

# SENATE '99

EXPANDING THE BLUEPRINT  
FOR SENATE REFORM

## FOR THE RECORD: ALBERTA'S 1998 SENATE ELECTION

### INTRODUCTION

"The first action taken by Pierre Elliot Trudeau as prime minister at his inaugural cabinet meeting in 1968 turned out to be prescient. He appointed his first senator...Trudeau told cabinet that despite the appointment, he still favoured Senate reform as promised during the election. As we now know, 30 years later, it never happened. In fact, Trudeau's last action as prime minister 16 years after the cabinet meeting was to leave patronage appointments to the Senate for his successor John Turner. It played a major role in the Liberals' brutal defeat in the 1984 election at the hands of Brian Mulroney and the Progressive Conservatives, who also promised reforms."

From a news article in the CALGARY HERALD, Feb 4/99, Pg. A8.

Such is the story of Senate reform – while many Canadians express commitment to the idea, this “convoy” is not moving very fast. The road to meaningful Senate reform has been long, winding, and full of potholes, and while the debates, discussion, reports, conferences, and scandals have made for some pretty impressive scenery, the destination remains somewhere beyond the horizon. To be sure, the Meech Lake and Charlottetown Accords did propel us further down the road by securing a place for Senate reform on the national agenda, but that scenery too is fading from memory. And if the road were not yet bumpy enough, Ottawa continues to put up roadblocks by refusing to consider any alternatives to the Senate status quo.

In 1998, the Alberta government decided to take up its role again as the pace car on Senate reform by going around the roadblocks and taking a detour. The 1989 *Senatorial Selection Act* was renewed, and Albertans were invited to “hit the gas” by going to the polls in another “rogue” Senate election. This report is the fourth in a series of reports issued by Canada West Foundation exploring the rationale for provincial Senatorial elections and identifying non-constitutional means to advancing reform of Canada’s Senate. The purpose of this report is to provide a brief historical record of Alberta’s second Senate election, and to place that event in context of the larger push for Senate reform.

*Canada West Foundation is a non-profit and non-partisan research institute located in Calgary, Alberta. This research report is the fourth in a series released by the Foundation in conjunction with Alberta's 1998 Senate election. The purpose of this series is to inform Canadians about the Senate, its need for renewal, and how electing Senators at the provincial level can advance Senate reform. This research report was authored by Canada West Foundation Research Analyst Casey Vander Ploeg. Because of the independence given the author in writing this report, the opinions and recommendations expressed within are those of the author only, and do not necessarily reflect the opinions of the Canada West Foundation Council, its members, or donors. Permission is hereby given by the copyright owners for any and all reproduction of this report in its entirety for non-profit and educational purposes.*

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## A BRIEF BACKGROUND

The 1987 Meech Lake Accord was Canada's first attempt to secure Quebec's signature to the 1982 Constitution. Included in the Accord was a provision which committed the Prime Minister to appoint Senators from lists of nominees submitted by the provinces. (For more on the history of Meech Lake and other events surrounding Alberta's two Senate elections, see the *Senate Election Chronology* starting on page 3.) Shortly after the Accord was signed, an Alberta vacancy in the Senate was created with the retirement of its longest-serving member, Senator Donald Cameron. But instead of formulating a list of nominees on his own, former Alberta Premier Don Getty felt that this list should be created by all Albertans in a province-wide election. The *Senatorial Selection Act* was passed in the Alberta Legislature, and Canada's first ever Senate election was held on October 16, 1989. Mr. Stan Waters was the winner of that election. He was appointed eight months later when the Prime Minister had secured assurances that Meech Lake would be voted on in the Legislatures of Newfoundland, New Brunswick, and Manitoba.

With the death of Meech Lake and the failure of its 1992 counterpart – the Charlottetown Accord – the process of appointing Senators through Prime Ministerial fiat was resurrected. Alberta's decision to hold a Senate vote in 1998 was in part a reaction against this practice, but also a response to a litany of embarrassing high-profile scandals that rocked the Senate, starting in January 1997. Two Senators were charged and then subsequently convicted of criminal acts while retaining their seats in the Senate, and then a national uproar ensued after Senatorial attendance records were published in the *Ottawa Citizen* showing a number of Senators almost entirely absent from sittings of the upper house. Capping these events, an Alberta Senate vacancy occurred in late October of 1997. The Alberta government made it known that a Senate election should be held, and communicated this desire to Ottawa. The Prime Minister opted out, and scuttled any notion of an election by quickly appointing a replacement. Armed with an indignant public, the Alberta government renewed its *Senatorial Selection Act* which was destined to expire in December 1999. The government then announced a second Senate vote for October 19, 1998 – with or without a vacancy.

