



THE 1992 FEDERAL REFERENDUM A CHALLENGE MET

REPORT OF THE
CHIEF ELECTORAL OFFICER OF CANADA

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January 17, 1994

Speaker of the House of Commons
Centre Block
House of Commons
OTTAWA, Ontario
K1A 0A6

Dear Mr. Speaker:

I have the honour to submit my report on the conduct of the Federal Referendum of 1992. It covers all the activities that were necessary to the administration of this event.

As required by subsection 195(1) of the *Canada Elections Act*, R.S.C. 1985, c. E-2, adapted by subsection 7(3) of the *Referendum Act*, S.C. 1992, c. 30, this report is tabled within ten days of the commencement of the first session of Parliament after the referendum polling day, October 26, 1992.

Respectfully yours

Jean-Pierre Kingsley

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HIGHLIGHTS

The Challenge
of the
FEDERAL REFERENDUM

THE CHALLENGE OF THE FEDERAL REFERENDUM

On October 26, 1992, Canadians voted on the Charlottetown Accord. Regardless of how they view the outcome, most will agree that the event itself was historic; a unique exercise in democracy. The last time Parliament consulted Canadians in this way was in 1942, when it called a plebiscite on the issue of military conscription. There had been only one previous federal referendum, in 1898, on the question of prohibition. Never before, however, had the people of Canada been asked to vote directly on a set of constitutional proposals.

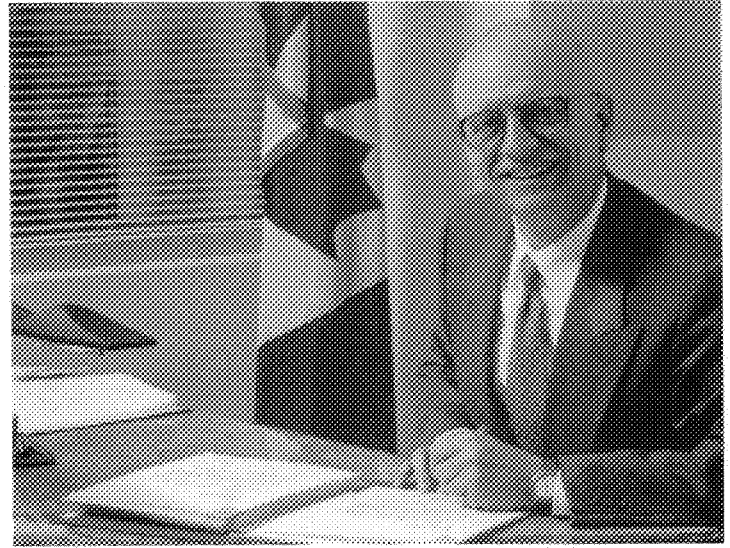


It was both a privilege and an unforgettable experience for me and for my office to play an essential role at this momentous event. The ability of our country's electoral machinery to respond in record time was unsparingly tested. The referendum presented a formidable challenge on three fronts: the context of legislative change and uncertainty within which it took place; the magnitude of the task performed in a very tight time span; and the extensive innovations that were introduced, both to comply with legislation and to improve electoral administration.

THE CONTEXT

The possibility of a federal referendum on the Constitution was first raised in Parliament in March of 1992. At that time, new electoral legislation was already being developed, existing legislation was undergoing major revision and the entire electoral system was, as it continues to be, the subject of intense public scrutiny.

- ▶ Considering that no referendum legislation had existed for a half-century, a new act on this subject needed to be drafted.
- ▶ The Royal Commission on Electoral Reform and Party Financing, whose report had been expected in the fall of 1991, had just submitted more than 500 recommendations for change in February. The Special Committee of the House of Commons on Electoral Reform was, therefore, only beginning its review of the Commission's report. This process required a heavy and continuing commitment of time from key senior staff members of Elections Canada throughout the referendum period and beyond.



Canada's Chief Electoral Officer, Jean-Pierre Kingsley

- ▶ The *Canada Elections Act* was being amended through Bill C-78, *An Act to amend certain Acts with respect to persons with disabilities*. This bill was enacted and received royal assent in June 1992. Although the law gave us six months to prepare for implementation, our policy of service to electors and the justified expectations of electors with disabilities motivated us to put all the accessibility measures into place for the referendum.
- ▶ Several provisions of the *Canada Elections Act* had been successfully challenged in the courts under the *Canadian Charter of Rights and Freedoms*; others were being challenged as events unfolded. A judgement in any of the cases pending had the potential to change the rules of the event at a moment's notice, and this possibility had to be considered in planning the referendum.

A new machine
to deliver electoral
events had to be ready
to work in less than
three months

- ▶ The redistribution of federal electoral boundaries, which was to commence in June 1992, was suspended by legislation for one year, necessitating further senior management time commitment; moreover, polling division boundaries in 152 electoral districts needed revision before the referendum.
- ▶ Elections Canada itself was in the midst of organizational change. New administrative and technological systems, planning methods, and accountability procedures were being developed or had been newly implemented and were as yet untested in the heat of an electoral event.

In effect, the Canadian electoral machinery was being overhauled. All the pieces, including the legislative components, were disassembled and laid out on the shop floor. Organizationally, technically, and legislatively, a new machine for delivering electoral events had to be assembled and made ready to work in less than three months.

Intense activity characterized Elections Canada in the spring and summer of 1992. A call for the 35th federal general election could reasonably be expected at any time starting that fall, and readiness is mandatory for this agency. Our small core team simultaneously continued preparations for that election, supported all of the initiatives mentioned above and was involved in providing legal and other assistance to the government and to committees of the House of Commons and the Senate. Among other duties, there were 23 official appearances, presentations, and many informal sessions before the House of Commons Special Committee on Electoral Reform during the period leading up to the referendum.

It was difficult to make accurate predictions about the event

THE DIMENSIONS OF THE TASK

The dimensions of the task ahead became clearer when the referendum legislation was enacted in June 1992. The new *Referendum Act* contained provisions that made planning an exercise in preparing to meet any number of possible contingencies, each daunting in its own way. My office had to be prepared to administer a referendum on one or more questions, in one or more of the provinces and territories, or in all of them. Door-to-door enumeration and revision of the voters lists would be necessary, again in an unknown number of provinces and territories, during a fixed period of 36 days rather than the minimum of 50 days allowed for elections.

The Act placed no limit on the number of groups that could register as referendum committees during the referendum period. These committees were a completely new element in electoral administration. We could not know in advance who would be involved, how many would support or oppose the referendum question, or the extent of briefings that they would require. Procedures were needed to register this unknown and potentially large number of committees, calculate and enforce the legislated limits on their expenses, and enforce the disclosure of the contributions they received and the restrictions on their sources. Committees which met an application deadline would be entitled to free broadcasting time, which would then need to be allocated both equitably and very quickly.

The Act opened up a new area of consultation with the Aboriginal community, resulting in the preparation of the text of the referendum question in many Aboriginal languages.

To add to the uncertainty, the provinces had the option of holding their own referendum rather than participating in the federal one. Three provinces, in particular, delayed their decisions until late in August, when the major part of the preparatory work had already been completed. Alberta and British Columbia eventually decided to participate in the federal referendum, while the province of Quebec chose to conduct its own event under provincial legislation.

Finally, there was a provision in the Act that the referendum writs could be superseded at any time by writs of election. In other words, the referendum process could be halted and, at a moment's notice, Elections Canada could find itself administering an entirely different event – the 35th general election.

It was thus difficult to make accurate predictions about the date or nature of the event, the number of participants, the amount and kinds of supplies that would need to be prepared, or the extent of consultations that would be necessary. Planning had to be scenario-based, and the variables and possible scenarios were many. Each had to be examined carefully; flexible plans that would accommodate every possible eventuality had to be developed.

For example, a task as routine as arranging the printing of ballots became a logistical challenge. The uncertainty over the number of referendum questions and their lengths required a decision as to whether we would need a large quantity of special ballot paper to accommodate several questions, or a smaller amount for a shorter ballot. If there was more than one question, would we use separate ballots and separate ballot boxes for each question? How would the ballots be counted? Would we provide ballots for a vote in all parts of the country or only in some parts?

In addition to dealing with the provisions of the referendum legislation, my office was also committed to removing obstacles to voting by persons with

disabilities, as required by Bill C-78. Accessibility was emphasized to an unprecedented degree, and the work done at this time was to prove invaluable during the preparations for the 35th general election. Court decisions to enfranchise incarcerated electors also played a part in the complexity of preparations for the referendum. New procedures were required to allow these Canadians to vote.

The referendum process was to be conducted on the basis of a necessarily modified version of the *Canada Elections Act*. Accordingly, the *Canada Elections Act* had to be adapted and appended to the *Referendum Act* as a regulation. Procedures, forms and instruction manuals also had to be adapted, and supplies of everything from ballot boxes to information kits had to be produced and distributed. In all, hundreds of tons of forms and other supplies were prepared. Every contract with suppliers for this event necessarily involved contingency clauses to cover the potential involvement of more or fewer provinces, or a change in the nature of the event.

Training also required significant effort. New programs had to be designed to enable staff to deal with new legislation, newly devised positions, and new administrative tasks brought into being by innovations such as fully automated lists of electors. In addition, some 70 returning officers at this time were newly appointed, and had never experienced an electoral event. Returning officers from across Canada were involved in training sessions, so as to be ready for the possibility of a federal referendum in all provinces.

The *Referendum Act* allowed us three months to prepare for implementation, rather than the six-month maximum period the *Canada Elections Act* allowed for bringing its amendments into force.

On August 27, 1992, I published a notice in the *Canada Gazette* that the necessary preparations for bringing the *Referendum Act* and its regulation into

operation were complete. This made possible the issue of the writs of referendum before the three-month limit specified in the Act. In fact, the complex task of achieving readiness was accomplished only two months after the legislation was adopted.

On August 28, it was decided that the province of Quebec would hold its own referendum, under provincial rules, at the same time as the federal event. This created further administrative complications to resolve after the event was called. The twin referendums had the potential to confuse the public, particularly in areas bordering on Quebec.

There were different rules and different dates for key occurrences like enumeration, revision, and advance polls, but the question and voting day were the same in all of Canada. The impact of these circumstances on communication with the public and the media was significant, and required unusual flexibility and reaction speed.

THE INNOVATIONS

The referendum itself was a first in Canadian history – the first federal referendum related to the Constitution of Canada, enabled by the first piece of standing legislation on public consultations related to our Constitution. It was the first time Canada held a federal electoral event that lasted only 36 days. It seems fitting that the administration of this historic event also involved a great many firsts. The referendum was the scene of innovations in response to legislation and also the first test of many administrative initiatives to improve service to electors and to manage an increasingly complex electoral process effectively.

