

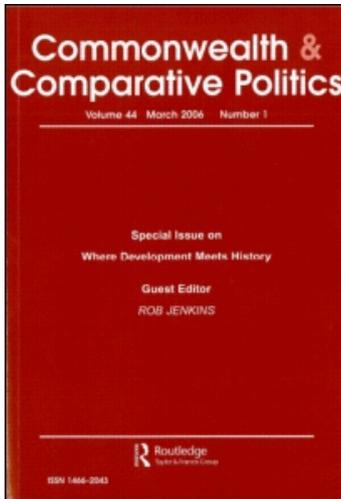
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Fixed Election Cycles: A Genuine Alternative to Responsible and Responsive Government?

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ABSTRACT *Canada's federal government and several provinces have recently moved to fixed election cycles on the assumption that the ability to pick the election date endogenously (1) gives the incumbent government an unfair advantage and (2) curbs the discretionary powers of the Governor General. Electoral opportunism is posited as a problem that fixed election cycles will remedy by virtue of ensuring greater turnover among governments. This article subjects these claims to empirical scrutiny. It examines why Canada did not follow the American example in the first place. It surveys some of the unintended consequences of fixing election cycles. And it ponders some of the complications that might arise when trying to reconcile a key constitutional principle of the Westminster parliamentary system, responsible government, with fixed election cycles. Evidence for the apparent democratic merits of a fixed election cycle is found to be less conclusive than its proponents acknowledge. The article concludes by speculating about the motivations behind Canada's new-found passion for electoral reform.*

Canada's Prime Minister wields greater executive power than any other democratically elected Head of Government in the world today.¹ Canada's political executive is constrained only by periodic elections, the Canadian Charter of

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Rights and Freedoms, and the reserve powers of the head of state.² In light of the pivotal role federal elections play in constraining the executive's extensive powers, is the Prime Minister's unilateral control over their timing defensible? This question is premised on a paradox that lies at the heart of democratic politics: the rules of the game have a greater influence over electoral outcomes than voters' preferences.³ At the same time the effects and mechanisms of reform proposed to amend an electoral system should be subject to the same degree of scrutiny as the shortcomings of the status quo.

Presumably, a mechanistic clockwork approach to elections undercuts the discretionary power of having a writ issued when an opportunistic incumbent feels best positioned for re-election. This hypothesis may be subjected to empirical scrutiny: does the evidence substantiate the claim that Canada's variable system makes it more likely for an incumbent party to be re-elected? Conversely, is there any truth to the claim, implicit in criticisms of the variable system, that fixed systems produce a more democratic outcome, presumably because they produce a greater degree of alteration between competitors? The investigation's results culminate in a paradigmatic shift in democratic-reform discourse from 'means' to 'effects'. Ultimately, what is more desirable: a 'better' electoral system or, say, improved policy outcomes? The subsequent analysis cautions against uncritical presumptions about causal connections, also questioning the motives that might be behind the reform rhetoric.

Does the Westminster parliamentary system even allow for fixed timing of elections? If a fixed system is patently better, why not adopt it in the first place? After all, the rigid electoral cycle in the United States had been established well before the advent of Canadian Confederation. Yet the idea received no mention during the Confederation debates. If political and constitutional arrangements have certain unintended consequences, what might those be in the case of fixed electoral timing? What about countries that have reformed their electoral system? Is there any convincing evidence that switching to a fixed system actually makes any difference, let alone that it remedies the apparent ailments associated with a variable system? Is there any evidence to suggest that such reform has improved policy outcomes, for instance?

The purpose of an electoral system in its simplest form is to translate votes into legislative seats. In a parliamentary system such as Canada's, where the executive is, by convention, drawn from the legislature, the electoral system has the additional task of shaping the character of the executive. Due to the diversity of parameters which determine the outcome, variations in translating voter preferences into seats are boundless. Basic binary choices are required between a majority and a plurality system (and the many possible nuances within each), between single- and multi-member districts, between a uni- and

a bicameral system, between a unitary and a federal system, and between a parliamentary and a presidential system.

The size of electoral districts, the financing and rules for recognition of political parties, the procedure for nominating candidates, and the timing of elections also need to be established. Each of these parameters gives rise to four variable options: which communities of interest to represent, how to differentiate urban and rural areas, what sort of geographical balance is to be attained and what weight to accord numerical equality. Depending on how these parameters and variables are arranged, they may produce competing and even contradictory outcomes: numerical equality, the production of a strong and stable majority government, effective representation of communities' and individual interests, voter turnout, high level of public satisfaction, and, perhaps most importantly, good public policy. None of these outcomes is self-evident.

The parameter under investigation here is the timing of elections. The opportunistic timing of elections is known as political surfing, a term coined by Inoguchi (1979). Until fairly recently, Canadians seemed to take a variable system for granted: elections would be called at the discretion of the Crown, which effectively means at the direction of the Prime Minister (Sunstein, 1988; Corry & Hodgetts, 1959: 90–106). This practice is common to most parliamentary systems which specify a maximum interlude between elections but not at what exact interval elections are to be held. Yet Canada is somewhat distinct in that it is premised on a constitutional doctrine whereby the Crown and its ministers are responsible to the people through the House of Commons whose confidence the Prime Minister, his cabinet, and the government of the day must command.

A move to a fixed election cycle, then, is tantamount to a vote of no confidence in Canada's single most important constitutional principle. In his treatise on *The Question of Confidence in Responsible Government*, the late Eugene Forsey, arguably the foremost scholar of the Canadian constitution, attributes the controversy to a profound misunderstanding of Canada's core constitutional principle. His pithy piece on the subject is entitled: 'A Fixed Term for the House of Commons? No!' (Forsey & Eglington, 1985: 221–242). Forsey was not offering second thoughts. He was unequivocal about the matter. When someone of his calibre is so unequivocal, then that is good reason to tread carefully.

Although the approach in this article is quite different – and far more empirical – than Forsey's, the basic premise remains the same: can a convincing case for fixed terms be made in Canada's constitutional context? Yet this article does not confine itself to the pros and cons of the debate as Forsey did. Rather, it examines the evidence to see whether a fixed election cycle can actually deliver on the superior democratic promise it holds out, it plays out the

implications of reconciling fixed terms with responsible government, and it surveys some of the unintended consequences that are commonly associated with fixed terms.

