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When Fraud Comes of Age
Libations and Legitimacy in Canadian Electioneering

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Abstract

This article makes the case for a nuanced approach to the study of electoral fraud. Maturing techniques necessitate greater sensitivity toward questionable electoral practices. The evolution of electoral fraud in Canada, for instance, defies the conventional understanding of fraud, as it has moved beyond the grasp of a standard definition. Instead, detection depends on a dynamic analysis cognizant of the way different circumstances may lend themselves to possibly corrupt exploitation.

Electoral fraud has always been difficult to study. Since tangible evidence is rare, its very existence is questioned. As physical traces become infrequent, one might be tempted to infer that the practice is being eradicated successfully. That conclusion, however, is fundamentally flawed and fails to acknowledge two more likely alternatives. First, one might hypothesize that a practice previously deemed fraudulent has been legitimized. Second, the manipulation used could ostensibly have matured to the point where fraudulent practices become virtually undetectable. This is of particular concern because it serves to legitimate an outcome attained by questionable means. Situations with high levels of partisanship, electoral competitiveness, and small margins that make a vote "too close to call" are most prone to corruption; when the stakes are high, the incentive is great. Under such circumstances, otherwise acceptable manipulation is most likely to turn into fraud. This subtlety is beyond any conventional understanding of electoral fraud. A contextually sensitive approach is thus required.

This article invokes data from Canadian federal elections (1964, 1972, 1975, 1993), provincial elections in Quebec (1944, 1952, 1956, 1998), and referenda (Newfoundland in 1948, Quebec in 1995). The available historical evidence posits that the outcome of each vote could very well have been different. In each case one can
tender had a historically verifiable interest in skewing the vote. That actor had to be in a position to manipulate a seemingly “insignificant” number of votes to ensure the desired outcome. Highly partisan conditions, therefore, conveniently minimize the amount of incriminating evidence and hence the possible detection of manipulative outside intervention.

Manipulation is becoming more sophisticated. The incentive for optimizing the technique(s) of manipulation is to minimize the influence of the individual voter on the actual result. In other words, the ideal technique minimizes the uncertainty inherent in a voter's subjectivity—all the while maintaining an aura of legitimacy. Not all electoral systems and conditions lend themselves equally well to manipulation. Nonetheless, we contend that this thesis may hold elsewhere because legal and political determinants of the actual conduct of elections often shape electoral outcomes as much as issues, candidates, or the social bases of mass political behavior. Fraud is “made possible by the interaction among the institutional framework, the competitive partisan balance of the party system and the political culture.” Electoral fraud, therefore, needs to be assessed in the setting of electoral competitiveness and partisan or weak institutional arrangements (Argerisanger 1985–1986, 673, 684, 687).

Truth and Method

The study of election fraud raises a methodological quandary. If the outcome is to be accepted as legitimate, irregularities have to appear normal. The challenge, therefore, is to find a way around potentially incriminating evidence: “Successful dirty politics, by definition, is never discovered” (Jensen 1971, 35). Thus electoral fraud is impossible to prove:

The nature of the subject matter, of course, like other illegal, immoral, or irregular activities, makes it unlikely that conclusive documentary evidence of fraud will be found. Few individuals were likely to have recorded their involvement in such acts. (Burnham 1974, 1017)

That presumption, however, fails to take certain nuances into account: the number of votes cast may exceed the number of registered voters’ or the deceased somehow make it onto the voter lists and inexplicably rise from the dead to cast their ballots. Voter turnout, by contrast, is not a good indicator of fraud. Philip Converse's thesis that flagrant crimes at the ballot box increase the vote polled and thus inflate turnout is incorrect (Converse 1972, 263–337; Jensen 1971, 34). “Much substantiated election fraud involves manipulations, miscounting or discarding of actual ballots by corrupt election officials rather than the repeated casting of ballots by the same voter or ballot-box stuffing” (Lusk 1889, 481).

