their election expenditures to the CEO, the Act does not require them to register with the Chief Electoral Office.

To register under the British Columbia Income Tax Act, a political party must present evidence of at least two eligible voters who consider themselves to be members of the party. A statement of political philosophy and a constitution are also requested by the Director of Taxation. In order to be granted tax receipting authority, each party must provide provincial taxation authorities with details of the bank account in which the receipted monies will be deposited, the names of party directors, and the titles of executive positions within the party. Before receipts can be issued, the receipt document form must be approved by the Commissioner of Income Tax. A review of party taxation information is undertaken once a year.⁸⁰

Within sixty days after Polling Day the secretary and treasurer of each political party must give the Chief Electoral Officer a detailed statement of the electoral expenses incurred by their party during the election.⁸¹ This figure, along with details of the amount each Candidate spent, is published by the Chief Electoral Officer in a public document titled the General Election

Statement of Votes.⁸²

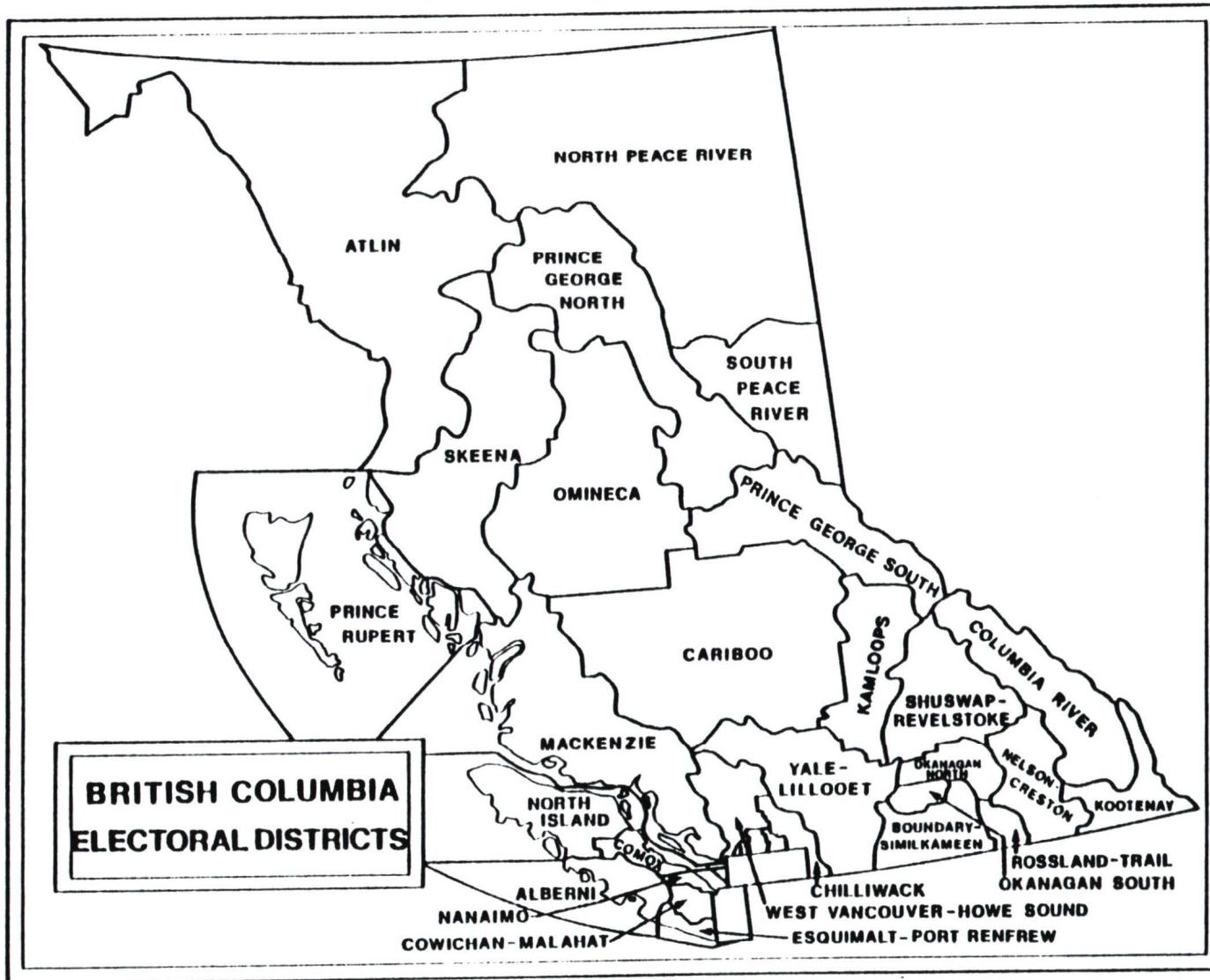
ELECTORAL DISTRICTS AND REPRESENTATION

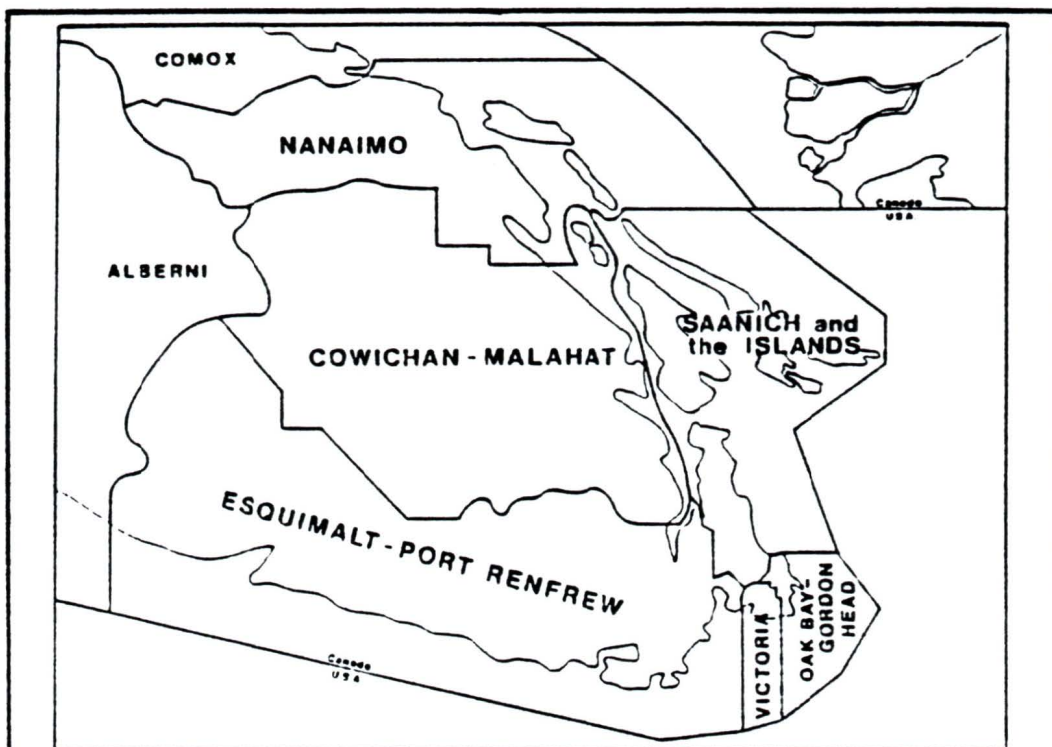
British Columbia is divided into fifty-two Electoral Districts which currently return a total of sixty-nine members at an election.⁸³ Voters in thirty-five of these constituencies elect one member. The remaining seventeen ridings are represented by two members apiece.

In the dual-member constituencies voters are permitted to cast two votes at a provincial election. This clearly contradicts the democratic principle of "one man - one vote" employed in all single member ridings. As was discussed in the previous chapter, British Columbia is the only Canadian jurisdiction that has retained a combination of single-member and dual-member constituencies.

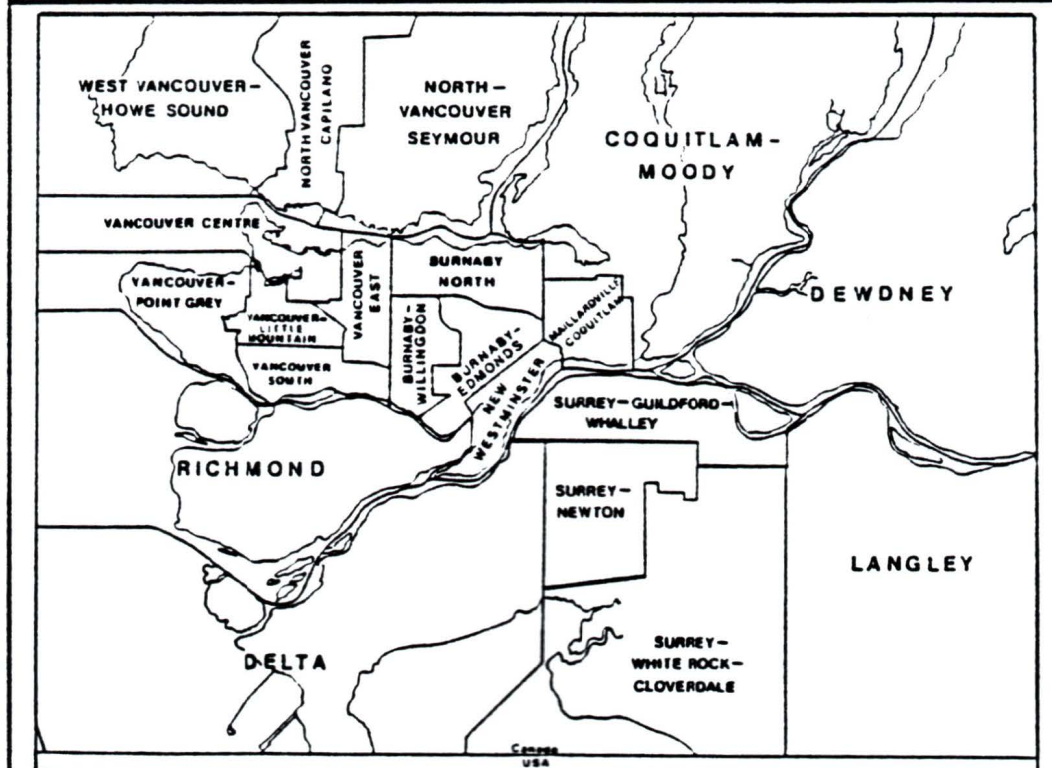
Maps appearing as figures 4 and 5 depict B.C.'s current electoral boundaries. Tables 19, 20 and 21 show the number of voters registered within each district, the estimated population of each district (as determined for calculations in the most recent redistribution), the average number of constituents per MLA, and the range of variance in these figures. The tables indicate that the population per Electoral District and the population per representative varies greatly, whether measured in terms

FIGURE 4





LOWER VANCOUVER ISLAND ELECTORAL DISTRICTS



LOWER MAINLAND ELECTORAL DISTRICTS

FIGURE 5

<u>B.C. STATISTICS</u>	Number of	Population
	Registered	Estimate
<u>Electoral District</u>	<u>Voters 86/07</u>	<u>84/08</u>
Alberni	16,636	32,226
Atlin	2,672	6,503
Boundary-Similkameen	36,565	66,049
Burnaby-Edmonds	24,847	42,881
Burnaby North	32,026	55,777
Burnaby-Willingdon	27,120	43,902
Cariboo	30,016	65,170
Central Fraser Valley	34,482	64,269
Chilliwack	27,567	49,695
Columbia River	12,553	23,390
Comox	34,077	59,447
Coquitlam-Moody	36,536	62,422
Cowichan-Malahat	25,512	45,909
Delta	42,292	75,932
Dewdney	36,438	65,892
Esquimalt-Port Renfrew	34,692	60,061
Kamloops	41,780	78,465
Kootenay	19,487	41,171
Langley	35,395	65,169
Mackenzie	21,357	38,788
Maillardville-Coquitlam	28,380	49,205
Nanaimo	39,647	70,193
Nelson-Creston	20,840	40,130
New Westminster	23,746	40,638
North Island	24,848	49,689
North Peace River	13,363	30,631
North Vancouver-Capilano	29,631	50,757
North Vancouver-Seymour	29,625	50,506
Oak Bay-Gordon Head	30,388	45,456
Okanagan North	27,887	52,499
Okanagan South	49,325	81,656
Omineca	12,904	31,078
Prince George North	18,710	40,540
Prince George South	23,718	51,266
Prince Rupert	10,993	25,313
Richmond	59,177	102,357
Rossland-Trail	18,387	34,443
Saanich and the Islands	47,358	72,673
Shuswap-Revelstoke	29,574	54,571
Skeena	20,056	47,100
South Peace River	13,795	27,612
Surrey-Guildford-Whalley	30,510	59,786
Surrey-Newton	30,890	61,477
Surrey-White Rock-Cloverdale	36,410	59,729
Vancouver Centre	44,021	91,741
Vancouver East	44,090	90,784
Vancouver-Little Mountain	47,253	81,933
Vancouver-Point Grey	46,523	75,272
Vancouver South	48,226	85,894
Victoria	51,843	81,399
West Vancouver-Howe Sound	31,278	54,618
Yale-Lillooet	17,728	36,235
TOTALS	1,573,292	2,870,300

