
North America Goes to the Polls

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Elections are on the minds of people in a great number of countries in 1988. Among the countries which have held or are scheduled to hold elections this year are: Cameroon, Jamaica, China, Kenya, Denmark, South Korea, Ecuador, Lebanon, El Salvador, Madagascar, Equatorial Guinea, Malawi, Finland, Mexico, France, Sweden, Iceland, the United States, Iran, Venezuela, Israel, and Haiti. Other countries, including Canada, may well have elections this year although there is still no fixed date for elections in many parliamentary systems.

This article focuses on elections in Mexico, the United States, and Canada. Despite differences in the political institutions of the three countries a number of basic principles apply to all.

Principles

The right of a citizen to take part in the decisions affecting public affairs in his country is recognized in all three countries and in the main instruments related to human rights. For example, paragraph 21(1) of the *Universal Declaration of Human Rights*, adopted unanimously by the General Assembly of the United Nations in 1948, stipulates that: "Every person has the right to take part in the direction of the public affairs of his or her country, whether it be directly or through representatives freely chosen."

The Declaration also recognizes that elections play an important role in the political process, as specified in paragraph 21(3): "The will of the people is the foundation of the authority of those who have public powers; this will must be expressed in honest elections which must happen periodically, through universal suffrage and secret vote or according to equivalent procedures insuring the freedom to vote."

The term "honest" has been added to this paragraph so as to insure that electors are not submitted to any constraints or coercive measures in the exercise of the right to vote. A "Democratic general election" ought to meet as fully as possible, the following six criteria:

- All the adult population of the country, or almost all, must have the right to vote.
- Elections must happen on a regular basis and at prescribed times or intervals.
- No important group of the adult population must be deprived of its right to vote or to form a political party and present candidates.

- All seats must be part of the election.
- The electoral campaigns must be run equitably, in the sense that no law, no violence or intimidation will prevent candidates from expressing their views and making their capabilities known or prevent electors from becoming aware of what these candidates have to say.
- The vote must be run freely and secretly. Votes are counted honestly and fast. The candidates who receive the required number of votes by law are elected and therefore represent their electorate until the end of their mandate and a new election is held.

While sharing these main principles, elections in the three countries, are conducted according to different rules for questions such as the registration of electors, nomination of candidates, procedures related to the counting of the votes and various rules related to campaigns and election expenses. Mathematical formulae are used to relate the number of votes to a number of seats but the rules are different in each case. The refinement of electoral procedures is an ongoing process and occasionally some aspects of one system can be adapted to another. The following pages describe different features of elections in the three countries.

Mexico

Mexico is a federal republic of thirty-one states and the federal district of Mexico where the capital city of Mexico, is located. The constitution of 1917 guarantees the exercise of individual and political rights to its citizens and, following the Mexican revolution, it also proclaims the right to grievances by peasants and workers.

All persons born on the national territory of Mexico are Mexicans (even if their parents are not), along with all those born abroad from a father or a mother who is Mexican. The right to vote is granted to Mexicans of both sexes when they reach the age of majority which is 18.

Mexico has experienced since its Revolution between 1910 and 1920 an extremely rapid demographic increase. The country had a population of 12 million in 1920, and it is estimated that the present total population is over 80 million, which means that in Mexico the density of population is 41 persons per square kilometer. Although the rate of population growth has been slowing down in recent years, and with further improvement in the level of education, especially in the area of family planning, the current projections would indicate that by the year 2000 the country will have a population of over 120 million people.



Carlos Salinas, President elect of Mexico

Only one-third of the population resides in rural areas, while 50 million Mexicans are in large cities and their suburbs, mainly in Mexico City, Guadalajara and Monterrey. About 70% of the population is less than 30 years old; youngsters looking for employment continue to come into the large cities where the labour market is already saturated.

The president of the republic is elected for *six years* through direct universal suffrage and is not eligible for reelection. He governs, assisted by a cabinet appointed by him made up of 17 Secretaries of State (ministers) and one department head in charge of the federal district of Mexico. The president is also assisted by many large state organizations such as: Petroleos Mexicanos (Pemex), the Federal Commission of Electricity (FCE), the National Institute of Nuclear Investigation, the Mexican Institute of Social Security, etc.