Charges of gross and endemic electoral corruption are discounted on the basis that “the evidentiary base . . . is quite thin and consists mostly of second-rate accounts” (Allen and Allen 1982, 155), is “everywhere anecdotal” (Converse 1972, 282), and is “fragmentary and uneven” (Allen and Allen 1982, 181–183). One review of the published literature on “fraudulent election practices” concludes:

The evidence to demonstrate the existence of massive election fraud is not only anecdotal, it is unsystematic, impressionistic, and by and large inconclusive. Almost all contemporary allegations of vote fraud were based primarily upon sweeping, generalized, often highly emotional charges substantiated in most cases by only the most fragile evidence, if supported at all. (Allen and Allen 1972, 167, 179)

In asking “Who were these people socially? What were their objectives?” (Klepper and Baker 1980, 205–207), skeptics even insinuate that those inquiring into fraudulent election practices have an ulterior motive. They discredit those who make such allegations on the basis that they came from the upper levels of society; consequently, they must have been reacting against urbanization, industrialization, and associated (in)migration. Their allegations were apparently intended to weaken political parties and universal suffrage. Apparently “corruption inevitably followed from universal suffrage and democracy” (Klepper 1982, 58–60). Still, “it need not follow that the substance was inaccurate because the style was suspect and motive self-serving” (Argerisanger 1985–1986, 675).

Conversely, those who attempt to discount election fraud may have “a motive of their own . . . This concern is most evident in . . . Vote Fraud and Data Validity” (Argerisanger 1985–1986, 671). “If elections were universally fraudulent, then the results of these elections are distortions of popular attitudes and of dubious validity. If election data are invalid, then the study of mass voting behavior is an exercise in futility” (Allen and Allen 1982, 154). If votes are fixed, what point is there to analyzing the data? This premise would put many social scientists out of work and discount their life achievement. If fraud and bribery determine elections, “then the elaborate analysis of campaigns and voting patterns is an exercise in cynicism and futility” (Jensen 1971, 34). Such analysis considers voting

an act that expressed deeply held cultural and religious values that were represented and implemented by the major parties, and that the party system satisfied the electorate. But widespread election fraud suggests that many voters did not regard their parties as essential vehicles of cultural expression nor their votes as especially important in either a symbolic or instrumental sense . . . The subject thus not only represents a challenge to the methodology . . . in terms of raising data validity, but also raises questions of deeper significance concerning the portrayal of political culture and the party system. (Argerisanger 1985–1986, 672–673)

Yet such misperceptions stand to be corrected:

The quantitative analysis characteristic of the more sophisticated recent political studies . . . is based on the use of descriptive statistics to analyze numerical data in terms of central tendencies, variances and relationships among interval variables. And while “massive fraud” injects distortion into any analysis, the reality of election fraud [is] its strategic, not massive, nature. Only in those areas where relatively minor changes in the recorded popular vote would result in a different electoral outcome was there any incentive for fraudulent activity. (Argerisanger 1985–1986, 671–672)
To this end, election fraud could be limited to the violation of the voters’ “rational will” such as “falsefication of the vote count by election officials,” voter intimidation, repeated vote casting by the same individual (Allen and Allen, 156–157), registration fraud by partisan election officials, ballot-box stuffing, violence at the polls, impersonation and the “colonization” of voters, and altering ballots to invalidate them or change their meaning and altering returns. Such a narrow definition of fraud excludes techniques that ostensibly do not constitute a direct violation of the voter’s “rational will”: heavy-handed campaigning such as employers warning their workers of possible unemployment in the event of a particular election outcome, and bribery, which is dismissed as a voter’s “willing” acceptance of something in exchange for his ballot. Defining this type of corruption away is advantageous in that it conveniently “reduces the incidence of ‘vote fraud’” (Argersinger 1985–1986, 673). Yet it does not dispute illegal activity.

In fact, “more is known about bribery at the polls than about the clandestine acts of a few election officials” (Reynolds 1980, 194) (see Exhibit 1). Several unprecedented episodes in Canadian electoral history illustrate this point, notably the 1917 election, which took gerrymandering to new heights, and patronage, which was systematically employed in Quebec for decades to forestall political change. As it turns out, however, questionable electoral practices used to be prevalent throughout the country. But are they still? Evidence from more recent elections and referenda suggests that questionable practices persist. Overt fraud, however, seems to have matured to a more sophisticated variant that specializes in exploiting certain favorable circumstances. That development poses a serious challenge to the conventional understanding of fraud. Fraud can no longer be measured against a standard yardstick. Instead, a tactic entirely legitimate in one case may be suspect in another. It all depends on the circumstances.