TABLE 19

B.C. VOTER REPRESENTATION	Number of Registered Voters per Rep.	Registered Voters as Percent of Average
Electoral District	Reps.	
Atlin	1	2,672
Prince Rupert	1	10,993
Columbia River	1	12,553
Omineca	1	12,904
North Peace River	1	13,363
South Peace River	1	13,795
Cariboo	2	15,008
Alberni	1	16,636
Central Fraser Valley	2	17,241
Langley	2	17,698
Yale-Lillooet	1	17,728
Dewdney	2	18,219
Boundary-Similkameen	2	18,283
Rossland-Trail	1	18,387
Prince George North	1	18,710
Kootenay	1	19,487
Nanaimo	2	19,824
Skeena	1	20,056
Nelson-Creston	1	20,840
Kamloops	2	20,890
Delta	2	21,146
Mackenzie	1	21,357
Vancouver Centre	2	22,011
Vancouver East	2	22,045
Vancouver-Point Grey	2	23,262
Vancouver-Little Mountain	2	23,627
Saanich and the Islands	2	23,679
Prince George South	1	23,718
New Westminster	1	23,746
Vancouver South	2	24,113
Okanagan South	2	24,663
Burnaby-Edmonds	1	24,847
North Island	1	24,848
Cowichan-Malahat	1	25,512
Victoria	2	25,922
Burnaby-Willingdon	1	27,120
Chilliwack	1	27,567
Okanagan North	1	27,887
Maillardville-Coquitlam	1	28,380
Shuswap-Revelstoke	1	29,574
Richmond	2	29,589
North Vancouver-Seymour	1	29,625
North Vancouver-Capilano	1	29,631
Oak Bay-Gordon Head	1	30,388
Surrey-Guildford-Whalley	1	30,510
Surrey-Newton	1	30,890
West Vancouver-Howe Sound	1	31,278
Burnaby North	1	32,026
Comox	1	34,077
Esquimalt-Port Renfrew	1	34,692
Surrey-White Rock-Clvdlle	1	36,410
Coquitlam-Moody	1	36,536
TOTAL	69	AVERAGE 22,801

(Dauer-Kelsay Malapportionment Index = 39.9)

TABLE 20

B.C. POPULATION REPRESENTATION Electoral District	Number of Reps.	Estimated Population per Rep.	Population as Percent of Average
Atlin	1	6,503	15.63
Columbia River	1	23,390	56.23
Prince Rupert	1	25,313	60.85
South Peace River	1	27,612	66.38
North Peace River	1	30,631	73.63
Omineca	1	31,078	74.71
Central Fraser Valley	2	32,135	77.25
Alberni	1	32,226	77.47
Cariboo	2	32,585	78.33
Langley	2	32,585	78.33
Dewdney	2	32,946	79.20
Boundary-Similkameen	2	33,025	79.39
Rossland-Trail	1	34,443	82.80
Nanaimo	2	35,097	84.37
Yale-Lillooet	1	36,235	87.11
Saanich and the Islands	2	36,337	87.35
Vancouver-Point Grey	2	37,636	90.47
Delta	2	37,962	91.26
Mackenzie	1	38,788	93.24
Kamloops	2	39,233	94.31
Nelson-Creston	1	40,130	96.47
Prince George North	1	40,540	97.45
New Westminster	1	40,638	97.69
Victoria	2	40,700	97.84
Okanagan South	2	40,828	98.15
Vancouver-Little Mountain	2	40,967	98.48
Kootenay	1	41,171	98.97
Burnaby-Edmonds	1	42,881	103.08
Vancouver South	2	42,947	103.24
Burnaby-Willingdon	1	43,902	105.54
Vancouver East	2	45,392	109.12
Oak Bay-Gordon Head	1	45,456	109.27
Vancouver Centre	2	45,871	110.27
Cowichan-Malahat	1	45,909	110.36
Skeena	1	47,100	113.22
Maillardville-Coquitlam	1	49,205	118.28
North Island	1	49,689	119.45
Chilliwack	1	49,695	119.46
North Vancouver-Seymour	1	50,506	121.41
North Vancouver-Capilano	1	50,757	122.01
Richmond	2	51,179	123.03
Prince George South	1	51,266	123.24
Okanagan North	1	52,499	126.20
Shuswap-Revelstoke	1	54,571	131.18
West Vancouver-Howe Sound	1	54,618	131.30
Burnaby North	1	55,777	134.08
Comox	1	59,447	142.90
Surrey-White Rock-Clydle	1	59,729	143.58
Surrey-Guildford-Whalley	1	59,786	143.72
Esquimalt-Port Renfrew	1	60,061	144.38
Surrey-Newton	1	61,477	147.78
Coquitlam-Moody	1	62,422	150.06
TOTAL	69	AVERAGE 41,599	

TABLE 21

of registered voters or numbers of residents. It is not difficult to demonstrate that the principles of "representation by population" and "one vote - one value" are weakly applied in British Columbia.

British Columbia's Constitution Act specifies the frequency and method by which redistribution (also called redistricting or reapportionment) of the province's Electoral District boundaries takes place, and determines the number of representatives to be elected in each riding.

The Permanent Electoral Commission:

It is the function of a legislated electoral commission to recommend changes in Electoral District boundaries and representation, via the Provincial Secretary, to the Legislative Assembly. The commission, created by an amendment to the Constitution Act in 1984, has three members: the Chief Electoral Officer, the Clerk of the Legislative Assembly and a Provincial Court Judge. It must submit a report every six years, or, if two general elections occur before six years pass, after the second general election.⁸⁴

The commission's report must review questions of population and representation according to a specific and complex formula (created by the 1984 Constitution Act amendment). The formula essentially freezes the

boundaries of British Columbia's electoral map as they were defined by a 1978 redistribution. The formula does not allow the commission to make a recommendation about the representation or the boundaries of any district unless its "electoral base" is exceeded by sixty percent. The calculation of the electoral base figure for each district is complicated by the fact that the formula defines separate percentage quotas for eight different types of constituencies.⁸⁵

When a dual-member constituency exceeds its formulated maximum, the commission must recommend a way to divide that district internally into three new districts of "approximately equal population" that will return one member each.⁸⁶ If single-member ridings exceed their assigned electoral base by more than sixty percent, the electoral commission must recommend the addition of a second member.

In its first review the commission found it necessary to recommend that eleven single-member districts be transformed into dual-member constituencies⁸⁷ and that one dual-member riding be divided into three single-member districts.⁸⁸ Unless it is directed by a resolution of the Legislative Assembly or a cabinet order, the commission cannot recommend that representation levels be reduced in any existing district. This is so even if the

population of a constituency has dropped more than sixty percent below its formulated base. Because it was not directed to recommend methods of addressing population inequities between representatives, a considerable amount of malapportionment was evident after the commission had applied its formula (see Table 20). Calculating the Dauer-Kelsay index of malapportionment shows that less than forty percent of the eligible voting population could (theoretically) elect a majority government of thirty-five members in the next election.

The first report of the electoral commission was submitted to the Provincial Secretary in the Fall of 1984. The recommendations it made were accepted by the legislature, without changes, several months later.⁸⁹

SUMMARY

The innovations introduced in the 1982 and 1984 amendments to the Election Act, and the Electoral Commission established by the 1984 change to the Constitution Act are now an integral part of the electoral process in British Columbia.

Registration of voters, while still available on a continuous basis, is now updated periodically through regularized enumerations. For those who neglect or are unable to register before polling day, the 'open' list

ensures that they are not disfranchised. Candidates have one of the shortest campaign periods in the country and, unlike in most other jurisdictions, are able to obtain and use a current voters list almost immediately after the election is called.

For those electors who are unable to attend their regular polling place on the day of the election, a longer Advance Poll period and the availability of Early Voting in the Returning Office make the ballot more accessible.

The method by which representation levels are established and the way boundaries of electoral districts are to be modified is now clearly set out by a legislated formula. It is possible in B.C. for anyone with a calculator and current population statistics to predict with a high degree of accuracy the results of the Electoral Commission's deliberations. Whereas the step toward establishing an independent body to review boundaries and representation is significant, the problems of rural over-representation and bloc-voting in multi-member districts cannot be addressed by the commission.

In the past four years British Columbia's administration appears to have renewed its interest in innovations of electoral law. Prior to 1982, B.C. did not modify its electoral process in any substantive way for

more than three decades. We will now turn our attention to the innovation activity and occurrences of policy adoption in all ten provinces, two territories and federal jurisdictions.

Notes

Chapter 4

¹ Currently the Election Act, R.S.B.C. 1979, chap. 103 (as amended); first version was the Provincial Elections Act, R.S.B.C. 1897, chap. 67.

² Provincial Voters Act, C.A.B.C. 1888, chap. 38; Election Regulation Act, C.A.B.C. 1888, chap. 39; Provincial Controverted Elections Act, C.A.B.C. 1888, chap. 40; Legislative Electorates and Elections Act, 1894, S.B.C. 1894, chap. 26.

³ Provincial Elections Act, S.B.C. 1953, chap. 5. When it enacted an earlier version of this legislation (S.B.C. 1947, chap. 28) British Columbia adopted a "quasi-Australian" electoral system. The Act implemented a continuous type of voters list, but without the components of compulsory registration and voting used in Australia.

⁴ Election Amendment Acts as follows: S.B.C. 1984, chap. 5; S.B.C. 1982, chap. 48; S.B.C. 1966, chap. 45; S.B.C. 1953, chap. 5; S.B.C. 1952, chap. 3; S.B.C. 1949, chap. 19; S.B.C. 1948, chap. 20.

⁵ Constitution Act, S.B.C. 1985, chap. 62. For a full discussion of British Columbia's constitutional history in the colonial period see James E. Hendrickson, "The Constitutional Development of Colonial Vancouver Island and British Columbia," in British Columbia Historical Readings, eds. W. Peter Ward and Robert A. J. McDonald (Vancouver: Douglas and McIntyre, 1981), pp. 245-274.

⁶ Special committees on redistribution were established in 1938, 1953, 1954, 1955.

⁷ Since 1897, temporary electoral commissions were established in the years 1914, 1965, 1975, 1978, and 1982. They were all appointed under the Inquiry Act (previously titled the Public Inquiries Act) and prepared reports that were tabled in the Legislative Assembly.

⁸ Constitution Amendment Act, 1984, S.B.C. 1984, chap. 12.

⁹ Redistributions (Constitution Act amendments) took place in 1902 (chap. 58), 1915 (chap. 14), 1916 (chap. 14), 1923 (chap. 6), 1932 (chap. 8), 1934 (chap. 15), 1938 (chap. 8), 1955 (chap. 11), 1966 (chap. 11), 1978 (chap. 14), and 1985 (chap. 3). As is discussed later in the chapter, the 1985 redistribution altered the electoral map in only one of the constituencies defined by the 1978 redistribution.

¹⁰ Election Act, Sec. 40 and Schedule, Form 1.

¹¹ Constitution Act, S.B.C. 1985, chap. 62., sec. 55(3)

¹² Election Act, Sec. 40, 129.

¹³ Disregarding the successive elections in 1952/53, British Columbia provincial elections have been called, on average, every three and a half years since 1928. Writs of election were issued on the following dates: June 7, 1928; September 13, 1933; April 14, 1937; September 9, 1941; August 31, 1945; April 16, 1949; April 10, 1952; April 10, 1953; August 13, 1956; August 3, 1960; August 22, 1963; August 5, 1966; July 21, 1969; July 24, 1972; November 3, 1975; April 3, 1979 and April 7, 1983.

¹⁴ Election Act, Sec. 42.

¹⁵ Election Act, Sec. 1(1), 11(1).

¹⁶ Election Act, Sec. 1(1,4), 54.

¹⁷ Election Act, Sec. 60(2).

18 Election Act, Sec. 114.1(3).

19 Election Act, Sec. 114(4).

20 Election Act, Sec. 1(1), 43, 89.

21 Election Act, Sec. 122.

22 Election Act, Sec. 121(1), 122(1, 9).

23 Election Act, Sec. 22-28.

24 Election Act, Sec. 12.

25 Election Act, Sec. 17.

26 Election Act, Sec. 5(2), 6, 22.

27 Election Act, Sec. 5(5,6), 6.

28 The concurrent appointment of the Deputy Chief Electoral Officer as Deputy Registrar General of Voters began on August 1, 1984.

29 L. P. Lean, "History of the Government Agent," Government Agency Headquarters office document, Victoria, British Columbia. Copy provided courtesy Peter Bray, Financial Manager of Government Agencies.

30 Telephone interview with Peter Bray, Financial Manager of Government Agencies, Victoria, British Columbia, June 10, 1986.

31 Election Act, Sec. 17.

32 In the Victoria, Vancouver and Lower Mainland areas, the Registrars of voters are also Voter Registry Co-ordinators. Together they are responsible for the maintenance of more than 1,200,000 voter registrations.

33 Election Act, Sec. 34.

34 Election Act, Sec. 49-52.

35 Election Act, Sec. 114(5, 6), 114.1(4).

36 Election Act, Sec. 90(2).

37 Election Act, Sec. 68, 105(1).

38 Election Act, Sec. 80.

39 Chief Electoral Office, "Returning Officer Instructions," (Victoria: Queen's Printer, 1986), p.7.

40 Interview with Linda M. Moodley, Finance and Personnel Manager, Elections British Columbia, on May 30 1986.

41 Election Act, Secs. 150, 151.

42 Interview with Harry M. Goldberg, Chief Electoral Officer and Registrar General of Voters for British Columbia, on June 26, 1986. The ten political parties active in British Columbia are: B.C. Social Credit Party, The Communist Party of Canada, The Green Party Political Association of B.C., The Liberal Party of B.C., Libertas Party of British Columbia, Magaforce Party, New Democratic Party of B.C., Progressive Conservative Party of British Columbia, Western Canada Concept, Western National Party.

43 Election Act, Sec. 2(1).

44 Election Act, Sec. 3(1)(b,c).

45 Election Act, Sec. 3(1)(a), 161, 162, 163.

46 Election Act, Sec. 17(1).

47 Correspondence with Dr. F. Douglas Herman,
Director of Population and Social Statistics Branch,
Victoria, British Columbia, February, 1986.

48 Information about the electoral methods employed
by Elections British Columbia were gained by the author in
his full-time employment with the agency during the period
May, 1982 - September, 1985.