The Political Discourse on Fixing Election Dates

Fixed election dates transcend ideology, populism, and region. Proposals to fix election dates in Canada are not new. The Special Joint Committee on the Constitution of Canada, 1970–1972 proposed that fixed terms be set for Parliament. In 1994 the House of Commons Standing Committee on Procedure and House Affairs studied the question of fixed election dates but did not end up making a recommendation in this area. Elected in May 2001, with Bill 7 of 23 August 2001, Gordon Campbell's British Columbia Liberals became the first elected government in Canada to stake part of its mandate on implementing an immutable election cycle. Following through on a campaign promise made during the 2003 provincial election Ontario's governing Liberal Party introduced the Election Statute Law Amendment Act 2004, which fixed the date of the next election for 4 October 2007 with subsequent elections to be held at four-year intervals (provided a government does not fall before on a vote of confidence). The Liberal Party of British Columbia and the Liberal Party of Ontario both followed through on their promise – and ended up getting re-elected. In other words, thus far the evidence suggests that fixed election do not appear to have curbed the incumbent's probability of getting re-elected.

The federal government, too, recently fixed election dates (although the government that introduced the measure did not end up adhering to it), as has Nova Scotia. The idea has also been adopted by the Reform Party of British Columbia, the Ontario New Democratic Party, the Green Party in Ontario, the Alberta First Party, and, federally, by the Conservative Party of Canada, to name but a few on an increasingly crowded and popular bandwagon. The Conservative party's step-forefather, the Canadian Alliance (2000, article 74), rationalised the idea in its *Declaration of Policy* as follows:

To improve the representative nature of our electoral system, we will consider electoral reforms, including proportional representation, the single transferable ballot, electronic voting, and fixed election dates, and will submit such options to voters in a nationwide referendum.

Ultimately, credit for popularising the idea goes to the Reform Party of Canada's inaugural *Blue Book* (1988).

There are two rationales for fixing the dates of elections. The first is to neutralise the executive's discretion for harnessing perceived opportunistic

circumstances. The second is to minimise the discretionary powers (Royal Prerogative) of the Governor General. Each will be scrutinised in turn.

Electoral Opportunism?

Election timing is quintessentially a problem of optimisation under conditions of uncertainty. In game theory the timing of elections is linked with a party's optimal decision (Blake, 1990; Chappell & Peel, 1979; Ellis, 1991; Ellis & Thoma, 1991; Frey & Schneider, 1978; Lächler, 1982; Smith, 1996, 2004). The ensuing problem is one of optimal stopping within a finite horizon: the government has a finite number of occasions on which to call an election before one is imposed on it.⁴ While its objective is to maximise utility, not knowing what the future holds, the incumbent government continually assesses electoral conditions to optimise payoffs by calling an election at what it perceives to be the optimal moment. It trades off between extending the current term and winning another. Single-party governments thus seek to maximise not only time in office but also the duration of the current term as well as re-election to another. Opportune timing is thus thought to make both more probable for low-competence governments. Unlikely to be re-elected, they are unlikely to go to the polls early (Terrones, 1991). Research by Palmer and Whitten (2000) confirms that governments are, indeed, highly opportunistic in their timing of elections.

Yet if discretionary timing of elections were the sole determinant of electoral success, then the government party should be able to win re-election *ad infinitum*. Although it has been argued that Canada has a natural government party (Whitaker, 1977), the argument does not intimate that this phenomenon is a function of variable electoral timing. Timing, after all, is but one independent variable determining the prospects of re-election.

Influence over the date of the next election gives the incumbent certain advantages. For instance, the incumbent is able to invest advertising dollars strategically in the run-up to the election call (MacDermid, 2000). While that may have helped Ontario's Mike Harris Tories get re-elected in 2000, the strategy did not help his successor, Ernie Eves. The evidence is incontrovertible: had Eves called a snap election upon taking office in April 2003, even his Liberal opposition – to which Eves ended up losing the election he called a year later – concedes that Eves' PC Party would have carried the election (Ekos, 2003).

In effect, electoral opportunism is not to be confused with an expected net gain as a result of opportunistic timing. Alasdair Smith (1996, 2000, 2004) suggests that governments should not be overly opportunistic. He posits leaders as having more accurate information on future outcomes than citizens. A leader faced with the prospect of declining future performance will go to the polls early. The lack of confidence thus conveyed is interpreted by voters as

asymmetric prescience on the part of the government of an imminent downturn. The earlier the election call, the stronger the signal of imminent demise. For Smith's model to obtain, voters would need to punish governments that dissolve parliament early. Indeed, British data show a decline in popular support for governments that go to the polls early; they also show a decline in subsequent macroeconomic performance. So, there is evidence to suggest that voters penalise governments for calling an early election.

Moreover, in a federal system like Canada's, a rational and informed voter who understands the policy-formation process will vote to produce a policy outcome that approximates as closely as possible to his/her preference ranking. Rational and informed voting in federal elections is thus also a function of the party that holds provincial office where a voter is casting his/her ballot. One would thus expect a weaker partisan affiliation among voters in federal systems (Gallego, 1999). In Canada, therefore, the net loss in the number of votes for the incumbent observed by Smith may be a function not only of an anticipated downturn but also of a voter's calculus based on the realisation of a preferential policy under provincial political conditions different from those under which the previous federal vote took place.

Voters, then, are not a 'cog in the machine'. First, the advantage offered by variable timing is tempered by the model of the rational voter. The rational voter might harbour a certain degree of suspicion about a government's early election call. Second, voters will also use their ability to vote for two levels of government in a federal system to optimise their policy preferences. Third, the media's potential as a manipulative tool in the run-up to an election call should not be overestimated. Fourth, the incumbent government's apparent edge is also tempered by leadership conventions for a Prime Minister will not dissolve Parliament until a successor has been chosen. This process takes about half a year (Courtney, 1982: 82–90).