Some of these initiatives were underway long before the referendum was called. Putting them into effect in time for the event, however, involved speeding up many schedules and developing new procedures in a climate of political uncertainty and last-minute decisions. Ensuring that everything was in working order for this event stretched Elections Canada staff to the utmost.

The referendum was a historic first in many ways

Innovations in Planning

► *Referendum Planning System*

The limited size of the agency and the essential service we provide (usually at a moment's notice)

make effective planning vital at all times. The period leading up to the referendum was especially demanding for managers. The labyrinth of urgent tasks and responsibilities that needed handling on various fronts – referendum readiness (some 300 tasks and projects to be completed), election readiness (involving some 500 tasks and projects), and participation in legislative reviews – demanded fast decisions and speedy implementation. Accordingly, we activated a rigorous corporate planning process fed by detailed activity and tactical plans. This process resulted in a cohesive framework for evaluating the organization's state of readiness. It was supported by a computerized tracking system – the Referendum Readiness System – which provided regular updates, and by the Key Indicators System, which fed management information into planning meetings of the executive committee. This overall approach was very useful in managing the referendum, and will continue to prove its worth for years to come.

Technological Infrastructure

► *Computerization of Voters Lists*

For the first time, the federal lists of electors were computerized with the aid of standardized software: the Elections Canada Automated Production of Lists of Electors system, or ECAPLE. The system is nationwide, organized by electoral district. It was thus possible to use the lists for the ridings participating in the federal referendum. The system offers a number of advantages, not the least of which is improving the efficiency, accuracy, and accessibility of the enumeration records: all of the information can now be stored on a compact disc (Figure 1)! The system is ongoing, and benefits will continue to accrue, not only at the federal level but through eventual sharing of information with municipal and provincial electoral organizations, made possible by amendments to the *Canada Elections Act*.

Special mention should be made of the contribution made by our computer systems consultants for the ECAPLE project. At peak, over 4 000 field employees were working on the automation of lists of electors in the 220 participating ridings. They also deployed local computer networks with over 3 000 pieces of computer hardware in those riding offices and made them work in an application that had no leeway for delays or failures. This achievement is a first in Canadian election administration.

► *Provision for Re-use of Lists of Electors*

For the first time, legislation foresaw the re-use of electoral lists, at the discretion of the Chief Electoral Officer, provided that the next federal electoral event took place within a year of the referendum date. The lists generated through the ECAPLE system formed the basis of the preliminary lists of electors for the 35th general election except in Quebec, where enumeration was required because the province did not participate in the federal referendum. It was

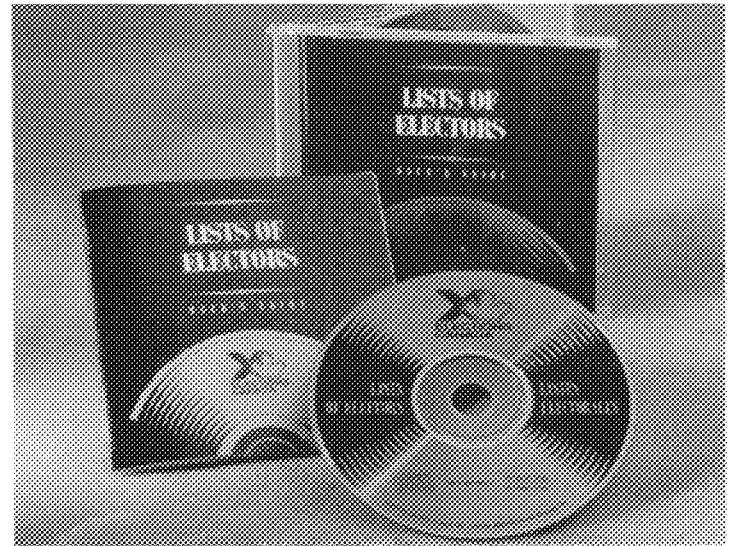


FIGURE 1

All the information needed for Canada's lists of electors can now be stored on a single compact disc – a total of 13 649 135 names for the referendum

determined that the Quebec list of electors could not be used for the federal election because it had been generated manually, using different polling divisions and different eligibility criteria than those established federally. The ECAPLE system contributes an essential step toward the potential development of a continuous electoral roll by establishing a register of addresses. It also demonstrates that it is possible to computerize the lists of electors reliably.

► *Financial Management*

An in-house financial management information system and coding structure in place for the referendum provided headquarters managers with the regular and timely financial reports that are needed for continued improvements in decision-making and budgetary control for future events.

► *Payroll*

A payroll system was put in place to administer payments to the returning office regular staff and other

referendum officers. This was the first of ongoing developments that will see the eventual on-line data capture of information and electronic processing of payments.

▶ *Referendum Committees*

Because a large number of referendum committees could be expected to register, a computerized system was developed to support the registration process and record the administrative and financial information required by the *Referendum Act*. Another system was developed to assist the Broadcasting Arbitrator in allocating radio and TV air time to committees. The time had to be divided equally among those committees that supported the referendum question and those that opposed it. The system also tracked the actual use of air time in accordance with the *Referendum Act*.

▶ *Telecommunications*

A telecommunications centre was set up to deal with the facsimile needs of headquarters staff and returning officers.

▶ *Other Technological Advances*

A start was made on the automation of the offices of returning officers, and the use of computers at headquarters was expanded. A computerized expense planning system was put into place, as well as an improved system for computing election results.

Changes in Event Administration

▶ *Election Officials*

Changes related to the appointment of election officials gave returning officers more flexibility to meet the needs of individual ridings. Enumerators could now be hired at age 16, and returning officers could

appoint one, two or more enumerators per polling division as necessary, with two being the norm. Returning officers could also appoint electors to act as revising officers, which simplified the administration of voters list revision in urban polling divisions, since the intermediacy of a judge was no longer necessary.

For the first time, returning officers were permitted to appoint supervisory enumerators to assist with the training and supervision of enumerators and the verification of enumeration documents.

▶ *Changes for Voters*

In response to decisions by the courts, new procedures were developed to enable incarcerated electors to vote and the requirement for hospitalized veteran electors to vote with the military under the *Special Voting Rules* was not applied for the referendum (see Schedule II, *Referendum Act*). This was in keeping with the stated wishes of veterans' organizations.

▶ *Ballots and Ballot Boxes*

In previous electoral events, the printing of ballots was handled by the returning officer in each riding. Because this time the text of the ballot would be the same across the country, although we had no idea of the actual length of the question, ballot printing could be centralized. In addition to achieving the economies of scale, this allowed Elections Canada to ensure that ballots across the country would be identical. The process was coordinated by my office through the electronic information network provided by the Canada Communication Group.

The cardboard ballot boxes which had been tested in some provinces at the 1988 federal election were used across the country for the federal referendum. The boxes are recyclable, and their use eliminates most of the cost of their storage between electoral events.

Service to Electors

► *Public Information*

Election-oriented public information materials were adapted and new material was prepared to create an extensive voter information program for the referendum. In addition to material designed to inform the public at large, Elections Canada instituted for the first time an Aboriginal communications program, a program for incarcerated electors and a general information publication that was delivered to all households in the 220 ridings outside Quebec. The ethnocultural communications program was expanded to include 39 languages; the communications program for youth and the program for electors with special needs were also expanded. This action responded to the provision in Bill C-78 that called for the Chief Electoral Officer to make the electoral process better known to the public, especially to those groups that might have difficulty exercising their franchise.

The public enquiries unit at Elections Canada, backed up by Reference Canada (a telephone enquiries division of the Canada Communication Group that provides contract services to government departments and agencies), provided toll-free information services to electors during the referendum. Our unit implemented various new measures to improve efficiency, such as an automated call distribution system that enabled enquiries agents to handle more calls and a computer system for transmitting orders for publications directly to the Elections Canada distribution centre.

► *Access to Voting*

In view of the provisions of the *Canadian Charter of Rights and Freedoms* and various proposals made by House of Commons committees in recent years,

Elections Canada began to stipulate level access at polling stations prior to the 1988 election; Bill C-78 later made level access mandatory at all polling stations. Our ongoing program to evaluate and modify polling sites was enhanced by a computer data bank of detailed accessibility information for over 19 000 sites across the country. This information is available to all provincial and municipal electoral organizations. More than 720 ramps, including 370 permanent ones, were built to make additional polling stations accessible during the referendum.

Immediately after the passing of Bill C-78 in June 1992, returning officers were directed to arrange to use mobile polling stations wherever possible. These are polling stations which can be set up quickly in an institution for a few hours and then moved to another site to bring voting to groups of people who cannot go to the regular polls. A total of 434 mobile polling stations were set up to serve 1 182 institutions for elderly people, those whose medical condition made getting out impossible, and persons with disabilities.

Special registration procedures were followed where necessary for persons in shelters and homeless persons.

► *Media Relations*

Because of the importance of focusing public attention on the referendum process quickly, given the short span of the event, a media conference was held at the time of the launch of the referendum. Satellite technology was used to link media representatives in six cities across Canada, to ensure that information reached all participating regions simultaneously. Journalists in all six cities were able to call in and have their questions answered directly on the air.

Public information
materials were
prepared in record time

For the first time at an electoral event, major news organizations pooled their resources and worked with Elections Canada to provide unofficial results to the public after the polls closed on referendum night.

THE CHALLENGE MET

Elections Canada rose to the challenge. Thanks to staff expertise and the management systems we had instituted, the referendum ran smoothly. We were fortunate, given the speed of action required and the multiplicity of projects my office was involved in at the time, that Parliamentarians based the *Referendum Act* on the *Canada Elections Act*. There were some familiar procedures to follow. Still, as I have indicated, the scope of the new demands was nonetheless large. The administrative success of the referendum was attributable in large measure to the extraordinary efforts, good will and excellent cooperation of everyone involved, from both the public service and the private sector.