49 Election Act, Sec. 114.1(3), and Interpretation
Act, R.S.B.C. 1979, chap. 206, secs. 25, 29.

50 Interview with Robert A. Patterson, Deputy Chief
Electoral Officer and Deputy Registrar General of Voters
for British Columbia, on October 28, 1985.

51 Election Act, Sec. 115(1), 118(1).

52 Election Act, Sec. 117(1).

53 Election Act, Sec. 38(4), 101(2).

54 Election Act, Sec. 103(1,2).

55 Election Act, Sec. 103(4).

56 Election Act, Sec. 119.

57 Election Act, Sec. 121(1), 122(1)(f).

58 Election Act, Sec. 119(5-8).

59 "Returning Officer Instructions," pp. 30-31.

60 Election Act, Sec. 122(1)(d,e).

61 Election Act, Sec. 122(1)(c).

62 Election Act, Sec. 119(3), 122(1)(d)

63 Election Act, Sec. 122(1)(g)

64 Election Act, Sec. 130(1).

65 Election Act, Sec. 135(1).

66 Election Act, Sec. 136.

67 In the 1983 British Columbia election there were a total of 224 Candidates officially nominated. Only 18 (8%) of these ran as 'independents.' No independents were elected to the Legislative Assembly.

68 Election Act, Sec. 56(1). In one Electoral District (Atlin), Candidates need only collect twenty-five valid signatures on their Nomination Paper, because the district has fewer than 10,000 voters.

69 Election Act, Sec. 56(1.1,3,4).

70 Election Act, Sec. 54.

71 Election Act, Sec. 55.

72 Election Act, Sec. 86(7).

73 Election Act, Sec. 56(5).

74 Election Act, Sec. 164.

75 Election Act, Sec. 67(1).

76 Election Act, Sec. 67(3).

77 Election Act, Sec. 168.

78 Financial Disclosure Act, R.S.B.C. 1979, chap. 130, Sec. 2(1).

79 Election Act, Sec. 173.

⁸⁰ Telephone interview with Alan Carver, British Columbia Director of Income Taxation and Commissioner of Income Tax, May 31, 1986, Victoria.

⁸¹ Election Act, Sec. 176(1).

⁸² British Columbia Chief Electoral Officer, Statement of Votes, (Victoria: Queen's Printer, 1975, 1979, 1983). The Statements of Votes for 1949, 1952, 1953, 1956, 1960, 1966, and 1969 do not show returns of Candidate and Political Party expenses.

⁸³ At the time of this initial writing there were fifty Electoral Districts represented in the British Columbia Legislature by a total of fifty-seven members. The amendments to the Constitution Act, which created the additional ridings and seats, came into effect on September 24, 1986 when the 33rd Legislative Assembly was dissolved -- Writ Day.

⁸⁴ Constitution Act, Sec. 19.4.

⁸⁵ The constituencies are categorized into the following types, each with named percentages varying between eighty and two hundred percent: 1) Mainland Metropolitan, 2) Island Metropolitan, 3) Mainland Suburban, 4) Mainland Urban-Rural, 5) Island Urban-Rural, 6) Mainland Interior-Coastal, 7) Island Interior-Coastal, 8) Mainland Remote.

⁸⁶ Election Act, Sec. 19.3(4)(b)

⁸⁷ The single-member ridings that are to become dual-member ridings at the next election are 1) Boundary-Similkameen, 2) Cariboo, 3) Central Fraser Valley, 4) Delta, 5) Dewdney, 6) Kamloops, 7) Langley, 8) Nanaimo, 9) Okanagan South, 10) Richmond, 11) Saanich and the Islands.

⁸⁸ Surrey was divided into 1) Surrey-Whalley-Guildford, 2) Surrey Newton, 3) Surrey- White Rock-Cloverdale.

⁸⁹ Constitution Amendment Act, 1985, S.B.C. 1985, chap. 3. Tabled as Bill 47, Legislative Assembly of British Columbia, 33rd Parliament, 3rd Session. Passed Third Reading on February 19, 1985.

CHAPTER FIVE

INTER-JURISDICTIONAL DIFFUSION OF ELECTORAL POLICIES

This chapter will apply the diffusion hypotheses developed by public policy researchers to the author's research findings about recent changes in Canadian electoral laws. Chapter two discussed the models political scientists have offered to explain the spread of similar new policies from one jurisdiction to another. An overview of Canadian electoral law innovations was provided by chapter three. The previous chapter indicated the significance of the various innovations by examining the details of British Columbia's electoral process.

Research for this chapter was undertaken using two primary methods. First, an analysis was made of the legislative enactments of ten innovations adopted by Canadian jurisdictions since 1970 to determine the extent of diffusion, the timing of adoption, and the content of emulated legislation. Second, a questionnaire was distributed to the Chief Electoral Officers in all thirteen Canadian jurisdictions asking their opinions on policy change in electoral law.

With a view to supplementing the survey results, the author accepted an invitation to attend the 1986 convention of the professional association of Canadian

election officials.¹ The conference provided valuable information about current electoral policy issues, and gave the author the opportunity to speak casually with delegates on the topic of change in electoral law. These informal discussions accorded an additional understanding of influences electoral policy experts consider important to the content of new policy in their field.

INNOVATION DIFFUSION - A STATUTORY ANALYSIS

In an effort to determine the nature of the diffusion process for electoral policy innovation, ten policies that were adopted by more than one jurisdiction since the time of Qualter's study were examined in detail. The results of this research are summarized in Appendices 'A' and 'B.' Appendix 'A' identifies the innovations adopted by each jurisdiction in the 1970-86 period and provides reference to the originating statutes in which the policies were implemented.² Appendix 'B' shows the early, recent, and non-adopters for each of the ten innovations studied. For the sake of brevity in the discussion that follows, the various innovations will generally be referred to by number (e.g. No. 6). The policy adoptions and their corresponding numbers are:

1. Canadian Citizenship Qualification
2. Reduction in Voter Age Qualification

3. Equalizing Candidate and Voter Age Qualifications
4. 'Open' Voters Lists
5. Limitations on Candidate Expenditures
6. Re-imburement of Candidate Expenditures
7. Regular Electoral Map Revision by Independent Boundary Commissions
8. Elimination of Multi-member Districts
9. Absentee and/or Proxy Voting Provisions
10. Early Voting

To measure and compare the levels of electoral policy innovativeness existing within each jurisdiction, figures on early, recent and non-adoptions were compiled. Table 22 shows the results of this rough 'score' of innovativeness based on the ten policy adoptions examined in the statute search. While this score cannot be considered conclusive in any statistical sense, it does provide a measure of each jurisdiction's receptiveness to change in its electoral laws based on a diverse range of electoral policy innovations.

In the sample of policy innovations examined, Manitoba leads in the total number of innovations introduced, followed closely by Saskatchewan and Canada. However, a closer examination of the adoption data reveals aspects of the "issue-and-time-specific" problem that Gray noted about Walker's measures of innovativeness.³ While Manitoba has approximately equal innovations in each time period (pre-'70 and '70-'86), and appears to be a consistent innovator in terms of total adoptions, it has

INNOVATION SCORES

<u>Jurisdiction</u>	<u>Total # Adoptions</u>	<u>Pre- 1970</u>	<u>1970- 1986</u>	<u>Non- Adoptions</u>
Canada	9	3	6	1
Yukon*	N/A	N/A	3	N/A
Northwest Territories	N/A	N/A	4	N/A
British Columbia	6	3	3	4
Alberta	7	4	3	3
Saskatchewan	9	4	5	1
Manitoba	10	5	5	0
Ontario	7	3	4	3
Quebec	7	6	1	3
New Brunswick	8	1	7	2
Nova Scotia	7	4	3	3
Prince Edward Island	4	2	2	6
Newfoundland	5	1	4	5

* - The Northwest and Yukon Territories cannot properly be assigned cumulative scores because their adoptions of innovations only became possible after they attained independence in 1975 and 1979 respectively.

TABLE 22

not been a particularly early innovator during the past sixteen years. Canada was the first jurisdiction to introduce five innovations adopted in the period 1970-86 (Nos. 1,5,6,9,10), during which period Manitoba introduced the same five innovations but was fifth to do so in three cases, and held fourth and sixth positions for the other two adoptions. Saskatchewan, by comparison, immediately followed Canada's lead when it introduced three of these innovations (Nos. 1,5,6). In two cases (Nos. 5,6) the adoption occurred within four months of Canada's implementation.

Alberta, Ontario, Quebec, New Brunswick, and Nova Scotia all have fairly high adoption scores, with New Brunswick indicated as the most innovative overall in the period 1970-86. Its seven adoptions in this period were generally in the fourth position of emulation (Nos. 1,2,4,5,6), although it was second to introduce two new policies (Nos. 8,9). Ontario has been somewhat erratic in its adoptions of electoral innovations, at times accepting them quickly (Nos. 2,5,6) and at other times slowly (No. 1). It appears that Quebec has virtually 'stalled' in recent years, even though it has the highest score for the pre-1970 period. However, it should be remembered that Quebec was the first (and only) jurisdiction to introduce non-partisan appointment of Returning Officers. As was

noted in chapter three, this is the most significant electoral policy 'invention' of recent years.

British Columbia, Prince Edward Island and Newfoundland have the lowest overall adoption scores. Newfoundland has introduced four of its total of five innovations during the past sixteen years and was the first to adopt two (Nos. 3,8) in the 1970-86 period. However, these two innovations were already established in other parts of the nation. For nearly thirty years British Columbia was consistently slow to innovate. It has, however, recently broken this pattern with its adoption of one of the newest innovations (No. 10) in Canadian electoral law. Prince Edward Island has been a 'laggard' in introducing electoral policy innovations but was an early adopter of 'open' voters lists (No. 4) which have yet to be introduced in four jurisdictions.

No clear patterns of adoption are immediately evident. Electoral policy innovators identified in one time period do not always appear as innovators in another. Newer policy innovations are sometimes quickly accepted by jurisdictions who have been slow to adopt earlier innovations. High adoption scores do not correlate to early instances of innovation, and a tendency to be first to introduce a new policy is not always indicative of a high overall innovation score. Many of

the innovations examined, although first introduced more than thirty years ago, have not diffused to every jurisdiction.

Regional Influences:

Although obvious patterns of diffusion do not seem apparent, they may be masked by regional innovation influences. Chapter two reviewed the arguments of Walker and Sharkansky⁴ regarding a prevalence of regional interaction and the tendencies for innovations to be diffused through a two-step process; first within regions and then between regional leaders.

In the Atlantic provinces there appears to be great variation in the number of innovations each has adopted, and wide disparity in the types of new policies implemented. Newfoundland, for example, established an independent boundaries commission (No. 7) in 1973, but none of the other Atlantic provinces followed suit. New Brunswick, a clear regional leader in 1970-86 innovation adoptions, only recently provided for an 'open' voters list (No. 4), although this innovation had been accepted in Nova Scotia and Newfoundland since the 1960s. Multi-member electoral districts were abandoned in the early 1970s by Newfoundland and New Brunswick, but not by Nova Scotia until 1981. Prince Edward Island still

maintains its system of dual-member ridings (No. 8).

Nova Scotia, New Brunswick, and Newfoundland all reduced their voter age qualifications within fourteen months of one another, but this policy was simultaneously introduced in Ontario, Alberta and nationally (No. 2). Nova Scotia was an early leader in the field of election finance control but New Brunswick has been the only other province within the region to emulate Nova Scotia in this regard (Nos. 5,6).

In central Canada (Ontario, federal and Quebec) the patterns have been no more distinct. While Ontario has implemented many of the innovations introduced by Canada (Nos. 1,2,5,6) during the 1970-86 period, it has not always been quick to do so. For example, Canadian citizenship as a qualification for voting (No. 1) was introduced in Ontario fourteen years after Canada implemented the policy. In the pre-1970 period Quebec adopted most of the innovations Canada and Ontario subsequently emulated (Nos. 1,2,3,5,6,8). However, Quebec has not yet adopted any type of proxy or absentee voting method, or provided for Early Voting in the Returning Office. Although all three jurisdictions have similarly failed to implement completely 'open' voters lists, their policies regarding access to late voter registration differs. Whereas Quebec has a completely 'closed' list,

Ontario allows registration until the day before polling, and Canada permits rural voters to register on polling day.

In the Western region, Manitoba and Saskatchewan provide some evidence of convergence in their adoptions of electoral policy innovation, but this tendency has not spread to Alberta and British Columbia. Whereas extensive election finance control has been implemented in Saskatchewan and Manitoba, Alberta has not limited expenditures or re-imbursed candidates (Nos. 5,6), and British Columbia has avoided introducing any financial controls beyond election expense disclosure. Manitoba and Alberta led the country in adoptions of independent boundary commissions, but in the West only Saskatchewan has accepted a similar principle of redistribution. Because British Columbia's re-apportionment policy is tied to use of a combination of single-member and dual-member ridings, it cannot readily be copied elsewhere.

Within the study sample, both Saskatchewan and Manitoba have adopted a large number of innovations. Currently Manitoba is the country's most advanced jurisdiction in terms of the electoral policy innovations it has adopted. Were Saskatchewan to introduce the Early Voting process, it would mirror Manitoba's electoral law features.

The Yukon and Northwest Territories are new players in

the electoral policy field. It is only in the last decade that the territories have been granted authority to establish fully elected Legislative Assemblies. Consequently, the history of development in their electoral process is very brief. Although their electoral legislation has been heavily influenced by the federal statute used in previous elections, each jurisdiction is now placing some of its own values into its election laws. The Yukon has added the provision of an absentee postal vote for the disabled and for electors in remote locations, and the Northwest Territories have 'opened' their voters lists for the convenience of unregistered voters.