The Senate is composed of 64 members, two for each state and two for the federal district, all elected through universal suffrage for six years. Senators can be reelected, but in no case can they be elected for two consecutive mandates. Since 1977 and until the last election in 1982, the chamber of deputies had a total of 400 members elected every three years according to a system of universal suffrage combining simple or relative majority with proportion representation.

The territory is divided into 300 electoral districts, one deputy being elected for each of these districts under a simple majority system. Beside these deputies, there were 100 seats attributed to minority parties, who receive at least 1.5% of the national vote; these deputies are elected from a regional list

through a system of proportional representation. The effect of this system was to reserve 100 seats to the opposition.

Each state has its own Constitution directed by a governor who is elected for six years through universal suffrage, and not eligible for re-election. There is a Chamber of deputies (elected every three years) and a Superior Court of Justice. The prerogatives of each state are limited since the central body controls all financial matters. Each municipality is administered by an "AYUNTAMIENTO" (Municipal Council) elected through direct universal suffrage. The case of the federal district of the city of Mexico is different; the head of the department of this district, designated by the president of the republic, is assisted by a public servant for each administrative subdivision of the city.

The "Partido Revolucionario Institucional" (P.R.I.) founded by Calles, who was president from 1924 to 1928, dominates the political scene since the revolution and tries to bring together the various interests. It is the party which is considered as being the successor to the parties which were at the base of the revolutionary movements in Mexico; this party is given much credit for raising the standard of living conditions from where they were twenty years ago to these now prevailing in Mexico.

When President Miguel de la Madrid Hurtado succeeded Jose Lopez Portillo in 1982, he inherited an organization where there was a significant amount of corruption, and owing to the decrease in the price of oil, the country was faced with the most serious economic crisis in its history. De La Madrid promised to eliminate corruption and to introduce important economic reforms. In 1988 observers report that there has been some improvement in certain areas but the economic situation is still very precarious and the population is deeply affected by increases in inflation. In December 1986, under the initiative of President De La Madrid, the constituent assembly made changes in the Constitution in order to bring about political and electoral renewal. In July and August 1986 there were public hearings in the city of Mexico in order to listen to political parties, political associations, social organizations and interested parties. These consultations are at the base of changes in electoral legislation which were in force for the recent election. Here are a few of the changes in the new Mexican electoral legislation.

- The number of deputies has been increased from 400 to 500; 200 additional seats (instead of 100) will be attributed on the basis of a proportional representation system. This leaves 300 deputies elected by a simple majority and 200 through proportional representation.
- There were also changes in the composition and management of electoral organizations. Polling day is now a Wednesday (which is a national holiday) instead of a Sunday.
- There was a new method for counting votes, which reduced the amount of time between voting and the publication of official

of education, of public works, of commerce, of industry and agriculture.

Article I of the Constitution of the United States gives all legislative powers of the federal government to a Congress composed of two houses, namely the Senate and the House of Representatives.

The Constitution requires senators to be at least 30 years old, United States citizens for at least nine years and residents of the state in which they are elected. The members of the House of Representatives must be at least 25 years old, American citizens for at least seven years, and also reside in the state in which they are elected to Congress. The states can impose supplementary conditions for eligibility to the Congress but the Constitution gives each chamber the right to fix the qualifications of its members.

Each state is entitled to two senators regardless of its size or population; thus Rhode Island, the state with the smallest area, 3,156 sq.km, has the same representation in the Senate as Alaska which covers an area of 1,524,640 sq.km. Alaska with its population of 534,000 has a representation equal to that of California with its population of over 26 million.

The total number of Representatives is determined by Congress: that number is then apportioned proportionally between states on the basis of population. Aside from the size of its population, each state is guaranteed at least one representative in the House of Representatives. At present, six states —u Alaska, Delaware, Nevada, North Dakota, Wyoming and South Dakota, have only one representative. On the other hand six states have more than 20 representatives, California has 45 and New York 34.

The Constitution calls for a general enumeration (census) every ten years, and the redistribution of seats in the House is made according to demographic changes: the last census was in 1980. According to the initial provisions of the constitution, the number of representatives was to be one per thirty thousand of population. The first chamber was composed of 65 members, and that number was increased to 106 after the first census. If the formula of 1 for 30,000 had been kept intact, the demographic increase would have brought the number to 7000 representatives. Instead the formula was modified as years went along and today, the House is composed of 435 members, approximately 1 for 520,000 of population based on the 1980 census.