**Gerrymandering**

Usually gerrymandering is associated with redrawing electoral boundaries in favor of the incumbent. The reassessment of electoral boundaries is commonplace and essential in industrialized democracies. In any system based on representation by population, electoral boundaries have to be redrawn regularly as a result of demographic changes. The practice, however, becomes problematic when used systematically to preserve the status quo in an effort to prevent the sort of alternation between elites on which Schumpeter’s conception of democracy as method is grounded (1976).

This was arguably the case in 1917, when the Dominion government of Sir Robert Borden took the practice to a new level. His is perhaps the single greatest feat in Canadian eismering. Canada was at war and many of her citizens were engaged overseas. Conscription had made Borden’s Conservative government deeply unpopular in Quebec and in the sparsely populated western provinces. Despite such unfavorable conditions, the eventual margin of Borden’s victory has yet to be repeated in Canadian political history.

Borden artificially redistributed the number of votes in Canada’s single member constituency system to prejudice the outcome. As a result, the 1917 election saw a 78 percent voter turnout. Until then, the highest turnout had been 70 percent. A total of 1,464,848 votes were cast (National Archives of Canada 1917, 57292). Of those votes, Borden received 49 percent, and his Liberal opponents 51 percent. The outcome was determined by the redrawing of electoral boundaries in Quebec and the sparsely populated western provinces. This was not a mere coincidence but a deliberate manipulation of the electoral system to ensure victory.

**Exhibit I**

| Borden 1917 |

In Ontario, New Brunswick, and Nova Scotia, Borden reduced the number of ridings, consequently, electoral boundaries had to be redrawn, in each case to the detriment of the Liberals. It increased satisfaction, the number of western ridings diminished by 50 percent. Borden added five in Manitoba, six in Saskatchewan, five in Alberta, and six in British Columbia. These additions caused a massive realignment of the electoral map, once again at the Liberals’ expense in Quebec. However, neither the simple addition nor elimination of ridings nor the conventional redrawing of electoral boundaries would suffice. As a result of the conscription crisis, popular support for the Conservatives plummeted to about half of what it had been six years prior (Therne and Whitecorn 2001, 492).

Borden solved this problem by enacting the 1917 Electoral Boundaries Act. In collaboration with his minister of justice, Meighen introduced the War Time Elections Act (WTEA) to disfranchise Canadians who had immigrated from an enemy country prior to 1914. German immigrants generally opposed the war and hence were Liberal supporters. They had settled predominantly in Ontario and the new western provinces. Borden thus disfranchised those who had supported the Liberals. This move was a strategic decision by the Liberal government to maintain its dominance over the country and to ensure its future success. Although these measures do not necessarily constitute legitimate gerrymandering, having over 400,000 votes cast from individuals who were not eligible to vote, it was a questionable act of manipulation. The precedent to have Canadian soldiers vote from abroad had been set during the Boer War (Casswell and Stevens 1981, XIV, National Archives of Canada 1916, 976-77). In the 1917 election, however, the soldiers were encouraged by Borden’s government to vote for the Conservative party over the Liberals in order to maintain the status quo.

Compiled using data from Uppquart (1965 sections W, 616).

Gerrymandering here may not only return to its old, but from historical circumstances we can reasonably infer that the Liberal government used it to its advantage because they clearly favored the Conservatives, who wanted to bring an end to the war in order to bring the soldiers—those who had fought and died—for home. These are estimates calculated by using returns from the 1917 election and the 1914 election (Uppquart 1965, sections A—Population and Migration—and W—Politics and Government).
403,000 were cast by members of the Canadian Expeditionary Force, and an additional 185,000 votes by recently enfranchised women. Disenfranchisements, redrawn ridings, and their “colonization” helped the Unionists secure 152 out of 234 seats, a comfortable majority (Urqhart 1965, sec. W). The aberration is even more evident in the percentage of the total popular vote tallied by the Conservatives and their Liberal Unionist collaborators in all ridings across the country—57 percent—the highest support ever received by any party in a federal election in Canada. For a party that only months earlier stood to lose the election, this is an exceptional result (see Exhibit 2).