## WHY A SENATE ELECTION?

On one level, Alberta's second Senate election was a clear reaction against continued patronage and some rather scurrilous current events. Between the 1989 and 1998 Senate votes, five Senators for Alberta had been appointed despite numerous requests from the provincial government for elected Senators. With Ottawa so completely wed to the status quo, the feeling was that only a strong provincial initiative could keep the ball rolling on Senate reform – if Albertans had to wait for a vacancy and wait for Ottawa's approval before electing their Senators, Albertans would wait forever. By holding the election first, and then waiting for the inevitable vacancy, the election would issue a clear democratic challenge to Ottawa.

On another level, the election was also intended to highlight the absurdities of the current Senate and make it look even more foolish because the only Senators not allowed to speak on the floor would be those who are elected. The vote was intended to send a message that Albertans are fed up with outdated, ineffective, unequal, and unelected representation in the Senate, and the irresponsibility that this breeds. As such, the election presented an opportunity to engage in a practical alternative to the present selection of Senators and demonstrate popular support for this alternative. The election would show Albertans have found a way to move around this national embarrassment, and the PM needs to give it serious consideration.

But the election was much more than a simple short-term reactive response. It was also a highly proactive, constructive, and imaginative move that fits into a longer-term strategy for Senate reform. Unlike other elections, the Senate vote was not intended to be an open and shut event – it was less an “end” in and of itself and more “a means” to an end:

- 1) The election is perhaps best viewed as another move in the lengthy and complicated chess game of constitutional politics. As the last 30 years of history demonstrate, trying to coax agreement on wholesale constitutional renewal from a group of ten firm-minded premiers and one reluctant Prime Minister does not happen overnight. Movements around the constitutional chess board are a combination of discussion and debate, rational argumentation, political pressure, wheeling and dealing, tradeoffs, and of course, dramatic public gestures like a “rogue” Senate election. The election was designed to fit with other efforts on Senate reform by making the issue more tangible and meaningful in the hearts and minds of Albertans.
- 2) As such, the election was designed to de-stabilize the status quo. Political change never occurs in a vacuum – it only takes place when the inertia of the current system is shaken off in response to a real or perceived crisis. The Senate election was a bold and daring move designed to take a chunk out of the status quo, or at least rattle it.
- 3) Alberta’s Senate election was often derided as “a piecemeal provincial initiative” that was inappropriate to the current debate over the Senate. In other words, Senate reform should occur only when there can be wholesale and formal constitutional change. However, it is precisely through plodding incrementalism – taking things one step at a time – that things seem to get done in Canada. Even with a powerful catalyst, political change rarely occurs at break-neck speed. The Senate election was designed to fit into the *modus operandi* under which all governments work.
- 4) From the beginning, Alberta’s Senate election was intended to serve as a model that other provinces could follow by pointing the way to a Senate that works for all Canadians. If Alberta could successfully elect a Senator and have that person appointed, it would send a strong signal to other provinces that change is in the works and they too can elect their Senators. This is of particular import to British Columbia, which also has legislation providing for the election of Senators in conjunction with provincial general elections. Most important, a successful outcome would signal to Quebec that Canada is indeed capable of changing and improving federalism.
- 5) Finally, the election served as a subtle reminder to Ottawa that it needs to keep in mind the consideration of all Canadians when proceeding on issues of the Constitution and Canadian federalism. In December 1995, almost immediately following the Quebec referendum, Ottawa took several *incremental* and *non-constitutional* steps toward meeting some of Quebec’s historical aspirations within Canada. Through a government sponsored resolution passed in the Commons, Quebec was provided with a *de facto* veto over constitutional change and was also granted distinct society status with respect to the federal Parliament. Later, all provinces would also be given more provincial control over manpower training, a longstanding concern of Quebec. In other words, what could not be achieved for the last 30 years via constitutional negotiation was achieved at the drop of a hat based on the simple political will of the Prime Minister. Surprisingly enough, the same could be done for Senate reform – the Prime Minister could simply agree to appoint only elected Senators, thereby shortening the journey to more meaningful reform in the future.

