



Strengthening New Brunswick's Democracy

Select Committee
on Electoral Reform

**Discussion Paper
July 2016**

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Table of Contents

Select Committee on Electoral Reform	1
Message from the Government House Leader	2
How to use this discussion paper	3
Part 1: Introduction.	4
Part 2: Making a more effective Legislature	8
Chapter 1: Eliminating barriers to entering politics for underrepresented groups	8
Chapter 2: Investigating means to improve participation in democracy	12
Internet voting	18
Part 3: Other electoral reform matters.	20
Chapter 1: Election dates	20
Chapter 2: Election financing	21
Part 4: Conclusion	24
Part 5 : Appendices	25
Appendix A - Families of electoral systems	25
Appendix B - Voting systems	26
Appendix C - First-Past-the-Post.	31
Appendix D - Preferential ballot voting: How does it work?.	32
Appendix E- Election dates in New Brunswick.	34
Appendix F - Fixed election dates: jurisdictional scan.	36
Appendix G- Limits and expenses: Adjustments for inflation	37
Appendix H - Contributions: Limits and allowable sources jurisdictional scan	38
Appendix I - Mandate of the Parliamentary Special Committee on Electoral Reform.	41
Appendix J - Glossary	42
Appendix K - Additional reading.	45

Select Committee on Electoral Reform

The Legislature's Select Committee on Electoral Reform is being established to examine democratic reform in the province. The committee will consist of eight Members of the Legislative Assembly representing all three parties represented in the House.

The committee is being given the following mandates:

- Assess commitments made by the provincial government in 2014 to contribute to making a more effective Legislature by:
 - eliminating barriers to entering politics for underrepresented groups; and
 - investigating means to improve participation in democracy, such as preferential ballots and online voting.
- Assess other electoral reform matters that have been raised recently, namely:
 - the voting age;
 - political contribution rules; and
 - political spending rules.

The committee is required to consult with New Brunswickers by:

- engaging experts, interest groups and the public about the issues and options presented in this discussion paper;
- giving New Brunswickers the opportunity to make written submissions; and
- giving New Brunswickers the opportunity to make oral submissions at public sessions convened by the committee.

The committee is to table its final report at the Legislative Assembly in January 2017.

Submissions and comments may be directed to:

The Select Committee on Electoral Reform

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Message from the Government House Leader

New Brunswick prides itself in being a healthy and vibrant democracy. To remain healthy and vibrant, democracy requires constant tending as it cannot be viewed as a finished product. The processes, practices and tools that support our democracy are constantly evolving. Each generation has been confronted with the question of how democracy can best be achieved through a process that supports that generation's objectives and where improvements to the practices of our democratic institutions can be made. As each generation must answer this question, the response can change dramatically over time.

A New Brunswicker living in 2016 has a radically different understanding of what democracy means compared to a British subject living in the colonies in the mid-19th Century. This is inherently good: imagine a system of government where voting was not secret, where voting rights were based on the ownership of property rather than on the age of majority, where women and Indigenous New Brunswickers were not able to exercise their democratic rights and responsibility of casting a ballot, and where elections were not run by an independent office.

But what do we understand democracy to mean for us today?

There will be different responses to that question, and this paper seeks to draw these out and apply them to specific aspects of the electoral law. While these differences are respected, I hope New Brunswickers will find some commonality in their answers. I trust that all New Brunswickers believe that the right to vote is one of our most fundamental rights and one that should not be taken lightly: this also means there should not be any unnecessary barriers placed between someone who has the right to vote and that person effectively exercising that right.

The Government of New Brunswick is committed to ensuring New Brunswick has an electoral system that meets high standards of integrity and accountability, with fair and effective electoral laws that promote participation in our democracy through political representation and voting.

This paper seeks to foster discussion on the democratic process in New Brunswick. It is intended to provide an opportunity for broad engagement across a range of matter relevant to electoral law. The success of this process depends on people who care about the health of our democracy contributing to a rich debate and discussion.



Honourable Rick Doucet
Government House Leader

How to use this discussion paper

This discussion paper consists of five parts to give context and explore alternatives to reform democracy in New Brunswick. **Part 1** provides a high-level explanation of the select committee's work, how it fits into preceding studies of democracy in New Brunswick and similar undertakings being made elsewhere, particularly the new Parliamentary Special Committee on Electoral Reform. **Part 2** and **Part 3** largely follow the same order as the mandate of the select committee. **Part 4** reviews the issues at hand. **Part 5** consists of 11 appendices providing further context.

Part 1: Introduction

- Foreword
- Commission on Legislative Democracy (2005)
- *Proposals for Legislative Reform in New Brunswick* (2011)
- Developments in other jurisdictions
 - Federal level
 - Parliamentary Special Committee on Electoral Reform (2016)
 - Supreme Court of Canada (2016)
 - House of Commons Standing Committee on Procedure and House Affairs (2005)
 - Other provinces
 - Prince Edward Island
 - Ontario
 - Quebec
 - British Columbia

Part 2: Making a more effective Legislature

- Chapter 1: Eliminating barriers to entering politics for underrepresented groups
 - The present franchise in New Brunswick:
 - Who can vote
 - Who cannot vote
 - Younger New Brunswickers
 - Non-citizens
 - Who can run for office
- Chapter 2: Investigating means to improve participation in democracy
 - First-past-the-post
 - Preferential ballots
 - Internet voting

Part 3: Other electoral reform matters

- Chapter 1: Election dates
- Chapter 2: Election financing
 - Taxpayer subsidies to the electoral process
 - Allowable sources and limits
 - Campaign spending
 - Advertising limits
 - Pre-writ advertising scope
 - Platform commitment costing

Each chapter concludes with a question or questions for consideration to encourage informed discussion.

Part 4: Conclusion

Part 5: Appendices

- Appendix A: Families of electoral systems
- Appendix B: Voting systems
- Appendix C: First-past-the-post: popular vote versus seat distribution
- Appendix D: Preferential ballot voting: how it works
- Appendix E: Election dates in New Brunswick
- Appendix F: Fixed election dates: jurisdictional scan
- Appendix G: Limits and expenses: adjustments for inflation
- Appendix H: Contributions: limits and allowable sources: jurisdictional scan
- Appendix I: Mandate of the Parliamentary Special Committee on Electoral Reform
- Appendix J: Glossary
- Appendix K: Further reading

Part 1: Introduction

Foreword

Democracy is a pillar of our society. Over the years, there have been calls to improve the electoral system to encourage citizens to exercise their right of choosing their government and in modernizing the method of determining how members are elected to the Legislative Assembly.

One of our responsibilities as citizens is to review our democratic institutions from time to time and to ensure they adequately reflect the contemporary values of our society and the public needs of our province. Change to our current democratic institutions and practices are not an admission of failure, nor a departure from tradition, but an updating of tradition to reflect our current realities. The world of our parents and grandparents is vastly different from ours today, and the world of our children and grandchildren will be different in turn. It is possible to modernize our democracy while retaining the traditions that underpin it.

Building a strong economy with infrastructure that supports the creation of jobs and a better place to raise a family will need to be supported by public institutions that are open and trustworthy. To create and implement longer-term plans, taxpayers are required to have faith that their government is accountable, responsible and operating as efficiently, effectively and honestly as possible. This requires citizens to have confidence in the validity of the electoral process.

We are at a crossroad and this is an opportunity to leverage current voter sentiment to make changes that will make New Brunswick innovative and a leader. This is not to say that such renewal is a given – far from it. It will take effort. It will take skill. It will take initiative. Truly meaningful democratic renewal in New Brunswick will mean collectively undertaking reforms that will advance the prospects of our citizens for generations to come.

Why examine the democratic process?

New Brunswick has a long history of innovation: most often, innovators are recognized for their contributions to business sector products and in the delivery of services and technology. A collective innovation which is rarely recognized is the province's history of civic innovation and democratic renewal during its 231 years of existence.

A quick review through history reveals steady progress in the reform of our public institutions.

Our forefathers pursued reforms of our democratic system and built strong democratic institutions to support and represent fairly and equitably all citizens of the province. New Brunswick obtained its first representative democratic assembly when, in 1833, King William IV decreed that the council of elected members would meet separately from those councillors who were appointed by the Crown. The quest for Responsible Local Government was a common endeavour in all the British colonies in North America prior to Confederation. The decision to join in a new federation with the other colonies to create the Dominion of Canada was another milestone in our democratic evolution. New Brunswick entered Confederation in 1867 with the rudiments of the Westminster model of legislative democracy – representative and responsible government – already in place. These particular institutions were typical of those in other British colonies at the time, which were characterized by a relatively small electorate, a limited scope for governmental activity and somewhat elitist decision-making practices.

Fortunately, history shows that New Brunswickers have been leaders in pursuing and implementing democratic renewal. Many can remember the government led by Louis J. Robichaud, for example, that introduced in 1963 Equal Opportunity. This program was controversial at the time as it introduced sweeping changes in local governance, social services, education and income redistribution and expanded the role of its provincial government, thereby giving the province responsibility for education, hospital services, welfare and the administration of justice. This was a fairly radical reorganization of the government, but it was arguably necessary to ensure that public services would be fairly and equally available to all citizens throughout New Brunswick, whether urban or rural. Robichaud's government was also responsible for bringing in various other reforms aimed at reducing inequality and intolerance, such as revising municipal tax, liquor laws, appointing a provincial ombudsman, and adopting a healthcare system that did not require the payment of premiums.

Successive governments, irrespective of their political orientation, have worked to consolidate many of the social reforms first introduced as part of Equal Opportunity. The government led by Richard Hatfield implemented the *Official Languages Act*, brought in the *Political Process Financing*

Act, and supported minorities through the establishment of advisory councils. While many of the most sweeping democratic reforms came about during the turbulent eras of the 1960s and 1970s, renewal efforts have continued in one form or another to the present day. The government led by Frank McKenna embraced the idea of “reform through innovation,” leading to the creation of Service New Brunswick in 1998. SNB is a Crown corporation mandated to deliver government services to the public, both electronically (using telephone and Internet connections) and through a network of service centres strategically located throughout the province. SNB’s approach to delivering public services electronically serves as a model for future efforts at extending the e-government concept more broadly. To foster greater confidence in the neutrality of the administrators of the election scheme, the government led by Shawn Graham amended the *Elections Act* in 2007 to create an independent office under the jurisdiction of the Legislative Assembly, thus removing the Office of the Chief Electoral Officer from the public service.

The government led by Bernard Lord contributed to democratic reform by establishing the Commission on Legislative Democracy in 2003. The commission, given a broad mandate to identify various options for enhancing citizen-centred democracy in New Brunswick, presented its final report the following year. It included numerous recommendations for reforming the province’s electoral and legislative systems. The issues identified with the electoral system in that report remain pertinent today.

We inherited our electoral system from Great Britain. In 1785, only male landowners older than 21 had the right to vote in provincial elections by a show of hand registered in a book. The secret ballot was introduced in 1855. After many years of struggle and some protests, women who owned property won voting comparable to male landowners in 1919. After 1967, some 50 years ago, the ability to vote was extended to those citizens who did not have the good fortune to own land. The eligibility to vote was further broadened in 1971 by lowering the voting age to 18 from 21. In 1974, the desire for more direct accountability between elected representatives and their constituents led to a major overhaul of the entire electoral system, seeing the replacement of the old multiple-member county system with smaller, single member districts.

In the last few years, concerns have grown across Canada about the need for increased accountability in government and improvements in elected representation. Many jurisdictions have begun taking steps that could lead to significant democratic reforms (most notably British Columbia’s Citizens Assembly, Prince Edward Island’s Commission on

Electoral Reform, Ontario’s Democratic Renewal Secretariat, along with various initiatives undertaken by the federal government). New Brunswick is not immune from those quests for renewal, and this is why our journey begins.

Commission on Legislative Democracy (2005)

The select committee is examining many of the issues raised by the Commission on Legislative Democracy. The eight-person commission was established in 2003. It was given a mandate, similar to that of the select committee, “to examine and make recommendations on strengthening and modernizing the electoral system and democratic institutions and practices in New Brunswick to make them more fair, open, accountable and accessible to New Brunswickers.”

In its final report, released in 2005, the commission recommended a regional Mixed Member Proportional System (see Appendix A [Families of electoral systems], Appendix B [Voting systems] and Appendix J [Glossary]). As proposed, this system would combine 36 single-member ridings with 20 proportional representation seats (see Appendix J, Glossary), elected within four approximately equal-sized, multi-member, regional districts. The commission advised that the provincial government hold a binding referendum no later than the next provincial election.

The commission recommended fixed election dates for provincial elections: every four years on the third Monday in October, beginning Oct. 15, 2007.

It recommended ways to increase participation by groups traditionally underrepresented in politics, specifically, women and aboriginal communities.

The commission recommended creating a new independent electoral commission called Elections New Brunswick, which would combine the offices of the Chief Electoral Officer and the Supervisor of Political Financing, with an expanded mandate to run elections and referendums, and promote voter awareness and participation in the electoral process.

The commission recommended boosting youth voter turnout, awareness and participation in the democratic process by establishing a new, mandatory civics education program for all K-12 students.

The provincial government issued its response in 2007. It decided to maintain first-past-the-post but accepted the recommendation for fixed election dates: the fourth Monday in September, every four years. Under this system,

the next provincial election took place on Sept. 27, 2010. The government agreed to create Elections New Brunswick as recommended. The government accepted the recommendation to create a compulsory civics education program for youth.

Proposals for Legislative Reform in New Brunswick (2011)

In 2011, Donald Desserud, assisted by Cody Waite, completed a study for the provincial government, *Proposals for Legislative Reform in New Brunswick*. They agreed that reforms of the province's electoral system are necessary, long overdue and essential if New Brunswick's governance system is to re-engage the public successfully.

They cautioned, however, that finding a solution will not be simple. Before New Brunswick embarks on electoral reform, it must first reach some consensus on what it expects from its electoral system. Then it needs to evaluate the many models available before it decides which one is most appropriate for the province. Finally, it would be worthwhile that whichever commission or committee is tasked with recommending electoral reform carefully study the problems faced by provinces such as British Columbia and Ontario (to be discussed in the upcoming section, *Other Provinces*).