Assessing Electoral Opportunism in Canada

So, the Prime Minister's early-election calculus already faces certain checks and constraints. Does Canada's variable electoral cycle actually give the incumbent a sufficient edge to warrant changing the system? There are two sides to this story. This section assesses a variable cycle's advantage for the incumbent. The following section takes recourse to counter-factual reasoning. Ascertaining the extent of the advantage afforded by the current system is only part of the story. Since 'judgments of possibility' (Weber, 1949: 145–146; cf. Elster, 1978: chapter 6) matter for the purpose of theorising in the social sciences, it is equally important to ascertain whether fixed election dates would have produced outcomes vastly different from those produced by the actual system.

Between 1867 and 2008, the Canadian Parliament was in session (although not necessarily sitting) for a total of 1627 months. The details are broken down in Table 1. Of the 39 Parliaments during that time, six might be considered as anomalies: the second Parliament (1872–74) fell on a vote of no confidence

Table 1. Canadian general elections, duration between return of writs and dissolution

Parliament	Days	Years–Months–Days
1st	1749	4 years 9 months 15 days
2nd	486	1 year 3 months 30 days
3rd	1638	4 years 5 months 25 days
4th	1274	3 years 5 months 26 days
5th	1622	4 years 5 months 9 days
6th	1398	3 years 9 months 29 days
7th	1826	4 years 11 months 31 days
8th	1548	4 years 2 months 27 days
9th	1394	3 years 9 months 25 days
10th	1372	3 years 9 months 3 days
11th	968	2 years 7 months 25 days
12th	2191	5 years 11 months 31 days
13th	1298	3 years 6 months 20 days
14th	1329	3 years 7 months 20 days
15th	207	6 months 25 days
16th	1305	3 years 6 months 27 days
17th	1822	4 years 11 months 27 days
18th	1538	4 years 2 months 17 days
19th	1825	4 years 11 months 30 days
20th	1360	3 years 8 months 21 days
21st	1388	3 years 9 months 19 days
22nd	1282	3 years 6 months 4 days
23rd	177	5 months 25 days
24th	1450	3 years 11 months 20 days
25th	203	6 months 21 days
26th	854	2 years 4 months 3 days
27th	866	2 years 4 months 15 days
28th	1499	4 years 1 month 8 days
29th	535	1 year 5 months 18 days
30th	1699	4 years 7 months 25 days
31st	186	6 months 4 days
32nd	1582	4 years 3 months 30 days
33rd	1468	4 years 0 months 7 days
34th	1731	4 years 8 months 27 days
35th	1259	3 years 5 months 11 days
36th	1217	3 years 3 months 30 days
37th	1252	3 years 5 months 4 days
38th	498	1 year 4 months 12 days
39th	937	2 years 6 months 24 days

Source: Authors' compilation.

after 16 months; the 15th Parliament (1925) fell because of lack of support for the Liberals and a series of constitutional problems – an episode known as the King-Byng Affair – after almost seven months; the 25th Parliament (1962–63) fell on a vote of no confidence, after almost seven months; the 31st Parliament (1979–80) fell, after six months, on a no confidence vote; and the 38th Parliament (2004–05) which fell on a confidence motion after just one year and four months. These five anomalous Parliaments lasted a total of 56 months. While these anomalies all coincide with short parliaments, the sixth anomaly differs in that it relates to the long Parliament that ensued due to the First World War. The 1911 Parliament was extended through a provision in the Constitution Act (1867) which allows for the life of Parliament to be extended by the vote of two-thirds of its members. That ended up extending the 12th Parliament to six years, a full year longer than the constitutional limitation.

Over half (the median) of the regular parliaments (not including the four dissolved by confidence motions) exceeded 46 months in duration. The average length of Parliament (excluding the six anomalies) has been 46.8 months.⁵ For the sake of argument, an early election shall denote any writ issued on or before 46 months elapsed. This provides a greater degree of latitude, and allows for the inclusion of the 1891 and 1904 elections, both of which were called early (Creighton, 1965: 552; Minto, 1904; Saywell & Stevens, 1983).⁶ Note that Canadian ministries rarely live out their full mandate, except during times of crisis: wartime ministries are the only ones to exhibit a consistent propensity of lasting the full 60 possible months.

The 13th Parliament (1917–21), in which the Unionists⁷ held a majority of seats, was dissolved after only 43 months. Still, it does not qualify as an early election. The Unionist party was a peculiar result of the First World War, and the party essentially disintegrated within two years of the Armistice. During the 1921 election, the first one after the First World War, the party system reverted to the pre-war configuration; at the same time, it mutated into a new party system due to the short-lived electoral success of the Progressives.

According to these criteria there have been a total of 19 early federal elections – although we only have data for 17. Since it is possible to call an early election, lose 22 seats in the House of Commons and still retain power (as the Liberals did in 1997), a successful early election shall be defined as one in which the governing party retained power as a majority government. An unsuccessful early election shall be defined as an election in which the governing party fails to return to office.

On three occasions early elections have been called and precipitated minority governments. In these cases minority governments called an early election that resulted in another minority government, with only a marginal increase in seats. While some might argue that these early elections were

failures – they did not result in a majority government, which presumably is the intent behind an early election – they should really be considered successes for the simple reason that despite lacking a majority, the ruling party was no worse off after the election than before. That is, it retained control of the government, regardless of coalition arrangements with other parties.

As Table 2 shows, of the 19 early elections for which we have data, only five saw the governing party thrown out of office: 1911, 1921, 1925, 1930 and 1957. Save the 1921 election, on each occasion it was the Liberal Party that went down to defeat, and always by a significant margin – an average loss of 52 seats. The 1925 election is an aberration. That is the sole instance where a minority government called an early election and suffered a defeat. In this case the result was a constitutional crisis, and another election was called seven months later, in 1926. That election saw Mackenzie King's Liberals – the same party that had issued an early writ the previous year – entrusted with another minority government.⁸

The most stunning success is the 1984 election. Brian Mulroney's Progressive Conservatives doubled their standing from 103 seats to 211. Of course, the