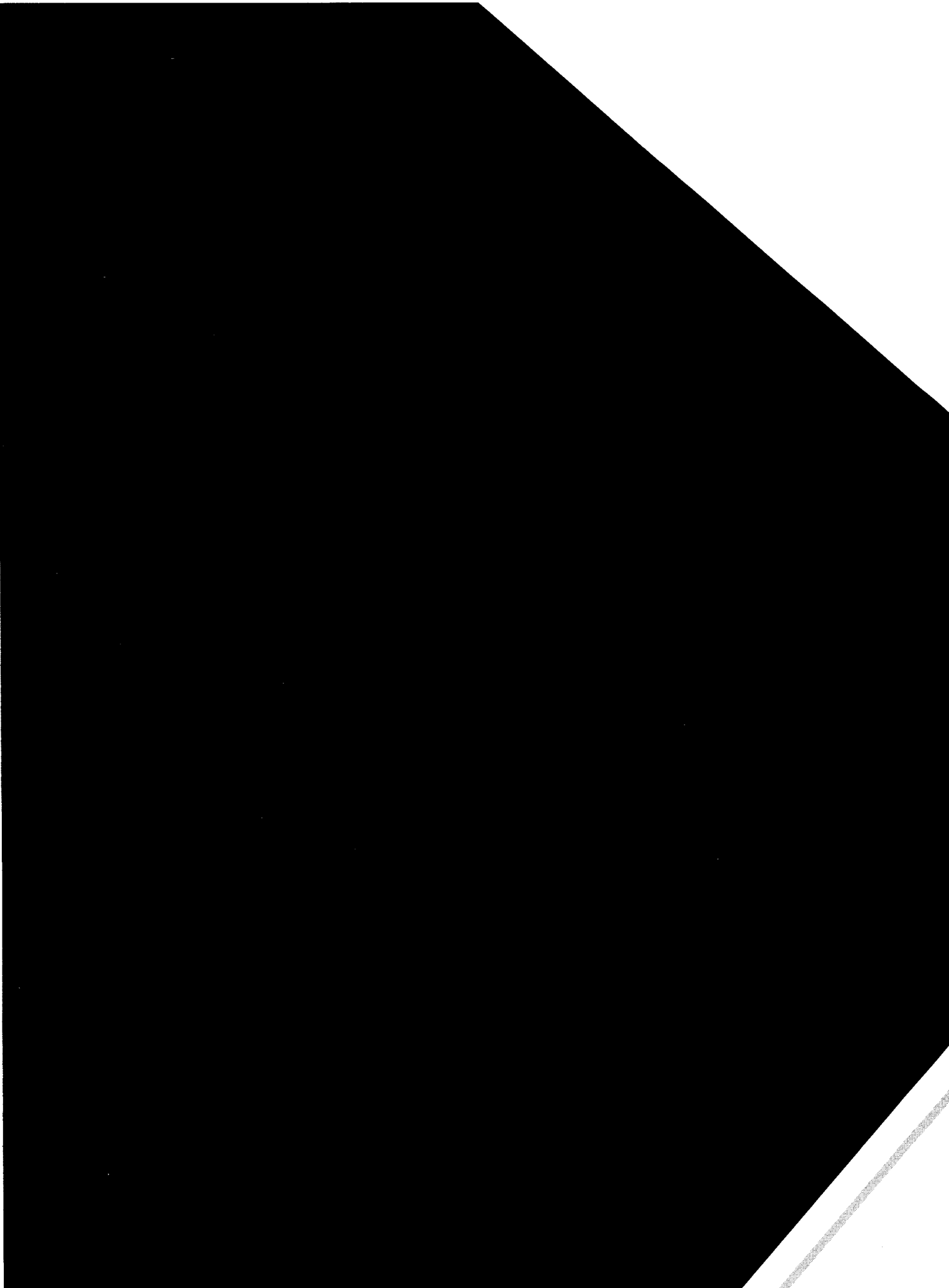
We owe thanks to all Canadians who worked conscientiously as referendum officers: enumerators, revising agents, revising officers, poll officials, and others in other capacities for the Elections Canada offices in each riding. They went about their duties in a commendable and non-partisan manner, despite the debate and controversy that prevailed among voters during the referendum.

Returning officers deserve special praise. They performed a valuable public service; without their efforts, the electoral process would not work. To accomplish all that they did in a mere 36 days required unflagging enthusiasm, dedication, and professionalism.

I would also like to take this opportunity to acknowledge publicly the work of the members of Elections Canada staff in Ottawa. They proved they were capable innovators, learning from experience and able to adapt procedures and materials to meet new needs. In difficult, complex and evolving circumstances they performed quickly and effectively. It was a privilege to lead such a superlative team.



Toward the
1992 REFERENDUM





CHAPTER 1



THE LEGISLATIVE FRAMEWORK

Like other Canadians, we at Elections Canada did not know for certain that a referendum would be called until the proclamation on September 17, 1992. Nevertheless, because this agency is always required to be ready for all electoral events, planning for the referendum began early in 1992 concurrently with preparations for the 35th general election, and reached peak intensity after the adoption of the *Referendum Act* in June.

BACKGROUND

Three provinces had a statutory obligation to hold referendums on constitutional amendments: Quebec, British Columbia and Alberta. In March 1992, the idea of a national referendum was presented by the Prime Minister as an alternative way of meeting this legal requirement.

Bill C-81, on the conduct of a referendum related to a constitutional purpose, was introduced by the federal government on May 15, 1992, and was passed on June 23, 1992.

In mid-July 1992, Quebec officials joined the constitutional discussions, which culminated in the Charlottetown Accord on August 28. The Prime Minister and premiers decided at Charlottetown that the proposed amendments should be put to a vote across Canada, with Quebec holding a separate referendum on the same date and on the same question, but based on its own legislation.

A week later, I was formally advised that British Columbia and Alberta would participate in the federal referendum.

THE LEGISLATION

Prior to the adoption of enabling legislation in June 1992, no statute existed under which Parliament could undertake a public consultation for a question related to the *Constitution of Canada*. The passage into law of Bill C-81, an *Act to provide for referendums on the Constitution of Canada (Referendum Act)*, provided legislative authority for everything Elections Canada did to prepare for and conduct the referendum.

Among its features, the *Referendum Act* provided for:

- ▶ the proclamation of a referendum to obtain the opinion of the electors of Canada, or of one or

more provinces and territories, on any question relating to the Constitution of Canada;

- ▶ one or more questions to be put to electors;
- ▶ the referendum period to start on the day when the Senate approved the question(s) and to run until polling day;
- ▶ a minimum period of 36 days from the issue of the writs of referendum until polling day;
- ▶ the registration as referendum committees of groups that intended to spend more than \$5 000 during the referendum period to support or oppose the referendum question;

The Referendum Act was passed on June 23, 1992

contributions;

- ▶ an audit of each committee's financial report by Elections Canada;
- ▶ the allocation of free broadcasting time among eligible registered referendum committees who requested it;
- ▶ the text of the referendum question to be made available in Aboriginal languages, after consultation with Aboriginal representatives;
- ▶ no issue of writs of referendum within the three months after the Act came into force, unless the Chief Electoral Officer had published a notice in the *Canada Gazette* stating that the necessary preparations had been made;
- ▶ the Chief Electoral Officer to adapt the *Canada Elections Act* by regulation, for the purposes of a referendum;
- ▶ revision of the Act by a committee of Parliament three years after its coming into force; with that committee reporting to Parliament to recommend changes it considers advisable.

Given the possibility that a referendum might have to be conducted within a very short time after adoption of the *Referendum Act*, my office undertook the preparation of the amendments to the *Canada Elections Act* by regulation, as required under subsection 7(3) of the *Referendum Act*, while the *Referendum Act* was still being considered by Parliament.

The drafting of the regulation and preparations for a possible referendum were further affected by the adoption on June 8, 1992, of Bill C-78, *An Act to amend certain Acts with respect to persons with disabilities*. The main statute affected by this legislation was the *Canada Elections Act*. It became necessary, therefore, to incorporate this bill's provisions respecting persons with disabilities into the regulation drafted under the *Referendum Act* and into the operational strategies being developed for the referendum.

Among other things, Bill C-78 provided for:

- ▶ the establishment of mobile polling stations;
- ▶ level access at all polling stations;
- ▶ a transfer certificate allowing electors who are disabled to vote at an accessible polling station if theirs does not have level access;
- ▶ the provision of a template for use by electors who are visually challenged;
- ▶ the appointment of an interpreter to enable the deputy returning officer to communicate with an elector with a disability; this in addition to the existing provision for an interpreter when the deputy returning officer does not understand the language spoken by an elector;
- ▶ the mounting of public education and information programs targeted to persons and groups most likely to experience difficulties in exercising their franchise.

In addition to the foregoing, preparations also had to respect certain court decisions (see Appendix A). In particular, a decision enfranchising incarcerated electors necessitated setting up procedures to enable them to vote. These are reviewed in more detail in Chapter 2 (see *Voting Procedures for Inmates*).

The regulation was finalized after the *Referendum Act* received royal assent on June 23, 1992, and on June 26 it was referred to the Special Committee of the House of Commons on Electoral Reform, and to the Senate Standing Committee on Legal and Constitutional Affairs. This review process with the committees proved invaluable in establishing a set of rules for the referendum that were acceptable to all concerned. The regulation was made on July 14, 1992.

On August 27, 1992, nine weeks after royal assent was granted, I published a notice in the *Canada Gazette* that the necessary preparations for bringing the *Referendum Act* and its regulations into operation had been made. The issue of writs of referendum thus became possible before the three-month time limit allowed in the legislation.

The *Canada Elections Act* as adapted for the referendum prohibits the broadcasting of voting results in electoral districts where the polls are still open. This rule ensures that electors who have yet to cast a ballot are not influenced by results from earlier time zones. Since the Referendum Proclamation did not apply to Quebec, the purpose of this provision could have been undermined if a regulation were not made to ensure that premature publication of results was prohibited throughout Canada. To achieve this purpose, an additional regulation was added on October 13, 1992, concerning the application of section 328 of the *Canada Elections Act* as adapted for the referendum. To preserve the integrity of the referendum process all across Canada, this regulation

made section 328 applicable throughout the country. It banned the premature publication in Quebec of results from the Newfoundland and Atlantic time zones, and the premature publication of Quebec referendum results in the Central, Mountain, and Pacific time zones.

THE QUESTION

The question to be put to the electorate was approved by the House of Commons on September 10, 1992, and by the Senate on September 15 (Figure 2).

On September 17, 1992, a proclamation by the Governor in Council directed that writs of referendum be issued for the conduct of a federal referendum on October 26, 1992, in all provinces and territories except Quebec. The province of Quebec would hold its own referendum, under provincial law, on the same date and using the same question.

