As this country experiences the tension, passion, and soul searching of the current referendum campaign, it is interesting to note that we are engaged in an electoral process that has been used often in Canadian history. Though referenda are not activities common to the political life of this country, neither are they unknown features of our political heritage.

**CANADIAN REFERENDA**

Since Confederation, Canadians have voted in two nationwide plebiscites, in 53 provincial plebiscites and referenda, and in several thousand such contests at the municipal level. The campaigns have been directed to a host of questions ranging from public acceptance of liquor prohibition, wartime conscription, fixed-link crossing should be established to the mainland. Very rarely, have direct votes been held on matters of profound constitutional reform. In 1916, there was a B.C. vote on female suffrage; in 1948, there were two historic referenda in Newfoundland respecting its political future; and in 1980, there was the vote in Quebec on sovereignty association.

**REFERENDUM RATIONALES**

Referenda have been resorted to by governments for a number of reasons. On one level they have allowed governments to delay or refrain from the making of hard choices by throwing contentious issues into the hands of the people. Many of the old liquor votes fit this approach, as did the vote on conscription in 1942.

On a deeper, more principled level, however, referenda have been used as a democratic link between governors and the governed. As Patrick Boyer has long argued, referenda are important instruments of democracy, allowing the common people of a state to have a direct voice in the development of public policy. The current referendum is very much a child of this ethos.

Most constitutional analysts agree that one of the factors leading to the death of the Meech Lake Accord was a popular belief that the ratification process for the Accord was illegitimate in that it did not provide for direct public participation in the process. With the inauguration of the "Canada Round," there was increasing pressure on political actors to ensure that any future agreement would be ratified by majority vote in both Quebec and English Canada.

**LEGAL AND POLITICAL REALITIES**

The dynamic of ratification by means of approval through a referendum is complicated by the ambiguous place of referenda in the constitutional ratification process. In legal theory, a referendum is distinct from a plebiscite in that the former is legally binding on governments and the latter is not. Yet in this current campaign, only the governments of Alberta and British Columbia will be legally bound to adhere to the expressed desires of their provincial electorates. (The Legislature of Alberta passed an act to this effect on September 22.) As such, only in these two provinces is the October 26 vote a referendum; everywhere else the vote is, in law, a plebiscite, not necessarily legally binding on the federal or any provincial government, including the government of Quebec.

However, one cannot ignore the fact that governments respond to political realities. The results of the October 26 vote will be difficult if not impossible for governments to ignore should the No side win in one or more provinces. The prime minister has already announced that victory for the Yes side will require majority support in every province. Ironically, notwithstanding the problems of unanimity associated with the Meech Lake Accord, we once again find ourselves in a process in which unanimity is required for the passage of a constitutional proposal.

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October 1992

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REFERENDA FACTS

Number of national referenda since 1867: 2
Number of provincial referenda since 1867: 53

1898 National Referendum

The Question
"Are you in favour of the passing of an Act prohibiting the importation, manufacture or sale of spirits, wine, ale, beer, cider and all other alcoholic liquors for use as beverages?"

The National Results
Yes — 278,487 (51%)
No — 264,571 (49%)

The Quebec Results
Yes — 25,582 (17%)
No — 122,614 (83%)

1942 National Referendum

The Question
"Are you in favour of releasing the government from any obligation arising out of any past commitments restricting the methods of raising men for military service?"

The National Results
Yes — 2,945,514 (64%)
No — 1,643,006 (36%)

The Quebec Results
Yes — 376,188 (27%)
No — 993,663 (73%)

1948 Newfoundland Referendum on Confederation

First Round Results
Responsible Government — 69,400 (44.5%)
Confederation with Canada — 64,066 (41.1%)
Commission Government — 22,311 (14.3%)

Second Round Results
Responsible Government — 71,344 (47.6%)
Confederation with Canada — 78,323 (52.3%)

1980 Quebec Referendum on Sovereignty Association

The Results
Yes — 1,485,761 (40.4%)
No — 2,187,991 (59.6%)

The October 26 Referendum

The Administrative Cost
Roughly $165 million
— $120 million by Elections Canada
— $45 million by Elections Quebec

The National Electorate
Roughly 18,211,000

The Quebec Electorate
Roughly 4,700,000

Spending Limits
— National committees entitled to spend up to $9 million each

— No limit on the number of committees so formed
— In Quebec, "yes" and "no" form one committee each
— Each allowed to spend $4.7 million

Miscellaneous
— Ballots of aboriginal voters will generally be recorded separately
— Traditional federal blackout of electoral results from Quebec being broadcast in western Canada will not be in legal effect on October 26