The legislature of each state divides their state into congressional districts which should be, as much as possible, equal in population. Electors go to the polls to elect their representatives in Congress, as well as Senators who are also elected every two years. The difference in the election of Senators is that their mandate is for six years with one third of them being elected every two years; this way two thirds of the Senate is always present with some experience in legislation at the national level.

Because Representatives are elected every two years one can say that the life of a Congress is two years. The 20th Amendment to the Constitution stipulates that Congress must meet in a regular session on the 3rd of January each year unless it chose some other day.

The following table gives an overview of the composition of the Congress of the United States.

| | HOUSE OF REPRESENTATIVES | SENATE |
|---------------------------------------|---|---|
| Total membership | 435 | 100 |
| Members for each state | According to population | 2 |
| Elected by | Voters of Congressional District | Voters of the entire state |
| | For Representatives at Large, voters of the entire state | |
| Term of office | 2 years | 6 years |
| Vacancy | Filled by special election or at next general election | Special election or temporary appointment by state Governor until special or regular election |
| Salary | \$89,500 a year | \$89,500 a year |
| Session (regular) | Starts Jan. 3 of each year | Starts Jan. 3 of each year |
| Presiding Officer | Speaker | Vice President of the United States |
| Exclusive powers of each house | Originates revenue bills | Approves or rejects treaties |
| | Initiates impeachment against civil officers | Tries impeached officers |
| | Elects a President if no candidate has a majority of the electoral vote | Confirms or rejects appointments made by the President |
| | | Elects a Vice President if no candidate has a majority of the electoral vote |

Source: United States Information Agency, *An Outline of American Government*

Parties are at the basis of the American political system. The Republican and Democratic Parties compete at all levels of political life, whether it be for the position of municipal councillor, mayor, governor, or member of congress, president or vice president. The selection for all these positions takes place in two steps: the first one, that of the designation of a candidate is made at the party level; the second and the last one is made at the national level or locally according to the position.

The present methods of designating candidates have improved and changed during the course of the history of the United States, but in each case some aspects have remained unchanged. The most ancient of all, which dates from the colonial years is what is referred to as the "caucus". It is a meeting of party leaders during which they come to an agreement as to which candidate they will present. As the nation was growing and its political organization was becoming more complex, the local caucus started to delegate representatives to meet other representatives and form groups, which would be larger, to make the final selection of candidates. These meetings called "conventions" were the prototypes of the large conventions at which are designated the candidates of parties to the presidential elections. The third way of designating is through the method of the "primaries". These are elections within a party, at the states level; the aim of these elections is to allow electors to choose directly the candidates for their party.

Every four years, the electoral process reaches its peak when presidential elections happen. The candidates of the parties are designated at state conventions which are held during the last few months before the election; those who are chosen are generally required to vote for a certain candidate at least for the first vote.

A partial list of the principal steps towards the presidential elections of November 8, 1988, is listed below.

- February 16 New Hampshire Primary
- March 8 Southern States primaries "Super Tuesday"
- March 15 to 25 Illinois Primary
- April 19, Michigan and New York Primaries
- June 7 California and New Jersey Primaries
- July 18 to 21 Democratic Convention (Atlanta)
- August 15 to 18 Republican Convention (New Orleans)
- September 5 Official start of the campaign
- September 15 and October 11 and 27 Television debates
- November 8 Voting day.
- January 20 1989 Inauguration Day.

On November 8, if the turnout remains what it was in previous elections about 50% of Americans over the age of 18 will go and vote for sheriffs, mayors, governors, senators, representatives as well as the president. In some cases the

elector may be asked to say "yes" or "no" to a series of questions.

A special mechanism to elect a president is peculiar to the American system. Although the names of candidates appear on the ballots, technically the electors of each state do not actually vote directly for the president and vice-president. Instead, they select a slate of presidential electors, equal to the number of Senators and Representatives each state has in Congress. The candidate having obtained the greatest number of votes in each state wins all the electoral votes of that state.

The presidential electors of all 50 states and the District of Columbia – a total of 538 persons – comprise what is known as the Electoral College. Under terms of the Constitution, the College never meets as a body. Instead, the electors gather in the state capitals shortly after the election and cast their votes for the candidate with the largest number of popular votes. To be successful, a candidate for the presidency must receive 270 votes. The Constitution stipulates that if no candidate has a majority, the decision shall be made by the House of Representatives.