Except for some striking similarities between Saskatchewan and Manitoba, there are no obvious regional patterns of innovation adoption. Electoral policy innovations are essentially random in their appearance when spreading from one jurisdiction, or region, to another.

National Policy Leadership:

As reviewed in chapter two, a number of policy analysts regard the diffusion process to be most influenced by the leadership of one agency in the policy field and not by regional or national pressures.

In Canadian electoral policy one jurisdiction seems to have led the way in introducing electoral policy innovations in the 1970-86 period. The federal administration, for fully half of the innovations examined (Nos. 1,5,6,9,10), was first to adopt new legislation. This leadership pattern is a change from the pre-1970 period in which Quebec was the leading innovator (Nos. 1,2,5,6).

It is conceivable that new electoral policies would tend to gain acceptance more readily once they were implemented on a national scale and 'tested' for public and political acceptance during a federal election. However, it is difficult to tie subsequent adoptions in other jurisdictions to federal demonstrations of their feasibility, as some innovations spread quite slowly (Nos. 1,7,8) while others diffused at a comparatively rapid rate (Nos. 5,6,9,10).

Avoidance of Plagiarism:

In the review of literature on policy diffusion it was suggested by various researchers that policy tended to be similar when it was emulated by subsequent governments and, in many cases, was copied with identical (sometimes word-for-word) legislation by the adopters.⁵

In the examination of recent Canadian electoral policy

innovations no obvious instances of legislative copying were detected in the spread of 'new' electoral legislation between the jurisdictions. Election statutes tend to be long, complex, technically worded documents. The legal draughtspersons in each jurisdiction maintain different standards regarding structure, clarity, reference to related sections, and the precision with which terms of the electoral process are defined. It is clear that Legislative Counsel for the respective administrations carefully tailor any legislative features identified to them in 'foreign' election documents, and ensure that any adoptions of electoral law innovations properly fit the statute they are being imported to.

It is also evident that changes of substance occur in the re-drafting process. The differences in the hours of operation and methods of ballot casting in Early Voting (No. 10) (which is currently spreading from jurisdiction to jurisdiction) provide good examples of adaptation after adoption. Likewise proxy voting, absentee balloting, and candidate expense limitations all show evidence of policy customization and enhancement as they spread from one jurisdiction to another.

The Influence of a New Governing Party:

It has been suggested that changes in government might

correspond to an implementation of large numbers of innovations.⁶ It is plausible that the need to address perceived inadequacies might predispose a new party in power to implement changes to electoral laws before another election. As well, the different ideological values of the parties forming governments could demand the introduction of certain types of electoral policy innovations.

Table 23 lists the time periods different parties formed national and provincial governments in the 1970-86 period⁷ and shows the innovation score breakdown for each jurisdiction. Weak patterns of innovation adoption are evident in a comparison of the dates new parties came to power and the times at which electoral process innovations were implemented. Electoral boundary commission legislation was introduced by the newly-elected governments of Newfoundland (Conservative), Saskatchewan (NDP), and Quebec (Liberal). The federal Liberal party and the Ontario Conservatives did not make their electoral reforms until late in their periods of office. In Alberta a newly-elected Conservative government implemented a lowered voting age before its first re-election, but did not implement other amendments until its second term. The New Brunswick Conservative government has been consistent in introducing innovations after each re-election since

GOVERNING PARTIES
1970-1986

<u>Jurisdiction/ Adoption Score</u>	<u>Time Period</u>	<u>Party in Power</u>
Canada (9)	April, 1963/ June, 1979	Liberal
(pre-'70=3)		
('70-'86=6)	June, 1979/ March, 1980	Conservative
	March, 1980/ September, 1984	Liberal
	September, 1984/ present	Conservative
British Columbia (6)	August, 1952/ August, 1972	Social Credit
(pre-'70=3)	August, 1972/ December, 1975	New Democratic Party
('70-'86=3)	December, 1975/ present	Social Credit
Alberta (7)	December, 1968/ present	Conservative
(pre-'70=4)		
('70-'86=3)		
Saskatchewan (9)	May, 1964/ June, 1971	Liberal
(pre-'70=4)		
('70-'86=5)	June, 1971/ May, 1982	New Democratic Party
	May, 1982/ present	Conservative

GOVERNING PARTIES
1970-1986
(cont'd)

<u>Jurisdiction/ Adoption Score</u>	<u>Time Period</u>	<u>Party in Power</u>
Manitoba (10) (pre-'70=5) ('70-'86=5)	July, 1969/ November, 1977	New Democratic Party
	November, 1977/ November, 1982	Conservative
	November, 1982/ present	New Democratic Party
Ontario (7) (pre-'70=3) ('70-'86=4)	August, 1943/ June, 1985	Conservative
	June, 1985/ present	Liberal
Quebec (7) (pre-'70=6) ('70-'86=1)	April, 1970/ November, 1976	Liberal
	November, 1976/ November, 1985	Parti Quebecois
	November, 1985/ present	Liberal
New Brunswick (8) (pre-'70=1) ('70-'86=7)	July, 1960/ November, 1970	Liberal
	November, 1970/ present	Conservative
Nova Scotia (7) (pre-'70=4) ('70-'86=3)	November, 1967/ November, 1984	Liberal
	November, 1984/ present	Conservative

GOVERNING PARTIES
1970-1986
(cont'd)

<u>Jurisdiction/ Adoption Score</u>	<u>Time Period</u>	<u>Party in Power</u>
Prince Edward Island (4)	August, 1935/ May, 1979	Liberal
(pre-'70=2) ('70-'86=2)	May, 1979/ April, 1986	Conservative
	April, 1986/ present	Liberal
Newfoundland (5)	April, 1949/ January, 1972	Liberal
(pre-'70=1) ('70-'86=4)	January, 1972/ present	Conservative

TABLE 23

coming into power in 1970.

New Democratic Party governments in Saskatchewan and Manitoba introduced all but one of their innovations in the 1970-86 period. Three innovations (Nos. 1,5,6) implemented by Saskatchewan were emulated by the Manitoba NDP administration within a year of its return to power nearly a decade later. However, it cannot be suggested that NDP governments are leaders in innovation. All of the innovations introduced by the Manitoba and Saskatchewan NDP administrations were previously enacted elsewhere in the country by Liberal or Conservative

governments. When the NDP formed the government in British Columbia (1972-75) they failed to effect any changes in provincial electoral laws.

In some jurisdictions the adoptions shown in Appendix 'A' appear to cluster around certain implementation dates. There is a tendency, it would appear, for electoral process innovations to be combined. Such combinations are the result of the tie between electoral law changes and a particular political cycle. Opportunities for change to electoral policy rarely occur more than once between elections.

CHIEF ELECTORAL OFFICERS' QUESTIONNAIRE

In order to gain a more detailed perspective on the phenomenon of policy diffusion in the Canadian electoral process, the author prepared and sent a questionnaire to every Chief Electoral Officer (CEO) in the country.⁸ The questions asked of the CEOs (reproduced in Appendix 'C') touch on many aspects of the diffusion process. The top administrators of Canadian electoral agencies proved a very co-operative survey group, providing a 100% response rate. Their replies furnish valuable insights into the nature of legislated policy change, insights that are not available in an examination of the policy adoptions shown by election statute amendments.

Each CEO was assured that his responses would be kept confidential and disclosed only in aggregate form. The following discussion of the survey necessarily protects respondents' identities. The conclusions regarding certain aspects of the electoral policy diffusion process are based on data that appeared in returned questionnaires, but are not summarized in Appendix 'C'. Reference to specific questions and their answers is denoted by square brackets containing the question number (e.g. [Q#24]).

The Professional Association:

As was noted in chapter two, the role of professional associations of policy administrators is regarded by many public policy diffusion scholars as the basis for the communication of innovations. Professional groups provide the 'network' through which messages about new policy ideas can spread. Walker posited that such associations encourage communication activities between members by developing national standards of administration within the policy field, setting controls on the services its members provide, and by encouraging inter-agency movement and transfers of personnel.⁹

Upon attaining office, each newly-appointed Chief Electoral Officer is invited by his¹⁰ counterparts in

other jurisdictions to join a loosely-knit, relatively informal organization called the Association of Canadian Election Officials (ACEO). Because the association has no formal constitution, by-laws or organizational headquarters, its name has changed periodically in accordance with the preferences of the CEO delegated to organize its next annual convention. It has been variously known as the Association of Canadian Chief Electoral Officers, the Conference of Election Administrators of Canada, and the Canadian Election Officers Association. Except for one fairly new member who didn't recognize its current title, each CEO stated that he considered himself to be a voluntary member of the organization [Q#13].

The ACEO began, in part, as a result of Professor Qualter's research on the Canadian election process. Qualter and his colleague, John Wilson, wished to establish a repository for documents relating to all elections at the federal and provincial level in order to create a 'Centre for Election Studies' at the University of Waterloo. In 1970 they invited all the CEOs in the country to meet at the University to talk about their idea and exchange notes on the administration of elections in their respective jurisdictions.¹¹

At the inaugural meeting several of the CEOs were

convinced that periodic meetings of the top election officials in Canada would benefit each jurisdiction. They organized a second meeting in 1974, also at the University of Waterloo.¹² During the second meeting it was decided that an informal organization of Canadian Chief Electoral Officers would be established, and that they would meet once per year to exchange significant electoral policy information. A policy of holding the conference in a different jurisdiction each year was established, with the host of the following year's session required to act as the chairperson for the current year's meeting. This policy is still in effect and is considered by its members to be one of the few 'rules' of the organization. Another rule is that no elected official may join the organization or attend its annual meetings, and that the meetings will be closed to all but full-time election officials and academic observers.

The association members reported that they regularly contacted one another [Q#11,15], and most stated that they annually travelled to other jurisdictions to learn how colleagues dealt with particular policy items [Q#12]. More than three-quarters of the CEOs felt that the association encouraged standardization of election administration across Canada [Q#14],¹³ although most didn't think the ACEO encouraged movement of officials

from one jurisdiction to another [Q#17]. Only one CEO had moved into his current position after working in the field of election administration in another province [Q#33].

One of the topics of the 1986 ACEO conference concerned the exchange of election officials between jurisdictions. The Chief Election Clerk from Ontario reported on her two-year assignment as an assistant to the Chief Electoral Officer for Canada, and spoke of the value of acquiring knowledge regarding another jurisdiction's election legislation and its administrative measures. Her superior, the Chief Election Officer for Ontario, candidly admitted that an objective of his office was to make the legislation and operation of elections in his province as similar as possible to the federal methods in order to "make things easier for the electorate."¹⁴ The Chief Electoral Officer for Manitoba reported that his Deputy had just begun a two-year exchange with Ottawa and that significant benefits were expected to be gained from this process.

This feature of the conference supports Walker's observation that professional associations encourage movement between jurisdictions. It may be added that any organization of professionals needs time to develop before such mobility becomes acceptable to its members.

Surprisingly, the questionnaire indicated that less

than half the CEOs had gained experience in the field of election administration prior to their current appointment, and only three were promoted from a subordinate level in their own jurisdiction [Q#33]. Most respondents had been CEOs for more than five years, but only one reported maintaining his position for more than ten years [Q#32].

It is arguable that the longer a CEO holds his position the stronger his communication ties with counterparts will be. Well-established 'network' connections increase the possibility of policy ideas being diffused and improve the quality and 'appropriateness' of the information being transferred. All but two of the CEOs freely admitted that they adopted electoral legislation from other jurisdictions [Q#27], and more than half of the respondents were aware of other jurisdictions adopting legislation they had already implemented [Q#26]. Of the two who indicated that they were not prone to adopting electoral legislation used in other jurisdictions, one represented an administration that had scored very low on the scale of adoption scores, and the other was the 'newest' CEO who had seen no policy changes implemented during his tenure.

Influence on Non-adopters:

Gray and other policy innovation researchers suggest that adopters of policy innovations powerfully influence those who have not yet adopted.¹⁵ It is further believed by many policy analysts that an increasing amount of encouragement to adopt is experienced by non-adopters as the number of adopting agencies within the policy field increases.

These propositions are not supported by the responses CEOs made to queries about the influence of innovators within their group. All acknowledged extensive inter-communication [Q#15] informing each other of changes to their electoral laws [Q#16]. Yet only a handful suggested that they ever felt their jurisdiction was 'falling behind the times' by not introducing innovations well established in other parts of the country [Q#28]. While three-quarters of the respondents listed election finance control as one of the most important innovations in the history of recent Canadian electoral legislation [Q#24], only one of the non-adopters of this type of policy listed any aspect of election finance law as a feature he would like to see implemented in his own jurisdiction [Q#31]. In terms of the extent to which public policy innovation adopters might be expected to knowingly influence other potential adopters, it is

significant that only about half of the CEOs were aware of others 'picking up' their legislated innovations [Q#26].

All but one of the CEOs confirmed that they would readily look at other jurisdictions' legislation if re-drafting their own [Q#30]. However, the idea that innovators of specific policies strongly influence others to adopt such features is not generally supported by responses the CEOs gave [Q#2,25]. Fewer than half said that other jurisdictions had features in their electoral laws that they would like to adopt [Q#31].

Regional Diffusion:

Researchers such as Walker and Sharkansky have argued that public policy diffusion tends to occur initially on a regional basis.¹⁶ The copying of policy solutions devised by neighbouring jurisdictions is perceived as a 'legitimate' activity for both the innovator and the emulator, they say, and each region tends to have its own leader in adopting new policies. Innovation diffusion from one region to another is explained in terms of "cue-taking" between regional leaders.