## SENATE ELECTION CHRONOLOGY

**NOVEMBER 23, 1983:** The Alberta Legislature establishes the [Alberta Select Special Committee on Upper House Reform](#) to “examine the appropriate role, operations, functions and structure of an Upper House in the Canadian federal system.”

**MARCH 27, 1985:** The Alberta Legislature unanimously approves the report of the [Alberta Select Special Committee on Upper House Reform](#) which calls for a “Triple-E” Senate.

**MARCH 10, 1987:** In a second vote, the Alberta Legislature unanimously reaffirms its commitment to a Triple-E Senate.

**APRIL 30, 1987:** The Prime Minister and ten provincial premiers agree to the essentials of a Constitutional Accord arrived at the Prime Minister’s retreat at Meech Lake, Quebec. The Accord makes provisions for the appointment of Senators from lists submitted by the provinces rather than appointment by the Prime Minister alone.

**JUNE 3, 1987:** The [Meech Lake Constitutional Accord](#) is formally signed by the Prime Minister and all ten provincial premiers.

**JUNE 23, 1987:** Quebec is the first province to formally ratify the Meech Lake Accord, setting in motion a three year deadline for ratification in the other nine legislatures and the federal parliament.

**SEPTEMBER 19, 1987:** An Alberta vacancy in the Senate is created by the retirement of Donald Cameron, the Senate’s most senior member. He was appointed in 1955 by then Prime Minister Louis St. Laurent.

**FEBRUARY 17, 1989:** Hon. Jim Horsman, Minister of Federal and Intergovernmental Affairs for Alberta, introduces Bill 1 – [The Senatorial Selection Act](#). The bill allows for the election of Senate nominees. Persons elected under the act will be recommended by the Alberta government to the Prime Minister for appointment to the Senate.

**FEBRUARY 20, 1989:** The Getty government drops the writ for a provincial election, and Bill 1 dies on the order paper.

**MARCH 20, 1989:** The Alberta Conservatives win a sixth term in the Alberta Legislature.

**JUNE 26, 1989:** The Senatorial Selection Act is re-introduced in the Alberta Legislature, this time as Bill 11.

**AUGUST 18, 1989:** The Alberta Senatorial Selection Act is proclaimed by the Lieutenant Governor and becomes law.

**SEPTEMBER 11, 1989:** Alberta government drops the writ for the election of one Senate nominee to fill Alberta's vacancy in the Upper House. The election will be held on October 16, 1989, the same time as province-wide municipal elections.

**OCTOBER 16, 1989:** Stan Waters of the Reform Party wins Alberta's first Senate election with 259,293 votes (41.7% of the popular vote).

**OCTOBER 19, 1989:** Premier Don Getty sends a letter to Prime Minister Brian Mulroney with the names of the six candidates who contested the Senate election and the number of votes each received. He asks the PM to appoint Mr. Waters.

**FEBRUARY 9, 1990:** Still without a response, Premier Getty sends another letter to the Prime Minister again requesting that he appoint Waters to the Senate.

**FEBRUARY 27, 1990:** The PM sends a letter to Premier Getty saying he will appoint a Senator for Alberta in "due course."

**JUNE 4, 1990:** A week-long First Ministers' Conference (FMC) begins in Ottawa to try and break the impasse over the Meech Lake Accord, which must be ratified by June 23, 1990. While the Accord was signed by all ten premiers in 1987, new governments in Manitoba, New Brunswick, and Newfoundland had called for substantial changes to the Accord. Quebec was adamant that no changes or additions be made until Meech was first passed in its original form.

**JUNE 9, 1990:** After a week of intense negotiation, an agreement is reached which seems to pave the way for approval in Manitoba, New Brunswick, and Newfoundland. The agreement calls for triennial aboriginal conferences, a legal opinion on the effects of "distinct society" on the Charter, and a promise to seriously examine and move ahead on the issue of Senate reform.

## RESPONSES TO THE ELECTION

Not surprisingly, the Alberta government's 1998 decision to hold a vote for two special "Senators-Elect" encouraged a robust national debate about Senate reform in general and the election in particular.