Developments in other jurisdictions

Federal level

Momentum for electoral reform has increased in recent years, most recently, at the federal level.

Parliamentary Special Committee on Electoral Reform

In 2015, the federal Liberal Party committed to abandoning first-past-the-post. In May of this year, the federal government signalled its intention to create a special all-party House of Commons committee on electoral reform (see Appendix I, *Mandate of the Parliamentary Special Committee on Electoral Reform*). The Parliamentary Special Committee on Electoral Reform was formally established the following month. Its mandate closely resembles that of New Brunswick's select committee: study different voting systems such as preferential ballots, proportional representation and online voting. The mandate of the Parliamentary committee goes further than that of the New Brunswick select committee in two key ways. First, the Parliamentary committee mandate explicitly incorporates the objective of the federal government to replace first-past-the-post

with a system that will deliver better governments for all Canadians. Second, the Parliamentary committee is to examine mandatory voting, an issue not specifically mentioned in the mandate of the New Brunswick select committee.

The Parliamentary committee is to table its final report by Dec. 1, 2016. The New Brunswick select committee's deadline is the spring of 2017. This time frame gives New Brunswickers several months to assess the Parliamentary committee's findings and to suggest to what degree electoral reforms in this province should mirror those recommended at the federal level.

Supreme Court of Canada

In April of this year, the Supreme Court of Canada agreed to hear the case of long-term expatriates who have been denied the right to vote in federal elections (see Part 2, Chapter 1, *Non-residents*). At issue is part of the *Canada Elections Act* that disenfranchises Canadians who have been abroad for longer than five years. The case originated in Ontario, working its way up from the Superior Court of Justice to the Court of Appeal. A separate case, based on the same issue, arose a few years ago when Toronto city council asked the Government of Ontario to extend voting rights to permanent non-residents of the city. The supreme court's decision may have implications for the residency qualifications contained in the New Brunswick *Elections Act*.

House of Commons Standing Committee on Procedure and House Affairs (2005)

The House of Commons Standing Committee on Procedural and House Affairs recommended the establishment of a House special committee and a citizens' consultation group to make recommendations on strengthening and modernizing democratic and electoral systems, including increased representation of women and minorities as well as questions of proportionality, community of interest and representation. In its report to the House, the committee referred to a report released in 2004 by the Law Commission of Canada, *Voting Counts: Electoral Reform in Canada*, in which the commission recommended Canada adopt a Mixed Member Proportional System for elections to the House of Commons. In response, the federal government endorsed "fully" the substance of the recommendations but rejected its proposed timelines.

Other provinces

Electoral reform has been on the radar of at least four other provinces. The experience in each has been a cautionary tale for New Brunswick.

Prince Edward Island

An electoral reform plebiscite will be held over 10 days this November. Islanders will vote on five options:

- First-past-the-post (current system);
- First-past-the-post plus leaders;
- Dual Member Proportional Representation;
- Mixed Member Proportional Representation;
- Preferential voting.

Voters will be asked to indicate their preferences in descending order. The objective is to ensure the winning option has majority support. If, after the first vote, no single option has more than 50 per cent of the votes, the option with the fewest votes will be removed from the counting. All the ballots cast in favour of that option will be redistributed based on what those voters indicated to be their second preference, and all the votes will be counted again.

Islanders will be able to vote online or by telephone. Two of the 10 days have been aside for people who still want to vote by paper ballot.

Eleven years ago, an electoral commission recommended a Mixed Member Proportional System. This was put to a referendum and was defeated with 64 per cent of voters supporting the status quo.

Ontario

A referendum in 2007 produced results similar to those on Prince Edward Island in 2005.

Quebec

A citizens' committee released a report in 2006 that proposed a Mixed Member Proportional System (see Appendix J, Glossary). The provincial government did not respond with commitments to implement the proposal or hold a referendum on the matter.

British Columbia

The provincial election held in 2005 asked voters whether to adopt a Single Transferable Vote System (see Appendix J, Glossary). The vote fell just short of the 60-per-cent threshold required, with 57 per cent voting in favour of the proposal. In May 2009, a second referendum was held, in which the proposal garnered significantly less support – 39 per cent.

Part 2: Making a more effective Legislature

Chapter 1: Eliminating barriers to entering politics for underrepresented groups

The present franchise in New Brunswick

Our current form and style of government has evolved considerably since its foundation in 1784, to become fairer and more democratic by expanding the right to vote beyond men aged 21 who were property owners.

The *British North America Act (1867)*, which established Canada at Confederation, provided for the continuance of electoral rules as a provincial matter until the federal government decided otherwise. No standard electoral laws existed, and the right to vote, including the definition of the electorate, diverged greatly between provinces.

The first federal election legislation standardized the qualifications necessary to vote by retaining three basic conditions common to all provinces: being male, 21 or older and British subject by birth or naturalization alongside a property based qualification that differed between those living in urban or rural constituencies.

Most provinces, including New Brunswick, enfranchised women for provincial and municipal elections around the First World War. Ownership qualifications persisted at provincial level until 1967 in New Brunswick, when it became the last province to abolish the requirement.

Over the years, the right to vote has moved from a privilege to an entitlement and has been extended to virtually all citizens. With this change has come the need to justify whom to exclude from this right. The current criteria for exclusion are mainly twofold: those who are not citizens of the country in which they reside; and those citizens of the country who have not yet reached a certain minimum age.

Currently, under electoral law in New Brunswick, an individual who is 18 and a Canadian citizen has the right to vote. The age standard was adopted by the Legislative Assembly in 1971. The requirement for citizenship was introduced as a consequence of the adoption of the *Canadian Charter of Rights and Freedoms* in 1982.

Voting by permanent residents

There are currently no voting rights for non-citizens anywhere in Canada, for any kind of election.

The *Canadian Charter of Rights and Freedoms* specifies that “every citizen of Canada has the right to vote in an election of the members of the House of Commons or of a legislative assembly and to be qualified for membership therein.”

In 1996, a *White Paper on Electoral Reform in the New Brunswick* containing 50 recommendations was tabled in the Legislative Assembly. The White Paper recommended that electoral legislation be modernized; a computerized register of electors be developed; election procedures to remove confusion among the electorate be harmonized; and eligibility requirements to vote between provincial and municipal elections, namely that all electors be a Canadian citizen, be harmonized.

Eligibility to vote has remained constant since then with one change in 2009 when the residency requirement was changed to require residents who have lived in the province for at least 40 days prior to Election Day, to keep it in sync with changes being made to the *Elections Act* at the time. Prior to this change, the residency requirement was six months prior to Election Day.

Allowing permanent non-residents to vote came to the forefront in Ontario in June 2013. Toronto city council adopted a resolution asking the Ontario government to extend voting rights to permanent non-residents of the city. Opponents claimed such inclusion would weaken the security of the electoral system. They pointed to the Ontario Court of Appeals decision regarding long-term expatriates who lost their right to vote in federal elections. The split decision recognized that “permitting all non-residents citizens to vote would allow them to participate in making laws that affect Canadian residents on a daily basis but have little to no practical consequence for their own daily lives.” While the five years rule infringed on the rights of expatriates, said George R. Strathy, chief justice of Ontario, the infringement is reasonable and can be justified in a free and democratic

society. Most advocates supporting the inclusion of permanent foreigners acknowledge the Court of Appeal decision provides direction as regard to residency but they suggest restoring the voting rights of permanent non-residents is necessary for a democratic equilibrium as any Canadian resident who is not a resident of the city but holds property within the city is eligible to vote in the municipal election.

On the international front, many European Union countries have extended suffrage rights to certain permanent foreigners to vote in local and European elections but not for national elections. France, a member of the European Union, has been unable to convince the electorate to support the extension of voting rights to foreigners: a constitutional change is required. In the United States, a few states and municipalities are allowing foreigners to vote for local offices: no foreigner is allowed to vote at the national level. There have been efforts throughout the United States in recent years to extend suffrage rights to non-citizens for local elections with limited success, as “shared citizenship” is viewed by most citizens as an important unifying force. Advocates for change there, suggest that one can be a “citizen” of a city or a town without being a citizen of the United States.

In Canada, permanent resident status, formerly known as a landed immigrant status, are individuals who have immigrated to Canada to set up permanent residence and have been granted such status by Immigration. Permanent residents are not Canadian citizens and cannot hold a Canadian passport or hold a job that needs a high level of security clearance. Refugees, whose claims are approved, can apply and be granted permanent residency status. The status is reviewed every five years through the renewal of the permanent status card. Each time, the foreigners must prove an attachment to Canada by being in the country and by having a residential address within the country.

As cities and towns across New Brunswick attract more newcomers and become more diverse, giving permanent residents who are not yet Canadian citizens the right to cast a municipal or provincial ballot has become a growing concern. Many may argue that extending the voting right is a matter of fairness and a way of bridging urban divides. It may even open up the democratic process and help more visible minority candidates win elected office.

Advantages	
Permanent residents	Many newcomers live, work and play, and send their children to school in New Brunswick. They pay taxes and, as consumers of goods and services, contribute to the economy of the various communities within the province. However, they do not get to elect their local representatives because they are not yet citizens. As they tend to settle in communities with very high concentrations of permanent residents, this results in a diminished political voice for entire neighbourhoods.
Increased voter participation	Allowing permanent residents the opportunity to cast a vote would allow them an opportunity to actively participate in decisions made on local services and issues. Evidence indicates that the earlier that people begin participating in political life, the more likely they are to continue participating in the long term. This is a value for all New Brunswickers and would encourage newcomer integration. This change could enhance the legitimacy of provincial and municipal government, which is responsible for the services and well-being of all residents. If permanent residents are voters, this will encourage elected officials to listen to and respond to these constituents.
Equality	Permanent resident voting would be in line with well-established democratic principles, such as “no taxation without representation” and equality before the law. Critics argue that the right to vote is a major incentive to become a Canadian citizen, and that granting voting rights to permanent residents removes this incentive and makes citizenship merely symbolic. However, the experts suggest that citizenship carries significant practical benefits – such as a Canadian passport, secure status and protection against deportation – that will continue to motivate immigrants to become citizens.

Disadvantages	
Value of citizenship	The first objection is that the enfranchisement of permanent residents diminishes the value of citizenship. The act of voting is commonly thought to be a condition of democratic politics. The emphasis on citizenship as a precondition for voting is in tension with another important principle of democratic justice: that the people whose lives are governed by laws should have a say in those laws. It is important to note that there are other important distinctions, besides the right to vote, between non-citizens and citizens, such as the right to possess a Canadian passport and the right to not be deported.
Political influence	Another common objection is that granting the vote to non-citizens would then allow them political influence over the conditions under which they and other migrants are granted citizenship. But decisions about membership happen at the federal, not municipal or provincial, level. As a result, granting the provincial and municipal vote to permanent residents provides them with significant input into the conditions that shape their daily lives, without raising concerns that they are able to determine the terms of citizenship themselves.
Unfamiliarity	A third objection to the enfranchisement of non-citizen residents is that allowing non-citizen residents to vote could result in bad government. This argument is founded on the belief that permanent residents may be unfamiliar with the New Brunswick political landscape.

Any expansion to the eligibility criteria for voters will require adjustments to the voters' lists. Currently, the main sources for producing such lists are the province's vital statistics and driver's licence systems. Elections Canada receives information from the Canada Revenue Agency to update the federal register of electors and periodically shares its data with the Province. If the eligibility criteria to vote in the province changes, Elections New Brunswick will need to adjust how it collects and shares voter data.

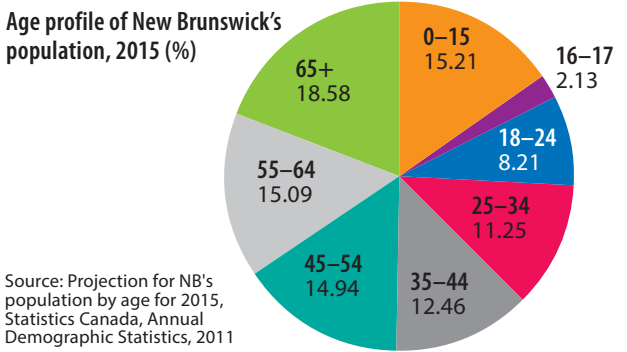
Keeping the rules consistent for all provincial elections schemes, whether provincial, municipal, district education council, regional health authority, local service district elections, plebiscites, and referendums, should minimize additional costs if permanent non-residents are afforded the right to vote. There will be costs for altering public information and for public advertisements.

Questions for consideration

- To increase voter turnout and allow active participation in decisions, should New Brunswick explore the feasibility of granting the right to cast a municipal or provincial ballot to permanent residents?
- Would the right to cast a municipal ballot by permanent residents also grant the right to vote in district education council and regional health authority elections?

Voting age

The matter of what is the right age that a person should be before being allowed to vote has been debated periodically in New Brunswick.



The first real debate occurred in 1967 when the provincial government held a referendum asking New Brunswickers if they wanted the voting age lowered to 18 from 21, the age of majority at the time. Some expressed concern whether 18-year-olds were sufficiently well informed or mature to vote responsibly. A majority of those voting in the referendum rejected having the voting age differ from the age of majority.

In 1970, the federal voting age was altered to 18, thus aligning the age with the eligibility age under federal programs such as the Canada Pension Plan and the then Unemployment Insurance program. With this move by the federal government, many provinces gradually adopted 18 as the voting age. In 1971, the New Brunswick Legislative Assembly reduced the minimum age for voting to 18.

The voting age in Canada and New Brunswick has been 18 since then.

Over the years, lowering the voting age has been considered by the federal government and other jurisdictions but a decision was, in some cases, negative but most often postponed to the future.

Although there has been little movement in Canada to expand the right to vote to persons younger than 18, it is interesting to note that in recent years several jurisdictions from the United Kingdom have voted in favour of changing the voting age to 16.

Given this movement within Europe, the question has risen whether or not the minimum voting age in New Brunswick should be further reduced with the many advances in the civic engagement programming throughout the curriculum of the public school system. During a debate in the Legislative Assembly in 2014, the government recognized that the question had merit and required consultation.

