

# REFERENDA PAST AND PRESENT: THROUGH THE LENS OF HISTORY

by David Johnson

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,

---

*"Though referenda are not activities common to the political life of this country, neither are they unknown features of our political heritage."*

---

state ownership of utilities, the use of daylight savings time, and women's suffrage.

In recent years, Saskatchewan has held plebiscites on questions concerning mandatory provincial balanced budgets, state funding for abortion clinics, and whether referenda themselves should be mandatory for the ratification of future constitutional amendments. In 1988, Prince Edward Island held a plebiscite on whether a fixed-link crossing should be established to the mainland. Very rarely, however, 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 politi-

cal 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 cam-

paign, 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

---

*"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."*

---

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. This elevates the stakes of the campaign in every province. The No side need only score victory in one province; the Yes side needs to sweep the country. The night of October 26 will be tense indeed.

*David Johnson is Adjunct Professor of Political Science at Brock University.*



## 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