Table 2. Early Canadian general elections

Year	Parl	Length	Party	Result	Retain gov't
1878–82	4	41 months 26 days	C	+2 seats	Yes
1887–91	6	45 months 29 days	C	+10 seats	Yes
1900–04	9	45 months 25 days	L	+11 seats	Yes
1904–08	10	24 months 3 days	L	-6 seats	Yes
1908–11	11	31 months 25 days	L	-47 seats	No
1917–21	13	42 months 20 days	U	-36 seats	No
1921–25	14	43 months 20 days	L	-16 seats	No
1926–30	16	42 months 27 days	L	-78 seats	No
1945–49	20	44 months 21 days	L	+65 seats	Yes
1949–53	21	45 months 19 days	L	-20 seats	Yes
1952–57	22	42 months 4 days	L	-65 seats	No
1957–58	23	5 months 25 days	C	+96 seats	Yes
1963–65	26	28 months 3 days	L	+3 seats	Yes (Minority)
1965–68	27	28 months 15 days	L	+23 seats	Yes (Minority)
1972–74	29	17 months 18 days	L	+32 seats	Yes
1994–97	35	41 months 11 days	L	-22 seats	Yes
1997–2000	36	39 months 30 days	L	+18 seats	Yes
2000–2004	37	41 months 4 days	L	-38 seats	Yes (Minority)
2005–2006	38	20 months	L	-32 seats	No
2006–2008	39	31 months	C	+19 seats	Yes (Minority)

Party = Party in power when the election was called.

Length = Length of the Parliament from the opening of Parliament to dissolution.

Result = Change in House of Commons seats registered by the party that called the early election.

Source: Authors' compilation.

same party also suffered a similarly unprecedented drop: in the 1993 election, the Progressive Conservatives were reduced from 169 to 2 seats. This result intimates an inverse correlation between the length of time a leader retains power and the party's chances of winning an early election. That hypothesis is reinforced by the Liberal experience. Except for 1925 (with a Liberal minority government) early elections have failed when a party had been in power for more than seven years, as was the case in 1911, 1921, 1930 and 1957. Overall, then, it would appear that calling early elections is a Canadian tradition. Moreover, it is a highly successful custom. The explanation is straightforward: As evidenced by the Conservative administrations that fell in 1896, 1935 and 1993, when a ministry is in decline it is far more likely to cling to power than risk a premature election.⁹

Whither Electoral Opportunism: Some Counter-Factual Observations

The first dominion-wide election was held between 7 August and 20 September 1867. Had fixed election dates been set at the time of Confederation, therefore, the permanent date would likely have fallen between these dates. For the sake of argument, let us assume that the fixed Canadian election date would have fallen during the first week of September, the first Tuesday following Labour Day. This scheme mirrors the American system and thus lends itself as a logical time to choose for the Fathers of Confederation.

Since fixed election dates deviate significantly from the reality of the past 140 years of Canadian federal elections, even educated guesses at conceivable outcomes under a fixed model are haphazard. Yet, as Table 3 shows, this counter-factual thought-experiment intimates that fixing election cycles would not have produced significantly more alteration than the present variable model:

- (i) Under a four-year model, the 1899 election would have coincided with the start of the Anglo-Boer war. Conservatives would have possibly triumphed over the Laurier Liberals who were tepid about involving Canada in the conflict.
- (ii) The Great Depression of the 1930s may have worked in the Conservatives' favour.
- (iii) Had an election been held in 1971, 1972 or 1982, would Trudeau have been reduced to a minority or removed from office altogether? Might the NDP have come up the middle and taken power?
- (iv) A September 1979 election could have gone either way.

Had the length of a mandate been fixed at four years, then Canada would have experienced 35 federal elections.¹⁰ It turns out that the pattern of

Table 3. Plausibility of change in government with a fixed election cycle

Historical reality date		Four year cycle date	Five year cycle date
1867–72	C	1867–71	1867–72
1872–74	C	1871–75	1872–77
1874–78	L (n/c)	1875–79	1877–82
1878–82	C	1879–83	1882–87
1882–87	C	1883–87	1887–92
1887–91	C	1887–91	1892–97
1891–96	C	1891–95	1897–1902
1900–04	L	1895–99	1902–07
1904–08	L	1899–03	*** 1907–12
1908–11	L	1903–07	1912–17
1911–17	C	1907–11	1917–22
1917–21	Union	1911–15	1922–27
1921–25	L	1915–19	1927–32
1925–26	C (n/c)	1919–23	1932–37 ***
1926–30	L	1923–27	1937–42 ***
1930–35	C	1927–31	1942–47
1935–40	L	1931–35	1947–52
1940–45	L	1935–39	*** 1952–57
1945–49	L	1939–43	1957–62
1949–53	L	1943–47	1962–67
1953–57	L	1947–51	1967–72
1957–58	C	1951–55	1972–77 ***
1958–62	C	1955–59	1977–82
1962–63	L (n/c)	1959–63	1982–87 ***
1963–68	L	1963–67	1987–92
1968–72	L	1967–71	1992–97
1972–74	L	1971–75	*** 1997–2002
1974–79	L	1975–79	2002–07
1979–80	C (n/c)	1979–83	***
1980–84	L	1983–87	
1984–88	C	1987–91	
1988–93	C	1995–99	
1993–97	L	1999–2003	
1997–2000	L	2003–07	
2000–2004	L		
2004–2006	L		
2006–2008	C		
38 Elections		35 Elections	28 Elections

(n/c) = election precipitated by a vote of no confidence.

L = Liberal

Union = Union Government

C = Liberal–Conservative/Conservative/Progressive Conservative

*** = probability of a different outcome.

Source: Authors' compilation.

elections approximates the one actually experienced by Canada and the outcomes of the elections would probably not have been all that different.

By contrast, had the length of a mandate been set at five years, the results would have been remarkably different. Under a bi-decennial electoral cycle there would have been only 28 parliaments. With the exception of the elections which fall in the 1930s, however, few elections are likely to have had different outcomes. Under a bi-decennial cycle it seems entirely possible that the Conservatives could have been in power when Canada entered the Second World War. Similarly, the late 1970s could have placed the Conservatives in power for a period well beyond the 1979–80 Clark administration.

The Clark government raises an interesting question. With fixed election dates, when a vote of no confidence precipitates an election, would the new ministry exist for the full four or five years, or would it merely live out the balance of the existing cycle? That is, if loss of a vote on a matter of confidence forces an election two years into a mandate, would the new ministry's tenure be curtailed to the three years remaining on the previous mandate, or would it sit for five years? Given the flexibility of the Westminster system, it stands to reason that after a vote of no confidence and the resulting election the clock would be reset. This is how the various provincial and federal fixed election cycle laws have been structured.