That raises a question: How far can a government go without undermining its own legitimacy? The collapse of the Union Nationale in Quebec after years of taking advantage of the system’s patronage provisions suggests that there may be limits to what the electorate will tolerate.

**Patronage**

Far more than gerrymandering, corporate patronage has always been instrumental in gaining the support of a large number of voters across a province (Whitaker 1992; Gibson 1963, 172). The extent to which patronage is integral to reinforcing political power is illustrated by a famous dispute between the prime minister and the most powerful provincial premier of the time, John A. Macdonald and Oliver Mowat.

were engaged not in an arid debate on a nice point of constitutional law but in a life and death struggle...as to who would control such things as the voters’ list, liquor licenses and the natural resources, and so build up with the resultant patronage a graft powerful political machine. (Reid 1936, 39-40; see also Neel 1990, chap. 14, esp. 254-255, 269-270; 2000)

The significance of this sort of apparently arcane jurisdictional dispute is best exemplified by Quebec’s experience.

Patronage in Quebec is commonly associated with Maurice Duplessis and his Union Nationale. Duplessis had learned from his Liberal predecessor Sir L. A. Taschereau. Ridings that elected government members to the legislative assembly would be blessed with infrastructure programs, government contracts, and the like. Companies that received public contracts, permits, or tax exemptions would divert some of the dividend back to the party’s coffers (Quinn 1979, 140-141). The same was true for establishments that held or were seeking a liquor permit—and for establishments that sold liquor without a permit but wanted to avoid being raided by the authorities (Quinn 1979, 141). Government jobs were easy to come by for those who at election time exerted themselves for the good of the party (Lemieux and Hudon 1975; Lemieux 1971, 1977; Heintzman 1983). This practice is still a standard one not only in Quebec but also in countries the world over, in part because patronage is an exigency for a functioning democratic system.

Its functional purpose notwithstanding (Neel 2001), patronage can readily be abused as an instrument of electoral manipulation when it is used to skew a neck-in-neck race. During the 1956 Quebec election, the Liberals lost by a very narrow margin in about half a dozen urban constituencies, and also a few rural ones, where they probably should have won: “In another half dozen urban seats where the Liberals had a lead, a little political trickery or manipulation shifted the margin and enabled the Unionistes to carry the day. Perhaps this is what they had in mind when they chose Montfort in the riding of La Pocatiere as their ticket to victory. The Unionistes were strong all over the riding, except in Montfort, where they were able to win with only a narrow margin of 10,000 votes...” (Gibson 1963, 172).

**Fraudulent Practices: A Widespread Problem?**

That such tactics were widespread in Quebec is common knowledge. The fact that they were intentionally targeted at borderline ridings calls their legitimacy into question in the eyes of many. It is clear that the system of patronage and manipulation is far from perfect and that there is a need for reform to ensure fair and transparent elections.
those specific cases. It is disconcerting that the systematic (ab)use of these practices was not confined to Quebec (English 1977; Whitaker 1977; Smith 1981). In the case of New Brunswick, Hugh Thorburn has documented that manipulation was most widespread in counties where the electoral outcome was close,⁷ the precise circumstance under which such manipulation risks becoming fraudulent. The "hiring" of candidates was standard practice, even if it was just to get their own to drive the polls (Thorburn 1961, 137). Men received bottles of liquor, women silk stockings and chocolates. In the hope of extracting a higher bribe, some voters reportedly did not vote until late in the day. Others received bribes in return for agreeing not to cast their vote.

In the West the situation was no less precarious. Escott M. Reid has unearthed comparable practices in Saskatchewan (Reid 1936, 36-37). Given the margin of electoral victories by the Saskatchewan Liberals prior to 1929, fraudulent manipulation (i.e., manipulation in ridings "too close to call") was bound to have been a factor.