Age 18 is a standard adopted by most developed countries around the world. Reducing the voting age would make New Brunswick the first jurisdiction in Canada and the United States to permit 16-year-old citizens to vote.

Number of youth who will be turning 16 in:

2014-18 **38,213**

2018-22 **28,478**

2022-26 **28,788**

The main argument against lowering the voting age is that young persons who are younger than 18 lack the ability and motivation to participate effectively in the electoral process.

Equity arguments have also been raised, including a constitutional challenge. In May 2004, the Alberta Court of Appeal ruled against two Edmonton teenagers who argued that their rights under the *Charter* had been violated by Alberta's *Elections Act*. The court agreed with the trial judge that a voting age limit was, in principle, a violation, but that it was justified to maintain the integrity of the electoral system.

Given a marked decrease in voter participation, some groups and associations are advocating the reduction of the minimum voting age as a means to increase participation. The low level voter participation matter has been studied in various jurisdictions and current findings depict a multifaceted issue. Of all groups of eligible voters, young Canadians have the lowest voter participation levels. One proposal put forth to counter this trend is the lowering of the voting age from 18 to 16. According to studies commissioned by Elections Canada, not only are young people participating less in the electoral process than older generations, but their willingness to participate is also in decline. These findings are supported by similar findings prepared in 2012 by Ian McAllister of the School of Politics and International Relations for the Australian Election Research Forum: lowering the voting age to increase turnout is not supported by the evidence and may in fact increase the decline in turnout.

These findings notwithstanding, proponents of the initiative to enfranchise additional voters argue there are prolonged benefits.

Advantages	
Instilling democratic values in young people	Instilling values while a voter is still in school will encourage the development of lifelong voting habits. Positive reinforcement within the school system, particularly on Election Day, could reduce the notion of habitual non-voters by instilling a stronger attachment to the value of exercising one's right.
Equity arguments	While the Alberta courts have found that the current minimum voting age is constitutional, it has not given an opinion on any potential alteration to such a voting age. Some proponents point out that over the years courts have also found that maturity can be set as early as age 12 for choosing or refusing medical treatment or for being considered responsible for committing certain criminal acts. If young persons are responsible for their conduct and health, proponents question why persons younger than 18 are deprived from having the right to select their government In New Brunswick, eligibility criteria with minimum age vary depending on the program. At age 16, young persons can apply for a driver's licence or can apply to join the Armed Forces (with parental consent). They are considered eligible to participate in the provincial labour force.
Participatory opportunities (family/friends)	At ages 16 and 17, young persons are normally in a home-type setting, People living together may discuss an upcoming election as part of their everyday relationship, giving a broader understanding of the issues. The sharing of ideas and of transportation is beneficial to allow such youth to have participatory opportunities before leaving home.

Disadvantages	
Lack of insight and awareness	Opponents believe that 16-year-olds lack the maturity to make an informed political decision and that the novelty of being eligible to vote would eventually wear off.

It should be noted that the minimum voting age is consistent among provincial, municipal, local and regional elections as well as plebiscites and referenda. Harmonization of the eligibility criteria to vote is important to avoid confusion among electors and to avoid the necessity for separate voter lists that could add costs to the electoral system.

Questions for consideration

- Should we consider lowering the voting age to 16 to give young people a greater voice in political decision-making?

Who can be a candidate?

The other matter normally linked to voting eligibility is who is eligible to be a candidate.

As in the United Kingdom and Australia, the Canadian electoral system recognizes that if a person is eligible to vote, that person should also be able to run for office. Thus any Canadian citizen who is at least 18 can legally qualify to hold certain elected offices: the potential thus exists for elected representation to be representative of all age groups of eligible voters.

In previous sections of this paper, the matters of voting age and residency have been discussed. The outcomes of those discussions could impact the discussion on the candidacy age that a candidate must be to be elected. When Toronto city council adopted its resolution to seek voting rights for

permanent non-residents, it acknowledged that the issue of candidacy required careful consideration. Little debate has been had on the issue in Canada as voting and candidacy has been traditionally linked. If the voting age was to be reduced, concerns may be raised as to the impact on the public education policy of improving graduation rates. On the matter of a non-citizen being able to run for office, concerns may be raised in respect to provincial election season where members elected may need security clearance to discharge their responsibilities. Those supporting reform are likely to support maintaining the status quo to permit full participation in the electoral process, either as an eligible voter or as an eligible candidate.

The issue should be considered, including the option of delinking eligibility to vote and candidacy as has been done by some international countries. These countries have adopted a separate age that a person can run for an election: in many instances, varied age criterion applies depending if the representation is to be local, regional, provincial or federal. In the United States, the minimum candidacy age is 25, and many groups have attempted to lower that age in various states. Some states, such as Oregon and South Dakota, have lower candidacy age.

Questions for consideration

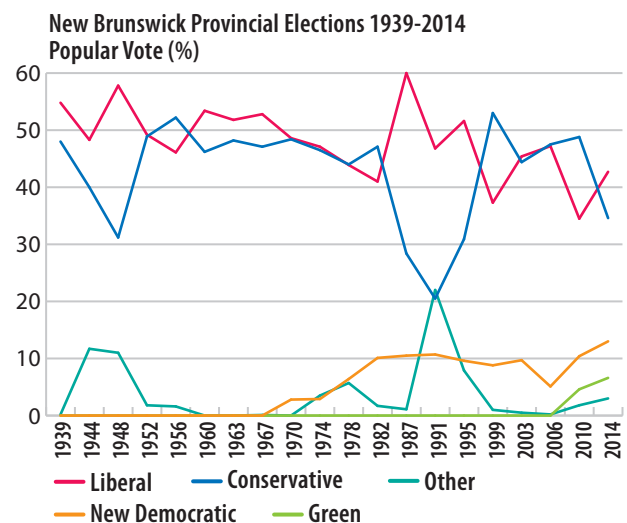
- Should we consider delinking eligibility to voter requirements from candidacy requirements?

Chapter 2: Investigating means to improve participation in democracy

How MLAs are elected

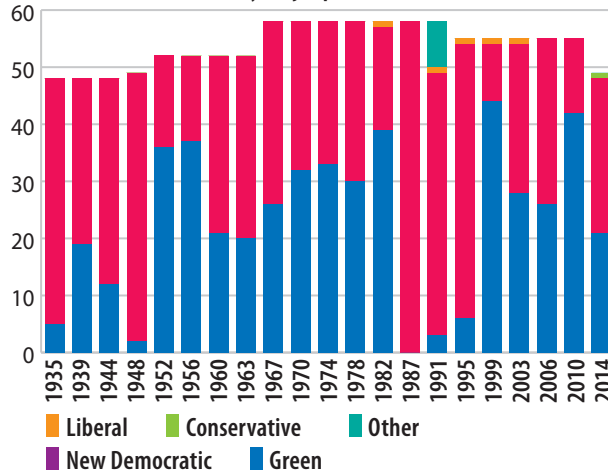
A properly functioning electoral system is the bedrock upon which the rest of the public sector rests. If our legislative system is to have any legitimacy, the public must have absolute confidence in the fairness and openness of the electoral process.

The particular formula employed to translate votes into seats in the legislature assumes special importance. Recently, some countries have questioned their electoral systems and the democratic values that they reflect, and have instituted reforms. Canada and the provinces, for the most part, have been hesitant to experiment with its electoral system or have been unsuccessful in convincing a majority of the electorate of the need for change. However, a growing number of New Brunswickers are interested in critically examining the existing electoral system, and many deem that it is time to change the way we cast our votes.



Canada, and New Brunswick, inherited its first-past-the-post electoral system from Great Britain more than 200 years ago, at a time when significant sections of the Canadian population, including women, Aboriginal people and non-property

New Brunswick Provincial Elections 1935-2014
Number of seats won by major parties at each election (%)



owners, were disenfranchised. Throughout the first half of the 19th Century and for 50 years after Confederation, the strengths of our electoral system were evident: it fostered competition between two major parties and provided the successful party with a strong, albeit sometime artificial, legislative majority. Territory, embodied in the direct link between the MLA and his (for they were all men) constituents, was the most important aspect of a citizen’s political identity and the pre-eminent feature of prevailing notions of representation. New Brunswick’s political, cultural, and economic reality has vastly changed; and our experiences

and technological advances create new opportunities and expectations. Many New Brunswickers desire an electoral system that better reflects the society in which they live – one that includes a broader diversity of ideas and is more representative of New Brunswick society.

First-Past-the-Post

New Brunswick’s First-Past-the-Post system of responsible government is based on electing individual members to represent local and provincial interests in a legislative assembly. An executive or government is drawn from members of the legislative assembly. This system has long been the focus of attention and debate. What has particularly drawn commentary over the years is the tendency of the system to allow the winning party to gain more seats relative to its share of the vote; in fact, this over-rewarding usually allows the party to capture a majority of seats in the Legislative Assembly without getting a majority of the popular vote. (See Appendix C: First-past-the-post: popular vote versus seat distribution) At the same time, these surpluses come at the expense of some of its competitors, particularly third parties. The system tends to give some voters more say than others in how we are governed in the way winning candidates are decided. These shortcomings in our electoral system can result in a legislature that fails to reflect accurately the diversity of opinion in our province.

Advantages

Simplicity	Under the current system, votes are simple to count and tally. It does not take very long to count all the votes and work out who has won. Results in recent years can be declared within a few hours after polls close. The cost to administer is minimized as it is a simple count under most circumstances unless a recounting is ordered because of the closeness of the results.
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Disadvantages

Public support	Where there are more than two candidates such as a close three-way race, representatives can get elected on tiny amounts of public support when the votes cast are evenly distributed among candidates. Basically it does not matter by how much a candidate wins, only that he or she gets more votes than other candidates.
Tactical voting	Behaviour being an element in the expression of public support, First Past the Post encourages tactical voting in certain circumstances. It is estimated that the “Anything but Conservative” campaign in Newfoundland Labrador spurred widespread strategic voting in 2015 federal election, decreasing the number of Conservative seats nationally by at least 72. Strategic voting results when many voters vote not for the candidate they like the most, but against the candidate or party they most dislike.
Voter choice	Parties are coalitions of many different viewpoints. First-Past-the-Post encourages the support of a party as opposed to the local candidate. While the voter can clearly express a view on which party they think should form the next government through his or her selection of the party candidate, there is no means on the ballot for the voter to express support for a candidate that may not be a member of the party one is also supporting. This can restrict voter choice when the dilemma is choosing between a party or a well-respected local representative.

Disadvantages

Proportionality	<p>There is a growing discomfort that not all votes are equal under First-Past-the-Post. Once the level of votes needed to win the seat is attained, there is a perception that the remainder of votes for the winning candidate above that level counts for nothing similarly to those votes cast in a constituency for losing candidates. This tends to produce a two-party system which, in turn, tends to produce single-party governments, which do not have to rely on support from other parties to pass legislation.</p> <p>As constituencies are relatively small, the two-party system leads to a number of safe seats, where the same party is all but guaranteed re-election at each election. This not only in effect disenfranchises a region's voters, but it leads to these areas being ignored when it comes to framing policy. In a multi-party culture, third parties with significant support can be greatly disadvantaged.</p>
Strategic campaigning	<p>Rather than allocating seats in line with actual support, First-Past-the-Post rewards parties with support concentrated in districts or geographical areas. This encourages strategic campaigning where safe areas receive less attention or likely unsuccessful areas are paid little attention to gather more votes in other areas having the potential to produce a win situation. This mean losing 4,000 votes in one area can be a good idea if it means picking up 400 votes in another to produce just enough votes to win in that particular area.</p>
Candidates	<p>Because First-Past-the-Post restricts a constituency's choice of candidates, representation of minorities and women suffer from "most broadly acceptable candidate syndrome," where the "safest" looking candidate is the most likely to be offered a chance to stand for election by the parties. The "star candidate" syndrome is encouraged to influence voters.</p>

There are various methods of electing representatives which can be classified by three broad categories: plurality/majoritarian systems, mixed member systems and proportional representation systems.

A plurality/majoritarian electoral system does not attempt to make vote share match seats. The most well-known and familiar of these systems is First-Past-the-Post. But other variants exist which try to find a more consensual winner, such as in the Preferential Ballot /Alternative Vote, Second Ballot and Borda Count systems. It is also not necessarily the case that majoritarian voting is only in a single seat constituency, as under the Block Vote or Limited Vote system, but majoritarian systems usually have smaller constituencies than proportional ones.

Proportional representation is a type of electoral system that decides the make-up of a Legislative Assembly by allocating seats on the basis of the number of votes each party received. Although there are many different types of Proportional Representation, including Party List Proportional Representation and Single Transferable Vote, this is the base requirement for a system to be described as proportional. Rather than the winner-take all approach of other systems, Proportional Representation ensures that votes carry equal weight. To do this, multi-member constituencies are used. This means that a single area elects more than one representative.

Mixed systems are systems which combine elements of different systems. Generally such systems combine features

of a majoritarian system with a proportional system. Such systems are usually seen to combine the best of such systems and alleviate the negatives. However it may also be the case that they simply combine the faults of those systems. These types of systems include Mixed Proportional Representation, Additional Member and Alternative Vote Plus system.

Electoral reform has been on the radar of many Canadian jurisdictions, including the federal government since the turn of the previous decade. In fact, the Commission on Legislative Democracy during 2003 through 2005 studied a variety of electoral systems and recommended changing to a new proportional representation electoral system called New Brunswick Mixed Member Proportional with 36 single-member riding MLAs and 20 list Proportional Representation MLAs elected in four multi-member districts. The commission's recommendations for reforming the electoral system were seen as a significant departure from the current system. As mentioned before, New Brunswick was not the only province debating the so-called democratic deficit. As in New Brunswick, an electoral commission on Prince Edward Island recommended a Mixed Member Proportional system. This was put to a referendum on Nov. 28, 2005, and was defeated with 64 per cent of voters supporting the retention of their electoral systems. A referendum in Ontario in 2007 produced similar results.