Regardless, due to the fewer number of elections overall in a fixed cycle, it is not at all certain that, proportionally, fixed elections would have produced more alteration. In fact, in light of these observations, the opposite seems more probable: that flexible elections actually produced greater turnover among governments! By Schumpeter's (1975 [1942]) famous measure, then – the extent of turnover/alteration – a variable election cycle may thus have produced a more democratic outcome than fixing the cycle!

The Discretionary Power of the Governor General

Is a fixed electoral cycle even workable in a Westminster-style parliament? Fixing election cycles would undercut not only the discretionary powers of the Prime Minister, but also some of the discretionary powers of the Governor General.

In the American congressional system, the functions of head of state and head of government are fused in the presidency. In Canada, these two functions are embodied in two distinct individuals. Constitutionally, the Canadian head of state is the Queen, represented by the Governor General, who, since 1947, has had the ability to exercise most of the Sovereign's powers.¹¹ Canada's Constitution is silent on the head of government, the Prime Minister. The position exists by convention only. Like all ministers of the Crown, the Prime Minister is appointed as a member of the Queen's political executive

of the Privy Council for Canada. The two offices, then, are distinct, occupied by different individuals working within the same institutional framework. Strictly speaking, Canada's government is actually appointed (by the Crown), not elected.

The Prime Minister's monopoly on advising the Governor General on use of the Royal Prerogative is considered a Trojan horse for the governing party. In contrast to some presidential systems of government, the Governor General may not dissolve Parliament without receiving advice (Forsey, 1968; Smith, 1995: 58), usually from the Chief Minister or, extraordinarily, Cabinet. Technically, it is a prerogative of the Crown to issue a writ of election. By convention, the Governor General issues a writ of election at the Prime Minister's request (Esberoy, 1973; Graham, 1967).¹² Refusal to follow the Prime Minister's recommendation 'embodies the rejection of the advice of [the] accredited Minister which is the bedrock of constitutional government' (Telegram, 1971: 10).¹³

Bill C-16, which was granted Royal Assent on 3 May 2007, makes a point of opening with: 'Nothing in this section affects the powers of the Governor General, including the power to dissolve Parliament at the Governor General's discretion'. This clause essentially allows the Prime Minister to continue to advise the Governor General to dissolve Parliament should the need arise.

However, a four-year fixed scheme leaves open the possibility that a Prime Minister might precipitate an election by arranging for there to be fewer of his MPs in Parliament during the course of a vote that has been designated a motion of confidence.¹⁴ A clever Prime Minister would have little trouble staging such an event.¹⁵ However, with a statute in place encouraging an administration to utilise its entire mandate, the public and press might not be favourably disposed to an early dissolution of Parliament. Much would depend on the circumstances surrounding an early dissolution. The Bill as adopted by Parliament does not preclude the Prime Minister requesting that the Governor General dissolve Parliament before the pre-ordained election date.

For this plan to work there would have to be a period of good faith whereby successive administrations would not indulge themselves in early elections merely to gain a political advantage. After this period a convention would be established, and the public would have become accustomed to having elections at regular intervals on a set date. Of course, since the government that introduced Bill C-16 did not adhere to its spirit, it is questionable whether there will ever be sufficient good faith for this sort of plan to work, especially under a minority government.

As a member of the family of Westminster-style parliamentary systems, New Zealand's governments, for instance, have a history of using their entire mandate. Since the end of the Second World War, only three governments

have been dissolved early: Holland in 1951, Muldoon in 1984, and Clark in 2002. Ergo, a regular electoral cycle is part of New Zealand's political culture. Since passage of the New Zealand Constitution Act 1986, for instance, elections have been held only after 36 months. Still, nothing prevents a New Zealand Prime Minister from advising the Governor General to dissolve Parliament prematurely.

Were Canada to maintain a parliamentary system – and there are currently no grounds to believe otherwise – where the Head of Government must maintain the confidence of the lower house, the possibility that the Prime Minister might fix a confidence motion is not to be discounted. The option of entrenching fixed election dates in the Constitution is more remote but would provide a more effective check against prime-ministerial thriftiness.¹⁶

Phenomenology of Electoral Timing

A fixed electoral cycle would therefore impinge upon the Royal Prerogative which allows a ministry to exist at the pleasure of Her Majesty. Still, such a fixed system would not preclude the Governor General from dismissing a ministry or authorising a Writ in the event that a vote of confidence was lost. Thus, fixing dates somewhat undermines the Prime Minister's power in this area while curtailing part of the Governor General's discretionary power.¹⁷ But if fixed election dates are so obvious a panacea for the discretionary ailments ravaging the current system, why not adopt that mechanism in the first place? The Fathers of Confederation never considered a fixed electoral cycle because no such system existed in the United Kingdom or any other dominion.

But, is it not curious that the framers of the Canadian Constitution would opt to time elections so differently from their American neighbours where fixed elections were well entrenched by the time of Confederation? The answer to this question is a matter of context. The Fathers of Confederation had at their disposal the innovative notion of collective responsibility which had made inroads in Britain with the First Reform Bill. This had been introduced to Canada by Lord Durham in his Report (1840), and operationalised in the legislature of Nova Scotia in 1848. America's founding fathers' understanding of the British system of governance, by contrast, was premised on a separation of powers. Still, the historical evidence explaining the adoption of one means of timing elections over another is scant.

The historical record actually provides no incontrovertible rationale behind the choice in timing for each country's electoral cycle. The choice must have been so intuitive that neither case required deliberation. Implicit in the timing of elections are competing conceptions of the state: mechanistic and organic (Deutsch, 1963: 26–34). This taxonomy is grounded in different political cultures: whereas mechanistic conceptions are inspired by classical liberalism,

organic ones are rooted in conservatism. A debate on the timing of elections thus amounts not only to a debate about the nature of the state, but it may also be indicative of a certain political culture.¹⁸

In contrast to Canada's discretionary system, election dates in the American electoral system are precise. Federal election timing is not laid out in the Constitution (1789: I, 4). Yet, the method is intimated, if not mandated outright, by constitutional provisions. The date for presidential elections, for example, is constrained by the requirement that the inauguration of the president must take place at noon on 20 January following the election year (Constitution of the United States of America, 1789: amend. XX). Congress has legislated the first Tuesday after the first Monday in November for that purpose. That date also serves for congressional elections, since representatives and senators assume their respective offices at noon on 3 January following the election (Constitution of the United States of America, 1789: amend. XX; 2 USC 7 (1875); 2 USC 1 (1875)).