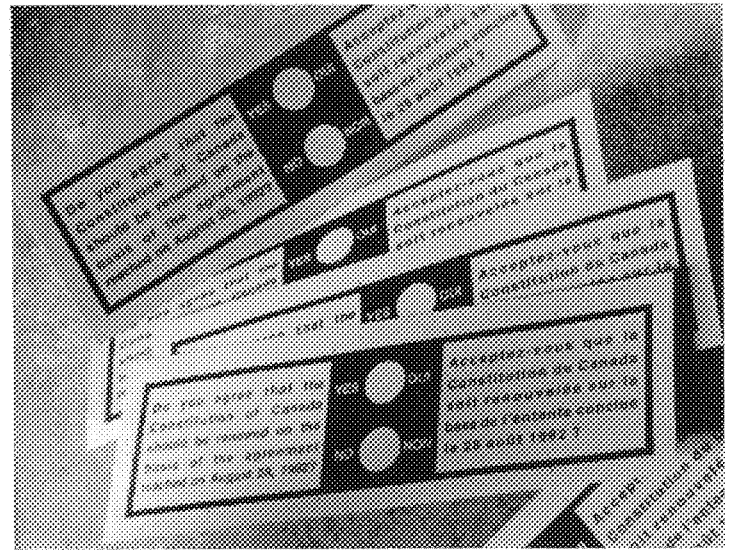
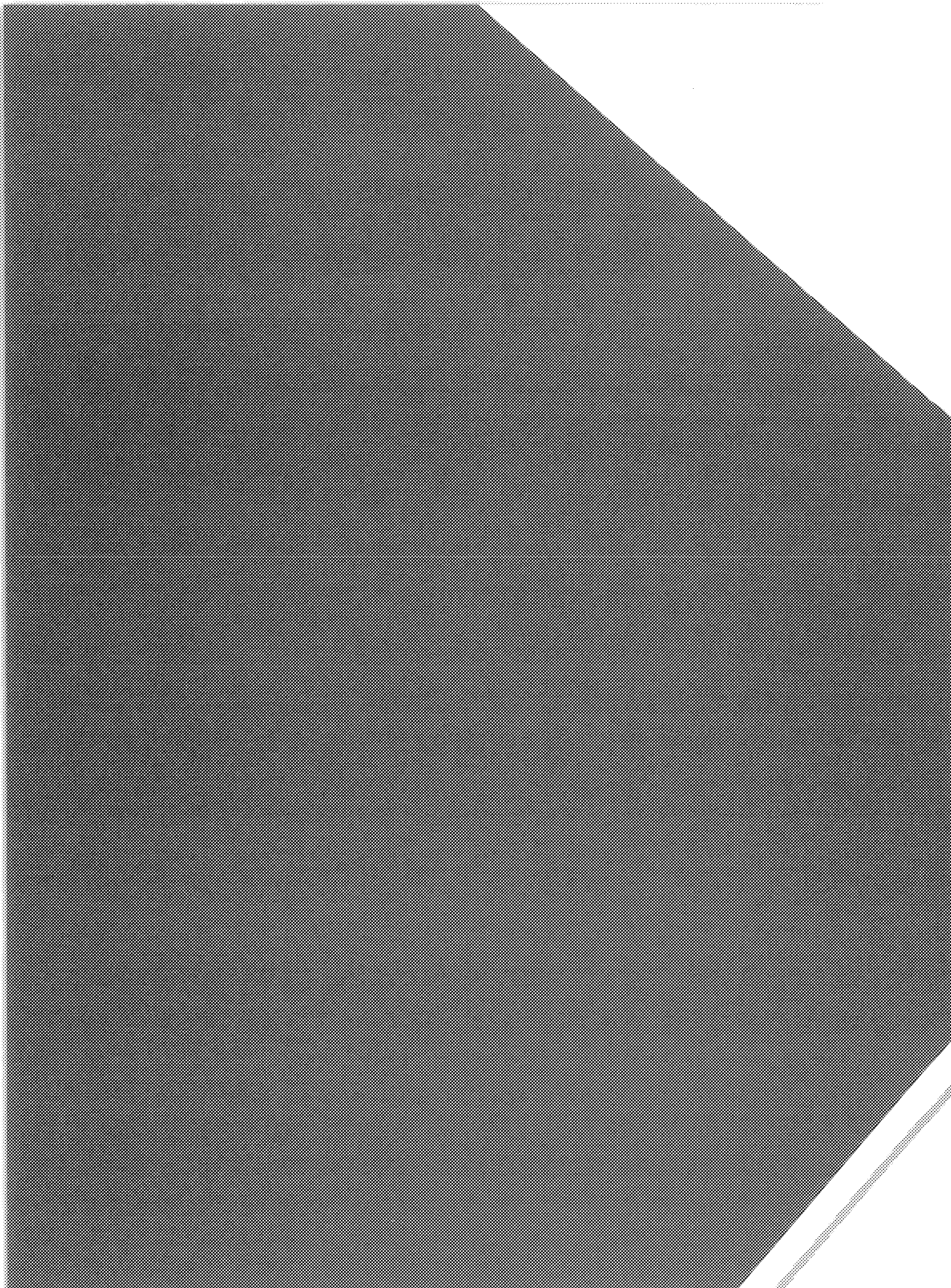


FIGURE 2
Referendum ballots included the text of the question





CHAPTER 2



PLANNING THE REFERENDUM

Elections Canada shifted its preparations into high gear when the *Referendum Act* was brought before Parliament in May 1992. We began to review work already completed in preparation for the next general election to identify elements that could be applied to a referendum and at the same time began to plan preparations specific to the conduct of a referendum.

The small size and vital role of this agency and the need to react quickly to the call of an election or a referendum make planning, coordination and teamwork essential. Opportunities to improve efficiency and effectiveness need to be identified and seized on a daily basis in order to ensure that we can be event-ready at all times, as our mandate requires. An effective planning structure designed to show the interdependence of critical activities and the impact of potential new elements, such as legislative amendments, on operations and procedures is always necessary. It was never more so than during the pre-referendum period, when dealing with an ever-changing array of multiple planning scenarios became the rule.

The need for a framework to incorporate experience and eliminate the need to start from zero with each new event had long been evident. The Directorate of Strategic Planning and International Services (SPIS) was, among other tasks, given responsibility for finding ways to incorporate what was learned from each experience into day-to-day operations. The long-term goal was to ensure that improved, businesslike planning of elections and referendums, along with the use of information as a resource and technology as an enabler, would help identify opportunities for increased effectiveness and would generate efficiencies in budgeting and operating practices.

In order to ensure both election and referendum readiness and a continued ability to support Parliamentarians in drafting legislation and reviewing the recommendations of the Royal Commission, there was a real requirement for a more formalized process and structure. To support planning in constrained timeframes and with so little certainty, Elections Canada initiated several innovative

systems, including a planning working group and a key indicators reporting system.

THE PLANNING WORKING GROUP

The Referendum Planning Working Group consisted of assistant directors or other senior personnel from each directorate in Elections Canada. Planning for the referendum involved myriad and complex scenarios. These included the possibility of multiple questions, with the resulting need for multiple ballot boxes at each polling station; the possibility of a referendum in all provinces and territories or only in some, which would necessitate a special communications program to minimize elector confusion; the potential for a referendum superseded by the call of a general election; the possibility of a referendum in the spring, summer or fall, depending on legislative progress and the changing constitutional scene; and the possibility of parallel events based on both federal and provincial legislation. This team was responsible for examining each scenario, reporting on its implications – both financial and administrative – and making recommendations to the Executive Committee.

The multi-disciplinary nature of the team ensured that all factors affecting referendum planning were efficiently taken into account. The working group framework lent structure, continuity and consistency to the planning process, along with rapid, consistent and timely transmission of all information likely to influence planning, eliminating duplication of effort. The chair of the working group had discretion to constitute more specific task groups to examine and report on particular problems and proposals, allowing for thorough investigation when needed.

Good planning,
coordination
and teamwork
were essential

Event Readiness Planning System

Operational plans were developed and reviewed on a weekly basis as the situation evolved in the pre-referendum period. A computerized work planning and tracking system was developed to report to the Executive Committee on the status of the more than 300 tasks in the referendum delivery program, and the more than 500 tasks of the election delivery program, as the requirement for election readiness was still in effect. Key reporting items were identified from the field as well as the headquarters perspective, and the organization's performance in realizing its objectives was measured on a progressive basis throughout the event. Given the number of tasks and projects involved in the administration of electoral events, this system is an investment that will prove its worth many times in the years to come.

The event readiness planning system enabled managers to control the coordinated progress of the many tasks involved in preparing for the referendum. The status of all projects could be reviewed

automatically; any that were off schedule were easily identified and remedial action was taken immediately. As a routine method of collecting information from the field, the system improved efficiency over levels attainable through telephone calls. It also supplied information for analysis and evaluation after the event.

Key Indicators System

For the first time, Elections Canada put in place an event-specific management reporting system. By measuring certain key indicators for progress against an explicit plan, the Executive Committee was able both to monitor the event as it unfolded and to analyze the information the system gathered for post-referendum evaluation. This system, which was significantly enhanced for the 35th general election, served as a foundation for examining all aspects of the electoral administrative machinery, and allowed close scrutiny of the practical implications of the changes introduced in Bill C-81 (the *Referendum Act*). It provided valuable background information for the consultations which subsequently took place with the Parliamentary Committee on Electoral Reform.



FIGURE 3
The specially treated ballot paper was stored at Elections Canada's distribution centre under enhanced security

THE REFERENDUM BALLOT

The design and printing of the referendum ballot presented a particular challenge. Statutory specifications and the need for unique security elements to be incorporated in the composition of the paper limit the number of possible paper suppliers, especially when large quantities are required. Moreover, the *Referendum Act* allowed for one or more questions, the length of which would not be known until September 10, to be put to electors in any or all of the provinces and territories. Theoretically, the entire text of the Charlottetown Accord could have been included in the question. It was difficult to judge how much ballot paper would be required (Figure 3).

To allow for production of the ballots and distribution to returning officers, however, paper had to be ordered well ahead of the time when the text of the question was available. We decided to order sufficient quantities to allow printing of ballots long enough for several referendum questions (if necessary), for a potential 18.5 million electors, given that overstocks could be stored for another electoral event.

Since the question or questions to be asked in the referendum would be known only when the referendum was called, Elections Canada prepared designs for ballots that could accommodate varying numbers of questions of different lengths. All designs ensured that both official languages and each option for response received equal weight. In this way, Elections Canada positioned itself to have ballots printed as soon as the referendum was called. Once the referendum question was approved by the Senate, the design of the ballot was finalized with advice from three political scientists: Professors Jane Jenson of Carleton University, Lawrence LeDuc of the University of Windsor, and Louis Massicotte of the University of Montreal. To assist electors with visual impairments, the designers paid special attention to the design of the ballot, selecting a typeface that was large and easy to read.

