

# NEWS RELEASE

## Without approval via referendum, changes to Canada's electoral system might be unconstitutional

June 21, 2016  
For Immediate Release

**TORONTO**—The federal government must hold a national referendum on any changes to the country's electoral rules, in order to abide by well-established conventions, otherwise any changes are likely unconstitutional, finds a new essay released today by the Fraser Institute, an independent, non-partisan Canadian public policy think-tank.

"Any changes to the way Canadians elect their federal government, without consent from the electorate, might be unconstitutional because it would violate conventions established over the years," said Lydia Miljan, Associate Professor of Political Science at the University of Windsor, senior fellow at the Fraser Institute and editor of *The Imperative of a Referendum*.

Since the first election in Canada in 1792, Canadians have used the simple plurality system (commonly known as "first-past-the-post") to elect representatives to the House of Commons, the provincial legislatures, and municipal governments. However, the federal government has promised to change the electoral system before the next federal election. And the government, including the prime minister, has repeatedly rejected calls for a referendum on the issue.

But the practice of holding a referendum before making electoral changes has been firmly established in Canada.

For example, over the past decade, provincial governments pushing for electoral reform have four times held referenda—Prince Edward Island (2005), British Columbia (2005 and 2009) and Ontario (2007). In all four cases, incidentally, the people rejected changes to the elections system.

In each case, government leaders felt bound by convention.

In B.C., then-Premier Gordon Campbell said electoral reform was a "significant change" that required approval from "a great majority" in the province. And former Ontario premier Dalton McGuinty said that "electoral reform is so fundamental, so basic" that the government must ask the "people of Ontario for their judgment in this matter."

So why, exactly, would electoral changes, not approved by referendum, be unconstitutional?

Because Canada's federal government is based on a balance of power between the Crown, the two Houses of Parliament, and the Courts. The electoral system is a fundamental part of that balance, based on conventions. Any change to that balance—including electoral reform—must be ratified by those most affected. In this case, that would be the Canadian people.

"Past governments have agreed that before we change how our parliamentary system works, the question must be put to a referendum. Why should it be any different for this federal government?" said Patrice Dutil, essay author and Professor of Politics and Public Administration at Ryerson University.

*This is the first of several essays (comprising a book) on electoral reform in Canada to be released over the next several months.*

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