The responses of the CEOs regarding their perceptions of leadership within the electoral policy field and regarding their sources of policy ideas do not support the idea that electoral process innovations diffuse on a

regional basis. Asked if they thought there was a leader in solving administrative problems among them [Q#18], the majority said they didn't think there was one. Those who indicated the presence of such a leader did not select on a regional basis (unless one counts the case in which the respondent chose his own jurisdiction). Of the six who did select a leader, five chose one of the 'central Canadian' jurisdictions (Ontario, Canada or Quebec), and one picked the prairie province of Manitoba.

The responses CEOs gave when asked which jurisdictions were regarded as their best information sources [Q#11] indicate a general lack of a regional preference. For the most part, jurisdictions were selected cross-nationally. The central Canadian CEOs often selected one another, but usually also indicated a jurisdiction outside their region. Two of the Atlantic CEOs showed a strong preference for relying on other agencies in their region, but all four Atlantic respondents indicated their primary selection to be a central Canadian source. Three CEOs responded with a comment to the effect that all jurisdictions were helpful when information or support was requested. One stated: "From time to time we have contacted them all. The amount of help they are able to give depends on the issue."

Policy Leaders:

Analysts who disagree with the concept of regionally based public policy diffusion cite evidence to suggest that leaders within a policy area are the sources of new ideas. As mentioned in the literature review, Alfred Light has demonstrated that agency executives perceive their sources of new policy to be weakly related to their geographic regions and strongly related to the policy innovation activities of leaders in their policy field.¹⁷

In Canadian electoral policy, however, the responses CEOs gave to questions about leadership do not lend strong support to a concept of diffusion emanating from a one or even a handful of agencies who demonstrate themselves as innovation authorities. When asked who was the best at solving problems in electoral regulation, fewer than half selected a leader, although the minority who did tended to pick central Canadian agencies [Q#18]. A modest amount of hierarchical influence is evident in these selections, but this may be related more to scale of operations rather than policy leadership. Obviously the national, Ontario, and Quebec electoral agencies have the largest populations to serve. Quebec has recently integrated much of the administration for both provincial and municipal electoral activity under one organization headed by that province's Chief Electoral Officer.¹⁸ Selecting Canada and Quebec

as his leadership choices, one respondent commented:
"Canada because it covers all jurisdictions; Quebec because of its broad scope of activities and willingness to consider significant change."

Asked which jurisdiction had the 'best' legislated policy regarding election administration, the CEOs provided a surprising response [Q#19]. Half of them picked their own jurisdiction. Five of the remaining six selected a central Canadian administration, and the other stated that it was "difficult to say -- very subjective" before choosing the recently re-drafted election statutes of a prairie province. Notably, the CEO for the jurisdiction he selected commented [Q#27] that an Election Act from a central Canadian province was "used as a guide when our Act was revised." Asked specifically if there was one particular jurisdiction that was the overall leader in introducing electoral policy innovations [Q#25], just over half the CEOs indicated the presence of such leadership. Again, most selected their own jurisdiction as leader. The other choices were predominantly for central Canadian agencies.

'Inequality of Esteem' and a Leading Agency:

Grupp and Richards' unique and compelling hypothesis about the nature of innovations suggests that when

substantial 'inequality of esteem' exists among agencies within a policy field, each of the top administrators in that entire policy area will have considerable policy-making influence.¹⁹ Measurements of large differences in the levels of esteem identify policy areas that have a consensus as to who is the leading agency. If such a consensus exists, their findings indicate, agency administrators in the policy field are able to point out the leader's proven programs. Administrators' influence with political decision-makers is increased when they can identify policies worthy of emulation, and this permits a prevalence of innovation adoptions. The increased adoption activity, in turn, causes rapid diffusion in the policy area, with the flow of innovations emanating from one central source -- the most esteemed agency.

Here again, the results of the CEO questionnaire provide little support for the hypothesis. The CEOs could not identify one agency as an overall leader in Canadian electoral policy. Central Canadian jurisdictions were indicated, in a modest way, to have leadership qualities, but there was no demonstration of a great 'inequality of esteem' [Q#11,18, 19,25,30]. All of the CEOs indicated that they were involved in initial policy formation [Q#7] when changes to electoral law were contemplated in their respective jurisdictions. A substantial majority claimed

that changes to electoral process legislation were usually initiated by themselves or their staff [Q#8]. Most of the CEOs indicated that they had suggested the implementation of other jurisdictions' innovations to their executive decision-makers [Q#29].

The CEOs rated administrative and political factors as the most important influences on the content of new electoral legislation [Q#2]. Because political factors are fundamental to the content of election law amendments, it is possibly unrealistic to anticipate the ability of any single leader in the policy area to consistently generate or adopt innovations that other electoral agencies could successfully emulate. The opinions expressed by the majority of CEOs [Q#3] indicate that legislators do take a lively interest in changes to election law -- this is predictable given the realities of their political careers. Election legislation, however, rarely appears on the 'public agenda' [Q#4]. It is, therefore, plausible to suggest that policy originates within electoral agencies, and its implementation operates according to Cobb's 'inside initiative' model of the agenda building process.

Low Consensus and Political Influence:

The converse of Grupp and Richards' argument that

highly esteemed agencies exist in policy fields where diffusion flourishes is their suggestion that low consensus correlates to policy areas with slow diffusion and random patterns.²⁰ They find that low consensus about the identity of a leading agency is apparent in policy areas heavily influenced by such political factors as policy input by political parties, lobbying by interest groups, intervention by elected officials and extensive public debate. These influences dampen the diffusion process, they say, and administrators in the affected policy area are generally unable to identify policies worthy of emulation. As a consequence, the diffusion that does take place in a 'political' policy field is minimal and unpatterned.

Analysis of the CEO questionnaire does not provide good support for the 'low consensus' proposition. Clearly, there are no generally identified leaders in the policy field, yet diffusion of policy innovations in the area of electoral laws has been extensive. Numerous changes common to more than one jurisdiction have been listed in chapter three, providing evidence of substantial policy diffusion. The field is heavily influenced by political factors [Q#2] but, importantly, not by factors of the exact types described by Grupp and Richards. It is very likely that there is some influence (via legislators)

on the part of political parties, and there is a strong indication that elected officials carry an interest in electoral policy changes in most jurisdictions [Q#3]. However, public debate is considered minimal by the CEOs in most jurisdictions [Q#4], and organized interest groups are seen to be a low-ranking factor in the policy content of changes that are made to electoral laws [Q#2].

According to the responses Canadian Chief Electoral Officers gave to the questionnaire, diffusion of electoral policy does take place and almost all the CEOs admitted to borrowing from legislation previously enacted in other jurisdictions [Q#27]. Furthermore, more than half of the CEOs were aware that some of their innovations had spread to other electoral agencies [Q#26].

OTHER FINDINGS

The questionnaire responses broaden knowledge about other aspects of policy-making and the role of the Chief Electoral Officers in the diffusion of electoral process innovations. The idea that agency officials, not legislators, are instrumental in passing innovations from one jurisdiction to another is supported in several ways. Only one CEO was aware of a Minister communicating with a counterpart in another jurisdiction in order to obtain policy ideas regarding electoral process [Q#9], and none

thought that a member of the cabinet in their jurisdiction was likely to contact a politician in another country for such information [Q#22].

When asked about the most important influences on the content of new electoral legislation [Q#2], one CEO commented: "My recommendations result in changes." Most new electoral policies, the CEOs reported, were initiated by themselves or by their agency staff [Q#8]. All stated that they were involved from the beginning in new policy development regarding the electoral laws they administered [Q#7], and eleven of the thirteen respondents indicated that development was influenced by their research on the electoral legislation of other jurisdictions [Q#10].

Most CEOs indicated that they had investigated the electoral laws of other countries [Q#21]. But of the laws studied, only one innovation -- Early Voting in the Returning Office -- was shown as an adoption from another nation [Q#27]. (The source of that policy was New Zealand.)

Ten CEOs noted that proposed changes to electoral policies failed to result in extensive public debate [Q#4]. Of the three jurisdictions where election-related legislation did arrive on a 'public agenda,' two CEOs stated that this "sometimes" resulted in changes, and the third observed that it "almost never" made any

difference. Organized pressure groups and the media were regarded as having minimal influence on the content of electoral legislation [Q#2].

The Charter of Rights Factor:

The influence of the judiciary was ranked the third strongest influence on the content of policy modifications made to the electoral process [Q#2]. All respondents expected that challenges to electoral laws, based on Charter of Rights arguments, would result in changes to their election statutes. Most of the anticipated changes relate to further extensions of franchise provisions (prisoners, disabled, absentee voters), but some CEOs felt changes could be ordered in redistribution methods, the ability of 'third parties' to advertise during elections, and the constitutionality of certain election finance controls [Q#5].

The topic of the Canadian Charter of Rights and its potential effects on both administration and election statutes was dominant throughout the 1986 ACEO conference. A number of fundamental challenges were already in the judicial process, it was reported. These regarded prisoners' voting rights, the legality of residency requirements, the constitutional validity of candidate re-imbusement, and the rights of political

parties to be involved in registering voters. Various other topics were anticipated to enter the courts soon, and the Chief Electoral Officers expressed open concern that the outcome of judicial proceedings might create enormous administrative difficulties should decisions immediately precede an election, or be construed to invalidate a previous election. The CEOs felt it imperative to maintain communication with one another in order to stay abreast of court rulings regarding Charter challenges to election law. The implication was that it would be better to prepare legislation that addressed the courts' concerns ahead of time. The alternative would be court-imposed changes as cases spread from one jurisdiction to another, or when they reached the Supreme Court of Canada.

'Inside Initiative' Agenda Setting:

A link between innovation adoptions and agenda-setting activities on the part of senior bureaucrats was suggested in chapter two.²¹ An 'inside initiative' model was identified as the the type of agenda setting that would best explain the diffusion of policies from one jurisdiction to another.

During informal discussions with the CEOs it became evident that the features of any 'inside initiative' model

of policy change differed between jurisdictions. The significant variable appeared to be the independence and status of the Chief Electoral Officer within a jurisdiction. Large differences were described between the electoral policy-making process in jurisdictions that appointed the Chief Electoral Officer as an independent officer of the legislative body, and those in which the CEO was answerable to the government of the day.

In jurisdictions where an independent reporting structure has been established for the CEO, a significant provision generally appears in the legislation that defines the duties of the office. The provision specifically requires the CEO to make recommendations after each general election regarding desirable modifications to electoral laws. In some jurisdictions further recommendations can be made to the Legislature at any time the CEO thinks it necessary. Jurisdictions that have adopted an independent reporting structure for the CEO generally maintain a standing or special select committee that is given responsibility for initiating bills that amend or replace election statutes. These committees frequently solicit the expert opinion of their jurisdiction's Chief Electoral Officer regarding the best methods to use in attaining solutions to existing problems, and how best to integrate new policy objectives

into existing election law.

Most of the 'independent' CEOs stated that their post-election reports eventually resulted in changes to the administrative detail set out in their legislation. Also, their recommendations with regard to the best method of implementing a new policy idea often appeared in new legislation introduced. However, some of these CEOs expressed frustration at having to wait a number of years before their policy proposals took the form of drafted legislation. Administrative uncertainty as to what rules will be in effect for the next election creates obvious difficulties for electoral officers in terms of the preparations they must co-ordinate.

The experiences of CEOs in jurisdictions where top election administrators must report to a Minister of the Crown (British Columbia, Saskatchewan, New Brunswick and Newfoundland) differ significantly in the policy initiation process. One admitted, in confidence, that he had been trying for many years to introduce a draft bill that would modernize election features and methods, but was told that the "legislature as presently constituted" would not consider it. Another, when asked if he was consulted about or involved with development of legislation regarding a controversial electoral district re-apportionment scheme (which he was required to

administer) admitted, "No, that was thrown at me." A third admitted that his "political involvement" before his appointment helped ensure the safe passage of his policy initiations. Another jurisdiction with a non-independent electoral office has gained an infamous reputation by replacing its CEO each time there is a change of government.

Whereas all CEOs play a dominant role in policy formation when changes are made to their electoral laws, the manner in which this function is undertaken by independent officers differs dramatically from the manner available to non-independent officers. In jurisdictions that have ascribed their Chief Electoral Officers a role of guaranteed independence from partisan interference, input and advice is public and "above board." (However, this does not guarantee implementation of the recommendations.) Administrations that have retained ministerial control over the the CEO have less regularized policy input from their top election administrators, and appear to avoid using them as a source of expertise when developing electoral legislation bearing partisan overtones.

SUMMARY

A statutory analysis of ten electoral policy

innovations showed that a factor of high 'innovativeness' cannot be accurately ascribed to any one jurisdiction. The adoptions appear to indicate that innovativeness is "issue-and-time-specific" within the electoral policy area. No patterns of innovation diffusion could be determined at either the national or regional level. Provinces on the two coasts (British Columbia, Prince Edward Island, Newfoundland) appear to be the slowest to adopt innovations, but each has adopted at least one innovation that has yet to diffuse to all jurisdictions.

Canada and the provinces of Saskatchewan and Manitoba appear to have implemented the greatest number of substantive innovations. New Brunswick has recently been very active in introducing innovative policies. A certain amount of policy leadership is indicated by Canada's early introduction of the majority of recent innovations, but the theory of a 'single leader' is not supported by the results of a questionnaire that was sent to Canadian Chief Electoral Officers.

No evidence of direct legislative copying was found, and both the statute research and questionnaire results indicate that extensive adaptation occurs with adoption of policy innovations in Canadian electoral law. Adoptions of new electoral policies appear to cluster around periodic implementations in each jurisdiction, although

these occurrences do not correlate significantly with changes in government.

Except for Grupp and Richards' suggestion that the absence of a recognized leader within a particular policy area corresponds to randomized patterns of adoption, propositions policy researchers have made about the nature of public policy diffusion were not supported. Both the statute research and the questionnaire results contradicted the hypotheses of public policy analysts discussed in chapter two. Verification is also absent for Grupp and Richards' predication that diffusion should be minimal if no strong policy leadership is indicated by the opinions of agency executives. As was indicated in chapter three, there has been a considerable amount of innovation diffusion in Canadian electoral policy since 1970.