On November 8, Americans will decide whether between George Bush, of the Republican Party or Michael Dukakis, of the Democratic Party will become their president. The current Vice-President, George Bush, after having eliminated rather quickly his five rivals, had in his pocket the nomination at the National Republic Convention convened for August in New Orleans. Michael Dukakis, governor of the state of Massachusetts, practically unknown outside the borders of his own state a year ago has had to work hard during the primaries; finally on June 7, during the last round of the primaries he won enough votes to get his party's nomination at their national convention in July at Atlanta.

It is not easy at first glance to see a difference between these two characters equally reserved, prudent and somewhat colourless on occasions; the resemblance does not stop there, even if it has its limits. Both men are also pragmatists and not idealists. Somewhat lacking in precise programs, both men present themselves, their individual background and accomplishments as the best qualified to do the job. At the end of August polls seem to favour Mr. Bush who appointed Senator Quayle from Indiana as his running mate.

What remains to be seen is who, in the next two months will best be able to convince the American electorate that he will do the job that is expected at the head of what is one of the two most powerful nations in the world.

Canada

Canada is a constitutional monarchy, a federation with parliamentary institutions based on responsible government. Further to the 1982 Constitutional Act, the Canadian Constitution is now in Canada and the British Parliament has

relinquished its authority as it existed in the British statutes, including the possibility to amend the Canadian Constitution.

In theory executive power belongs to the Queen and her representative appointed on the recommendation of the Prime Minister. In practice executive power belongs to the Prime Minister with his cabinet, who are generally members elected to the House of Commons.

Canada, like Mexico and the United States, has a bicameral legislature formed of a Senate whose members are appointed, and a House of Commons whose members are elected. Constitutionally speaking, the two Houses have generally the same powers, but in practice the principal laws and initiatives originate with the Prime Minister, the Cabinet, and the House of Commons.

There are 104 senators, appointed by the prime minister, until the age of 75. Members of the House of Commons are elected through universal suffrage for a maximum term of 5 years. A member of the House of Commons represents the population of an electoral district where he was elected; the districts are apportioned among provinces in relation to their demographic makeup. Nevertheless, the smaller provinces historically have had proportionately a larger number of districts than the more populous provinces.

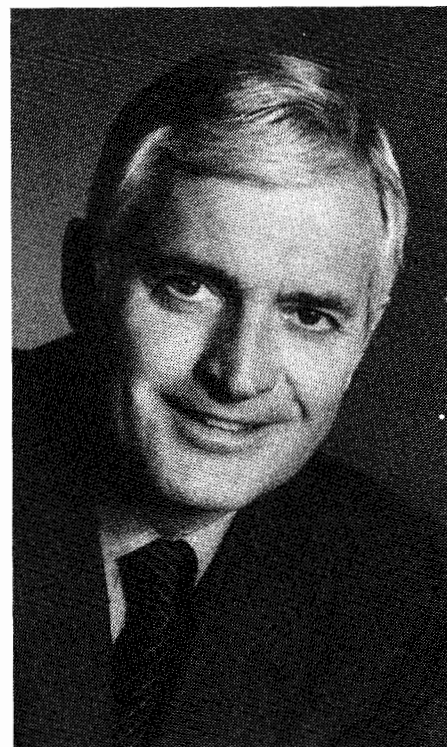
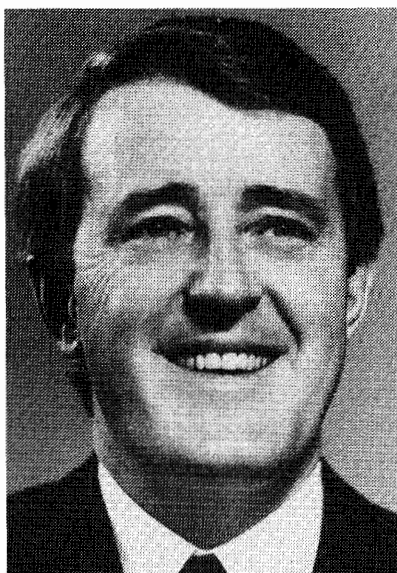
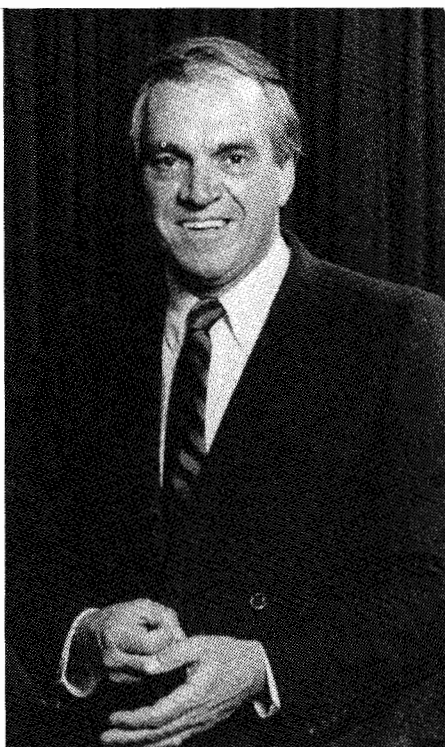
The ten provinces have a great amount of autonomy where political affairs are concerned. In each province, the federal