The ballots were printed simultaneously in several locations across the country, following acceptance of a proposal from the Canada Communication Group (CCG) of the former Department of Supply and Services. CCG used computer technology to transmit the referendum ballot design to eight regional plants, which printed and distributed the ballots to returning officers. Careful planning, combined with service from CCG,

Careful planning ensured
that returning officers
had their ballots
by October 4

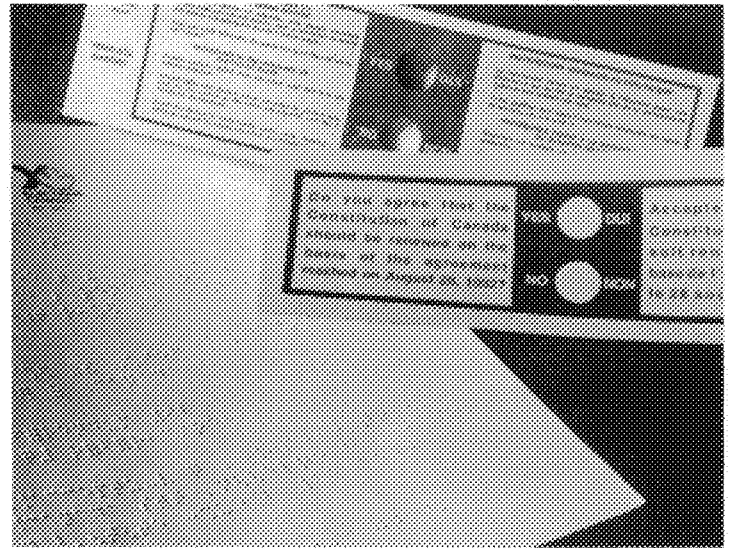


FIGURE 4
Information produced in braille and a special voting template enabled blind electors to vote independently

ensured that returning officers in the 220 electoral districts had their ballots by October 4, leaving three weeks for distribution to outlying polling divisions.

The template designed in 1979 to allow electors with visual impairments to vote independently (Figure 4) was adapted for the referendum ballot by printing the words "YES" and "NO" on it in braille (with the assistance of Canadian National Institute for the Blind and the former Department of the Secretary of State). The text of the question was

also available in braille.

CONSULTATION WITH ABORIGINAL ORGANIZATIONS

A new provision in the *Referendum Act* required that the referendum question be available in Aboriginal languages after consultation with representatives of



Aboriginal groups. Consultants were engaged to carry out this task. Three national Aboriginal organizations (the Assembly of First Nations, the Inuit Tapirisat of Canada, and the Native Council of Canada) were interested in making recommendations regarding the languages into which the referendum question might be translated.

I met directly with their senior representatives to emphasize Elections Canada's non-partisan role and to brief the representatives on the mechanics of administering an electoral event. We were able, at the same time, to respond to concerns touching on voting by Aboriginal peoples. For example, their leaders wanted to obtain voting results for Aboriginal peoples separately from those for the general public. We were able to serve this need, in part, by providing results for polling divisions that were jointly identified as such and that participated in the referendum. It was not possible, however, to accommodate the Native Council of Canada's request for separate ballot boxes in each polling division.

We soon discovered that selecting languages for translation of the referendum question was a complex undertaking. Many Aboriginal languages are in danger of extinction, and the organizations with knowledge of these languages naturally wish to promote and maintain them. Some Aboriginal languages are spoken but not commonly read or written. For these and other reasons, it was difficult to obtain reliable data on the number of people who actually use the various Aboriginal languages.

The final outcome was that Elections Canada made the referendum question available to Aboriginal peoples in 37 languages, as Table 1 shows, in different formats as appropriate (see Figure 13). Translation and production might well have posed problems, given the time frame, had the question been long. The written version, available in 23 languages, followed the English-French format in design. It was published in booklet form and was

TABLE 1
Formats in which the referendum question was available in Aboriginal languages

In written and audio-cassette format	On audio-cassette only	In written format only
Chipewyan	Algonquin	Delaware
Dakota	Blackfoot	Heiltsuk
Innuinaqtun	Carrier	Naskapi
Inuktitut	Chicotin	North Slavey
Inuvialuktun	Dogrib	
James Bay Cree	Gitskan	
Labrador Inuktitut	Gwich'in	
Manitoulin Ojibway	Kaska	
Micmac	Kwaguilth	
Mohawk	Nisga'a	
Montagnais	Saulteaux	
N Cree	Tlingit	
Ojibway	Tsimshain	
Oji-Cree	Wet'suwet'en	
Plains Cree		
Shuswap		
South Slavey		
Swampy Cree		
TH (Woods) Cree		

distributed to all polling divisions, most widely in those with known Aboriginal communities. The National Aboriginal Communications Society provided translation services. The languages were selected with the advice and agreement of the Inuit Tapirisat of Canada and the Assembly of First Nations.

Assistance on Aboriginal language selection was also provided by Statistics Canada, the former Department of the Secretary of State, the National Aboriginal Communications Society, the Royal Commission on Aboriginal Peoples, the Department of Indian Affairs and Northern Development, Aboriginal language associations, tribal councils, universities, cultural centres and the language bureaus of the two territorial governments.

ACCESS FOR PERSONS WITH DISABILITIES

Faced with an imminent referendum, we undertook to introduce the measures contained in Bill C-78 so that all Canadians with the right to vote could take part (Figure 5). In the three months that elapsed between passage of the bill and the issue of the writs of referendum, Elections Canada was able to implement all of the measures set out in the bill. Previous administrative initiatives, such as the introduction of a template in 1979 and the progress of work on providing level access in most polling stations before Bill C-78 was passed facilitated its quick and effective implementation.

To comply with the provisions of the Act regarding wheelchair access, 724 ramps were built to make polling stations accessible. Of that number, more than 370 are permanent, and will benefit the public for years to come. In making these ramps available to community organizations, Elections Canada included a clause in the donation contract providing for the use of the site for federal electoral events for the next 10 years. A total of 1 810 polling stations serving nearly 650 000 voters were made accessible (see Table 2 for details). As a result, more than 99% of voters could vote in a polling station with level access on polling day.

For a limited number of sites without level access, I invoked the power conferred on me under subsection 105(1.1) of the *Canada Elections Act* as adapted for the conduct of a referendum. This clause allows the Chief Electoral Officer to deviate from the requirement that all sites be accessible. In all, 399 requests to use inaccessible polling sites in 91 electoral districts were authorized. Because some sites accommodate more than one polling station, a total of 544 polling stations were thus exempted

We undertook
to enable
all eligible Canadians
to vote

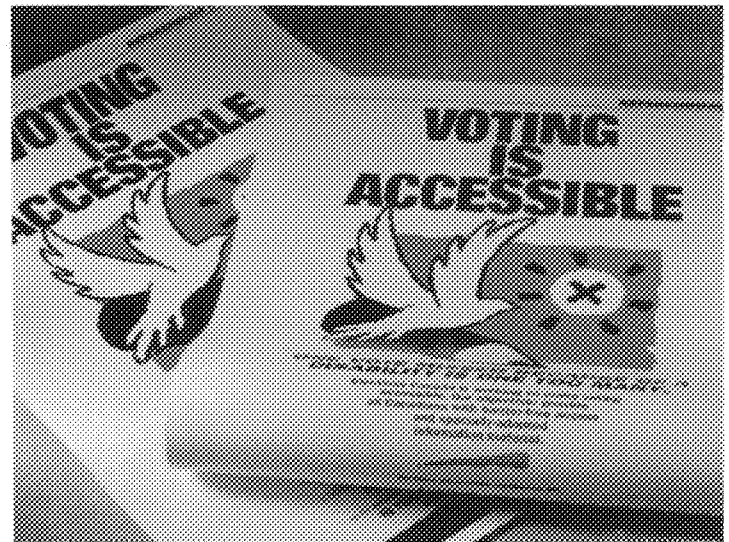


FIGURE 5
Accessibility for voters with disabilities was given high priority for Referendum 1992

from the level access requirement, out of the nearly 40 000 polling stations outside Quebec.

When Bill C-78 was passed in June 1992, all federal returning officers were instructed to create mobile polling stations wherever necessary. In total, Elections Canada set up 434 mobile polling stations to serve 1 182 institutions for the elderly and for persons with disabilities (Table 3).

To meet the requirement for sign language interpreters in polling stations, we developed an inventory of all sign language interpreters across the country. This effort highlighted the current shortage of sign language interpreters, as confirmed by the Canadian Association for the Deaf and the Canadian Human Rights Commission. As a result, sign language interpretation service could not be offered across the country. To address this problem, we invited electors who communicate through sign language to go to their polling station accompanied by a friend or

THE 1992 FEDERAL REFERENDUM

TABLE 2

Poll sites made accessible for the referendum and access exemptions

Province or territory	Ramps built	Permanent ramps built		Temporary ramps built		Exemptions authorized*	
		Number	Polls affected	Number	Polls affected	Number	% of total exemptions
Newfoundland	53	29	48	24	40	42	10.53
Prince Edward Island	22	18	22	4	5	4	1.00
Nova Scotia	134	85	126	49	156	21	5.26
New Brunswick	88	54	96	34	89	42	10.53
Ontario	237	83	257	154	452	109	27.32
Manitoba	51	28	39	23	71	14	3.51
Saskatchewan	31	21	30	10	21	41	10.28
Alberta	70	36	118	34	111	73	18.30
British Columbia	36	24	82	12	45	36	9.02
Northwest Territories	0	0	0	0	0	16	4.01
Yukon Territory	2	1	1	1	1	1	0.25
Total	724	379	819	345	991	399	100.00

* Subsection 105(1.1) of the *Canada Elections Act* as adapted for the referendum allows the Chief Electoral Officer to grant exemptions from the requirement for level access where warranted by circumstances.

TABLE 3

Mobile polls established for referendum

Province or territory	Total number of mobile polls	Number of institutions	Estimated number of electors	Average number of electors per poll
Newfoundland	7	21	880	126
Prince Edward Island	4	9	551	138
Nova Scotia	18	51	3 231	179
New Brunswick	31	97	3 799	123
Ontario	160	399	27 448	172
Manitoba	21	58	2 502	119
Saskatchewan	29	79	4 326	149
Alberta	69	209	11 730	170
British Columbia	93	255	15 419	166
Northwest Territories	1	3	18	6
Yukon Territory	1	1	63	63
Total	434	1 182	69 967	161



relative familiar with American Sign Language or the *Langue des signes québécoise*.