Similarly, American legislative terms of office are fixed according to an exacting schedule that was the subject of considerable debate within the Constitutional Convention held in Philadelphia in 1787. Senators serve six years, representatives two years (Farrand, 1937: I, 397–408; Constitution of the United States of America, 1789: I, 3).¹⁹ The American president's term of four years also reflects this formula. It is intended to provide a civic rotation of office in which renewal would be balanced against continuity (Farrand, 1937: I, 406). Again, the process is subject to a sense of precision that hints at an implicit yet underpinning theoretical framework.

The Canadian electoral process, meanwhile, was a conscious replication of the Westminster model of parliamentary government. References to that effect are found in the Constitution Act of 1867 (British North America Act, 1867, preamble, 17). In parallel with the British experience and in contrast to the American one, the actual rules that guide the process of parliamentary government are subject to the willingness to comply with constitutional convention, rather than entrenched constitutional mandates (Marshall, 1984). Elections are called, formally, by the head of state, upon the recommendation of the government of the day. While the maximum amount of time between parliamentary elections is set by convention, wide discretion is accorded to the government in determining the actual date of the election (Sunstein, 1988).

Furthermore, the term of a Prime Minister can be determined by varying factors, including forfeit of a parliamentary majority (as a result of electoral defeat or legislative defection), a personal decision to retire, death in office, or removal from the leadership by the members of the governing political party. Similar conditions apply to other governmental ministers. It follows that the discretion of political elites, rather than an overarching, mechanistic mandate, is the key determinant of Canadian election dates and terms of

office (Corry & Hodgetts, 1959: 90–106). But the contrast with the United States, in this respect, is not just institutional; it also reflects differences in attitudes and values that can be traced to different sources.

The American model is a reflection of classic liberal, or ‘libertarian’, influences, as characterised by the political theory of John Locke. Its overarching concern is to limit government intervention, as exemplified, *inter alia*, by unambiguous terms of government office and definitive election dates not subject to governmental discretion (Hartz, 1955; Corwin, 1948). Locke also recommends a separation of powers between two distinct branches of government. That arrangement was meant to ensure a mutual tension designed to thwart any attempt to consolidate the considerable power of government represented by an absence of strict limitations associated with regular elections and precisely defined terms of office (Locke, 1980: 69–83; Macpherson, 1991: 18–21). James Madison’s insistence upon a constitutional, rather than a legislative source for determining and fixing election dates and regulations exemplifies this claim (Farrand, 1937: II, 203–205). Discretion was thus replaced with certainty and predictability:

The right of suffrage is certainly one of the fundamental articles of republican Government, and ought not to be left to be regulated by the Legislature. A gradual abridgement of this right has been the mode in which Aristocracies have been built on the ruins of popular forms. (Farrand, 1937: II, 203)

In fact, the influence of Roman republican beliefs may be more pervasive within the modern world than is commonly supposed (Velema, 1997). Republicanism was adapted most successfully in those modern societies that have been strongly influenced by liberal democracy. So, the influence is most keenly observed and acknowledged in terms of essential social and political activities and institutions (Mitchell, 2001). Yet some of the more foundational beliefs of the ancient Romans, including idiosyncratic tendencies and even superstitions, may have been transferred from that civilisation to modern successors (Buttle, 2001). Auspices were an important consideration in all Roman activities, including republican politics. No action would be taken unless religious signs were favourable, including astrological considerations and, more generally, the indications of the calendar (Phillips, 2000).

These practices and beliefs were not unique to the Romans; most ancient civilisations have relied on the position of the moon, stars, sun, seasons of the year, and other means to find the most propitious time to perform certain events (Highwater, 1981). The appeal has been linked to the observable rhythms of nature and the human condition, and its effect is rooted deeply within the psychological and spiritual perceptions of a people (Campbell,

1990: 1–24). This awareness has also been expressed in terms of the cultural consequences of a ‘collective conscience’ (Jung, 1959) and even in constitutional jurisprudence, as announced in Justice Goldberg’s concurring opinion concerning the presence of an unwritten American constitutional right to privacy in the seminal United States Supreme Court of *Griswold vs. Connecticut* (381 US 479 (1965), at 494). The first Tuesday in November, 20 January, 4 March, even the beginning of the Supreme Court cycle (first Monday in October) may be arbitrary or they may be rooted in some sublime rationale.

The precise workings of an interrelated universe were a precept of those attitudes of the Enlightenment that provided the philosophical rationale which pervaded the American Revolution (Foley, 1990: 3–26). A preoccupation with matters such as the allocation of legislative seats and terms of office according to ‘fixed proportions’ is consistent with a mechanistic mindset among the framers of the American Constitution (Farrand, 1937: I, 397–408; III, 239–243). This mindset may also have been influenced by a re-evaluation of theological assumptions. That influence is perceptible in the links made by colonial writers between natural law and the ‘rudiments of law’ (Anonymous, 1983, vol. 1: 38–41). It also comes to light in the way American Deists, such as Benjamin Franklin and Ethan Allen (Allen, 1940; Stifler, 1925), emphasised the relationship between God and a logical, orderly, mechanistic universe, between government and a rational, universal force. They identified an overarching intelligence that guides a mechanical universe and endows it with a moral core. The combination of a belief in a divine intelligence and the demonstrable features of physical ‘laws’ of government offer an interesting alternative explanation of the political culture of American constitutionalism and such institutional features as the establishment of its electoral formula and terms of office (Eidsmore, 1995; Pocock, 1975: 474–476, 507).