The ability of individual CEOs to introduce changes to their jurisdiction's electoral policy depends, to a large extent, on their independence from the partisan objectives of the government of the day. Where CEOs have an independent role they are generally required to make periodic recommendations for changes, and to assist in the development of any new policy that has non-partisan objectives. In jurisdictions that retain political control over their election officers, policy can develop

completely without CEO knowledge or input. In all jurisdictions, however, impartial proposals may be ignored or implemented at the pleasure of the party holding power.

Notes

Chapter 5

¹ The 1986 conference of the ACEO was held in Victoria, British Columbia from July 14 -17.

² In many cases the policy adoption was changed by subsequent amendments, but in each case the reference made is to the version of the policy initially adopted by the jurisdiction.

³ See page 17, this thesis.

⁴ See pages 14, 23-24, this thesis.

⁵ See pages 26-27, this thesis.

⁶ See page 26, this thesis.

⁷ The source of information for the dates of administrative change is The Canadian Parliamentary Guide, 1986, ed. Pierre G. Normandin [n.p.: n.p., 1986].

⁸ Although the Northwest Territories does not have a Chief Electoral Officer, the Clerk Assistant of the NWT Legislative Assembly completed the questionnaire. The clerk's office handles routine issues of election administration and was extensively involved with a 1985

review of the NWT Elections Act. The review led to a formal recommendation to the Legislative Assembly that it introduce legislation to allow the Northwest Territories to assume full administration of elections in its jurisdiction. It further recommended that a Chief Electoral Officer for the NWT be appointed to administer the next election in the territory. See Northwest Territories Legislative Assembly, Standing Committee on Legislation, Robert H. MacQuarrie; Chairman, "Report on the NWT Elections Act," 1985.

⁹ See pages 15-16, this thesis.

¹⁰ Currently no woman holds the office of Chief Electoral Officer in any jurisdiction. To the author's knowledge, only one woman has ever served as a Chief Electoral Officer in Canada. Carole Bryant was CEO in Saskatchewan during the late 1970s.

¹¹ Conversations with Jean-Marc Hamel, Chief Electoral Officer for Canada, and Robert Dobson, Registrar, Ontario Commission on Election Finances, July 14-17, 1986, Victoria, British Columbia. These two election officials were present at both the 1970 and 1974 founding meetings of the ACEO.

¹² John Wilson, "The Centre for Election Studies," unpublished paper presented by Loren Wells at the Conference of Canadian Election Officials, July 16, 1986, Victoria, British Columbia, [Waterloo, Ontario: 1986?], p. 2.

¹³ A topic on the 1986 ACEO conference agenda dealt with the problem of differences in terminology existing in the various election statutes in Canada, especially between the French versions of the federal legislation and the French versions of the Quebec and New Brunswick Election Acts. It was agreed by the conference delegates that a compendium of terms would be compiled in both official languages, in an effort to "eliminate another source of confusion among the electorate." While recognizing that this is a long-term goal, the obvious enthusiasm of the CEOs at the prospect of easier legislative comparisons signifies the possibility of a language convergence leading to an important standardization of election administration.

¹⁴ Conversation with Warren Baile, Chief Election Officer for Ontario, July 17, 1986, Victoria, British Columbia.

¹⁵ See pages 16-17, this thesis.

¹⁶ See pages 16, 23-24, this thesis.

¹⁷ See pages 27-29, this thesis.

¹⁸ Quebec Chief Electoral Office, Historical Development of the Office of the Chief Electoral Officer of Quebec, (Quebec City: 1986), p. 6. The Act (S.Q. 1982, chap. 54) respecting "the integration of the administration of the electoral system" was passed in 1982.

¹⁹ Fred W. Grupp Jr. and Allan R. Richards, "Variations in Elite Perceptions of American States as Referents for Public Policy Making," American Political Science Review, Vol. 69 (September, 1975), pp. 850-858. See chapter two of this thesis, pp. 28-31.

²⁰ Grupp and Richards, pp. 853-856.

²¹ See pages 30-31, this thesis.

CHAPTER SIX

CONCLUSION

The electoral policy innovations that gave impetus to this study were introduced by British Columbia in the early 1980s. They are significant because they fundamentally changed the electoral process in the province and provided features that have also been implemented in other Canadian jurisdictions.

With the exception of the legislation that created the permanent Electoral Commission, all the innovations B.C. implemented are similar in content to new policies previously introduced in other Canadian jurisdictions. The anomaly of co-existent single and multi-member constituencies is perpetuated by the mathematical formula the British Columbia commission must follow. This rigid formula, and the absence of discretionary power that would allow the commission to equitably adjust the boundaries of electoral districts, indicate this innovation to be a substantial adaptation of policies that have been used elsewhere in Canada to create independent re-apportionment methods.

British Columbia has not been an electoral policy innovation leader in the past thirty years. Significant policies of other administrations (such as election

finance controls, the elimination of dual-member ridings, and regularized independent electoral map revision) have not diffused to the province. Because political influences remain the primary determinant of electoral process policy in the province, it is impossible to predict when such policies will be adopted. However, given the fact that most electoral innovations have eventually diffused across the nation, it can reasonably be suggested that each of these missing features will appear in future electoral law amendments.

Canadian electoral policy innovations have historically diffused through the "emulation of virtue." However, the recent entrenchment of the Charter of Rights and Freedoms is likely to result in a "spread of necessity."¹ A White Paper on Election Law Reform, made public by the federal government in the summer of 1986, states the implications of this 'necessity':

Since the proclamation of the Constitution Act, 1982, a number of court challenges have been launched in order to eliminate some contradictions, real or perceived, between the statutory law currently in force and the provisions of the Charter. In view of these challenges, legislators face a basic choice between two different approaches to lawmaking. Parliament may either amend statutes in advance so as to bring them into harmony with the

rights and freedoms guaranteed by the Charter as it anticipates how they will be interpreted by the courts, or it can adopt a "wait-and-see" attitude, letting the problems be raised before the courts and have judges rule in specific cases as to whether a particular provision of the Canada Elections Act is constitutional. The Government prefers the former approach . . .²

The Chief Electoral Officers across Canada expect the charter to substantially affect the contents of the laws they administer. Constitutional challenges based on charter provisions are currently moving through the judicial system. Decisions by the courts will set policy for such issues as residency requirements, prisoner and disabled enfranchisement, and candidate re-imburement.

If a strong element of judicial diffusion³ in constitutional decisions occurs between the Supreme Courts of Canada and the United States, it is possible that the prevalent inequities of population between urban and rural electoral districts in Canada will be declared unconstitutional. The first part of section fifteen of the Charter of Rights and Freedoms states:

Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination . . .⁴

In the United States, constitutional challenges based on

the Fourteenth Amendment (which prescribes the equal protection of laws) resulted in judgements requiring congressional and state legislative districts to be apportioned according to population.⁵ The U.S. Supreme Court ruled that:

- The right of suffrage is denied by debasement or dilution of a citizen's vote through malapportionment.
- Legislators represent people, not areas.
- Weighting votes differently according to where citizens happen to reside is discriminatory.
- Considerations of history, economic, or other group interests, or area alone do not justify deviations from the equal-population principle.
- Apportionment for state legislature and congressional districting must result, as nearly as practicable, in districts of equal population.
- Revisions to electoral apportionment should be made with at least decennial frequency.⁶

The results of these judicial decisions provoked a mid-1960s "re-apportionment revolution" in the United States.⁷ Subsequent court rulings established criteria requiring congressional district populations not to vary by more than one or two percent.⁸ No maximum percentage

has been judicially set for state legislative districts, but a deviation range of up to ten percent has been permitted.⁹

A similar decision in Canada would address what has been described as the "most serious defect in our total election system."¹⁰ While this issue has not yet entered the judicial process, it is likely that district population inequities, such as those that exist in British Columbia (where the most recent redistribution resulted in a deviation range of more than 130%), will be constitutionally challenged on the grounds of the charter's equality provisions.

Although there have been many modifications made to electoral laws in the past sixteen years, they have not eliminated many of the substantial differences that remain between the jurisdictions. This has not changed appreciably since Qualter's assessment in 1970.¹¹ It may well be that court rulings over the next few years will cause more policy convergence than the emulation process has to date. The professional association of electoral law administrators will encourage convergence, but their influence in setting the policy-making agenda is not extensive. If the policy area were to become

'de-politicized' as a result of court judgements covering the essential issues of franchise, apportionment, and political financing, it is likely that a substantial convergence of administrative practices would take place. Although this is unlikely in the short term, it is the author's opinion that convergence creating uniform and harmonious election processes across the nation would make election law simpler for the public to understand, easier for officials to administer and more convenient for those who participate in election campaigns.

The diffusion of Canadian electoral policy innovations does not create any discernible pattern; it seemingly results in random appearances of similar policy. When new policies in electoral law are adopted they tend to be adapted extensively in the process of implementation. Only one hypothesis developed in public policy research appears to even partially explain the manner in which electoral policy diffusion has taken place. Grupp and Richards' thesis, which suggests that a policy area with a low consensus regarding agency leadership will tend to be politically influenced, is supported. But, while diffusion in electoral policy can be characterized as unpatterned, it has not been minimal (as their model

suggests it should be). It is perhaps the case that a considerable amount of innovation adaptation takes place in 'political' policy fields, with the resulting diffusion not as limited as Grupp and Richards suggest.

The informal Association of Canadian Election Officials is made up of Chief Electoral Officers and a small contingent of electoral process specialists. Its members frequently communicate with each other and exchange written materials regarding procedures, case law, and policy philosophy. An awareness of the numerous policy innovations in electoral law is communicated effectively between jurisdictions via this professional organization. Diffusion of new electoral policy has the potential to occur rapidly because of the on-going interchange of concepts between officials and their knowledge of each others electoral process features.

The annual conference of the ACEO provides a regular forum for top administrators of electoral policy to exchange information, ideas and experiences regarding major administrative developments and electoral process innovations of other agencies. This process ensures that each jurisdiction is staffed with knowledgeable electoral officials, able to apprise legislators or Ministers

responsible for making electoral law changes of the policy components of the electoral process evolution.

The decision to implement new electoral policies, however, remains a political one.

Notes
Chapter 6

¹ The phrases "emulation of virtue" and "spread of necessity" were coined by Robert Eyestone. See page 24, this thesis.

² Government of Canada, White Paper on Election Law Reform (Ottawa: n.p., 1986), p. 1.

³ See Robert L. Savage, "Diffusion Research Traditions and the Spread of Policy Innovations in a Federal System," Publius: The Journal of Federalism, Vol. 15, No. 4 (Fall, 1985), pp.17-24. Savage suggests that judicial innovations should be regarded as "a special subset for policy diffusion research."

⁴ Canadian Charter of Rights and Freedoms, Sec. 15(1).

⁵ Baker v. Carr, 369 U.S. 186 (March, 1962) and Reynolds v. Simms, 377 U.S. 533 (June, 1964) in United States Supreme Court Reports.

⁶ Reynolds v. Simms, pp. 534-536.

⁷ David C. Saffell, "Affirmative Gerrymandering: Rationale and Application," State Government, Vol. 56, No. 4, [mimeo, n.d.], p. 140.

⁸ Saffell, p.140.

⁹ Harvey J. Tucker, "Alternative Bases of State Legislative Apportionment: Legal Principles in Empirical Perspective," unpublished paper prepared for 1983 Annual Meeting of the American Political Science Association [Texas A&M University: mimeo, n.d.], p. 6.

¹⁰ See page 85, this thesis.

¹¹ See page 107, this thesis.

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APPENDIX 'A'

ELECTORAL PROCESS INNOVATION ADOPTIONS 1970 - 1986

This appendix lists electoral process innovations (of the ten shown below) that were adopted since the publication of T. H. Qualter's study on The Election Process in Canada. The innovations examined are:

1. Canadian Citizenship Qualification
2. Reduction in Voter Age Qualification
3. Equalizing Candidate and Voter Age Qualifications
4. 'Open' Voters Lists
5. Limitations on Candidate Expenditures
6. Re-imbursement of Candidate Expenditures
7. Regular Electoral Map Revision by Independent Boundary Commissions
8. Elimination of Multi-member Districts
9. Absentee and/or Proxy Voting Provisions
10. Early Voting

Adoptions are shown by jurisdiction, in chronological order according to the date of legislative enactment.

CANADA

Canadian Citizenship Qualification

Assented: June 26, 1970.

Canada Elections Act, S.C. 1969-70, chap. 49, sec.14
(1)(b).

Reduction in Voter Age Qualification

Assented: June 26, 1970.

Canada Elections Act, S.C. 1969-70, chap. 49, sec.14
(1)(a).

Proxy Voting Provisions

Assented: June 26, 1970.

Canada Elections Act, S.C. 1969-70, chap. 49, sec. 46.

Limitations on Candidate Expenditures

Assented: January 14, 1974.

Election Expenses Act, S.C. 1973-74, chap. 51, sec. 7.

Re-imbusement of Candidate Expenditures

Assented: January 14, 1974.

Election Expenses Act, S.C. 1973-74, chap. 51, sec. 10.

Early Voting

Assented: December 20, 1977.

An Act to Amend the Canada Elections Act, S.C.
1977-78, chap. 3, sec. 56.

YUKON TERRITORY

Canadian Citizenship Qualification
Sec. 18(1)(b).

Reduction in Voter Age Qualification
Sec. 18(1)(a).

Proxy Voting Provisions
Sec. 55.