Nor were federal elections spared. On the one hand, the federal parties colluded with and learned from the provincial authorities (Thorburn and Whitcomb 2000, 142-143; Reid 1936, 32). On the other hand, the earliest documentation of fraudulent manipulation stems from the provincial but not the federal level of government. In 1904, the Conservatives had been out of office since 1896 and were anxious to wrest control from Wilfrid Laurier's Liberals. The Conservative scheme involved recruiting phony Liberal candidates to stand for election in ridings that were too close to call. The phony candidate would carry the nomination and stand in the federal election. But only days before the vote he would resign. The Conservative candidate would hence be unopposed.⁸ During the same election, Conservative supporter Sir Hugh Graham, owner of the free-imperial Montreal Star, bribed journalists to support the Conservative cause (English 1977, 67).

The Liberals were just as opportunistic. Roland Michener, who later became governor-general, experienced the full force of the Liberal Party machine in the 1953 election. During the previous election Michener, a Progressive-Conservative, had narrowly lost to a Liberal in the riding of Toronto-St. Paul. By 1953, the Liberal Party had been at the federal helm for nearly twenty years. Michener stood for the Toronto seat once again. Two weeks prior to the election Progressive-Conservatives and CCF officials discovered enumeration lists that had been "padded" ("PC's Claim" 1953). Another Liberal tactic was to resurrect voters from the dead. An apartment building consisting only of a steel frame had been enumerated with dozens of fictitious residents. In one polling district one-third (248 out of 739) of registered voters either did not exist or were ineligible to vote ("PC's Claim" 1953). By election day the enumeration lists had been rectified. Michener carried the seat, beating the incumbent by 515 votes (Sturges 1989, 73). Three Liberal Party officials were later found guilty of tampering with enumeration lists and sentenced to six months imprisonment.

By 1957 the Canadian public was growing weary of the Liberals, who had been at the helm for over twenty-two years. They lost the 1957 general election, and the Progressive-Conservatives came to power. With the Liberal defeat, many of the old-line party organizers and cabinet ministers left the political scene. "Padding" effectively ceased with their departure.

Men received bottles of liquor, women silk stockings and chocolates.

Manipulative Practices Mature

The subject of electoral fraud is usually associated with the growing pains of nascent democracies. Yet the previous cases exemplify that until recently electoral fraud was widely practiced and competitive conditions were virtually taken for granted. Today's political culture, by contrast, seems less tolerant of fraudulent practices and perpetrators no longer escape with impunity. But that should not be said of such fraudulent practices have been eradicated. They too have matured; they are bound to keep evolving as long as there are elections that are too close to call.

During the 1998 Quebec provincial election, a journalist with Télévision Quatre Saisons set out to prove the point. Recording his actions with a hidden camera, Jean-René DuFort had no trouble voting half a dozen times at a six polling stations in greater Montréal.³ While the incumbent Parti québécois was re-elected with 75 out of 125 seats, in a dozen ridings the margin was only by a few hundred votes. In other words, the incentive to cheat was there. The question is whether the shortcomings DuFort uncovered are indicative of potentially widespread fraudulent manipulation or whether this is a mismanagement issue.

Actually the political system may be more vulnerable today than ever before. If manipulation is most effective under partisan conditions where a few votes hold the balance, then the electoral situation in all industrialized countries is ripe for abuse because of low rates of participation. Yet there is little incentive for a general mobilization. The decline in political participation is not even spread across the board. Certain groups are underrepresented, notably the young, the poor, the less educated, the middle classes, and families with children, recent immigrants, and some ethnic constituencies. Others turn out in disproportionately high numbers, notably above-average income earners, the elderly, the religious, and couples without children (Belz 2000; Franklin 1996; Pattani 1991; Verbe, Niel, and Kim 1978; Verbe, Schlozman, and Brady 1995; Wolfinger and Rosenstone 1980).³ They actually have something at stake (preservation of the status quo, health care, taxes, etc.). Neither the young nor the poor tend to figure prominently on the political agenda.