We also printed the referendum question in braille (see Figure 4). The braille version and the template were available at all polling stations. These new measures were developed jointly with the former Department of the Secretary of State and the Canadian National Institute for the Blind. The Canadian Braille Authority considered this accomplishment unique in the western world, commenting that it constituted a degree of sensitivity beyond what could have been expected a few years ago.

To aid all electors, but particularly those with little or no reading ability, visual symbols were added to the Notice of Enumeration cards to indicate polling station accessibility and the availability of the Telecommunication Device for the Deaf (TDD) line. We also replaced the instructional text in the voting compartment with graphics showing electors how to mark and fold their ballot papers.

In all manuals for enumerators, deputy returning officers, poll clerks, revising agents and revising officers, we included a section on the needs of persons with disabilities in order to sensitize election officers to the needs of these voters and train them in the provision of appropriate services.

REVISION OF POLLING DIVISION BOUNDARIES

The extensive review of polling division boundaries by returning officers and headquarters staff, discussed in my last report to Parliament in May 1991, was completed in late 1991. The boundaries within every electoral district were reviewed and, where

necessary, adjusted to reflect changes in population size and distribution. Subsequently, the polling division boundaries in 152 electoral districts were further revised prior to the calling of the referendum. The polling division documents, including some 4 000 poll maps and descriptions of polling divisions, were distributed to returning officers, to federal and provincial political parties, and to referendum committees as required under the referendum legislation.

AUTOMATED PRODUCTION OF THE LISTS OF ELECTORS

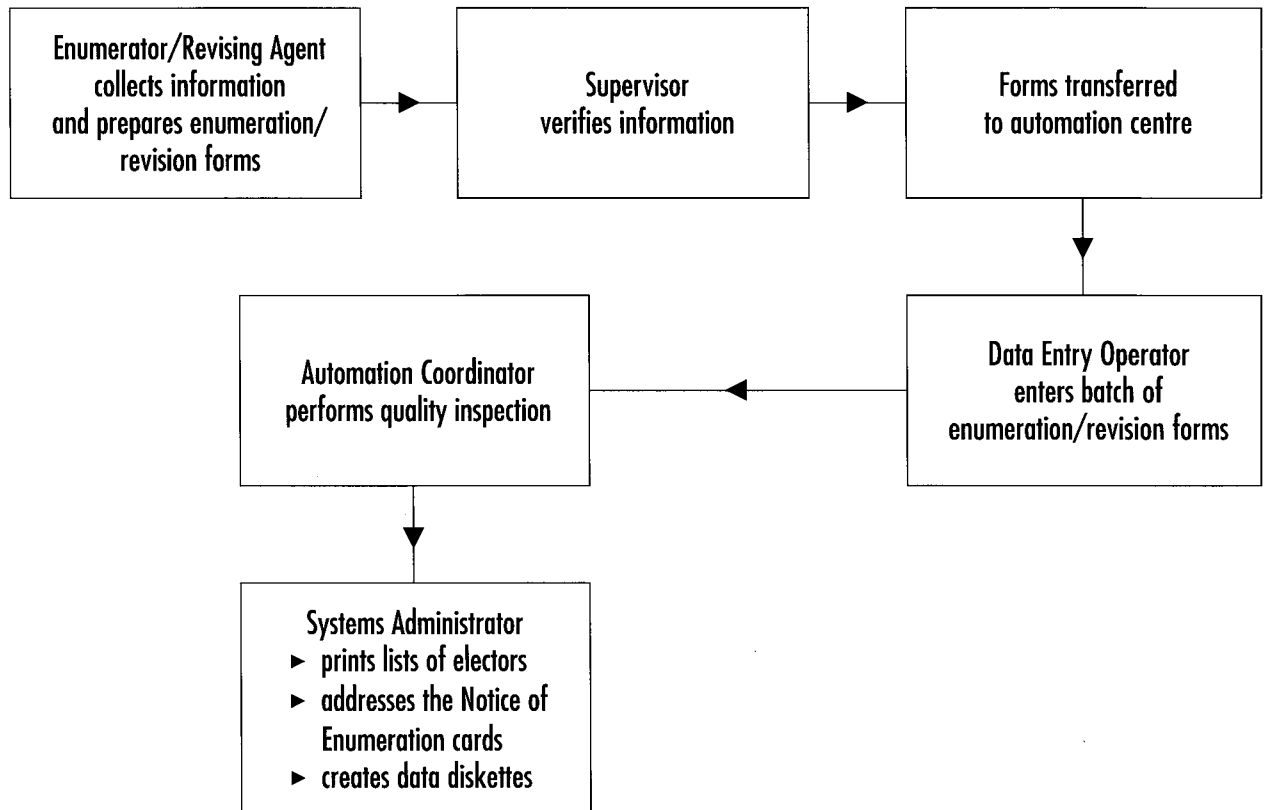
Production of all lists of electors was automated for the first time at the 1992 federal referendum. The project, known as ECAPLE, had been well under way before planning for the referendum began. The development and delivery of ECAPLE involved the use of a number of private sector firms chosen

through competitive processes. Separate firms were selected to develop the software (Westbridge, now Information Systems Management Corporation), provide the hardware (Philips Electronics Ltd.), and finally, to integrate the two (SHL Systemhouse Inc.) and deliver the automated product to 220 electoral districts. The timetable was accelerated so that procedures could be finalized and the computer-based applications tested for the production of the preliminary and official lists of electors for each polling division in each electoral district. A detailed description of this project appears in my statutory report on the 35th general election.

A network of personal computer workstations was set up in each of the 220 electoral districts. SHL Systemhouse Inc., a large Canadian systems integration firm, configured the hardware into local

Production of all
lists of electors
was automated
for the first time

FIGURE 6
The automated process of the production of the lists of electors
 (within each electoral district)



area networks, hired personnel to operate the system in each electoral district, and provided technical support. The program captured and verified the names and addresses of eligible electors gathered during enumeration to produce lists of electors by polling division for each of the 220 electoral districts in which the federal referendum was held. The ECAPLE system also printed the labels used to address the Notice of Enumeration cards and printed the final lists of electors (Figure 6).

The lists were produced on computer diskettes and made available to referendum committees and political parties upon request. Prior to the referendum, on July 27, 1992, political parties were invited to a technical briefing and demonstration of the ECAPLE system.

The use of ECAPLE standardized the methodology for producing lists of electors across the country. For such a complex system, put together in a very short time, it functioned surprisingly smoothly in every riding. While returning officers reported minor problems, such as the typeface on the lists being somewhat small and difficult to read, and the number of errors at the data entry stage necessitating conscientious verification of the lists, the process was judged to be an overall success.

The computerization of the lists of electors signals the achievement of a key priority at Elections Canada — to introduce information technology that improves the quality and efficiency of its electoral services. The experience gained during the referendum will

allow us to fine-tune the automated system for future elections and to build upon the data already compiled.

Implementation of the ECAPLE system for the referendum was an investment in the future. The system played a key role in making possible the re-use of the official lists of the referendum as preliminary lists for the 35th general election, as was foreseen in the *Referendum Act*, and its continued use offers potential for savings in future electoral events at the federal, provincial and municipal levels.

Implementation of the ECAPLE system was an investment in the future

OTHER COMPUTER APPLICATIONS

Other computer applications were developed specifically to support the 1992 federal referendum and post-referendum operational activities. Among these applications was a management system for the registration of referendum committees and the submission of their financial returns. Because of the tight turnaround time between receiving the final data regarding requests and the actual allocations, and since the number of referendum committees would not be known in advance, a system was also developed for the management of broadcasting time allocations to registered referendum committees on national television and radio networks. The Broadcasting Arbitrator's Report (see Appendix D) provides more detail on the allocation process.

Financial Systems

As of April 1, 1992, Elections Canada retrieved its optional accounting services from Supply and Services Canada and implemented a new financial management information system, as well as a new

coding structure. The new in-house system, using the software known as Freebalance, provides managers with regular and timely financial analysis and reports that have improved the quality of management decisions and control over statutory and non-statutory budgets.

The establishment of the financial reporting system is fully in line with the Auditor General's recommendations, made following his 1989 comprehensive audit.

A special payroll process (the Returning Office Payroll) was established to administer payments to some 1 500 regular returning office staff and certain other election officers in the 220 participating ridings. The system is a full payroll process involving the recording, verification, and processing of basic employee information, time sheets, cheques and payroll registers, and the issuing of mandatory payroll information slips such as T4, T4A and Record of Employment forms.

The process is being refined and enlarged, based on analysis of its effectiveness during the referendum, to include additional personnel classifications, on-line data capture of employee and time sheet information and electronic payments.

Automation of Returning Offices

In addition, the automation of election-related administrative functions in the offices of returning officers was initiated. Each office was provided with a 386SX computer and a laser printer, which were retained by returning officers after the referendum for use at the next electoral event. The equipment was programmed with the DOS operating system, a word processor (WordPerfect) and a spreadsheet processor

(Lotus 1-2-3). Subsequently, identical systems were provided to federal returning officers in Quebec.

These projects, while all noteworthy in themselves, represent only the initial portion of the improvements computer usage will bring to Elections Canada. What has been achieved so far opens up new vistas for development that will continue to be exploited in a wise and orderly manner.

NEW TARIFF OF FEES

The tariff of fees is an instrument used by the Governor in Council to regulate the fees, allowances and expenses paid to returning officers and other electoral personnel in the ridings. Based on recommendations from the Chief Electoral Officer, it is revised regularly to reflect changes in fees paid, time allowed for tasks, or new personnel categories added to meet legislative or administrative requirements. Two new tariffs of fees were developed in 1992. One covered the possibility of an election, and one was prepared specifically for the referendum. The tariff of fees for the referendum, as well as including the new position of supervisory enumerator and those associated with the computerization of electoral lists, reflected the differences between elections and referendums.

APPOINTMENT AND TRAINING OF RETURNING OFFICERS

The evolution of electoral legislation and the impact of the *Canadian Charter of Rights and Freedoms* place new demands on the administrators of electoral events. For these events to run smoothly, it is essential that returning officers have the skills, knowledge and experience to meet the requirements

of the job, and that they be appointed with sufficient lead time to allow proper training.

Unfortunately, this is not always possible. Sometimes, appointments are made late, with the result that my office has to mount abbreviated training sessions, frequently on short notice, for some appointees. Furthermore, potential candidates for the position of returning officer are often given insufficient information during the selection process about the nature and demands of the work they will be expected to perform. Between the 1988 federal election and the referendum, 110 returning officers were appointed; 24 (22%) resigned immediately preceding or following their training sessions. Obviously this creates a significant drain on the human and financial resources required for training.

