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# *Election of a Speaker by Secret Ballot: A Milestone for the House of Commons*

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by Audrey O'Brien

*It has been twenty years since the House of Commons first elected its Speaker by secret ballot. This event was a milestone in the evolution of the House of Commons, a process that has been emulated by several other legislatures and one that continues to evolve.*

**T**he *Constitution Act, 1867* requires the House of Commons to elect a Speaker from among its Members at the beginning of every Parliament. Until 1985, Speakers were elected by way of a motion, usually initiated by the Prime Minister, and their selection tended to reflect political affiliations.

The secret ballot innovation had its genesis in the 1980s, when successive reform committees recommended the procedure on the principle that, "the Speaker belongs to the House, not to the Government or the Opposition." In June 1985, the election by secret ballot was finally enshrined in the Standing Orders. The Standing Orders were further amended in 1987 to streamline the process by providing for the elimination from each successive ballot of candidates receiving five percent or less of the total votes cast.

The election of Speaker John Fraser by secret ballot on September 30, 1986 was a protracted affair requiring eleven ballots. On that occasion, Speaker Fraser declared: "This has been a historic vote. For the first time, Members of the House of Commons have elected their Speaker by secret ballot. The process may have changed, but one thing remains the same—the Speaker remains the servant of the House and receives his authority from the Honourable Members."

Speaker Fraser's successor, Speaker Gilbert Parent, was elected in 1994 after six ballots and in 1997 after four ballots. The current Speaker of the House, the Hon. Peter

Milliken, was elected in 2001 after five ballots; acclaimed in 2004 when all other eligible Members declined to run against him; and re-elected after a single ballot in 2006, notwithstanding his affiliation with a party now in opposition.

While cabinet ministers and party leaders are disqualified from candidacy, all other Members are automatically considered candidates for the position of Speaker unless they inform the Clerk of the House in writing, by 6:00 p.m. on the day prior to the election that they do not wish to stand for the office. This has, on occasion, led to the names of unwilling candidates appearing on the first ballot, though such candidates are given the opportunity to withdraw before the second ballot if they garner five percent of the votes cast. In 2004, the House decided to allow all such candidates to withdraw before the first ballot, leading to the acclamation of Speaker Milliken.

There is no formal election campaigning; however, since 2001, candidates may, immediately prior to the first ballot, make introductory speeches of no more than five minutes. This change was recommended by the Special Committee on the Modernization and Improvement of Procedures of the House of Commons to allow all Members, but particularly newly-elected Members, to hear from the candidates in an open forum. The speeches tend to highlight a candidate's strengths as well as any specific goals he or she may wish to pursue. Following the speeches, the House suspends its proceedings for one hour before the election is held.

The Member with the longest period of unbroken service who is neither a Cabinet minister nor a House officer presides over the election of a Speaker. That Member,

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**Speaker Peter Milliken escorted to the Chair by Prime Minister Stephen Harper and Opposition Leader Bill Graham**

styled “Dean of the House”, votes in the election but may not cast an additional ballot in the event of a tie. A carefully-choreographed balloting procedure is followed, with a view to minimizing any doubt as to results. Members proceed one by one to voting booths placed on the Table in front of the Speaker’s chair and ballots are distributed under the supervision of the Clerk of the House. Ballots are counted in secret (and thereafter destroyed) by the Clerk, assisted by three senior Table Officers. The House is suspended during the count.

The Clerk reports the result to the Dean who calls in the Members to hear the results. If no Member has received an absolute majority of the votes cast, a second ballot begins. The name of the candidate who received the least number of votes, together with the name(s) of any candidate who received 5% or less of the ballots cast on the previous round, are removed from the list, and a new ballot

takes place. This procedure continues until a candidate has obtained a majority of votes cast.

The Clerk gives the Dean the name of the winner, but may not divulge the number of votes cast for any candidate. The Dean then announces to the House the name of the Member it has elected.

It is interesting to compare the current Canadian approach to the election of a Speaker with that of other parliaments in the Westminster tradition. In the United Kingdom, for example, a new Speaker is elected at the opening of a new Parliament only if the preceding Parliament’s Speaker is unwilling or unable to continue in office.

The United Kingdom House of Commons, following Canada’s lead, instituted provisions for secret-ballot elections in March 2001, but these would apply only in the absence of a willing incumbent Speaker, and they have not yet been tested. When British MPs eventually elect a Speaker, they will cast secret ballots, as do their Canadian counterparts, in a series of rounds with candidates eliminated until one candidate gains more than half of the votes. The House of Lords, meanwhile, recently instituted a process to elect a Speaker by means of a preferential ballot. This process was used for the first time in June 2006. It should also be noted that since the secret ballot was first used in the House of Commons, most provincial legislatures have also adopted the procedure.

The introduction of the new Canadian voting procedure in 1986 empowered individual MPs, transforming them into independent electors of their Speaker. Commentators have noted that the election confers greater moral authority to the Presiding Officer since all Members must accept some responsibility for the performance in the Chair of their chosen candidate. In the continuing debates on the reform of the democratic process and the independence of Parliament, there is little doubt that many lessons have been learned through the House’s experience with the election of the Speaker, lessons that might serve as guideposts in the continuing evolution of the institution of Parliament.