In British Columbia, a Citizens' Assembly recommended a different version of proportional representation, the Single Transferable Vote system. On May 17, 2005, the Government

of British Columbia added a referendum option to the provincial election scheme: it required a super-majority for a referendum to pass. A referendum was held on the STV in 2005 and was narrowly defeated with 57 per cent support from voters. British Columbia held a second referendum on election reform on May 12, 2009. As in 2005, voters were asked about moving to a STV system: Sixty-one per cent of the voters rejected proportional representation, a significant drop in interest in comparison to the 2005 results.

This drop in the share of British Columbia voters supporting proportional representation and the rejection in other jurisdictions has convinced the Government of New Brunswick that the revolutionary recommendations of the Commission on Legislative Democracy in 2005 are unlikely to be supported by the majority of the electorate. Instead, we should focus on incremental changes such as preferential ballot.

What is a Preferential Ballot?

A Preferential Ballot is not a new concept; it has been used in Australia since 1918 when the *Commonwealth Electoral Act* was comprehensively rewritten to introduce alternative (“preferential”) voting for the House of Representatives. These changes were brought forward in response to the rise of the Country Party in the aftermath of the First World War and the prospect of the loss of seats to Labour through a split in the non-Labour vote. The three-party system, which preferential voting helped to support, has remained fundamentally unchanged to this day. Even within Canadian history the concept is not foreign. Many are already familiar to some degree with the Preferential Ballot. Older citizens may remember it from the 1950s, when it was still in use in provincial elections in Manitoba, Alberta and British Columbia.

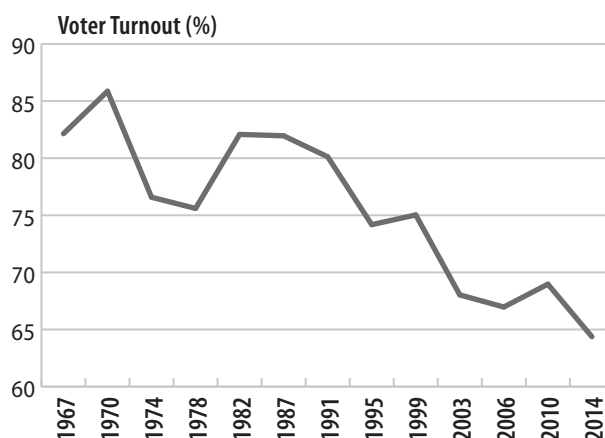
Throughout the last electoral campaign, the Government of New Brunswick heard the concerns of citizens respecting the current democratic system and the criticism that voting no longer represented the wishes of the population. It took those concerns seriously and committed to examine the feasibility of moving to a Preferential Ballot system, a system also known as a ranked ballot system or an instant runoff voting system. This system retains many of the electoral elements New Brunswickers are accustomed to while recognizing preferences expressed during voting, commonly referred to as the popular votes. (See Appendix D: Preferential ballot voting: how it works)

Under the Preferential Ballot system, ballots are structured to allow voters to rank their candidates in order of preference. If no candidate wins 50 per cent of the votes, the candidate with the fewest votes is removed from the count and the votes are redistributed. If the dropped candidate

was ranked first on certain ballots, those votes would be redistributed to the candidate ranked second on each of those ballots. For those ballots that ranked the dropped candidate other than first place, the votes would be redistributed to the next candidates in the ranking, upgrading such ranking by one (for example, a candidate ranked third would now be ranked second). The redistribution continues until a candidate emerges with more than 50 per cent. This method preserves votes to ensure a candidate can ultimately achieve majority while preserving the preferences expressed.

Most things under a Preferential Ballot system are the same as in First-Past-the-Post to which New Brunswickers are accustomed. The ridings retain the same boundaries and are still represented by a single person, whom residents of the riding can regard as their own MLA. Voters still vote for candidates representing parties rather than for parties as such; no party members are appointed by and represent only the party apparatus. The only difference from the current First-Past-the-Post as far as the voter is concerned is the choices: instead of putting an X before the name of the favoured candidate, the voter can choose to rank all the candidates from first to last, marking them 1, 2, 3, etc. When the ballots are counted the first time, only the first choices are tabulated. A candidate who receives 50 per cent plus one or more of the first count is declared elected at that point. If no one has a majority, the candidate with the fewest number of first preferences is removed and all those ballots are transferred to other candidates based on the indication of second preference. The process of recounting, elimination and vote transfer is repeated until someone emerges with a majority, at which point the victor is declared. With paper ballots, the process can take several hours, or even a couple of days but as New Brunswick continues to modernize its voting technology, tabulation machines and computers could do the recounting almost instantaneously.

The purpose of an election is to elect a person to represent the constituency (local area). This is not directly a vote for a



political party. However candidates are usually also representatives of their political parties. In an election, there is only one winner. For convenience, it is said that the party of the MLA wins the constituency, but this is only indirectly the case because technically it is the individual who wins. A Preferential Ballot continues this tradition but removes the uncertainty of whether a vote is an expression of support for the candidate or the candidate's party. It is beneficial for the electorate as it reduces the sentiment that the election result is a foregone conclusion or the need for tactical voting

and encourages candidates to chase second and third preferences, which lessens the need for negative campaigning. After all, one does not want to alienate the supporters of another candidate whose second preferences one wants.

This is a modest, pragmatic choice for electoral reform that does not create its own series of problems, as a wholesale change to another electoral system would. It also keeps things simple and easy, so that everyone can understand how to vote and that their vote really counts.

Advantages	
Public support	By indicating preferences in the ballot box, the outcomes of the election should result in all MLAs having the support of a majority of their voters. It ensures that only a candidate with the support of an absolute majority of the electorate can win, eliminating the possibility of minority winner. It can however produce a higher level of informal voting where second choice or third choice become wins.
Tactical voting	Preferential Ballot voting reduces the need for tactical voting. Electors can vote for their first-choice candidate without fear of wasting their vote since their second preferences can also influence the outcome. This minimizes voters voting not for the candidate they like the most, but against the candidate or party they most dislike.
Voter choice	Preferential Ballot voting encourages the support of local candidates as opposed to a party. The voter can clearly express a view on which party they think should form the next government through his or her selection of the party candidate and can further express support for a candidate that may not be a member of the party one is also supporting through ranking. This eliminates the voter dilemma of choosing between a party or a well-respected local representative. It also ensures that voters can support minor parties and independent candidates, knowing that their preferences may be used to decide the winner, while ensuring a per-vote subsidy to their preferred party. Thus, votes for minor parties and independents are not wasted.
Representation	Preferential ballot voting eliminates the concept that not all votes are equal. While First-Past-the-Post in a three-way race would produce just three factions, each supporting one candidate, Preferential Ballot voting would produce six preference orders, a subtle difference that influences who wins and better represent the majority.
Strategic campaigning	Preferential Ballot voting encourages candidates to not only chase first preferences but also to chase second choice as voting results are unpredictable and reduces the number of "safe seats" where the election result is a foregone conclusion. This lessens the need for negative campaigning as a candidate does not want to alienate the supporters of another candidate whose second preferences one wants. Because the Preferential Ballot voting retains the same constituencies, meaning no need to redraw boundaries or erode the link between constituency and the MLA, parties are unlikely to use strategic campaigning as achieving preference ranking means each vote has the potential to produce a win. Energizing the base and taking swing voters away from other parties would no longer be enough: candidates and leaders would also need to woo supporters of their opponents for those second-choice votes, and avoid alienating other voters entirely.
Candidates	Because second choice may lead to winning a seat, there is less pressure on the constituency to select only the "safest" looking candidate to stand for election. Representation of minorities and women may be more acceptable and encouraged.

Disadvantages	
Proportionality	As Preferential Ballot voting is not Proportional Representation, certain electoral conditions can produce landslides which have more disproportional result than First-Past-the-Post. In close three-way races, the “compromise” candidate could be defeated in the first round even though they may be more broadly acceptable to the electorate than the top two candidates.
Simplicity	<p>Preferential Ballot makes a very simple system of First-Past-the-Post and makes it slightly more complicated.</p> <p>Experience demonstrates that a voting system that allows voters to rank candidates is prone to the so-called “Donkey voting,” where voters vote for candidates in the order they appear on the ballot. Because candidates are listed in alphabetical order, this can create distortion where otherwise lower preferences can potentially become first or second choices, leading to winners without much actual public support of their own.</p>
Financial implications	Costs associated with changes in the administration of elections, technology and equipment and educational campaigns may significantly increase the cost of the overall election process. These implications are further discussed below.

Altering the electoral system to a Preferential Ballot will have some financial impact that will require consideration:

Education campaign: a neutral campaign, outlining the benefits and deficiencies of the current system and the praised system will need to be developed to inform New Brunswickers. To leave information dissemination to groups or associations advocating a position could result in insufficient information or fear mongering. Media, such as newspapers, radio, television and new electronic media, could be used to provide information to a large audience.

Tabulation machines: change in the method of electing candidates will require significant changes in the programming of the electoral counting machine and may render current technology obsolete if it cannot be modified. In the early years of implementation, delay in reporting may occur if the technology or funding is not readily available to Elections New Brunswick to implement the system.

Legislative changes: modifications to the *Elections Act* and/or the *Municipal Elections Act* will be required for any reform elements. Amendments will need to be adopted by the Legislative Assembly.

Administration: Elections New Brunswick provides training to all personnel hired during an election. It is not anticipated that such a practice will be affected: staff will be trained based on the standards and practices in effect for the election to be held. Equipment, however, could generate additional costs if deemed unusable or requires significant manual or IT programming controls.

Some citizens may still be concerned that this pragmatic approach does not solve the democratic deficit. As stated earlier, it is part of our society’s duty to examine and renew the democratic system and supporting laws periodically to ensure a continued evolution. Any change, even modest ones, is a stepping stone in a continued evolutionary path if such change enhances confidence and credibility. Change today does not preclude options for the future: this is the advantageous benefit of an evolutionary climate and framework that is our democratic system.

Questions for consideration

- Does our voting system need to be changed?
- Would changes to the voting system help address the underrepresentation of women and minority groups in the Legislative Assembly?
- Are there ways to remedy the defects of First-Past-the-Post without changing the voting system?

Internet voting

The Internet is changing citizens' expectations about the speed and convenience with which government services and elections should be delivered.

Many citizens believe that if they can do financial transactions and banking on their smart phones, they should also be able to vote by this means as well. However, what some may not realize is that the applications being used through electronic devices may not totally protect the privacy of the information or of the individual.

In Canada, some Internet voting has been employed at the municipal or regional level, namely in Markham and Peterborough, Ont., and in Halifax, Truro and Cape Breton, N.S. Implementation has been restricted to the advanced polling period: on Election Day, electronic voting was not permitted to protect against multiple voting.

There are two main types of electronic or Internet voting:

- **On-site Internet Voting:** is conducted at controlled settings, such as voting places or kiosks established in high-traffic areas where election officials may be available to authenticate voters to ensure the integrity of the device and software used and voters can vote in private. Voters are still required to travel to the poll or a designated location.
- **Remote Internet Voting:** allows voters to transmit their voted ballot from any Internet connection to which they have access. Voting could occur anywhere by the choosing of the voter.

When considering electronic voting, or any changes to how ballots are cast, it is important that the fundamental principles of the Canadian electoral system are adhered to.

Accessibility	The electoral process is available, accessible and usable.
Fairness and Impartiality	The electoral process is fair and impartial.
Integrity/verifiability	Trust and confidence in the electoral process is maintained and can be demonstrated.
One voter – one vote	Each elector is entitled to one vote.
Privacy	Electoral information is used only for electoral purposes.
Secrecy	Electors have the right to cast their votes in private and votes remain secure throughout the electoral process.
Transparency	Information on the electoral process is available in a timely manner and open to scrutiny.

Before any decisions can be made on altering the voting system, there are numerous considerations to contemplate:

Secrecy: Secrecy of one's vote within the voting system is a fundamental principle to avoid coercive activities or vote-buying. Anonymity protects both the voter and the electoral system: a voter must be able to express his or her true opinion, free of influence and the electoral system is protected as a voter cannot show or prove how he or she voted. This prevents undue influence, coercion or fraudulent activities. Any electronic or Internet voting system must guarantee an elector's secrecy.

Authentication: Authenticating an eligible voter is another fundamental principle: one voter, one vote. To respect that principle, the current system allows for the identification of the person to determine and confirm eligibility. Once authenticity has been determined, the record is complete

and can only be used if there are competing claims as to the identity of the voter. The ballot transaction does not track voters and is thus completely disassociated from the authentication process. These safeguards preserve the integrity of the electoral process and help to maintain public confidence in the process.

In Switzerland, trials of Internet voting occurred as early as 2001. Internet voting is offered as an option to voters along with in-person and postal voting. Online voting is through a government service portal using a code printed on a voting card sent to the voters by mail. Part of the code is kept secret under a scratch away layer, akin to the procedure used for a lottery ticket. Voters using the online portal must authenticate themselves by providing required personal information.

Privacy: The experience of Revenue Canada in 2015, when the filing of tax returns was compromised for a week, demonstrates how vulnerable Internet transactions can be when attacks or hacking occur. Developers of technology are striving to improve privacy of information and there

have been success stories particularly in Europe which is considered the breeding ground for Internet election projects, leading to advances in Internet voting technologies and approaches. Consideration continues to be given to the possibility of enabling Canadians to vote online.