In June 1992, when Elections Canada held briefing sessions in Ottawa for all federal returning officers, close to 30 positions were vacant. The training covered a number of developments, including: the new tariff of fees, plans for automating the production of the lists of electors, provisions of the new legislation on accessibility, procedures for inmate voting, and procedures and preparations specific to a referendum.

With government confirmation on September 2, 1992 that a federal referendum would be held, all returning officer positions were filled. The last appointment had, however, been made by the Governor in Council on August 28. Instead of the five-day briefing usually required in addition to reading our extensive documentation on personal time, that appointee received a compressed two-day training session. A group of 26 other returning officers also received shortened training (three days), because they too were appointed after the *Referendum Act* was adopted in June.

**What has been achieved
opens up new vistas
for development**

The training sessions for returning officers were well received. It was suggested that similar sessions should be provided for assistant returning officers. We are also considering the development of training tools, such as videos, which would lend themselves to ensuring the required degree of uniformity and standardization in the training of the many thousands of officials needed to conduct an electoral event. We expect that future electoral events will furnish the opportunity to test the effectiveness of such an initiative.

VOTING PROCEDURES FOR INMATES

The Ontario Court of Appeal and the Federal Court of Appeal ruled (see Appendix A) that inmates in federal, provincial and territorial correctional institutions were entitled to vote. Since the judgements did not provide any guideline as to a possible voting system for incarcerated electors and as there were no amendments to the *Canada Elections Act* at that time, my office developed administrative mechanisms for this purpose.

The necessary framework to enable inmates to register and vote in the federal referendum involved defining the place of ordinary residence of an inmate elector for the purposes of voting as:

- ▶ the electoral district where the elector lived prior to incarceration;
- ▶ the place of residence of a spouse, parent or dependant; or
- ▶ the address of the court where the elector was sentenced or the place where the elector was arrested, if there was no fixed address.

Following consultations with Correctional Services Canada and the various provincial and territorial jurisdictions, we settled on the following procedures:

- ▶ Registration was to take place early in the referendum period in federal institutions.

- ▶ In provincial and territorial institutions, registration would be held during the three days immediately preceding the day selected for voting, because of the high inmate turnover resulting from the shorter sentences served in these institutions.
- ▶ Liaison officers inside each institution would be responsible for administering the registration and voting procedures.
- ▶ Federal returning officers with institutions in their electoral districts would appoint and train deputy returning officers and poll clerks to take the votes on the day selected for voting, October 16.

Table 4 shows that there were 188 institutions involved in the referendum and 27 935 inmates in those jurisdictions.

SUPPLIES

The preparation and distribution of election and referendum supplies was a crucial planning element. Hundreds of tons of necessary forms and other supplies (such as brochures, signs, instruction manuals, pencils, kits for enumerators, kits for revising agents, ballot boxes, and more) had been prepared for an election. Elections Canada consequently adapted and produced some 30 forms and instruction manuals for the referendum and developed new procedures for their use, within 90 days.

ADMINISTRATION AND HUMAN RESOURCES

Since the core complement at Elections Canada consists of 58 positions, it is necessary to recruit and train additional temporary staff when an electoral event is imminent. During the referendum period, 226 additional employees were hired at headquarters on a temporary basis to assist with the administrative tasks involved in preparing for and conducting the

TABLE 4
Number of correctional institutions involved in the referendum

Province or territory	Institutions			Total inmates
	Total	Federal	Provincial	
Newfoundland	8	0	8	531
Prince Edward Island	6	0	6	181
Nova Scotia	11	1	10	1 137
New Brunswick	17	3	14	1 261
Ontario	63	11	52	12 694
Manitoba	13	2	11	1 702
Saskatchewan	12	3	9	2 029
Alberta	29	3	26	4 521
British Columbia	24	8	16	3 506
Northwest Territories	4	0	4	288
Yukon Territory	1	0	1	85
Total	188	31	157	27 935

referendum. A number of consultants were retained on contract, primarily to assist with computerization.

Their duties were many and varied: for example, to develop and produce information programs, to prepare the lists of electors, to register referendum committees, to assemble and distribute materials, and to deal with the increased burden on administrative systems. Workloads doubled, tripled, and even quadrupled during the referendum period. Remuneration transactions, for example, rose from about 300 a month to almost 1 300; the flow of mail, from 10 000 pieces to over 40 000.

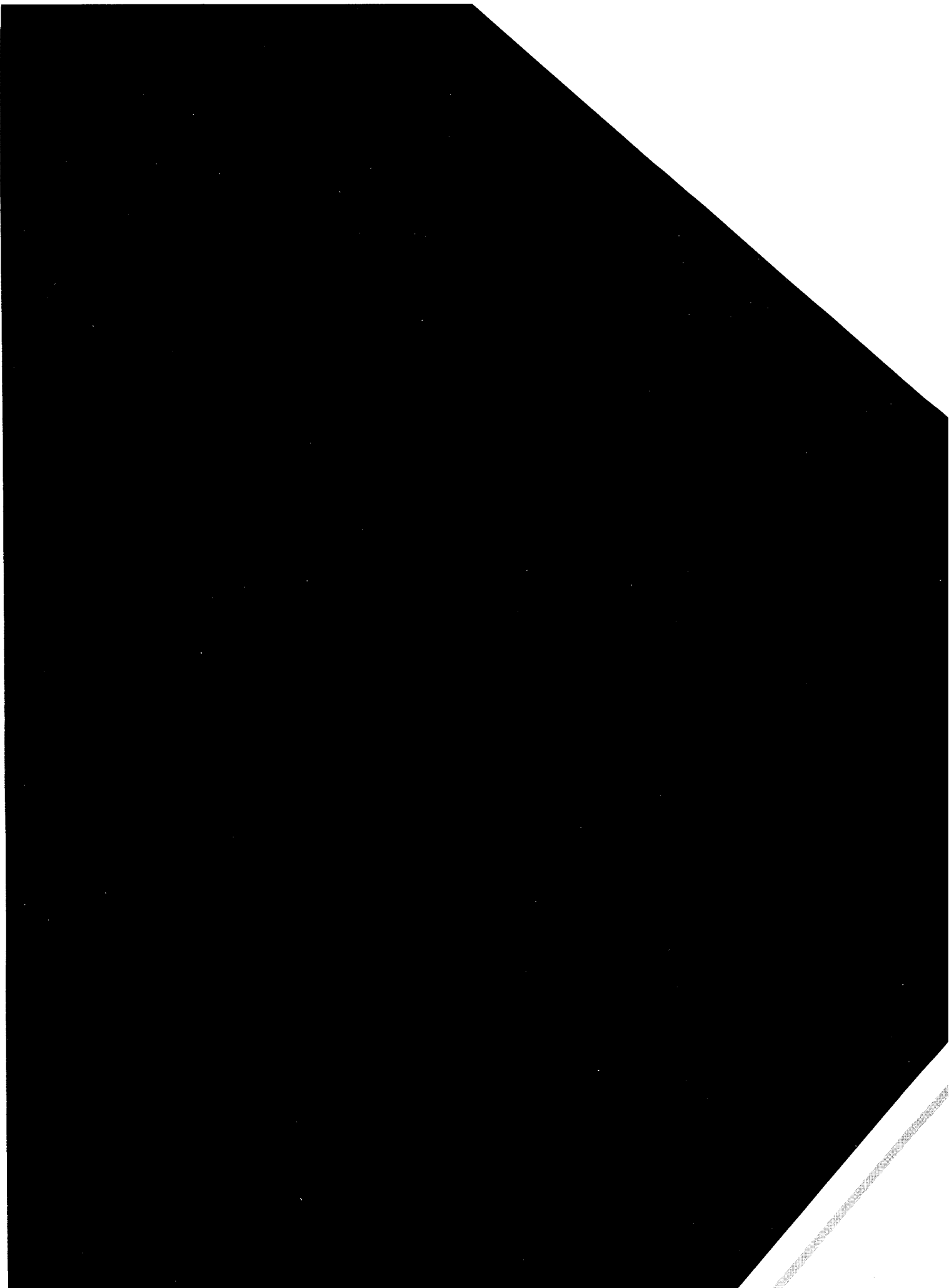
We obtained temporary help through the Public Service Commission and temporary help agencies,

and through secondments from other federal departments and agencies. Most temporary staff were hired using the Commission's inventory of outside applicants. Discussions and negotiations with Commission officials in advance of the referendum made it possible for us to develop strategies to screen and select applicants effectively within a very short time. I wish to commend the Public Service Commission for its responsiveness and cooperation in this undertaking.

Elections Canada also engaged the services of several federal returning officers from the province of Quebec to support returning officers in the other 220 electoral districts.



During the
REFERENDUM





CHAPTER 3

THE REFERENDUM COMMITTEES

The referendum period legally began on September 15, 1992, when the Senate approved the text of the referendum question. On September 17, 1992, a proclamation by the Governor in Council directed that writs of referendum be issued for the conduct of a federal referendum on October 26, 1992, in all provinces and territories except Quebec. Table 5 summarizes key dates and events (see also Appendix B for an annotated referendum calendar).

REGISTRATION OF THE COMMITTEES

The *Referendum Act* required any person or group that intended to spend more than \$5 000 in direct support of or opposition to the referendum question during the referendum period to apply to my office for registration as a referendum committee. Referendum committees could be, for example, associations, clubs, unions, political parties, individuals, or ad hoc groups. An application for registration could be submitted at any time during the referendum period.

To conduct the registration process in the most efficient manner possible, a referendum committee registration unit was established. As the Act stated that any person or group could register, and there was no limit set to the number of referendum committees, the unit developed and operated an automated registration system capable of processing up to 5 000 applications. It also calculated expense limits for the committees, and developed a system for tracking these expenses.

To facilitate an orderly registration process, Elections Canada mounted an information program directed at persons or groups interested in forming referendum committees. The program included paid advertisements in the print media, beginning with the advertisement that launched the program on September 19, 1992, and following up with publications such as the newly developed handbook for referendum committees, and backgrounders, information kits and a video. The video was broadcast on the Parliamentary Channel throughout the referendum period, and copies were distributed to referendum committees following registration.

Referendum committees had until polling day to register. A total of 241 referendum committees registered, with 205 supporting the referendum question and 36 opposing it. As Table 6 shows, the majority were active in Ontario. The complete list of registered committees by province appears in Appendix C.