The three electoral policy innovations listed above were introduced while the federal jurisdiction was responsible for law and administration of elections in the Yukon Territory. They were maintained as provisions of the Elections Ordinance, 1977, O.Y.T. 1977 (2nd Sess.), chap. 3, Assented March 1, 1978. The voter age qualification, however, was increased to nineteen years from eighteen years at the time of the enactment. Subsequently absentee voting was introduced in addition to proxy voting:

Absentee Voting Provisions

Assented: November 21, 1983

An Act to Amend the Elections Act, S.Y.T. 1983, chap. 18.

NORTHWEST TERRITORIES

Canadian Citizenship Qualification
Sec. 11(1)(a)

Reduction in Voter Age Qualification
Sec. 11(1)(b)

Proxy Voting Provisions
Sec. 45

Each of the three electoral policy innovations listed above were introduced while the federal jurisdiction was solely responsible for administering elections in the Northwest Territories. They were maintained as provisions of the Election Ordinance, 1978, O.N.W.T. 1978 (3rd Sess.), Assented October 27, 1978. As was the case with the Yukon's election legislation, the voter age qualification was set at nineteen years at the time of enactment. An 'open' voters list was an additional feature of the Election Ordinance passed in 1978:

'Open' Voters Lists
Sec. 46.

BRITISH COLUMBIA

'Open' Voters Lists

Assented: July 23, 1982.

Election Amendment Act, 1982, S.B.C. 1982, chap., 48,
sec. 23.

Canadian Citizenship Qualification

Assented: February 11, 1985.

Election Amendment Act, 1984, S.B.C. 1985, chap. 5,
sec. 2.

Early Voting

Assented: February 11, 1985.

Election Amendment Act, 1984, S.B.C. 1985, chap. 5,
sec. 34.

ALBERTA

Reduction in Voter Age Qualification

Assented: March 31, 1971.

The Age of Majority Act, S.A. 1971, chap. 1, sec. 20.

Canadian Citizenship Qualification

Assented: Dec 15, 1975.

The Election Amendment Act, 1975, S.A. 1975, chap. 52,
sec. 10.

'Open' Voters Lists

Assented: Dec 15, 1975.

The Election Amendment Act, 1975, S.A. 1975, chap. 52,
sec. 39.

SASKATCHEWAN

Regular Electoral Map Revision by Independent Boundary Commission

Assented: April 21, 1972.

The Constituency Boundaries Commission Act, 1972, S.S. 1972, chap. 18.

Canadian Citizenship Qualification

Assented: May 10, 1974.

An Act to Amend the Election Act, 1971, S.S. 1973-74, chap 36, sec. 7.

Limitations on Candidate Expenditures

Assented: May 10, 1974.

An Act to Amend the Election Act, 1971, S.S. 1973-74, chap 36, sec. 14.

Re-imbusement of Candidate Expenditures

Assented: May 10, 1974.

An Act to Amend the Election Act, 1971, S.S. 1973-74, chap 36, sec. 14.

Absentee Voting Provisions

Assented: April 18, 1975.

An Act to Amend the Election Act, 1971, S.S. 1974-75, chap 13, sec. 6.

MANITOBA

Absentee Voting Provisions

Assented: July 29, 1980.

Elections Act, The, S.M. 1980, chap. 67, sec. 101(1)

Canadian Citizenship Qualification

Assented: August 18, 1983.

An Act to Amend the Elections Act, S.M. 1982-83-84, chap. 26, sec. 1.

Limitations on Candidate Expenditures

Assented: August 18, 1983.

The Election Finances Act. S.M. 1982-83-84, chap. 45, sec. 50(2).

Re-imbusement of Candidate Expenditures

Assented: August 18, 1983.

The Election Finances Act. S.M. 1982-83-84, chap. 45, sec. 72(3).

Early Voting

Assented: August 18, 1983.

An Act to Amend the Elections Act, S.M. 1982-83-84, chap. 26, sec. 16.

ONTARIO

Reduction in Voter Age Qualification

Assented: July 28, 1971.

An Act Respecting the Age of Majority and
Accountability, S.O. 1971, chap. 98, secs. 1,2.

Limitations on Candidate Expenditures

Assented: May 2, 1975.

An Act to Regulate Political Party Financing and
Election Contributions and Expenses, S.O. 1975, chap.
12, sec. 39.

Re-imbusement of Candidate Expenditures

Assented: May 2, 1975.

An Act to Regulate Political Party Financing and
Election Contributions and Expenses, S.O. 1975, chap.
12, sec. 39.

Canadian Citizenship Qualification

Assented: December 14, 1984.

An Act to Revise the Election Act, S.O. 1984, chap.
54, sec. 15.

QUEBEC

Regular Electoral Map Revision by Independent Boundary
Commission

Assented: July 14, 1971.

An Act Respecting the Standing Commission on Reform of
the Electoral Districts, S.Q. 1971, chap. 7.

NEW BRUNSWICK

Reduction in Voter Age Qualification

Assented: May 15, 1971.

An Act to Amend the Elections Act, S.N.B. 1971, chap. 29, sec. 3.

Elimination of Multi-member Districts

Assented: February 9, 1974.

An Act to Amend the Elections Act, S.N.B. 1974, chap. 92 (Supp), sec. 1.

Absentee Voting Provisions

Assented: April 16, 1974.

An Act to Amend the Elections Act, S.N.B. 1974, chap. 11, sec. 24.

Limitations on Candidate Expenditures

Assented: June 28, 1978.

Political Process Financing Act, S.N.B. 1978, chap. P-9.3, sec. 77(2).

Re-imbursement of Candidate Expenditures

Assented: June 28, 1978.

Political Process Financing Act, S.N.B. 1978, chap. P-9.3, sec. 78(1).

Canadian Citizenship Qualification

Assented: July 16, 1980.

An Act to Amend the Elections Act, S.N.B. 1980, chap. 17, sec. 13.

'Open' Voters Lists

Assented: July 16, 1980.

An Act to Amend the Elections Act, S.N.B. 1980, chap. 17, sec. 27.

NOVA SCOTIA

Reduction in Voter Age Qualification

Assented: April 24, 1970.

An Act to Amend Chapter 83 of the Revised Statutes, 1967, the Elections Act, S.N.S 1970, chap. 41, sec. 1.

Early Voting

Assented: June 24, 1981.

An Act to Amend Chapter 83 of the Revised Statutes, 1967, the Elections Act, S.N.S 1981, chap. 21, sec. 32.

Elimination of Multi-member Districts

Assented: June 24, 1981.

An Act to Amend Chapter 128 of the Revised Statutes, 1967, The House of Assembly Act, S.N.S. 1981, chap. 27, sec. 2.

PRINCE EDWARD ISLAND

'Open' Voters Lists

Assented: March 16, 1973.

An Act to Amend the Prince Edward Island Election Act,
1963, S.P.E.I. 1973, chap. 23, sec. 23.

Equalizing Candidate and Voter Age Qualifications

Assented: September 29, 1984.

An Act to Amend the Election Act, S.P.E.I. 1984, chap.
19, sec. 13.

NEWFOUNDLAND

Reduction in Voter Age Qualification

Assented: June 2, 1971.

An Act Further to Amend the Election Act, 1954, S.N. 1971, Act No. 69, sec. 2.

Equalizing Candidate and Voter Age Qualifications

Assented: June 2, 1971.

An Act Further to Amend the Election Act, 1954, S.N. 1971, Act No. 69, sec. 5.

Regular Electoral Map Revision by Independent Boundary Commission

Assented: March 29, 1973.

The Electoral Boundaries Delimitation Act, 1973, S.N. 1973, No. 44, sec. 4.

Elimination of Multi-member Districts

Assented: March 29, 1973.

The Electoral Boundaries Delimitation Act, 1973, S.N. 1973, No. 44, sec. 16(d).

APPENDIX 'B'

DIFFUSION OF ELECTORAL PROCESS INNOVATIONS

This appendix shows, by innovation, the periods (pre-1970, 1970-86) in which various jurisdictions adopted ten specific electoral policy changes by way of statutory amendments. Indicated as well are the current non-adopters of these innovations. For the 1970-86 period, adoptions are shown in chronological order according to the date of legislative enactment. The innovations to electoral process legislation are listed in the following order:

1. Canadian Citizenship Qualification
2. Reduction in Voter Age Qualification
3. Equalizing Candidate and Voter Age Qualifications
4. 'Open' Voters Lists
5. Limitations on Candidate Expenditures
6. Re-imbursement of Candidate Expenditures
7. Regular Electoral Map Revision by Independent Boundary Commissions
8. Elimination of Multi-member Districts
9. Absentee and/or Proxy Voting Provisions
10. Early Voting

No. 1

CANADIAN CITIZENSHIP QUALIFICATION

Pre-1970

Quebec
Prince Edward Island

1970-1986

1st Canada (Yukon, Northwest Territories)*
June, 1970

2nd Saskatchewan	May, 1974
3rd Alberta	December, 1975
4th New Brunswick	July, 1980
5th Manitoba	August, 1983
6th Ontario	December, 1984
7th British Columbia	February, 1985

Non-Adopters

Nova Scotia
Newfoundland

Note:

* - The Yukon and Northwest Territories did not change the Canadian citizenship requirement when implementing their first election legislation in 1978.

No. 2

REDUCTION IN VOTER AGE QUALIFICATION

Pre-1970

British Columbia
 Saskatchewan
 Manitoba
 Quebec
 Prince Edward Island

1970-1986

1st	Nova Scotia	April, 1970
2nd	Canada (Yukon, Northwest Territories)*	June, 1970
3rd	Alberta	March, 1971
4th	New Brunswick	May, 1971
5th	Newfoundland	June, 1971
6th	Ontario	July, 1971

Non-Adopters

(none)

 Note:

* - Both territories increased the voter age qualification from eighteen years to nineteen years when implementing their first election legislation in 1978. The federal jurisdiction had reduced the age from twenty-one to eighteen in 1970.

No. 3

EQUALIZING CANDIDATE AND VOTER AGE QUALIFICATIONS

Pre-1970

Canada (Yukon, Northwest Territories)
British Columbia
Alberta
Saskatchewan
Manitoba
Ontario
Quebec
New Brunswick

1970-1986

1st Newfoundland	June, 1971
2nd Prince Edward Island	March, 1973

Non-Adopters

Nova Scotia

No. 4

'OPEN' VOTERS LISTS

Pre-1970

Saskatchewan
Manitoba
Nova Scotia
Newfoundland

1970-1986

1st Prince Edward Island	March, 1973
2nd Alberta	December, 1975
3rd Northwest Territories	October, 1978
4th New Brunswick	July, 1980
5th British Columbia	July, 1982

Non-Adopters

Canada (open in rural divisions only)
Yukon (closed)
Ontario (open in rural divisions only)
Quebec (closed)

No. 5

LIMITATIONS ON CANDIDATE EXPENDITURES

Pre-1970

Quebec
Nova Scotia

1970-1986

1st	Canada	January, 1974
2nd	Saskatchewan	May, 1974
3rd	Ontario	May, 1975
4th	New Brunswick	June, 1978
5th	Manitoba	August, 1983

Non-Adopters

Yukon
Northwest Territories
British Columbia
Alberta
Prince Edward Island
Newfoundland

No. 6

RE-IMBURSEMENT OF CANDIDATE EXPENDITURES

Pre-1970

Quebec
Nova Scotia

1970-1986

1st	Canada	January, 1974
2nd	Saskatchewan	May, 1974
3rd	Ontario	May, 1975
4th	New Brunswick	June, 1978
5th	Manitoba	August, 1983

Non-Adopters

Yukon
Northwest Territories
British Columbia
Alberta
Prince Edward Island
Newfoundland

No. 7

REGULAR ELECTORAL MAP REVISION BY INDEPENDENT
BOUNDARY COMMISSIONSPre-1970

Canada
Alberta
Manitoba

1970-1986

1st	Quebec	July, 1971
2nd	Saskatchewan	April, 1972
3rd	Newfoundland	March, 1973

Non-Adopters

Yukon
Northwest Territories
British Columbia (Independent Electoral Commission lacks
map revision powers)
Ontario
New Brunswick
Nova Scotia
Prince Edward Island

No. 8

ELIMINATION OF MULTI-MEMBER DISTRICTS

Pre-1970

Canada (Yukon, Northwest Territories)*
 Alberta
 Saskatchewan
 Manitoba
 Ontario
 Quebec

1970-1986

1st Newfoundland	March, 1973
2nd New Brunswick	February, 1974
3rd Nova Scotia	June, 1981

Non-Adopters

British Columbia
 Prince Edward Island

 Note:

* - The territories retained the use of single member districts when they implemented their first election legislation in 1978.

No. 9

ABSENTEE AND/OR PROXY VOTING PROVISIONS*

Pre-1970

British Columbia (absentee)
 Alberta (absentee)
 Ontario (proxy)
 Nova Scotia (proxy)

1970-1986

1st	Canada (proxy)	June, 1970
2nd	New Brunswick (absentee)	April, 1974
3rd	Saskatchewan (absentee)	April, 1975
4th	Yukon (proxy) (absentee)	March, 1978 November, 1983
5th	Northwest Territories (proxy)	October, 1978
6th	Manitoba (absentee)	July, 1980

Non-Adopters

Quebec
 Prince Edward Island
 Newfoundland

Note:

* - These two innovations are joined in this analysis because they represent different approaches to the same issue; i.e. expanding voting provisions to persons unable to vote in their own polling division. The extent to which this objective is met varies greatly according to the administrative details of either method. Only the Yukon Territory has adopted both mechanisms.