Advantages	
Increased accessibility	<p>Casting a ballot online reduces line-ups and allows voting to be part of the regular activities without loss of time to travel back and forth to a designated place.</p> <p>Others suggest this tool would be of significant importance to the segment of the voting population with disabilities: by voting electronically unassisted would allow for an improved degree of anonymity, depending on the technology used.</p>
Reduction of electoral costs	<p>Internet voting has the potential of eventually reducing the costs of elections (labour, rental, etc.) if online voting was to replace the traditional in-person voting. But not everyone has access to the Internet or has the ability or is willing to use electronic means. To maintain accessibility, electronic voting would be included as an additional option, negating any cost savings.</p> <p>Various methods of internet voting have been used in the past years in a number of countries. Their experience show that the challenge is the technologies themselves and the significant investment that would be required to ensure such technologies adhere to all the fundamental principles of the electoral system.</p>

Disadvantages	
Loss of transparency and auditability	<p>While Internet voting has been well received in some jurisdictions, particularly in Switzerland, some other European countries such as the United Kingdom, Germany and the Netherlands, have decided to discontinue or restrict their use because of concerns with security and the loss of transparency and auditability.</p>
Risk to integrity of electoral system	<p>In North America, the United States are proceeding with caution after four major trials, including presidential primaries in 2000, which attracted strong concerns about the potential of cyber-attacks and challenges in protecting the integrity of system. They concluded that the use of “remote Internet voting systems pose significant risk to the integrity of the voting process, and should not be fielded for use in public elections until substantial technical and social science issues are addressed” (Internet Policy Institute, 2001).</p>

While there remain concerns that electronic or Internet voting has not been fully developed to achieve the necessary safeguards, this should not limit the discussion as the electoral system is being reviewed not only for tomorrow but for the future. The option remains of paving the way through legislation to allow electronic or Internet voting, when conditions have evolved. The strength of the electors’ list and authentication standards would need to be considered. Any legislative changes should apply to any electoral process, whether provincial, municipal, regional (district education council and regional health authority elections), plebiscites and referendums.

Questions for consideration

- Can the addition or implementation of electronic or Internet voting create more participatory opportunities without jeopardizing the fundamental principles of the Canadian electoral system?
- Could Internet voting be an additional channel layered on top of existing opportunities; would it replace one or more existing voting opportunities?

Part 3: Other electoral reform matters

Chapter 1: Election dates

Historically, the timing of elections is the prerogative of the premier. Under the Westminster system, the only legal constraint on when elections must be held is the length of the term of the legislature, which cannot extend beyond five years. This can be contrasted with congressional systems of government, where elections are held on set dates, as well as municipal governments in Canada, which are generally elected for a fixed term of office.

Under the Westminster system, the Lieutenant-Governor retains the right, as the Queen's representative, to formally dissolve a legislature and issue the writs of elections. This system allows for governments to govern only when they have the confidence of the legislature. A majority vote of non-confidence in government by MLAs on matters such as the budget would trigger the resignation of government. While in practice, the Lieutenant-Governor dissolves a legislature on the formal request by the premier, it does not detract from the principle that only the Lieutenant-Governor can legally initiate an election.

Since the early 2000s, there has been a trend for incumbent governments to surrender their right to choose the timing of the next election in favour of a system that fixes the next election date. Fixed election dates are generally considered more acceptable than unfixed dates due to their higher associated levels of fairness, transparency, predictability, policy planning and voter turnout. Nine provinces and one territory have enacted fixed dates. Among the constituencies, all have opted for four-year terms between elections with six jurisdictions having an October election date. The remaining jurisdictions, with the exception of New Brunswick, have fixed election dates in the spring.

In 2007, New Brunswick became the sixth province to adopt legislation fixing provincial election dates to be held the fourth Monday in September every four years.

From 1785 until fixed election dates were adopted, elections in New Brunswick occurred on average every four years (48.3 months). (See Appendix E: Election Dates in New Brunswick) Only twice in the last 75 years has the government gone the full five-year mandate. (See Appendix F: Fixed election dates: jurisdictional scan)

Elections have been held in New Brunswick in almost every month of the year, clustering mostly in the spring or fall months. Prior to the adoption of fixed election dates, the most popular months for holding elections have been June and October.

Minority governments can cause the dissolution of the legislature at any time prior to the fixed election date in the event of a vote of non-confidence. In this situation, an election would be called immediately with the following election being held four years thereafter.

By-elections to fill empty seats in the legislature are not affected by fixed-date elections and continue to be held between general elections as required.

If a fixed election date for a provincial election overlaps with the date of a federal election, the provincial election will be moved to either the fourth Monday in August or the fourth Monday in October.

Advantages	
Electoral fairness	The advantage an incumbent government has in calling the election when it chooses has been famously compared to an athlete arriving at the track already in running shoes and being allowed to fire the starting pistol. It gives the party in government a tactical advantage over the opposition parties, and of all the possible flaws to be found in our electoral law and administration, this perhaps above all other matters does most harm to the integrity of the electioneering contest.
Reduction of Premier's power	The power to determine the date of the election is a source of additional power for the premier.
Better electoral administration	Fixed-term elections enable electoral administrators to be better prepared because the election date is known in advance.

Better governmental planning	<p>Fixed election dates create an expectation that the legislature will run for the whole term, thereby reducing short-termism. This is particularly important when there is a minority or coalition government, or when the government's majority is narrow.</p> <p>Fixed terms allow government reasonable time to develop and implement their legislative agenda or program. Ill-timed measures, such as outlining a budget just before an election, are avoided.</p> <p>The increased certainty enables greater confidence in the government's ability to tackle economic issues on a medium to long-term basis.</p>
Protection of the Crown	<p>By minimizing or regulating the discretionary use of prerogative powers, constitutional crises that have occurred in some Commonwealth countries could have been avoided. The King-Byng affair in Canada in 1926 and the Australian constitutional crisis of 1975 demonstrate the difficulties for the Crown when faced with requests for early dissolution.</p>

Disadvantages	
Loss of flexibility and reduced accountability	<p>Fixing terms prevent a general election from taking place when it may otherwise be seen as appropriate.</p> <p>Fixed terms remove, or at least limit, the government's capacity for testing electoral opinion on a major public issue where it might be in the province's interest to do so. There is a risk that rigidity could lead to 'lame duck' governments, lacking the full confidence of the House but not capable of being brought down.</p>
Ineffective experience of fixed term parliaments	<p>Experience in other jurisdictions show that governments have been able to circumvent the fixed term requirement and call elections according to their convenience. The 2008 election in Canada is a recent example, when the government ignored its fixed term legislation, passed only the previous year. This suggests that a government desperate to call an election will find a way, regardless of the safeguards in place.</p>

Questions for consideration

- To maintain fairness, transparency and predictability, should New Brunswick maintain fixed election dates?
- Based on historical precedence, should New Brunswick explore the advantages and disadvantages of amending the fixed election date to June or October?
- To improve governmental planning and reduce short-termism, should New-Brunswick consider a five-year fixed election date?

Chapter 2: Election financing

The way in which elections are funded and the nature of any associated controls are of critical importance to the integrity of the electoral process, both actual and perceived, and the strength of parliamentary democracy. Citizens must trust that the methods of raising and spending money by candidates support campaigning. Three broad approaches for political revenue have been preferred to achieve trust: public funding to enable political parties and candidates to participate in elections; private funding, chiefly in the form of political donations to parties and candidates and/or party membership fees; or some combination of the two. Outlining the preferred types of political revenue protects citizens against peddling influence and the candidates against claims that donations are made as a means of buying access. The collection and spending of funds are congruent elements for political financing.

Limiting the amount of money that political parties, candidates, and third party advertisers can spend on election expenses during a campaign is a key element in campaign finance rules. These rules are intended to maintain public trust and confidence in the electoral process and reinforce the principle of transparency, equality and participation that are central to democratic government. Underlying the push for election financing reform has been a desire to introduce some degree of financial equality in creating opportunity for citizens to put themselves forward as candidates and run a viable campaign.

A framework of electoral financing rules to make the political system transparent and fairer is set out in the Political Process Financing Act. These rules, first adopted in the 1970s, include requirements respecting contributions to and spending by various entities involved in the provincial

electoral system. The objective of the act is not to prevent or interfere with the flow of ideas and information; rather, the act attempts to establish a “level playing field” for all candidates, political parties, and third parties. This level playing field prevents the wealthy from overwhelming and controlling the political process; hence, the act provides for limits on (a) the contributions that may be made to political entities, and (b) the expenses that may be incurred both during and prior to an election period. The act ultimately places limits on the freedom of expression in the democratic process; however, it does so in a constitutionally acceptable manner and for the greater good of society.

While the act has been amended throughout the years to reflect many changes in the political process, it has not been amended to address operational changes arising from the introduction of fixed-date elections. It has also not been updated to reflect such technological innovations as the internet, websites, social media, etc., that are now commonly used by political parties and candidates. Many of the donation limits have not been adjusted for inflation, or do not align with modern best practices. Taken in isolation, none of the listed elements and practices will limit competitiveness during an electoral race; their cumulative effects however may create disadvantages for some candidates or parties and thus merit reconsideration.

Taxpayer subsidies to the electoral process

The *Political Process Financing Act* provides that a candidate who receives at least 15 per cent of the vote in his or her district may be reimbursed for the lesser of actual expenses incurred or 35 cents per elector on the preliminary list of electors for the district and the cost of mailing a first class letter to each elector. This funding supports the democratic process by recognizing that candidates should have sufficient funds to be able to participate in elections by reducing the potential for undue influence by limiting candidates’ reliance on private donations. This arrangement also recognizes and partially offsets the effect of upper limits placed on political donations and electoral expenditure. The approach ensures that political parties and candidates can focus their efforts on issues relevant to constituents rather than fundraising activities.

A variety of criticisms relating to the fairness and effectiveness of the current methods for delivering funding have been raised, including the variable of the price of a first-class stamp. Due to the sudden increase in postage in 2014, this raised the effective rate of reimbursement for the 2014 general election to 40 per cent of permissible election expenses, compared to 32 per cent in 2008. The threshold of 15 per cent of eligible voters has been criticized for disadvantaging new or smaller parties with province-wide rather

than regionally concentrated support. Other jurisdictions such as Nova Scotia and Manitoba and the federal system have a threshold of 10 per cent of votes cast.

Allowable sources and limits of contributions

Currently, contributions to a political party or election campaign may be made by individuals, corporations and trade unions, with no requirements for residency for individuals. The approach is similar to some other jurisdictions. It should be noted that the federal government banned corporate and trade union donations in 2006. Quebec, Nova Scotia, Manitoba and Alberta have implemented comparable bans thus restricting contributions to individuals. Restrictions on the types of donors and residency requirements could reduce any public perception of the capacity of specific donors to influence favourable treatment through large donations. However, with a limited population from which to raise funds, adopting such ban in New Brunswick could be detrimental to political parties unless the contribution threshold and/or the amount of public funding are raised. New Brunswick sits at the upper threshold for maximum donations (\$6,000): other jurisdictions, including the federal jurisdiction, have ranges from \$1,000 to \$5,000. (See Appendix H: Contributions: limits and allowable sources: jurisdictional scan)

Since corporations and trade unions are currently permitted to donate money or services to political parties, the funding scheme could be examined in regard to the ongoing evolution of the corporate world. With the introduction of new forms of business, it may be desirable, for example, to permit limited partnerships to make contributions. With traditional partnerships, political parties have expressed a desire for partnerships to be able to make contributions while designating the partners to whom the contributions would be allocated.

An examination of the New Brunswick’s donation limits and their scope may be desirable to modernize such limits and scope.

Campaign spending

The *Political Process Financing Act* sets out limits on the amount that may be spent during a campaign. Formulas for limits on election expenses by political parties and candidates vary greatly across Canada. Election expense limits promote the accessibility, fairness and competitiveness of electoral races by curbing the impact of financial resources during the campaign. However, with the adoption of fixed-date elections and the advancement of new technology media, concerns exist that the rules have not been adapted to reflect this reality.

Advertising limits

The *Political Process Financing Act* also restricts the amount of money that may be spent annually by a political party outside the election period on advertising for purposes which we commonly call “political.” Other advertising costs for Christmas cards, best wishes for community events, notices of public meetings, newsletters distributed to party members, etc. are not subject to the restrictions. The annual limits on political advertising are \$35,000 for registered political parties and \$2,000 for registered district associations. These amounts were last increased in April 1994 from the 1978 amounts of \$25,000 and \$200, respectively. As identified in Appendix G: Proposed adjustments for inflation, these amounts, if adjusted for inflation, would be \$50,000 and \$3,000, respectively, in 2016.

Pre-writ advertising scope

Prior to the election period, the official representative may authorize advertising that promotes the candidate’s election. “Pre-writ advertising” is considered to be non-election expenditure. Regarding what the *Political Process Financing Act* describes as “advertising relating to an election,” it was written to ensure that all advertising materials that are election expenses can, by means of several disclosure requirements, be traceable to the political party, candidate, or other person who caused them to be transmitted. The relevant sections within the act were not written, however, in contemplation of a fixed date electoral environment and advertising being transmitted prior to the election period to promote a candidate’s election. Candidates and their third party advertisers with significant resources to “drown out” the voices of other candidates with fewer resources are more likely to gain early momentum.

Platform commitment costing

To ensure accountability and transparency, political parties should be responsible to cost election commitments in a fair and diligent manner during a campaign. Without such information, the electorate has limited information on some specific expenditure announcements but few relevant details on the overall costs of a party’s platform. Accurate costing ensures voters are aware of the likely impacts of election commitments, thus lending clarity to the debate, not only among voters but also between candidates.

To affect such clarity, registered parties should consider the likely fiscal impacts of a potential election commitment before making the commitment and should prepare, publish and file cost estimates of the fiscal impacts of their commitments. Many believe this approach benefits the party in government because of its knowledge of finances and programming. One should remember however that financial outlooks and expenditures are regularly published and the

business of government is scrutinized by the Legislative Assembly through main estimates and public accounts. Information about specific programs and services can also be found on the Government of New Brunswick website.

Encouraging the incorporation and consideration of the likely fiscal impacts of each party’s election commitments will permit political discourse during an campaign and may lead to fostering an understanding among candidates and their parties that only election commitments that the likely fiscal impacts of which are prepared, published and filed can be expected to be commitments that will be implemented if a registered political party is elected.

Put into practice, such measures improve accountability and transparency in elections commitments to ensure electors can make informed decisions for the promises made by political parties as part of an election campaign. It also renders a political party responsible and accountable for its management when elected.

Questions for consideration

- Are the existing laws relating to electoral expenditure effective in creating a more level playing field?
- Should the political advertising annual limits be adjusted to reflect inflation?
- How can the existing laws in relation to electoral expenditure and donations be made more effective?
- Should election commitment costings be re-established?

Part 4: Conclusion

Have your say

New Brunswick has a healthy and vibrant democratic history. We find ourselves at a crossroads, and this journey we are undertaking is focused on ensuring this cornerstone of our system adequately reflects the contemporary values of our society and the public needs of our province. Reforms are not to be viewed as a failure of our system, but rather an updating of our traditions to reflect current realities.