The political calculus of the Canadian model, by comparison, is more readily intelligible, since it provides ruling elites the discretion to choose a date that might favour their aspirations (Van Loon & Whittington, 1987: 382–384).²⁰ The Canadian proclivity for British parliamentary tradition is similarly consistent with *liberal*-democratic values. Yet, the ideological overtone is *conservative* (Grant, 1970),²¹ as exemplified, inter alia, by traditional institutions that advance discretion in terms of political tenure and elections. The overarching tradition is characteristic of classic conservative ideology (Gauthier, 1969; Burke, 1987). Institutions derived from the Westminster model are associated with continuity, stability, and ties to the country’s British heritage, rather than with the attitude of disassociation from Britain that motivated the American experience. Canada’s first Prime Minister, Sir John A. Macdonald, expressed that sentiment when he exhorted his fellow

political leaders to adopt his proposed scheme for Canadian union, for otherwise 'we shall hereafter bitterly and unavailingly regret having failed to embrace the happy opportunity now offered of founding a great nation under the fostering care of Great Britain, and our Sovereign Lady, Queen Victoria' (Parliamentary Debates, 1865: 14).

Respect, if not reverence, for the institutions of crown and parliament ensured the continuity, as opposed to the American rupture, of proven principles and institutions (Russell, 1993). In contrast to the enlightened ideas of liberal American revolutionaries, Canada's Fathers of Confederation were:

mid-Victorian colonials who had grown up in a political system which they valued, and which they had not the slightest intention of trying to change by revolution. For them the favourite mythos of the Enlightenment did not possess an even quaintly antiquarian interest. (Creighton, 1964: 142)

Canada's upper house, for instance, was conceived in the tradition of an aristocratic counterbalance to the democratic principles that are represented in the lower house, as argued forcefully by George Brown when he declared: 'Two elective houses are inconsistent with the right working of the British parliamentary system' (Parliamentary Debates, 1865: 88). That balance of representation of these different constituencies needed to be perpetuated, including an institution for an elite. However – consistent with modern republican principles – any such consideration could not be permitted to overwhelm the popular constituency, as Sir John A. Macdonald observed:

There would be no use of an Upper House, if it did not exercise, when it thought proper, the right of opposing or amending or postponing the legislation of the Lower House. It would be of no value whatever were it a mere chamber for registering the decrees of the Lower House. It must be an independent House, having a free action of its own, for it is only valuable as being a regulating body, calmly considering the legislation initiated by the popular branch, but it will never set itself in opposition against the deliberate and understood wishes of the people. (Parliamentary Debates, 1865: 35–36)

Differences in electoral patterns between Canada and the United States have traditionally been associated with institutional differences between the parliamentary system of Canada and the presidential system of the United States (Corry & Hodgetts, 1959; Dawson, 1970; Hockin, 1976). In contrast to this formal-legalistic approach, cultural differences are frustratingly complex. The factors that can account for differences in specific institutional choices,

including election dates and cycles, can be varied and subtle. However, that subtlety does not preclude the salience of cultural and ideological influences. When treated as political phenomena, election cycles can be evaluated within a more meaningful context of empirical and normative evidence and methods from which one can then infer differences in choices about electoral systems, such as those made by the founding fathers of the United States and Canada.

The Political Economy of Fixing Election Dates

The comparison of electoral timing between the United States and Canada points not just to differences in political culture, it also raises an unintended consequence of fixing election dates: the political business cycle (PBC). The classic opportunistic PBC model with myopic voters assumes that flux in macro-economic outcomes translates into vote intentions (Nordhaus, 1965; Tufte, 1978). Nuances in electoral timing cause the PBC to differ (Terrones, 1991). In other words, this model suggests that politicians who know well ahead the timing of the next election have political incentives to intervene in the economy. Under immutable electoral cycles, political leaders lack the option of going to the polls at an opportune time; consequently, they manipulate the economic cycle in accordance with the electoral cycle. Concretely, that means governments try to boost their popularity by driving down unemployment prior to an election (Persson & Tabellini, 1990). Whereas in Great Britain political business cycles in macroeconomic aggregates are largely absent, they are highly apparent in New Zealand (Alesina *et al.*, 1997). Similarly, early elections had no significant impact on monetary and fiscal policy in either Japan or India (Ito & Park, 1988; Ito, 1990, 1991; Cargill & Hutchinson, 1991; Chowdhury, 1993; Saito & Horiuchi, 2003). Pre-election economic expansion thus appears to be tempered by variable election timing.

Under a variable cycle, politicians tend to call elections when growth and inflation performance is naturally strong (Ito & Park, 1998). Institutional arrangements allowing elections to be timed opportunistically thus reduce manipulation through more frequent elections (Smith, 1996; Kayser, 2006). Elections are more frequent when timed variably rather than fixed. Above, for instance, the length of an average ministry in Canada was calculated at 46 months: the higher the frequency of elections, the smaller the distortions in the PBC (Rogoff, 1990: 31–32; Rogoff & Siebert, 1988). That is not to say that Canadian incumbents refrain from manipulating policy instruments prior to an election (Reid, 1998). During the mid-1970s, however, the focus of Canadian fiscal policy shifted from controlling unemployment to controlling inflation. Since it is premised first and foremost on the manipulation of

unemployment, the PBC had not been applicable to Canada (Johnston, 1999).²² Now that Canada has adopted fixed terms, that may change.²³

Fixing election dates is thus likely to render the Canadian economy more vulnerable to sub-optimal performance. Is it preferable to have politics determine economics or to have economics determine politics? Since electoral fortunes are, partly, a function of unemployment and the robustness of the economy, the findings indicate that governing politicians who cannot ‘manipulate’ the electoral cycle by going to the polls at their discretion will invariably resort to other means of manipulation, notably manipulation of the economy.

Conclusion

Canada’s electoral system has changed little since 1867. A decade after Confederation, rolling elections were abandoned. In 1918 the franchise was expanded to include women.²⁴ And since 1964 electoral boundaries have been drawn by independent commissions (Courtney, 1988, 2001). Now, however, in addition to the Law Commission of Canada’s report on the subject (2004), Canada’s Parliament has adopted a Bill that fixes election dates (notwithstanding that the government that fixed election dates did not end up heeding its promise to serve its full term). Half the provinces and one territory are either seriously considering it or have already done likewise: Prince Edward Island (Carruthers, 2003), Nova Scotia, New Brunswick, Quebec, Ontario, British Columbia, and the Yukon.