The brokerage style of political mobilization practiced by the Progressive-Conservatives and Liberals—the only two parties that have ever governed Canada, the latter having monopolized the governance of the country for most of the past century—has largely involved the allocation of governmental resources to "buy" the support of specific groups. Brokerage parties have a tendency to abandon principled commitments for the pragmatic purpose of maintaining as broad an appeal as possible. Parties lack "permanent positions on specific programs... Their position varies from election to election, depending on what concerns the electorate at the time" (Meisel 1996, 234). As a result social conundrums like unemployment and poverty—what resolution requires long-term planning and the implementation of some unpopular measures—remain unresolved (OFF 1984, chapter 4).³ "Competitive largest of parties with the taxpayers' money contributes to the escalation of public expenditures (and, hence, public debt) and to the allocation..."
of resources not according to need of a coherent national plan, but to electoral expediency" (Meisel 1996, 235).

That means appealing to amenable constituencies whose vote generally splits along relatively homogeneous lines: gender, income, ethnicity, region, and so on. Such partisan conditions are ideal for the purposes of manipulating the vote because the undecided constituency holds the balance is small but well delineated. Since this constituency is known and well defined, it can be targeted through electoral niche-marketing. But even that effort can be narrowed down. In most ridings, it is relatively clear which candidate will carry the day. The remaining ridings can be divided into those where a given party stands a chance of getting elected and those where it does not. Obviously the party will concentrate its efforts on those ridings where it is competitive.

In 1997 the Liberals were trounced in the Maritimes. To secure a governing majority in the 2000 election, they had to win back those seats. As the governing party they were in a position to "buy" them back. In the months running up to the election, the Ministry of Fisheries and Oceans, for instance, spent over $30.5 million on local projects, an increase of almost 600 percent over the previous year. The government also backtracked on employment insurance. Ottawa reverted to a system favoring seasonal workers—a system it had abandoned with great fanfare only three years earlier on grounds of productivity and efficiency. Commenting on the Canadian electoral system, French political scientist André Siegfried remarked: "The Canadian government's influence is called into action...by its office-holders, who hold out promises in its name. Vote for the government, and you shall have such and such a subvention, new railway or appointments" (1967, 153). Then, as now, embattled ridings set the tone of the campaign; only the method has changed. The question is how that change has affected the viability of modern democracy.

**Democracy, the Passions, and Self-Determination**

If one considers democracy as method as Schumpeter does, then political elections are its backbone (1976). As a result of populist democrats for greater participation in the political process, Western democracies rely increasing reliance on this procedure to adjudicate disputes. Note the popularity of referenda. Yet populist demands for greater participation in political decision making run up against electoral processes designed to dampen the impact of the "passions" of the people on the policies of the day. The Federalists Papers, on the one hand, repeatedly stress the "negative consequence" of popular democracy and the benefit of structures that effectively rein in the public will. Tocqueville, on the other hand, is concerned about democracy's susceptibility to the tyranny of public opinion (Tocqueville 2000, vol. 2). Public opinion is never unmediated. Critical theory has elucidated the materiality of consciousness (Marx 1977; Lukács 1971; Marcuse 1964).

The emerging phenomenology of the political business cycle illustrates this point with respect to electoral manipulation (Nordhaus 1975; Tufte 1978). It hypothesizes that under immutable electoral cycles, leaders, lacking the option of going to the polls at an opportune time, manipulate the economic cycle in accordance with the electoral cycle. Pressen and Tabellini, for instance, have established a correlation between the political business cycle on the one hand, and unemployment and inflation on the other (Pressen and Tabellini 1990). In Canada, a further correlation between elections, publicity, and the macroeconomy has been established (Clarke and Kornberg 1992; Nadeau and Blais 1993). Does such subtle manipulation of the economy-politics relation constitute fraud? Our contention is that it may—if it helps stave the vote in a riding that is "too close to call."

Now consider that during some calls to the ballot box, not just a riding but a whole people's future is at stake. The results in referenda on self-determination, for instance, can be so close that minor manipulation would suffice to tip the balance. The outcome in Quebec's October 30, 1995, referendum, for instance, separated the Yes and No sides by a mere percentage point. Imagine the secessionists inching over the 50 percent plus 1 threshold and declaring independence unilaterally, only to discover subsequently that the result had been rigged. The margin of 54,288 votes in the 1995 referendum must be appraised in light of 86,501 rejected ballots. The rejection rate was not equally high throughout the 125 electoral districts. In at least three, it was deemed "abnormally high," in one instance reportedly "one of the highest in Quebec's history." Since it was foreseeable that in all three districts the vote would heavily favor the status quo, rejecting ballots in those districts would invariably favor the Yes camp. Charges were laid but dismissed on appeal. Still, in all three instances the court found that most of the ballots had been unreasonably rejected.