Every New Brunswicker is affected by democratic changes and the successes of these changes are dependent on engaged citizens who care about the health of our democracy by contributing to a rich debate and discussion.

Interested persons are invited to respond to some or all of the issues that have been raised in the paper. The options outlined are not intended to be exhaustive but rather a starting point for healthy debate. If you think there are other options for improving New Brunswick's electoral laws, please include these in your response.

The Legislative Select Committee on Electoral Reform looks forward to hearing from New Brunswickers. Submissions and comments may be directed to:

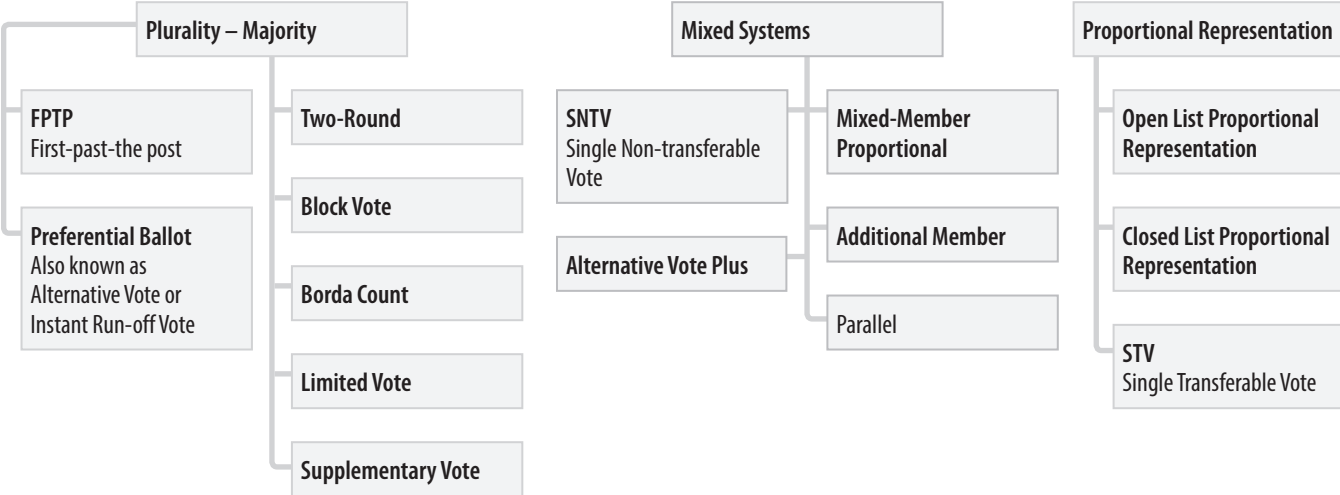
The Select Committee on Electoral Reform

c/o The Clerk of the Legislative Assembly of New Brunswick
706 Queen St.
Fredericton, N.B.
E3C 1C5

Telephone: 506-453-2506, Monday to Friday 8:15 a.m. to 5 p.m.
Fax: 506-453-7154
Email: leg-consultations@gnb.ca

Part 5 : Appendices

Appendix A - Families of electoral systems



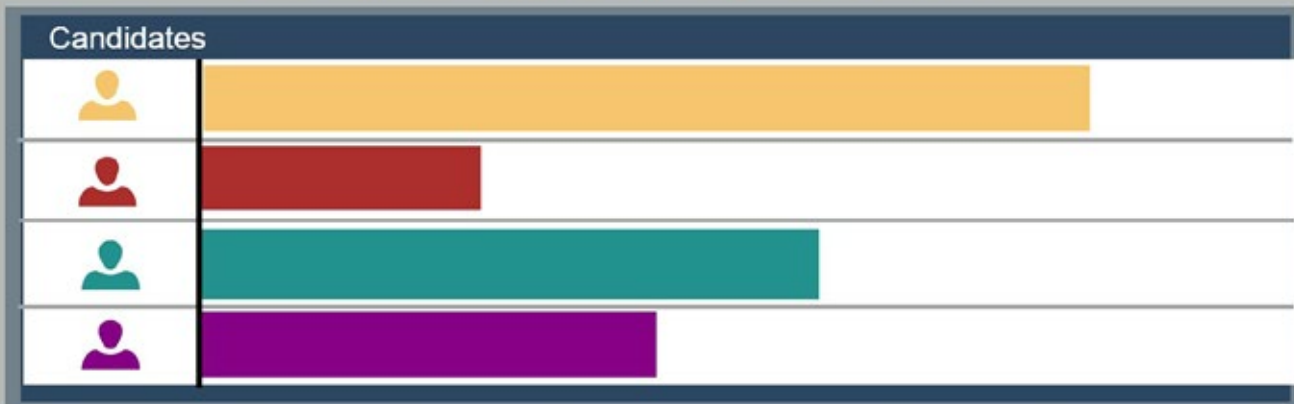
Appendix B - Voting systems

Electoral Systems First Past the Post

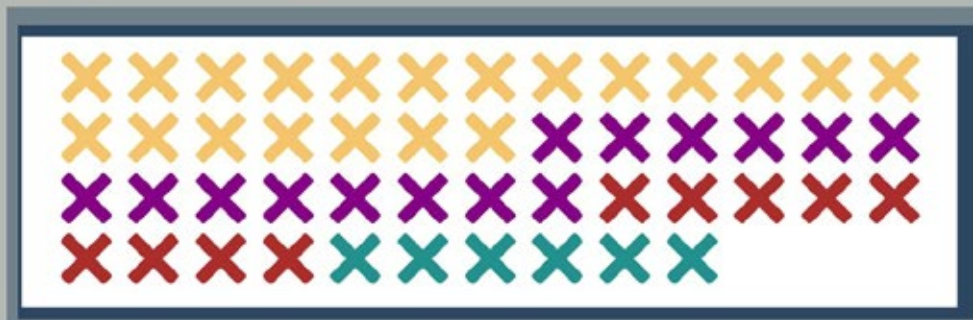
Each elector votes for one candidate in the electoral district

YOUR RIDING		
Crimson		<input type="checkbox"/>
Purple		<input checked="" type="checkbox"/>
Turquoise		<input type="checkbox"/>
Yellow		<input type="checkbox"/>

STEP 1 The candidate with the most votes is elected



STEP 2 A party has as many seats as candidates elected



Content courtesy of Library of Parliament

Electoral Systems

Preferential Ballot



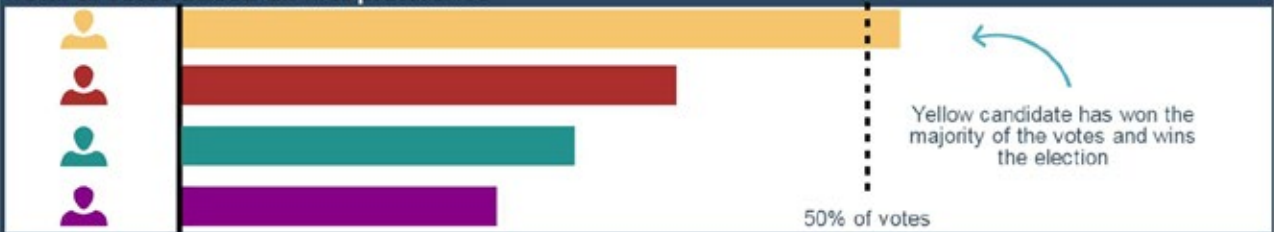
Voters rank candidates in order of their preference

- 1 First Preference
- 2 Second Preference
- 3 Third Preference
- 4 Fourth Preference

YOUR RIDING			
Crimson	●		2
Purple	●		3
Turquoise	●		4
Yellow	●		1

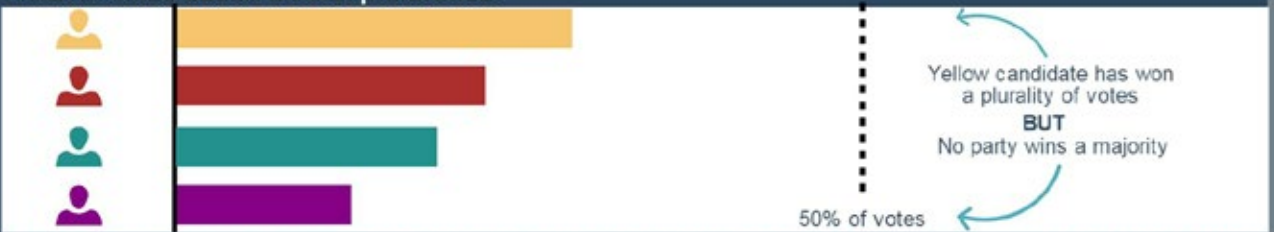
Possible Outcome 1

Total of votes based on first preference



Possible Outcome 2

Total of votes based on first preference



Count 2

Ballots the eliminated purple candidate has won are reallocated to the second preference candidates



Purple candidate has the least number of votes and is eliminated

This process continues until one candidate receives a majority

Content courtesy of Library of Parliament

Electoral Systems

Single Transferable Vote

ELECTION IS CALLED

The province has been divided into multi-member ridings. In this example, the riding has three House of Commons seats (3/49)

RANKING

Five Candidates run for the three seats in the riding

Voters must rank them based on their preferences



Riding

- 1 First Preference
- 2 Second Preference
- 3 Third Preference
- 4 Fourth Preference
- 5 Last Preference

YOUR RIDING

Crimson	●	[2]
Purple	●	[3]
Turquoise	●	[4]
Yellow	●	[1]
Pink	●	[5]

Count 1

To be elected, three candidates need to meet or exceed the vote quota. A vote quota is based on a formula involving votes cast and available seats

Total of first preference votes



Count 2

Excess ballots won by the yellow candidate are reallocated to second preference candidates

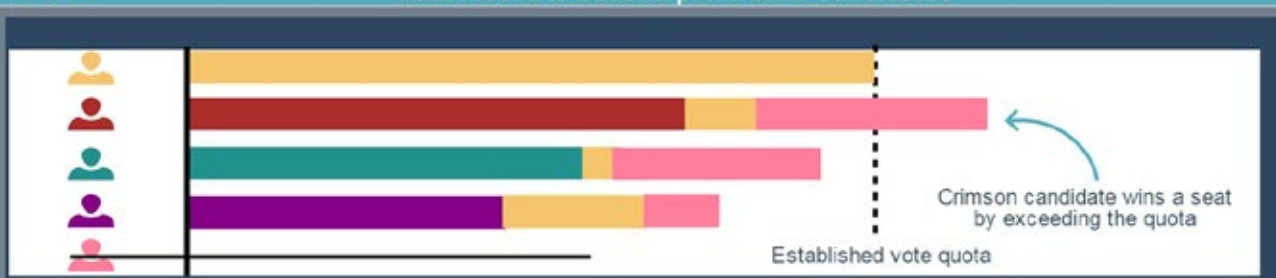


YOUR RIDING

Crimson	●	[3]
Purple	●	[2]
Turquoise	●	[5]
Yellow	●	[1]
Pink	●	[4]

Count 3

Ballots won by the eliminated pink candidate are reallocated to second preference candidates



Pink candidate has the least number of votes and is eliminated

This process continues until one candidate receives a majority

Content courtesy of Library of Parliament

Electoral Systems

List Proportional Representation

Party Lists

Before election day, parties create ranked party lists



Citizens vote for a party, not a specific candidate

YOUR RIDING		
Crimson	●	<input type="checkbox"/>
Purple	●	<input checked="" type="checkbox"/>
Turquoise	●	<input type="checkbox"/>
Yellow	●	<input type="checkbox"/>

OUTCOME

Yellow party has won a plurality of seats and thus wins the election

Party	Number of votes	% of votes	% of seats	Number of seats (out of 49)
●	<div style="width: 41%;"></div>	41	41	20
●	<div style="width: 29%;"></div>	29	29	14
●	<div style="width: 18%;"></div>	18	18	9
●	<div style="width: 12%;"></div>	12	12	6

CONCLUSION

Each party's share of the seats is proportional to the share of votes it received in the election



Winning candidates are chosen according to their placement on the ranked party list

Content courtesy of Library of Parliament

Electoral Systems

Mixed Member Proportional

Nominations and Party Lists

Before election day, parties nominate candidates to run in each riding and they create ranked party lists



Citizens get two votes on election day

Vote for ...