Democratic reform is inherently elite-driven. Marxists might explain this in terms of elites’ interest in maintaining and legitimising the system: ‘Reform has been a major characteristic of capitalist regimes – not surprisingly since reform has been a *sine qua non* of their perpetuation’ (Milliband, 1977: 87). But why champion one type of reform rather than another? Why fix election dates but waver on introducing a degree of proportional representation? To a civically illiterate citizenry, fixed election dates are an easy sell.

The literature on civic competence demonstrates that the ideal of the democratic citizen does not correspond to reality (Northrup & Oram, 1994; Carpini, Delli & Keeter, 1991, 1992, 1996). Empirical research has forever ruined our picture of mass electorates comprised of idealised good citizens (Niemi & Weisberg, 1984: 325). Citizens are neither sufficiently proficient in politics nor do they have sufficient time or interest to learn more about the system.

The evidence thus suggests that the shift in electoral reform focus towards election cycles in Canada may be more symbolic than substantive in nature. The analysis in this article suggests that the actual democracy-enhancing impact of such a reform on Canadian democracy is likely to be negligible. One might even speculate that this shift constitutes a concerted effort to detract attention from actual issues of substance. A lot more needs to be

known about the impact of electoral reform. Well-intentioned reform is one thing. Improved outcomes are quite another. This is not to say that Canadians are not dissatisfied with a party-dominated political process and disenchanted with their representative institutions. In the end though, one cannot help but wonder: is all this fuss about electoral cycles really worth it?

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Notes

1. Applying Donald Savoie's *Governing from the Centre* (1999) thesis, White (2005) finds executive concentration of power to be even stronger at the provincial level.
2. See Forsey (1968), Smith (1995), as well as numerous legal scholars.
3. Studies on the long-term political consequences of electoral laws include Duverger (1963), Rae (1967), Lijphart and Grofman (1984), Grofman and Lijphart (1986), Taagapera and Shugart (1989), Lijphart (1994), Capoccia (2002), Massicotte *et al.* (2004).
4. For a game-theoretic model of fixed election timing see Kayser (2006).
5. Authors' calculation: 1672 months of Parliament sitting, subtract 72 months for the long parliament of the First World War and 56 months for the 5 short parliaments, then divide all this by 33 parliaments (although we are at Parliament 39 we have subtracted the 6 anomalies). This finding compares favourably with the British experience. With the exception of three elections called during the first 19 months in office by governments hoping to improve their position in Parliament, none of the 16 general elections in Britain since the Second World War has been called before 40 months, two-thirds of the maximum five-year term (Butler, 1995; *Keesing's Record of World Events*). Conversely, only two governments sat the full term: Douglas-Home in 1964 and Major in 1997.
6. The sixth and ninth Parliaments lasted only 46 months, just slightly over what we have defined as an early election. According to Sir John A. Macdonald's personal papers, the 1891 election was unwanted, yet worked out in favour of the ruling Conservative Party anyway. We do know that the 1904 election was called early with hopes of increasing the Liberals' hold on Parliament, after a series of blunders by the Conservatives who were in opposition.
7. The Unionist Party consisted of a coalition of pro-conscription Conservatives and Liberals. In the election of 1917 the Unionists won 153 seats in Parliament, while the Liberals hung on to 82.
8. For more on the merits of minority government in Canada (as well as a defence of fixed election dates) see Russell (2008).
9. The exception defies the rule: despite a succession of five prime ministers between 1891 and 1896, there was but only one election.

10. There would have been no need to extend the Parliament which existed during the First World War as the election would have fallen in September 1915 and the crisis then was not sufficiently serious to have warranted an extension.
11. In 1947 King George VI signed the Letters Patent constituting the office of Governor General. This enables the Governor General to exercise all powers related to the Royal Prerogative: to date not all of these powers have been exercised by the Governor General.
12. During the Byng–King affair of 1925, then Governor General Lord Byng refused William Lyon Mackenzie King a dissolution and turned to Arthur Meighen to form a government (Graham, 1967).
13. This observation about the Prime Minister’s power is compounded by the fact that in recent decades the Canadian Prime Minister’s powers have grown substantially – to the detriment of Parliament and Cabinet (Savoie, 1999; Weller, 1985: 1–17). As a result, the Canadian Prime Minister is now more powerful than any other head of government in the G7 (Smith, 1995: 62). If the power of Parliament has declined over recent decades, then institutional change will only have a relatively limited effect on the overall outputs of the system (Franks, 1987; Kornberg *et al.*, 1980). Similarly, if Cabinet has indeed been reduced to a focus group for the Prime Minister, any attempt to hold ministers more accountable is to swim against the current (Doerr, 1980; Kernaghan, 1980; Kernaghan & Siegel, 1987: 267–289).
14. This idea is not without precedent: the Kohl government in Germany resorted to precisely this tactic only to be reprimanded retroactively by the constitutional court in Karlsruhe.
15. How the opposition might react is a different question.
16. A constitutional change would likely be accompanied by reform to the electoral system in terms of the type of vote cast, and complemented by a Senate reform package.
17. Yet it is much more improbable that the Governor General would fire a ministry today than a century ago.
18. Russell (1993) has advanced an analogous claim in the context of the politics of constitutional change in Canada.
19. The first session of Congress was subject to a classification of senators who served terms of either two, four or six years. The purpose was to stagger this process and to ensure that a third of the members of the Senate would be subject to re-election or replacement at the conclusion of each two-year election cycle.
20. An analogous trend is observable in British politics, where parties prefer to call elections at different times of the year: Labour favours winter, the Conservatives favour summer, and the Liberals.
21. Other social scientists, such as Hartz (1964), Horowitz (1968: chapter 1), McRae (1964), and Lipset (1985) also referred to a school of thought supporting, at least partially, this proposition. Some of these arguments, however, have been subject to methodological and substantive criticism (Carmichael *et al.*, 1991; Monière, 1977; Forbes, 1987).
22. Associated with empirical research on political business cycles is a strong endogeneity bias (Heckelman & Berument, 1998).
23. Due to the country’s small size and openness to free trade, however, Canadian politicians’ ability to manipulate the economy is actually quite limited. Money markets – especially the bond market – would punish such opportunism before voters could be given the chance to do the same.
24. Some had already been permitted to vote in Borden’s 1917 landslide. At the provincial level, it took until 1940 for women to be granted the right to vote in Quebec. Federally, Aboriginal women were not granted the vote until 1972.

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