government appoints a Lieutenant Governor, who normally takes advice from the provincial Executive Council responsible to a provincial legislature whose members have been elected for a maximum period of 5 years. All provincial legislatures have been unicameral for a number of years.

In Canada, as in most democratic countries, the electoral system comprises the elements by which an election at the national level is run. It is the law which controls the holding of elections, the conditions for the exercise of the right to vote, of the counting of the ballots, and the manner in which the results will affect the composition of the House of Commons.

In a general way, everyone who is 18 years and over has the right to vote, if that person is a Canadian citizen and if he or she ordinarily resides in Canada on the first day of the enumeration and continues to reside there on the day of the election. There are very few persons excluded and when they are, it generally relates to the position they hold at a point in time.

All persons who have the right to vote can also run for office. The law does not oblige a candidate to reside in the electoral district where he or she is running, but very often Canadians give their preference to candidates who live in the electoral district which they wish to represent, or to which they have ties for one reason or another.



Who will lead his party to victory in the next Canadian election. (l-r) Ed Broadbent, NDP; Brian Mulroney, PC; John Turner, LIB.

To become a candidate a person must simply present a nomination paper with the signatures of at least twenty five persons who are duly qualified in that particular electoral district. Moreover, all candidates must make a deposit of \$200.00; this amount is reimbursable if a candidate obtains at least 15% of the valid votes cast. Since the coming into force of regulations concerning election expenses, a candidate must also have a chartered accountant, along with an official agent who is the only person permitted to receive contributions or incur expenses in the name of a candidate.

Effective July 14 of this year there are 295 electoral districts each of which returns one member to the House of Commons. When districts are established great care is taken to insure that the number of representatives from each province is proportional to their own demographic situation in relation to the whole of Canada. It is equally imperative, as required under the Constitution, to revise the boundaries of electoral districts following each decennial census.

Immediately when the Chief Electoral Officer receives the new population figures from a census, he must compute the number of seats to be attributed to each province, according to a formula established in the Constitution. An independent commission, presided by a judge appointed by the chief justice of the province is then constituted in each province, along with the commission in the Northwest Territories, to determine the new boundaries of the electoral districts. The office of the Chief Electoral Officer must supply administrative support along with technical and professional help to the commissions.

There are two fundamental aspects to the federal electoral system which one must remember: the principle of representation in the House of Commons, that is to say the manner in which the number of seats to the House of Commons is calculated and the way they are distributed among each of the provinces and the territories; and secondly, the way in which the boundaries of the electoral commission of the electoral districts are established and periodically revised in order to reflect the evolution of the representation in the House of Commons and the movement of the population from one region to another within the country.

The history of Canada is one of numerous compromises; the question of the representation of the provinces in the House of Commons does not escape this tradition. Be that as it may, one can say with certainty, even today, that the principle of representation according to population is still the basis of the electoral system.

In June 1986, the Government tabled a White Paper in which a series of electoral reforms were proposed which were basically a detailed examination of the recommendations included in the reports of the Chief Electoral Officer for 1984 and 1985. One of the principal objects was the rewriting of the act so as to make it as understandable as possible. The proposals contained in the

White Paper corresponded to three main objectives; widen the franchise by eliminating administrative and judicial obstacles; modernize the management of elections by eliminating useless and expensive procedures; and render more practical the exercise of the franchise.