During the 1980 referendum, the procedure called for the two poll clerks counting the ballots to agree on the content of a ballot. If they were unable to reach a decision, the ballot was rejected by the deputy returning officer. But the law was changed just in time for the 1995 referendum; the agreement of both poll clerks could be overruled by the deputy returning officer (DRO). Clerks are generally nonpartisan. The DRO, however, is a partisan position appointed and trained by the governing party (i.e., the party that initiated the referendum in the first place). Although this procedure was perfectly legal, was it adequate to ensure that the result was going to be as fair as possible?

Half a century earlier a referendum was held in Newfoundland: 52.3 percent apparently voted in favor of confederation with Canada (see Exhibit 3). The ballots had been counted by the chief returning officer and British officials were reportedly in a room on one side of a hallway, while those compiling the results were on the other. There was no communication between the two. As the results from each polling station were tallied, they were carried across the hallway; thus the only Newfoundlanders who would know the final result was the CRO. No detailed breakdown of either referendum was ever published. Instead, all ballots were burned within a fortnight. Could the result have been otherwise? Some in the highest echelons at the time insist that it was (Dyer 1999, D1).

**Is There a Future in Fraud?**

On the one hand, an election or a referendum without a breakdown of results, regional distribution of the vote, and so on, has become virtually unimaginable. Consider that during some calls to the ballot box, not just a riding but a whole people's future is at stake.
Nowadays ballots have to be safeguarded for a certain period of time before they are destroyed. Those looking to tamper with ballots face a far more transparent system that no longer allows them to hide behind impunity. Perpetrators are no longer immune from prosecution. They have to contend with more highly educated and trained scrutineers, and they can no longer resort to violence and intimidation. Similarly, those expecting party kickbacks in return for public works projects now face charges of influence peddling. Patronage, then, has been curbed. Electoral boundaries have been depoliticized. Since 1965, an independent nonpartisan commission—including a judge and an academic—has been drawing federal constituency boundaries in Canada.

On the other hand, ballots that have allegedly been tampered with are often destroyed long before the matter reaches the courts because of the amount of time legal challenges take to wind their way through the system. The time limit for the 1995 Quebec referendum ballots, for instance, expired well before legal challenges had an opportunity to obtain a court injunction that would have prevented them from being destroyed. The same referendum illustrates that voter lists continue to be volatile. It also confirmed that convictions are rare and when they do materialize—as in the Michener case in 1953—only lower-level party officials end up being tried. At the same time, there is no indication that the numbers of overzealous and opportunistic party workers, organizers, and strategists are declining. They are simply resorting to different means of manipulation. While money no longer flows directly into partisan pockets, funds are now strategically diverted to specific regions, constituencies, industries, and groups to sway opinion. Moreover, experiments in Internet voting add an unprecedented dimension of vulnerability (Alexander and Pal 1998, 13).

Uncertainty is intrinsic to elections. It is human nature to try to reduce uncertainty. Highly partisan, competitive ridings—especially in plurality systems like Canada—are one key element of uncertainty but one that can be subjected to at least some degree of control. When questionable practices are used to exploit such circumstances, manipulation acquires a corrupt character. The differentiation of the electorate into ever more specific groups as well as the internal differentiation of constituencies into several parties has made it increasingly difficult to ascertain fraudulent practices. Centralization, fiscalization, and bureaucratization of state structures have put the means to sway a nearly defined electoral subgroup in a very specific part of the country at the disposal of incumbents. In addition, the margin needed to win an election has decreased as the number of candidates fielded in a riding has increased. The conventional understanding of electoral fraud defies these subtleties. Questionable practices have not been eradicated. But a more contextually sensitive approach will have to precede any discussion on which practices may constitute fraud and under what circumstances.