1	A LOCAL MP	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	A POLITICAL PARTY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

In your region/riding

OUTCOME

Yellow party has won a plurality of seats and thus wins the election

Party	Results	% of votes	% of seats	Number of seats (out of 49)
		41	41	20
		29	29	14
		18	18	9
		12	12	6

Number of seats

Number of directly elected MPs

Number of "top up" seats

The seats added go to candidates from the party list to provide a proportional result

CONCLUSION

Each party's share of the seats is proportional to the share of votes it received in the election



Content courtesy of Library of Parliament

Appendix C - First-Past-the-Post

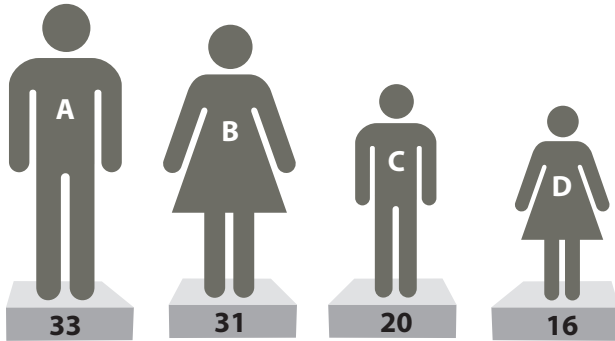
Popular vote versus seat distribution

Year	Liberal		Progressive Conservative		NDP		Green		Other	
	% seats	% vote	% seats	% vote	% seats	% vote	% seats	% vote	% seats	% vote
1935	89.6%	59.6%	10.4%	40.2%	0.0%	N/A	0.0%	N/A	0.0%	0.2%
1939	60.4%	54.8%	39.6%	48.0%	0.0%	N/A	0.0%	N/A	0.0%	0.2%
1944	75.0%	48.3%	25.0%	40.0%	0.0%	N/A	0.0%	N/A	0.0%	11.7%
1948	90.4%	57.8%	9.6%	31.2%	0.0%	N/A	0.0%	N/A	0.0%	11%
1952	37.8%	49.2%	69.2%	48.9%	0.0%	N/A	0.0%	N/A	0.0%	1.8%
1956	28.8%	46.1%	71.2%	52.2%	0.0%	N/A	0.0%	N/A	0.0%	1.6%
1960	59.6%	53.4%	40.4%	46.2%	0.0%	N/A	0.0%	N/A	0.0%	0.0%
1963	61.5%	51.8%	38.5%	48.2%	0.0%	N/A	0.0%	N/A	0.0%	0.0%
1967	55.2%	52.8%	44.8%	47.1%	0.0%	N/A	0.0%	N/A	0.0%	0.1%
1970	44.8%	48.6%	55.2%	48.4%	0.0%	2.8%	0.0%	N/A	0.0%	0.0%
1974	43.1%	47.1%	56.9%	46.5%	0.0%	2.9%	0.0%	N/A	0.0%	3.5%
1978	48.3%	43.9%	51.7%	44.0%	0.0%	6.4%	0.0%	N/A	0.0%	5.7%
1982	31.1%	41.0%	67.2%	47.1%	1.7%	10.1%	0.0%	N/A	0.0%	1.7%
1987	100%	60.0%	0.0%	28.4%	0.0%	10.5%	0.0%	N/A	0.0%	1.1%
1991	79.3%	46.8%	5.2%	20.5%	1.7%	10.7%	0.0%	N/A	13.8%	22.0%
1995	87.3%	51.6%	10.9%	30.9%	1.8%	9.6%	0.0%	N/A	0.0%	7.9%
1999	18.2%	37.3%	80.0%	53.0%	1.8%	8.8%	0.0%	N/A	0.0%	1.0%
2003	47.3%	45.4%	50.9%	44.4%	1.8%	9.7%	0.0%	N/A	0.0%	0.5%
2006	52.7%	47.2%	47.3%	47.5%	0.0%	5.1%	0.0%	N/A	0.0%	0.2%
2010	23.6%	34.5%	76.4%	48.8%	0.0%	10.4%	0.0%	4.6%	0.0%	1.8%
2014	55.1%	42.7%	42.9%	34.6%	0.0%	13.0%	2.0%	6.6%	0.0%	3.0%

Appendix D - Preferential ballot voting: How does it work?

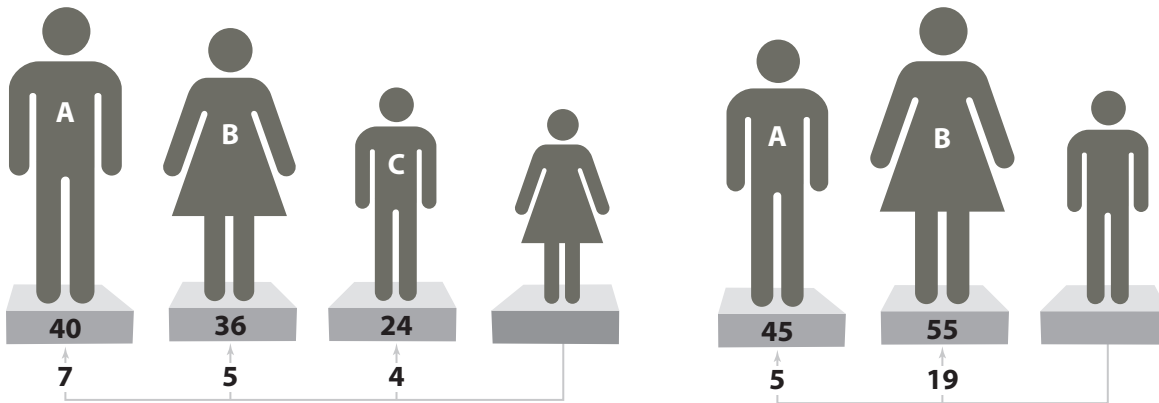
Imagine an election with 100 voters and four candidates:

First-Past-the-Post



Candidate "A" has the most votes. Under First-Past-the-Post, he would win, even though the majority of voters have not supported him.

Preferential Balloting



With Preferential Balloting, voters' "first preferences" are counted in the same way as First-Past-the-Post. If no candidate has 50 per cent support, the last placed candidate "D" is eliminated, and her supporters' second preferences are transferred to the others.

Still no candidate has 50 per cent support, so candidate "C" is eliminated and his voters' second choices are transferred. "B" emerged with majority support.

Voting with a Preferential Ballot

Voting in a preferential ballot election could not be simpler:

Preferential Ballot represents a simple change to First-Past-the-Post. The main change is that a Preferential Ballot replaces the “X” on ballot papers with numbers.

Just as before, one candidate is elected for each constituency. The look of the ballot paper remains unchanged

With a Preferential Ballot, you can put a “1” by your favourite candidate and a “2” by your second choice and so on. You do not have to rank any candidate you do not want. You are free to back as many or as few candidates as you like. If you just want to back one candidate, you can. Just mark an “X” or a “1” by your favourite.

Vote for one candidate only			
1	Citizen, John	A Party	X
2	Smith, Joe	B Party	
3	Doe, Jane	C Party	
4	Rubbles, Fred	D Party	
5	Hill, Mary	Independent	

Vote in order of preference Vote for as many or few candidates as you wish			
1	Citizen, John	A Party	1
2	Smith, Joe	B Party	3
3	Doe, Jane	C Party	5
4	Rubbles, Fred	D Party	4
5	Hill, Mary	Independent	2

Vote in order of preference Vote for as many or few candidates as you wish			
1	Citizen, John	A Party	1
2	Smith, Joe	B Party	
3	Doe, Jane	C Party	
4	Rubbles, Fred	D Party	2
5	Hill, Mary	Independent	

Appendix E- Election dates in New Brunswick

Election	Date	Term length	Governing party	Premier
1	May 1866	4.2 years	Confederation Party	Hon. Peter Mitchell (1866-67) Hon. Andrew R. Wetmore (1867-70) Hon. George E. King (1870)
2	June 29, 1870	3.9 years	Liberal-Conservatives	Hon. George E. King (1870-71) Hon. George L. Hathaway (1871-72) Hon. George E. King (1872-74)
3	June 4, 1874	4 years	Liberal-Conservatives	Hon. George E. King
4	June 25, 1878	4 years	Conservative	Hon. John James Fraser (1878-82) Hon. Daniel L. Hanington (1882)
5	June 15, 1882	3.8 years	Conservative Liberal	Hon. Daniel L. Hanington (1882-83) Hon. Andrew G. Blair (1883-86)
6	April 26, 1886	3.75 years	Liberal	Hon. Andrew G. Blair
7	Jan. 20, 1890	2.8 years	Liberal	Hon. Andrew G. Blair
8	Nov. 22, 1892	3.6 years	Liberal	Hon. Andrew G. Blair
9	Oct. 9, 1895	3.4 years	Liberal	Hon. Andrew G. Blair (1895-96) Hon. James Mitchell (1896-97) Hon. Henry R. Emmerson (1897-99)
10	Feb. 18, 1899	3.8 years	Liberal	Hon. Henry R. Emmerson (1899-1900) Hon. Lemuel J. Tweedie (1900-03)
11	Feb. 28, 1903	5 years	Liberal	Hon. Lemuel J. Tweedie (1903-07) Hon. William Pugsley (1907) Hon. Clifford W. Robinson (1907)
12	March 3, 1908	4.3 years	Conservative	Hon. John Douglas Hazen (1908-11) Hon. James Kidd Flemming (1911-12)
13	June 20, 1912	4.7 years	Conservative	Hon. James Kidd Flemming (1912-14) Hon. George Clarke (1914-17) Hon. James A. Murray (1917)
14	Feb. 24, 1917	3.7 years	Liberal	Hon. Walter E. Foster
15	Oct. 9, 1920	4.8 years	Liberal	Hon. Walter E. Foster (1920-23) Hon. Peter J. Veniot (1923-25)
16	Aug. 10, 1925	4.8 years	Conservative	Hon. John B.M. Baxter
17	June 19, 1930	5 years	Conservative	Hon. John B. M. Baxter (1930-31) Hon. Charles D. Richards (1931-33) Hon. Leonard Tilley (1933-35)
18	June 27, 1935	4.4 years	Liberal	Hon. Allison Dysart
19	Nov. 20, 1939	4.75 years	Liberal	Hon. John McNair
20	Aug. 28, 1944	3.8 years	Liberal	Hon. John McNair

Election	Date	Term length	Governing party	Premier
21	June 28, 1948	4.3 years	Liberal	Hon. John McNair
22	Sept. 22, 1952	3.8 years	Progressive Conservative	Hon. Hugh J. Flemming
23	June 18, 1956	4 years	Progressive Conservative	Hon. Hugh J. Flemming
24	June 27, 1960	2.8 years	Liberal	Hon. Louis J. Robichaud
25	April 22, 1963	4.5 years	Liberal	Hon. Louis J. Robichaud
26	Oct. 13, 1967	3 years	Liberal	Hon. Louis J. Robichaud
27	Oct. 26, 1970	4.1 years	Progressive Conservative	Hon. Richard Hatfield
28	Nov. 18, 1974	3.9 years	Progressive Conservative	Hon. Richard Hatfield
29	Oct. 23, 1978	4 years	Progressive Conservative	Hon. Richard Hatfield
30	Oct. 12, 1982	5 years	Progressive Conservative	Hon. Richard Hatfield
31	Oct. 13, 1987	3.9 years	Liberal	Hon. Frank McKenna
32	Sept. 23, 1991	4 years	Liberal	Hon. Frank McKenna
33	Sept. 11, 1995	3.8 years	Liberal	Hon. Frank McKenna Hon. Ray Frenette (1997-98) Hon. Camille Thériault (1998-99)
34	June 7, 1999	4 years	Progressive Conservative	Hon. Bernard Lord
35	June 9, 2003	3.3 years	Progressive Conservative	Hon. Bernard Lord
36	Sept. 18, 2006	4 years	Liberal	Hon. Shawn Graham
37*	Sept. 27, 2010	4 years	Progressive Conservative	Hon. David Alward
38*	Sept. 22, 2014		Liberal	Hon. Brian Gallant

*Denotes fixed election dates

Appendix F - Fixed election dates: jurisdictional scan

Jurisdiction	Fixed date	Implemented	First fixed-date election
Canada	General election to be held on the third Monday in October every four years.	May 3, 2007	First fixed-date election to be held 2015.
Newfoundland and Labrador	General election to be held on the second Tuesday in October every four years.	Dec. 16, 2004	First fixed-date election held in 2007.
Prince Edward Island	General election to be held the first Monday in October every four years.	May 22, 2008	First fixed-date election held 2011.
Nova Scotia	No fixed election date.	N/A	N/A
New Brunswick	General election to be held the fourth Monday in September every four years.	June 26, 2007	First fixed-date election held in 2010.
Quebec	General election to be held on the first Monday in October every four years.	June 14, 2013	First fixed-date election to be held 2016.
Ontario	General election to be held the first Thursday in October every four years.	Dec. 15, 2005	First fixed-date election held 2007.
Manitoba	General election to be held the third Tuesday in April every four years.	Oct. 9, 2008	First fixed-date election held 2011*. *Amended: The provincial election date moves from Oct. 6, 2015, to the third Tuesday of April 2016.
Saskatchewan	General election to be held the first Monday in November every four years.	May 28, 2008	First fixed-date election held 2011.
Alberta	General elections will be held within the three-month period beginning in March 1 and ending on May 31 in the fourth calendar year following polling day in the most recent general election	Dec. 8, 2011	First fixed date election held in 2012.
British Columbia	General election to be held the second Tuesday in May every four years.	Aug. 27, 2001	First fixed-date election held in 2005.
Yukon	No fixed election date.	N/A	N/A
Northwest Territories	General election to be held the first Monday in October every four years.	Nov. 2, 2006	First fixed-date election held 2007.
Nunavut	No fixed election date.	N/A	N/A

Appendix G- Limits and expenses: Adjustments for inflation

Item	Value	Date of coming into force	CPI at date of coming into force ¹	CPI at March 2016 ²	Inflation adjustment factor	Inflation adjusted value
Spending limits for political parties						
General election	\$1 / elector	Sept. 30, 1986	66.0	127.9	1.938	\$1.94
By-election	\$7,000	Sept. 30, 1986	66.0	127.9	1.938	\$13,566
Spending limits for candidates						
General election	\$1.75 / elector	Sept. 30, 1986	66.0	127.9	1.938	\$3.39
By-elections	\$2 / elector	Sept. 30, 1986	66.0	127.9	1.938	\$3.88
Ceiling and floor	\$11,000 and \$22,000	Sept. 30, 1986	66.0	127.9	1.938	\$21,318 and \$42,636
Elections expenses reimbursement	35¢ / elector	Sept. 30, 1986	66.0	127.9	1.938	\$0.68
Election expenses						
Election expenses of candidate	\$1,000	June 28, 1978	36.6	127.9	3.494	\$3,494
Supplier to verify spending authority	\$100	June 28, 1978	36.6	127.9	3.494	\$349.4
Candidate's personal expenses constituting election expenses	\$2,000	June 28, 1978	36.6	127.9	3.494	\$6,988
Contributions						
Annual contribution limit	\$6,000	June 28, 1978	36.6	127.9	3.494	\$20,964
Cash contribution limit	\$100	June 28, 1978	36.6	127.9	3.494	\$349.4
Expenditures						
Annual advertising limit for political parties	\$35,000	April 20, 1994	85.4	127.9	1.498	\$52,430
Annual advertising limit for district associations	\$2,000	April 20, 1994	85.4	127.9	1.498	\$2,996
Non-contributions						
Membership dues	\$25	June 28, 1978	36.6	127.9	3.494	\$87.35
Registration fees from political conventions	\$25	June 28, 1978	36.6	127.9	3.494	\$87.35
Entrance fee to a political activity	\$10	June 28, 1978	36.6	127.9	3.494	\$34.94
Non-monetary annual donation	\$100	June 28, 1978	36.6	127.9	3.494	\$349.4
Non-expenditures						
Expenses for political purposes not considered an expenditure under the <i>Political Process Financing Act</i>	\$100	June 28, 1978	36.6	127.9	3.494	\$349.4
Auditors						
Auditing expense reimbursement	\$2,000	June 28, 1978	36.6	127.9	3.494	\$6,988

¹ Consumer Price Index for Canada, All-items, Table 326-0020, Statistics Canada, March 31, 2016.