No. 10

EARLY VOTING

Pre-1970

(none)

1970-1986

1st	Canada	December, 1977
2nd	Nova Scotia	June, 1981
3rd	Manitoba	August, 1983
4th	British Columbia	February, 1985

Non-Adopters

Yukon
Northwest Territories
Alberta
Saskatchewan
Ontario
Quebec
New Brunswick
Prince Edward Island
Newfoundland

APPENDIX 'C'

CANADIAN CHIEF ELECTORAL OFFICERS'
QUESTIONNAIRE (AND RESPONSES)

Canadian Chief Electoral Officers'

Q U E S T I O N N A I R E

(Responses are summarized in bold print)

1. As Chief Electoral Officer, to whom do you officially report?

- A) Standing Committee of the House
 --- B) Minister of the Crown
 --- C) Speaker of the Legislative Assembly
 (or Parliament)
 --- D) Other (please name):

N= 13	A)= 0	<u>Under D)</u>
	B)= 3	- Legislative Assembly (4)
	C)= 2	- Legislature/Parliament
	D)= 8	through Speaker of House (2)
		- Deputy Minister (1)
		- Territorial Commissioner (1)

Note: 'N' denotes the number of respondents to a particular question. Although CEOs in all thirteen jurisdictions completed the questionnaire, not every question was answered.

2. Which would you say are the most important influences in determining the content of new electoral legislation that is passed in your jurisdiction?
 (Please rank in order of importance)

- A) political factors
 --- B) administrative factors
 --- C) organized pressure groups
 --- D) judicial decisions
 --- E) the media (T.V., Press)
 --- F) other:

(Question #2 cont'd)

N= 11	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>	<u>5th</u>
A)=	4	5	2	0	0
B)=	5	3	1	1	1
C)=	0	1	2	4	3
D)=	2	2	5	0	1
E)=	0	0	1	5	3
F)=	0	0	0	0	1

Under F)
- Charter

Other Comments
- "My recommendations result in changes."
- "Cannot say. Probably combination of (A) and (B)."

Note: Some respondents did not rank order more than three choices.

3. In your jurisdiction, do electoral legislation changes receive extensive debate in the Legislative Assembly (or Parliament)?
--- A) yes --- B) no

N= 13 A)= 8
 B)= 5

4. When amendments to electoral legislation are placed on the legislative agenda in your jurisdiction, do they become the topic of extensive public debate?
--- A) yes --- B) no

If 'yes', has it been your observation that such debate results in changes to the proposed legislation?
--- A) in most cases
--- B) sometimes
--- C) almost never
--- D) never

(Question #4 cont'd)

N= 13 A)= 3
 B)= 10

Under A) Secondary Question

N= 3 A)= 0
 B)= 2
 C)= 1
 D)= 0

5. In your opinion, is it likely that challenges to electoral legislation argued on the basis of the Canadian Charter of Rights will result in legislated changes to the Act(s) that regulates elections in your jurisdiction?
 --- A) yes --- B) no

If you answered 'yes', in what areas do you expect the greatest likelihood that amendments will occur?

N= 11 A)= 11 Under A)
 B)= 0 - Extension of franchise (6)
 - Prisoner voting (6)
 - Voting facilities (2)
 - Removal of administrative
 barriers to voting (2)
 - Disabled voting (1)
 - Out-of-province voting (1)
 - Absentee voting (1)
 - Proxy voting (1)
 - Residency requirements (1)
 - Age 18 voting (1)
 - Election finances control (1)
 - Contribution tax credits (1)
 - 'Third party' activity
 control (1)
 - Electoral District
 redistributions (1)

6. Have you had any amendments to electoral legislation in your jurisdiction as a result of the enactment of the Canadian Charter of Rights and Freedoms?

--- A) yes --- B) no

If 'yes', regarding what issue(s)?

N= 13	A)= 7	<u>Under A)</u>
	B)= 6	- Residency requirements (3)
		- Prisoner voting (2)
		- British Subject exclusion (1)
		- Mental patient voting (1)
		- Disabled voting (1)
		- Out-of-province voting (1)
		- Franchise for Judges, Returning Officers, etc. (1)

7. When legislated electoral policy changes occur in your jurisdiction, to what extent are you involved and advised before they are introduced?

--- A) involved in initial policy formulation
 --- B) consulted before new policy is made public
 --- C) advised when policy has been placed on the legislative timetable
 --- D) consulted after legislation has been passed

N= 13	A)= 13
	B)= 3
	C)= 2
	D)= 1

Note: Some respondents selected more than one choice.

8. Of the changes you have observed being made to electoral process legislation in your jurisdiction, what proportion would you say were initiated by yourself or members of your staff?
- A) most cases
 - B) some cases
 - C) almost none
 - D) none

N= 13 A)= 11
 B)= 2
 C)= 0
 D)= 0

9. In your experience, does the Minister (or do the Ministers) responsible for electoral legislation in your jurisdiction ever directly communicate with his/her Ministerial counterparts in other parts of the country when wishing to implement new policies in the area of electoral law?
- A) yes --- B) no

If you answered 'yes', which three jurisdictions would you think the Minister(s) would be most likely to communicate with?

- 1) -----
 2) -----
 3) -----

N= 12 A)= 1 Under A)
 B)= 11 - Saskatchewan (1)
 - Manitoba (1)
 - Ontario (1)

10. Do you, your staff or others that you may involve (e.g. Legislative Counsel) ever research the electoral legislation of other jurisdictions?
- A) yes --- B) no

(Question #10 cont'd)

N= 13 A)= 11
 B)= 2

11. Do you or any of your agency colleagues ever directly contact electoral officials in other provinces, territories, or the federal agency in order to learn about how they deal with particular problems in electoral law?

--- A) yes --- B) no

If you answered 'yes', which jurisdiction(s) have you found to be your best source(s) of information?

N= 13 A)= 13 Under A)
 B)= 0 - Canada (7)
 - Ontario (7)
 - Quebec (6)
 - Alberta (3)
 - Manitoba (2)
 - New Brunswick (2)
 - Nova Scotia (2)
 - British Columbia (1)
 - Newfoundland (1)

12. How often do you or your staff members travel to other electoral jurisdictions in Canada to learn about their policies and procedures regarding election administration?

--- A) 2 or more times per year
--- B) 1 - 2 times per year
--- C) Once every few years
--- D) Not at all

N= 13 A)= 4
 B)= 6
 C)= 1
 D)= 2

18. Is there one particular electoral agency in Canada that you would consider to be a leader in solving the administrative problems in electoral regulation?
 --- A) yes --- B) no

If 'yes',
 which agency?-----

N= 13 A)= 6 Under A)
 B)= 7 - Canada (4)
 - Manitoba (1)
 - Ontario (1)
 - Quebec (1)

Note: One respondent indicated more than one agency. Another respondent chose his own agency.

19. Which jurisdiction (national, provincial or territorial) would you consider to have the 'best' legislated policy regarding election administration in the country?

Jurisdiction: -----

N= 12 Jurisdiction
 - Canada (3)
 - Quebec (3)
 - Alberta (2)
 - Saskatchewan (1)
 - Manitoba (1)
 - Ontario (1)
 - New Brunswick (1)

Note: Six respondents selected their own jurisdiction.

20. Does your agency subscribe to the monthly newsletter 'Election Administration Reports'?
 --- A) yes --- B) no

N= 13 A)=5
 B)=8

21. Has your agency ever investigated the electoral laws of other countries with a view toward possible implementation of new types of electoral arrangements?
 --- A) yes --- B) no

N= 13 A)=7
 B)=6

22. Are you aware of the Minister(s) responsible for electoral policy in your jurisdiction ever communicating with his/her counterparts in other countries for the purpose of identifying electoral laws that address particular areas that he/she wishes to have amended or redrafted?
 --- A) yes --- B) no

N= 12 A)=0
 B)=12

23. If you answered 'yes' to questions 21 or 22, which countries were looked at? (Please specify State(s) or other jurisdictions if within the U.S.A.)

N= 5 Nations & States

- New Zealand (4)	- Singapore (1)
- Australia (4)	- Maryland (1)
- Great Britain (3)	- Michigan (1)
- West Germany (3)	- California (1)
- U.S.A. (2)	- New York (1)
- France (1)	- Alaska (1)
- Ireland (1)	- New Jersey (1)

Note: One respondent named thirteen jurisdictions.

24. In your opinion, what are the three most important innovations in Canadian electoral legislation in the past fifteen years?

- 1) _____
 2) _____
 3) _____

N= 11 Innovations Listed
 - Election finance control (8)
 - Prisoner Voting (4)
 - Disabled/Incapacitated Voting (3)
 - Extension of franchise (3)
 - Disposable Ballot Boxes (3)
 - Absentee voting (2)
 - Proxy Voting (2)
 - Electoral representation commissions (2)
 - Voting in Returning Office (2)
 - Ballot printing/design (2)
 - Extension of advance polling (1)
 - Age 18 voting (1)
 - Tax credit/political contributions (1)
 - Mobile polls (1)
 - Public information (1)

25. In the past fifteen years, is there any Canadian jurisdiction which you would consider to have been the overall leader in introducing innovations in electoral legislation in Canada?

--- A) yes - jurisdiction: _____

--- B) none in particular

N= 12 A)= 7 Under A)
 B)= 5 - Canada (3)
 - Manitoba (2)
 - Quebec (2)
 - Ontario (1)

Note: Four of the seven respondents chose their own jurisdiction as the innovation leader.

26. To your knowledge, has any other jurisdiction ever adopted any of the electoral legislation you administer?

--- A) yes (Please indicate which aspect(s) of electoral law)

--- B) no

N= 11	A)= 6	<u>Under A)</u>
	B)= 5	- Election expenses control (2)
		- Public financing of parties and candidates (1)
		- Prisoner voting (1)
		- Absentee voting (1)
		- Handicapped voting (1)
		- Mental health patient voting (1)
		- Polling day registration (1)
		- Advance poll extension (1)
		- Voting in Returning Office (1)
		- Polling place pennants (1)
		- Appointment and status of Chief Electoral Officer (1)
		- Ballot printing method (1)
		- Disposable ballot boxes (1)

27. Has your jurisdiction ever adopted legislation used by another electoral jurisdiction?

--- A) yes (Please indicate which aspect(s) of electoral law)

--- B) none in particular

(Question #27 cont'd)

N= 12 A)= 10 Under A)
 B)= 2 - Voting in Returning Office (4)
 - Election finance laws (2)
 - Proxy voting (2)
 - Mobile polls (1)
 - Absentee Voting (1)
 - Extension of advance
 polling (1)
 - Age 18 voting (1)
 - Polling day registration (1)
 - Notice of Enumeration (1)
 - Ballot format (1)

28. Have you ever felt that your jurisdiction was 'falling behind the times' by not introducing electoral legislation that was well established in other parts of the country?

--- A) yes --- B) no

N= 13 A)= 3
 B)= 10

29. Have you ever suggested to executive decision-makers in your jurisdiction that they consider an electoral law that has been successfully introduced in other parts of the country?

--- A) yes --- B) no

N= 13 A)= 8
 B)= 5

30. If, within a very short period of time, you were required to re-draft legislation regarding electoral regulation and administration in your jurisdiction, would you make use of legislation that was in effect in other jurisdictions?

--- A) yes --- B) no

If 'yes', whose legislation would you want to look at first?

(Question #30 cont'd)

N= 13	A)= 13	<u>Jurisdictions</u>
	B)= 0	- Canada (6)
		- Quebec (4)
		- Ontario (2)
		- Alberta (2)
		- Manitoba (1)

Note: Some respondents selected more than one jurisdiction.

31. Are there legal provisions that have been adopted by other jurisdictions in Canada that you would like to see put into the legislation that controls the electoral process you administer?

--- A) yes (If possible, please indicate which aspect(s) of electoral law)

--- B) none in particular

N= 12	A)= 6	<u>Under A)</u>
	B)= 6	- Voting in Returning Office (3)
		- Disabled voting provisions (3)
		- Prisoner voting (2)
		- Mobile polls (2)
		- Voting at age 18 (1)
		- Mailed notices to voters (1)
		- Polling day registration (1)
		- Better facilities for voter registration (1)
		- No gender on voters lists (1)
		- Political party registration (1)
		- Financial disclosure (1)
		- Chief Electoral Officer (CEO) as Officer of House (1)
		- More CEO discretion in purely administrative matters (1)

32. How long have you been Chief Electoral Officer in your present jurisdiction?

- A) less than one year
- B) 1 - 3 years
- C) 3 - 5 years
- D) 5 - 10 years
- E) more than ten years

N= 12 A)= 1
 B)= 3
 C)= 1
 D)= 6
 E)= 1

33. Did you work in the area of electoral administration prior to your current appointment?

- A) yes --- B) no

If 'yes' in what capacity and in which jurisdiction(s)?

Position(s):

Jurisdiction(s):

N= 12 A)= 5 Under A)
 B)= 7 - Deputy Chief Electoral
 Officer (2)
 - Returning Officer (2)
 - Registrar (1)
 - Municipal Election
 Administrator (1)
 - Operations Manager (1)
 - Secretary, Elections Board (1)

Note: For reasons of confidentiality jurisdictions are not indicated. Some respondents indicated they held several positions prior to appointment.

34. What is your total length of service in the area of electoral regulation and administration?

- A) less than one year
- B) 1 - 3 years
- C) 3 - 5 years
- D) 5 - 10 years
- E) more than ten years

N= 12 A)= 0
 B)= 2
 C)= 1
 D)= 6
 E)= 3

VITA

Surname: NEUFELD Given Names: HAROLD R.

Place of Birth: BROOKS, ALBERTA

Date of Birth: JUNE 4, 1952

Educational Institutions Attended, with dates of enrollment:

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	<u>1974 - 1975</u>
	<u>1979 - 1980</u>
<u>UNIVERSITY OF VICTORIA</u>	<u>1981 - 1982</u>
	<u>1985 - 1986</u>

Degrees Awarded, with Dates and Names of Institutions:

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Publications:

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HAROLD R. NEUFELD
November 26, 1986
Victoria, British Columbia