NOTES
1. As was the case during the February 2001 membership vote that confirmed Ujjal Dosanjh as leader of the New Democratic Party of British Columbia and the January 2000 membership vote at the second United Alternative convention that sealed the Reform Party's name change to the Canadian Conservative Reform Alliance. As we shall see, "ghost voters" appeared in at least one riding during the 1953 federal election.
2. Discontent in Quebec centered around the poor treatment of French-Canadian soldiers, and the basic fact that the Dominion government made little effort to explain why Canada was involved in a "Foreign Conflict." The French-Canadian press consistently depicted the war as an Imperial War, that Canada was involved in for no other reason than her association with Great Britain. (Brown and Cook 1974: 274).
3. These are estimates calculated using returns from the 1911 census and the 1917 election. (Urquhart, Sections A (Population and Migration) and W (Politics and Government)).
4. In one famous New Brunswick newspaper advertisement, "tolerated" (though technically illegal) establishments were instructed to buy Red Ball beer, i.e., from a brewing company with Conservative ties so that the party would benefit.
5. For a careful county by county analysis see Thorburn (1951: 139-142).
6. Robert Borden was elected leader of the Conservative Party. As late as 1904 he was a political novice. Borden's papers indicate that he had little knowledge of the scheme which was hatched not by his party, but its powerful supporter—notably the Chairman of the Canadian Pacific Railway—and Sir Hugh Graham, owner of the pro-Imperial Montreal Star. Graham had previously instigated Canada's entry into the Anglo-Boer War. No less a figure than Joseph Chamberlain would hail Graham for conducting a campaign on behalf of Canadian involvement in the Boer War, replacing British Prime Minister Lloyd George. 7. After that same election, at least two families also came forward claiming to have been paid off by the local Liberal incumbent in the Montreal suburb of Laval to cast multiple votes in a multiplicity of polling stations in that riding.
Education, for instance, is probably the single most important predictor for voter turnout in both Canada and the United States but the relative impact of education on turnout is far higher in the United States than in Canada (a 25 point gap in Canada relative to a 50 point gap in the US in terms of the likelihood of voting). Where age is concerned, less than a quarter of 18 to 24 year olds voted in the 2000 presidential election. In addition to the apathy, cynicism, and lack of party attachment exhibited by young voters, the poor also face structural impediments. In certain ethnic constituencies apathy and structural impediments converge, as is the case with blacks (and hispanics, for that matter) in the United States. Most do not vote and 80% of those who do support the Democrats (with the exception of Cuban Americans). Ego, it is in the Republicans’ best interest not to mobilize the black (or hispanic vote—with the exception of south-central Florida) vote in the first place and to entice those who might vote to stay home. (Piven 1988)

In 1990 Canada vowed to abolish child poverty by the year 2000. A decade later, there are actually proportionately more children living in poverty. The 1990 pledge was a pipe dream. Why invest in a constituency that does not vote? But by contrast, the wealthiest quintile of the population draws about 50% of the total income of Canadians. Tax cuts or tax raises necessarily have a proportionally larger impact on that upper quintile. It is, therefore, in their best interest to make their vote count. Moreover, in terms of relative priority, it is in parties’ best interest to raise the $5+ than to younger voters because the number of older voters is disproportionately larger (and wealthier).

10. This crude stereotype is in reality far more nuanced. Socio-economic determinants, for instance, have never proven helpful as a predictor of voting behavior in Canada.

11. In the 2000 Canadian federal election (as in most cases) undecided voters tended to be females who did not finish high school, earning less than $20,000 per annum. We even know where in the country they are concentrated. By contrast, men with university degrees earning over $60,000 were most resolute about their decision. (Graves & Boucher 2000)

12. In the 2000 federal election, about 48 of 301 ridings were too close to call. The Liberals were contenders in 39 of those: 12 in the West, 14 in Ontario, 7 in Quebec, 5 in Nova Scotia, and 1 in Prince Edward Island. They carried the election with 172 out of 301 seats.

13. These studies persuasively contradict an earlier study by Monroe and Erickson that found no economy-polity relation (1986).

14. No: 50.38%; Yes: 49.62%


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