² Consumer Price Index for Canada, All-items, Table 326-0020, Statistics Canada, March 31, 2016.

Appendix H - Contributions: Limits and allowable sources jurisdictional scan

Jurisdiction	Limit on contribution	Contributors outside jurisdiction	Individuals	Corporations	Trade unions	Anonymous contributors	Testamentary contributions
Canada	From an individual: \$1,500 total per year to each registered party; \$1,500 total per year to the registered association, nomination contestants and candidates of each registered party; \$1,500 total to each candidate for a particular election not of a registered party; and \$1,500 total to the leadership contestant in a particular leadership contest. Limits are adjusted for inflation.	No	Yes	No	No	Yes (up to \$20)	One time contribution of \$1,500
Newfoundland and Labrador	--	Yes	Yes	Yes	Yes	Yes (up to \$100)	--
Prince Edward Island	--	Yes	Yes	Yes	Yes	No	--
Nova Scotia	\$5,000 total per year from an individual to each registered party and all electoral district associations and candidates of that party as well as to independent candidates and registered third parties.	No	Yes	No	No	No	Up to \$5,000 per year.
New Brunswick	\$6,000 per year from an individual, corporation or trade union to each registered political party or its district associations and to one independent candidate.	Yes	Yes	Yes	Yes	No	--
Quebec	\$100 in total from the same elector in same year to each party, independent member and independent candidate. An additional contribution of \$100 from same elector to each party, independent member and independent candidate during a general election or by-election. Only cash contributions amounting to \$50 or less can be directly remitted to the official representatives of the party of the candidates. Amounts exceeding \$50 must be remitted to the Chief Electoral Officer for the benefit of an authorized party. \$500 in total per elector during a leadership campaign.	No	Yes (only electors)	No	No	No	--

Jurisdiction	Limit on contribution	Contributors outside jurisdiction	Individuals	Corporations	Trade unions	Anonymous contributors	Testamentary contributions
Ontario	From a person, corporation or trade union: To each party: \$7,500 per year * indexation factor; To each constituency association: \$1,000 per year * indexation factor; To constituency associations of any one party: aggregate amount of \$5,000 per year * indexation factor; To each candidate: \$1,000 per campaign * indexation factor; To candidates endorsed by one party: aggregate amount of \$5,000 per campaign * indexation factor.	No	Yes	Yes (except registered charities)	Yes	No	--
Manitoba	\$3,000 total in a calendar year from an individual to candidates, constituency associations or registered political parties or any combination of them and \$3,000 total in leadership contest period to one or more contestants.	No	Yes	No	No	Yes (up to \$10)	--
Saskatchewan	--	Yes (must be a Canadian citizen)	Yes	Yes	Yes	Yes (up to \$250)	--
Alberta	From individuals ordinarily resident in Alberta: To a party \$15,000; To a constituency association \$1,000; To constituency association of each party \$5,000 in aggregate. During a campaign: To a party: \$30,000 less amounts contributed in the year; To a candidate \$200; To candidates of each party \$10,000 in aggregate.	No	Yes	No	No	Yes (up to \$50)	--
British Columbia	Political parties and constituency associations must not accept more than \$10,000 in anonymous contributions in a calendar year. Candidates, leadership contestants and nomination contestants may only accept up to \$3,000 from anonymous sources in relation to any one election or contest.	Yes	Yes	Yes	Yes	Yes * (up to \$50) *At fund-raising functions only	--
Yukon	A candidate or registered political party cannot accept a contribution of more than \$50 from an unincorporated group unless it is accompanied by a statement disclosing the necessary information.	Yes	Yes	Yes	Yes	No	--

Jurisdiction	Limit on contribution	Contributors outside jurisdiction	Individuals	Corporations	Trade unions	Anonymous contributors	Testamentary contributions
Northwest Territories	An official agent or authorized person cannot accept more than \$1,500 in anonymous contributions in a calendar year. From an individual, association or organization to a candidate during a campaign \$1,500 ¹ . Contributions cannot be made prior to the beginning of a campaign period.	no	Yes	Yes	Yes	Yes (up to \$100)	--
Nunavut	From an individual corporation, association or organization to a candidate during a campaign \$2,500 ¹ .	No	Yes	Yes	Yes ²	Yes (up to \$100)	--

¹ Political parties are not recognized in the Northwest Territories or Nunavut.

² Unincorporated organizations and association with the inclusion of a statement.

Appendix I - Mandate of the Parliamentary Special Committee on Electoral Reform

On May 11, 2016, the Government of Canada announced it will keep its commitment to give Canadians a stronger and more representative voice in future elections. The minister of democratic institutions, Maryam Monsef, and Government House Leader Dominic LeBlanc, gave notice of a motion to establish a special all-party committee on electoral reform. The Parliamentary Special Committee on Electoral Reform was formally established on June 7, 2016.

The federal government asked the committee to identify and study a number of different voting systems – such as preferential ballots and proportional representation – to replace the first-past-the-post system. The government also asked that the committee consider the issues of mandatory voting and online voting.

The government's main objective is to replace first-past-the-post with a system that will deliver better governments for all Canadians. The government asked the committee to focus on five key principles to get this done:

- The link between voter intention and voter results;
- How to foster civility in politics and increase voter participation;
- Steps to strengthen inclusiveness and accessibility.
- Ways to safeguard the integrity of our voting system; and
- Taking into account local representation.

The government asked the committee to invite MPs to host town halls with Canadians across the country to consider – together – how the principles should be reflected in our electoral system.

The process will reflect our shared values of fairness, inclusiveness, gender equity, openness and mutual respect, and steps will be taken to make sure that all voices are heard in this important debate.

The committee is to provide a meaningful role for all parties, including those without recognized party status, and table its report to Parliament by Dec. 1, 2016.

Appendix J - Glossary

Ballot: A piece of paper on which are printed the names of the candidates, their political parties and a place for the voter to indicate the preferred candidate.

Ballot structure: The way in which electoral choices are presented on the ballot paper, in particular whether the ballot is candidate-centred or party-centred.

Borda Count (BC): A candidate-centred preferential system used in either single- or multi-member districts in which voters use numbers to mark their preferences on the ballot paper and each preference marked is then assigned a value using equal steps. These are summed and the candidate(s) with the highest total(s) is/are declared elected.

By-election: An election held in a particular electoral district to fill a vacancy in the Legislative Assembly at any time other than during a general election.

Candidate: A person who seeks election to public office. A candidate is someone who is running in a provincial election or by-election that is trying to be elected a member of the Legislative Assembly.

Candidate's representative: A candidate's representative may be present at the polling station during the voting and counting of the ballots. This is often called a scrutineer.

Chief Electoral Officer: The independent officer of the Legislative Assembly responsible for the management of provincial and municipal elections and referendums.

Closed List: This is a type of ballot found in a List Proportional Representation electoral system, in which voters can only vote for a political party and its list of candidates. Voters cannot express a preference for any candidate within a party list.

Coalition: An alliance of two (or more) political parties, usually with the goal of forming a government.

Compensatory Seats: The list proportional representation seats in a Mixed Proportional electoral system that are awarded to political parties on the basis of their vote share to help correct disproportionality in electoral district seat results.

Democracy: From the Greek "demos" meaning the people and "Kratia," meaning power. It refers to government in

which the supreme power is vested in the people and exercised directly by them or indirectly through a system of representation, usually involving elections.

Direct Democracy: The concept of people governing themselves by deciding issues directly through a vote, rather than indirectly through electing representatives. The referendum and recall vote are examples of instruments of direct democracy.

Electoral Boundaries: The lines defining the outer limits of electoral districts.

Electoral District: A geographical area represented by a member of the Legislative Assembly; often called a riding or constituency. There are 49 electoral districts in New Brunswick.

Electoral System: Also called a "voting system," this is the set of procedures that determine how people are elected to office. These procedures include how the ballot is structured, how people cast their votes, how those votes are counted, and how the winners are determined.

Election System: This is a broad term that refers to all the procedures involved in elections, including ballot access, campaign finance laws, etc.

First-Past-the-Post: a plurality electoral system, which almost always uses single-member electoral districts. The candidates and political party receiving the largest vote share are elected. The winning candidate/party does not have to receive a majority of votes to win.

Fixed Election Date: A recurring, set date or time frame (i.e. the third Monday of a particular month) for a general election, usually within a four-year cycle.

Gerrymandering: The deliberate manipulation of electoral district boundaries so as to advantage or disadvantage a particular political interest.

Government: Refers to the premier and ministers who are responsible for implementing the policies of the political party with the support of the majority of the members of the Legislative Assembly. Also refers to the ministers and public officials who oversee and undertake the day-to-day operations of departments and agencies.

Legislative Assembly: The Legislative Assembly of New Brunswick is the elected component of our system of legislative democracy. It is a representative body of 49 members elected from single-member electoral districts for a term of four years. The government must maintain the support of a majority of the members of the Legislative Assembly to stay in office. The functions of the Legislative Assembly include passing legislation, authorizing the raising and spending of public money, scrutinizing the activities of government, raising issues of public concern, investigating matters of public interest and acting as a forum to publicize the concerns of individuals and groups throughout the province.

Limited vote (LV): A plurality system that uses multi-member districts and in which voters have more than one vote, but fewer votes than the number of seats being contested. For example, there might be five seats to fill, but voters have only three votes to cast. The candidates with the most votes are declared the winners.

List proportional representation (List PR): A system that uses multi-member districts and in which voters choose between lists of candidates offered by political parties. The seats in the district are distributed among the parties according to their proportion of the vote. The two basic forms are closed list and open list PR.

Majority Government: A government that has the support of a majority of the members of the Legislative Assembly, all of whom are members of the same political party.

Minority Government: A government in which the governing political party does not have a majority of the members of the Legislative Assembly, and therefore relies on the support of members of parties outside the governing political party to stay in office.

Majority System: A single-member district system or single office election system that tries to ensure that the winning candidates receive an absolute majority of the votes. Examples include the two ballot run-off system and instant run-off voting.

Majority of votes: More than half, or at least 50 per cent plus 1, of the votes.

Mixed Member Proportional (MMP): A PR system that combines list PR and single-member plurality districts. In the German variant, one half of the legislators are elected in single-member districts. The other half of the seats are filled from the party lists, and they are added on to the number of districts seats that a party wins so that their total share

of the legislative seats is equivalent to the proportion of the votes won by that party on the list portion of the ballot.

Open List: A type of ballot found in list proportional representation in which voters can express a preference for a candidate within a party list as well as vote for that list. Votes for individual candidates improve their chances of being elected.

Parallel Systems: A Parallel System is a mixed system in which the choices expressed by the voters are used to elect representatives through two different systems – one List PR system and (usually) one plurality/majority system – but where no account is taken of the seats allocated under the first system in calculating the results in the second system.

Party List: A list of candidates put forward by a political party to the electorate in a List Proportional Representation (PR) electoral system. A party list can be an open list or a closed list.

Plurality System: Voting systems which use single or multi-member districts and in which the winner is the candidate or candidates with the most votes. The most common in the U.S. is the single-member district plurality system.

Political Party: A group of people, recognized by law, who share a common ideology or set of policy principles and who seek to elect representatives to a legislature with the goal of forming the government.

Premier: The name given to the head of the government of a province. The premier is almost always the leader of the political party that has won the majority or most of the seats in the Legislative Assembly.

Proportional Representation: A group of voting systems whose major goal is to ensure that parties and political groups are allocated seats in legislative bodies in proportion to their share of the vote. So a party receiving 45% of the provincial vote should receive 45% of the seats in the legislature.

Representation: The idea that one thing or person can stand for another. Within our democratic system, it refers to the concept that the elected Legislative Assembly can stand for or represent the varied interests of the community (geographic, linguistic, cultural, etc.) as a whole.

Responsible Government: A system of government in which members of the executive (that is, Cabinet ministers)

are responsible to the elected members of the legislature, who are in turn responsible to the people.

Seat: A position within the legislature occupied by a Member of the Legislative Assembly.

Single Non-Transferable Vote (SNTV): Under the Single Non-Transferable Vote system voters cast a single vote in a multi-member district. The candidates with the highest vote totals are declared elected. Voters vote for candidates rather than political parties.

Single Transferable Vote (STV): The Single Transferable Vote is a preferential system in which the voter has one vote in a multi-member district and the candidates that surpass a specified quota of first preference votes are immediately elected. In successive counts, votes are redistributed from least successful candidates, who are eliminated, and votes surplus to the quota are redistributed from successful candidates, until sufficient candidates are declared elected. Voters normally vote for candidates rather than political parties, although a party-list option is possible.

Spoiled Ballots: These are ballots which, because of accidental or deliberate errors in the marking process, are declared invalid and are eliminated from the count.

Two-Round System (TRS): The Two-Round System is a plurality/majority system in which a second election is held if no candidate or party achieves a given level of votes, most commonly an absolute majority (50 per cent plus 1), in the first election round. A Two-Round System may take a majority-plurality form—more than two candidates contest the second round and the one wins the highest number of votes in the second round is elected, regardless of whether they have won an absolute majority—or a majority run-off form—only the top two candidates in the first round contest the second round.

Voter Turnout: Is calculated in New Brunswick as the percentage of electors on the voters list who marked a ballot during an election or a referendum. Voter turnout is also calculated (for example, in the United States) as the percentage of possible voters (who may or may not be on the voters list) who have marked a ballot during an election or a referendum.

Voters List: List of names of possible electors used as a control document during the taking of the vote in the polling stations.

Wasted votes: Valid votes which do not ultimately count towards the election of any candidate or party.

Westminster System: A type of Parliamentary system used in countries of British origin.

Appendix K - Additional reading

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