TABLE 5
Key dates of the referendum period

Date	Period
September 15	Referendum period starts (question approved by the Senate)
September 17	Registration of referendum committees starts Governor in Council proclaims referendum Referendum writs issued by Chief Electoral Officer to 220 returning officers outside Quebec Writs made returnable the tenth day following official addition of votes
September 28	Deadline for registration of committees wanting free broadcasting time
October 2 to 7	Enumeration conducted (13 211 757 electors)
October 3 to 5	Broadcasting Arbitrator completes allocation of broadcasting time and notifies committees
October 8 to 24	Free broadcasting time made available to committees
October 12 to 20	Voting in offices of returning officers, except on October 19
October 12 to 17	Canadian Forces and public service electors voting under the <i>Special Voting Rules</i> (47 444 electors)
October 16	Inmate voting in federal, provincial and territorial penal institutions (10 132 inmates voted)
October 17 to 19	Sittings for revision (October 19 only in rural electoral districts) (437 378 electors were added to lists)
October 22 and 23	Advance polls held (459 100 electors voted at 1 867 advance polls)
October 26	Ordinary polling day Referendum period ends (9 855 978 electors voted, 33 933 in mobile polling stations) Registration of referendum committees ends

TABLE 6
Registered referendum committees by province and territory

Province or territory	Total number of committees	Position on the referendum question		Area of activity		
		Yes	No	National ¹	Provincial ²	Local ³
Newfoundland	7	7	0	0	3	4
Prince Edward Island	5	5	0	0	1	4
Nova Scotia	16	15	1	0	3	13
New Brunswick	12	11	1	0	4	8
Quebec ⁴	3	3	0	3	0	0
Ontario	113	99	14	28	4	81
Manitoba	6	6	0	0	1	5
Saskatchewan	14	10	4	2	3	9
Alberta	31	26	5	5	5	21
British Columbia	33	22	11	5	10	18
Northwest Territories	0	0	0	0	0	0
Yukon Territory	1	1	0	0	1	0
Total	241	205	36	43	35	163

¹ When a committee campaigned in all 220 federal electoral districts for which a referendum writ was issued.

² When a committee campaigned in each federal electoral district in a given province.

³ When a committee campaigned in one or more federal electoral districts, within a given province. Only one committee (the Antarctic Institute of Canada) campaigned locally in two different provinces.

⁴ Refers only to those committees registered under the federal referendum legislation and whose business address was in Quebec.

Returning officers reported they had little or no contact with referendum committees active in their electoral districts, other than providing the lists of electors upon request to agents designated by the leaders of the committees. In the same vein, since few referendum committees appointed agents to be present during voting on polling day, deputy returning officers were obligated to appoint persons to act as witnesses to the vote count.

SPENDING AND CONTRIBUTIONS

Like candidates and political parties at a general election, registered referendum committees were subject to campaign spending limits. A referendum committee was allowed to spend 56.4 cents per

elector on the preliminary lists of electors in each electoral district where the committee had indicated in its application its intention to be active. Committees registered as active in all 220 electoral districts outside Quebec were allowed to spend approximately \$7.5 million in direct support of or opposition to the referendum question during the referendum period (56.4 cents multiplied by 13 211 757 electors on the preliminary lists). Like candidates and political parties in an election, referendum committees were subject to a blackout period in advertising on polling day and the day before.

Contributions to referendum committees were also controlled by law, and were not deductible from taxes. The names of donors had to be disclosed if the total contribution was over \$250, and the sources

of contributions had to be Canadian. Figures 7, 8 and 9 summarize the contributions and expenses of the registered committees. Referendum committees, unlike candidates and political parties at an election, could not be reimbursed for any part of their expenses.

Registered referendum committees were required to file an audited referendum finances return with my office within four months after polling day. Such returns had to contain detailed statements of all referendum expenses incurred and contributions received by the committee. The reporting forms were developed and the returns audited by Elections Canada finance staff. The deadline to submit referendum finances returns was February 26, 1993. Details of these returns are published separately: *Referendum 92 – Contributions and expenses of registered referendum committees.*

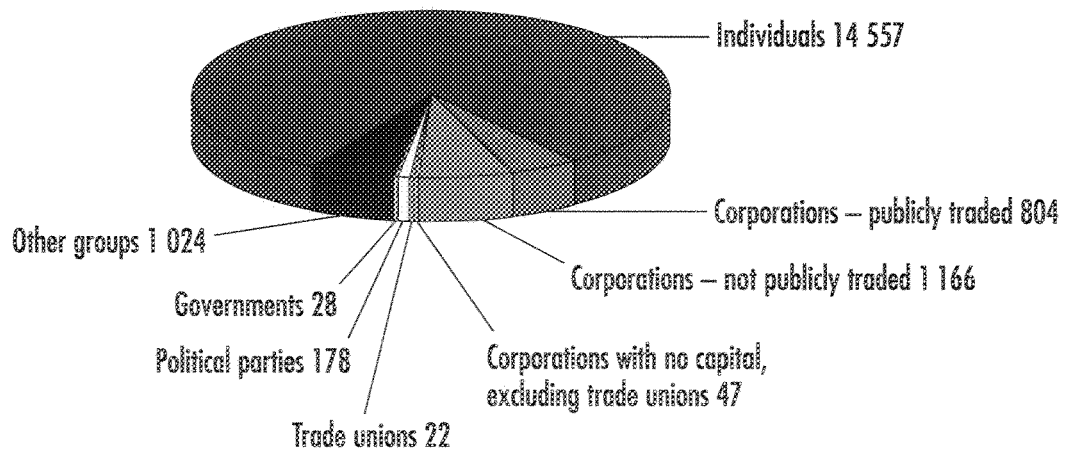
ALLOCATION OF BROADCASTING TIME

The *Referendum Act* states that three hours of free broadcasting time must be made available during prime time on every radio and television network that meets the statutory criteria. This time is to be allocated to eligible referendum committees by the Broadcasting Arbitrator such that half is allocated to the "YES" and half to the "NO" side.

To be considered by the Broadcasting Arbitrator for an allocation of free broadcasting time, a referendum committee must have requested free broadcasting time in conjunction with its application for registration, before the 27th day before polling day. Specific criteria for allocating the broadcasting time are set out in the Act. Making equitable allocations is an extremely complex procedure, involving the juxtaposition of the equity

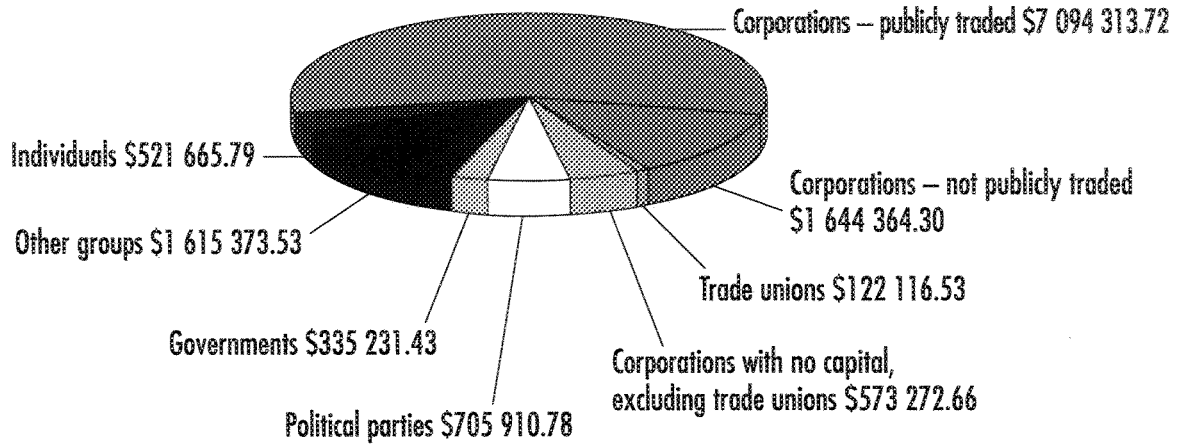
A total of 241
referendum committees
were registered

FIGURE 7
Number of contributions of referendum committees



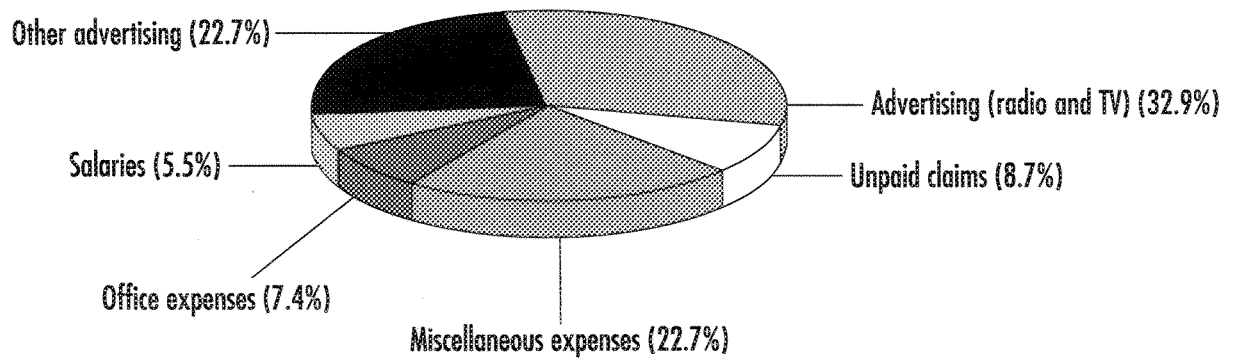
Total number of contributions: 17 826

FIGURE 8
Contributions of referendum committees



Total contributions: \$12 612 248.74

FIGURE 9
Referendum committee expenses



Amount not included in referendum expenses \$1 629 445.98*

* Refers mainly to contributions, advances or loans made to other registered referendum committees; surplus amounts returned to contributors where applicable; free broadcasting time deposits paid by the committees; and any expenses incurred after polling day.

principle with the weight allocated to each committee in terms of its representation of regional or national interests and its position on the referendum question.

The Broadcasting Arbitrator rendered his allocation decision on October 2, 1992. Of the 241 registered referendum committees, 61 applied for and were entitled to be considered for broadcasting time. Of these, 39 committees indicated that they supported the referendum question, and 22 indicated that they opposed it.

Every referendum committee which requested broadcasting time and made the required \$500 deposit with the Receiver General received an allocation. Thirty-seven committees used the time allocated, and their deposits were returned; 24 committees did not fully use their allocation and lost their deposits. The Report of the Broadcasting Arbitrator, which sets out the broadcasting function related to the referendum in greater detail, is attached as Appendix D, which also includes the breakdown of allocations among the committees.