One year after the tabling of the White Paper referred to above, the Deputy Prime Minister and President of Privy Council, Mr. Donald Mazankowski, presented a bill in which one can find the majority of the recommendations contained in the White Paper of June 1986.

Here are a few of the proposals included in Bill C-79:

- Judges appointed by the Federal Government, along with mentally handicapped people would in the future have the right to vote. The special category of "temporary worker" would be abolished.
- Deputy Returning Officers would be appointed from a list supplied by the candidate or representative of the party in power and the Poll Clerks would be appointed from a list supplied by a candidate or representative from a party, other than the governing party having obtained the largest number of votes at the previous election in that electoral district;
- Section 18 of the Act dealing with enumeration and the revision of the electoral lists would be entirely rewritten in order to modify the system of registration and to make the rules easier to understand. The principal modifications would be the following:
 - except for areas which are isolated and designated by the Chief Electoral Officer, in all other rural areas the enumerators would have to go door to door as it is done now in urban areas;
 - the Returning Officer would be in charge of the revision of the urban lists; two revisors would be appointed by the Returning Officer in each revisal district, with one of the revisors being designated by the candidate representing the party in power and the other by the candidate of a party other than the party in power having obtained the greatest number of votes at the preceding election in that election district;
 - the urban revision would take place on the 14th 13th and 12th day, preceding to election day, with a special session being held to add names only on the 3rd day before polling day;
 - central polling places, the offices of the returning officers and the advance polls would be located in buildings which have level access. All ordinary polls should also have level access when it is possible and in cases where it is not possible the returning officer must explain why he could not have a level access for that poll.
- The Special Voting Rules which at present govern voting by the electors of the Armed Forces and of the Federal Public Service, along with their dependants and other persons living with them outside of Canada (along with veteran electors) would be reformulated in order to allow all Canadians living outside Canada along with electors from the Forces to vote at all federal elections and not only at general elections.
- Mobile polls would visit small residences for incapacitated electors, such as nursing homes in order to take the votes of those persons at predetermined hours on polling day;
- Voting by proxy would not be restricted to designated categories of electors, but would be accessible to all persons

having reason to believe that they could not use any of the other voting opportunities including inmates in penal institutions awaiting trial.

- All new political parties would have to find signatures of 10,000 electors, aside from the 100 members presently required, before being able to be registered;
- all parties would have to register their local associations.
- All candidates would have to produce a list of 100 electors on their nomination paper (instead of 25 the way it is now) and a deposit of \$500 (instead of \$200 the way it is now). The deposits would be automatically returned upon reception of the report of election expenses and receipts for income tax not used. The candidate would have until five o'clock on nomination day to officially withdraw his candidature.

The Bill also proposes a number of other reforms: the sale of alcoholic beverages on polling day will be permitted; the rules dealing with controverted elections would now be included in the Canada Elections Act; the publication of results from one time zone to another where the vote is still going on would not be considered as an infraction anymore; an automatic judicial recount would become necessary if there were a maximum of 35 votes (instead of 25 like it is now) between the first and the second candidates.

Given the importance of the proposed changes, the Office of the Chief Electoral Officer hopes that the final modification will become law as soon as possible. In fact, these modifications would have enormous repercussions on the preparations for the next election and the program of training for all returning officers; in early July '88 the bill was presented for second reading but not referred to Committee.

The government House leader, Mr. Doug Lewis, explained that the government wanted to have legislation passed on Free Trade and other bills already introduced and currently at the discussion stage.

Elections at the federal level in Canada are expected in the Fall of this year or in the Spring of '89; the government has until the Fall of '89 to call an election. The three parties represented in the House were almost equal in popularity according to current polls at the time of writing and this makes for a most interesting and active period ahead of us.

Conclusion

There exist a great number of electoral systems and only a few lend themselves to generalizations. The English world, for example, has followed traditions different than those of continental Europe. Countries which were once colonies of Great Britain, including Canada and the United States, have kept the great simplicity of the uninominal majority voting system, often referred to as "first-past-the post-system", while much of the rest of the democratic world seems to prefer some kind of proportional system of representation.

One must remember that an electoral system cannot be well understood unless considered along with the political regime to which it is associated. Laws relating to the fairness of electoral campaigns and the actual voting, the restriction imposed on political parties and on candidates along with the question of responsibility, are all points which have been resolved in different ways in various countries. Nor is it possible for us to give magical answers to questions concerning the exact size of the legislative body or the frequency of elections.□