### 1. THE FEDERAL GOVERNMENT

From the outset, Ottawa came under pressure to tacitly endorse the election by committing to appoint the winners in the next round of vacancies, and its response was immediate, fierce, and negative. In statements to the media and jousting in the Commons, the Prime Minister referred to the election as "one-third baked" and even "a joke." The government objected by first arguing that the election made no sense because there was no vacancy. This argument was discarded after Senator Forest announced her retirement in the middle of the campaign, after which Ottawa insisted the vote was "unconstitutional" and "undemocratic" because the winners could serve until age 75 without facing the voters again. In addition, Ottawa insisted that the unity agenda should not be "complicated" by adding Senate reform.

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"...we feel that in light of the important discussions taking place on the Calgary Declaration and the issues contained therein, it would not be fruitful to further broaden the unity agenda to include Senate reform, a complex issue on which agreement is far from evident."

**Jean Chretien in a January 12, 1998 letter to Ralph Klein.**

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Ottawa also argued that electing Senators without addressing other issues could entrench current provincial inequalities in the institution. A Senate with democratic legitimacy could exercise its very real powers, but Ontario and Quebec would still dominate. Proponents of the election were clearly aware of this possibility, but countered that the Senate would not be able to forever reject any future changes of representation because the Senate itself has only a six month "suspensive veto" over any constitutional amendments affecting its membership or powers. As such, proponents were willing to take this small risk in an effort to push Senate reform further down the road. This line of reasoning, however, often lost out to more spectacular attacks – such as deriding Alberta for rejecting an elected Senate in the Charlottetown Accord. In other words, "Alberta had its chance."

### 2. FEDERAL OPPOSITION PARTIES

**a) Reform:** In many ways, the Reform Party helped spearhead the initiative by encouraging Premier Klein to call a Senate election, and it was Reform which also led the attack against the federal government's objections. Senate reform has always been a key item on the Reform Party agenda, and it was only natural that the party play a role in the upcoming campaign. Early on, the Reformers released a poll showing 91% of Albertans wanted to elect their next Senator as opposed to having one appointed. The position of Reform was that Senate renewal is important to national unity, and the election was a way for Albertans to provide some leadership on the issue. The Reformers invoked the memory of Stan Waters' victory, and argued that the 1989 election set a precedent that could not be ignored – electing Senators is both legal and constitutional, and when given a chance, Albertans will embrace it with or without the approval of the Prime Minister.

**b) Conservatives:** The Progressive Conservative Party, preoccupied with an upcoming leadership campaign, was relatively quiet during the election. However, several Conservative MPs stated there was no valid constitutional proscription against the PM appointing elected Senators, and leadership hopeful Hugh Segal came out in favour of an elected Senate. Upon assuming the leadership, Joe Clark tacitly acknowledged the election by arguing against the Prime Minister's decision to appoint Senator Doug Roche.

c) **The New Democrats and Bloc Quebecois:** The NDP cast a pox on both sides of the debate by promoting its longstanding position to abolish the Senate. Lorne Nystrom, a long-time advocate of parliamentary reform, teamed up with Liberal backbench MP Roger Gallaway in a campaign for Senate abolition that took them across the country during the summer recess. The pair argued that the \$50 million annual cost of the Senate should be redirected to improve Parliament by increasing the resources of parliamentary committees. The Bloc Quebecois was relatively silent on the issue.

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"Mr. Chretien's appointment of an Alberta Senator was cynical, provocative, and wrong...This controversy has little to do with the qualities of Mr. Douglas Roche, who is a sincere and able person. I regret that he has been used by the Chretien government."

**Conservative leader Joe Clark, CALGARY HERALD, Sept 19/98.**

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### 3. THE ALBERTA GOVERNMENT

By calling the election, the Klein government in no small way reiterated its commitment to Senate reform as a key constitutional concern for the province, but curiously, some of its actions during the campaign seemed at odds with this commitment. The potential vote-splitting results of a Reform-Conservative contest clearly challenged the government, and it eventually played out in such a way that the Alberta PCs decided against fielding a candidate. The government argued that it was the mandate of their party to contest provincial elections only, and the federal Progressive Conservatives should contest the Senate vote. This move certainly served as fodder for the Senate election's opponents, who claimed the government was boycotting its own vote and also led the media to speculate about the government's commitment to Senate reform. However, the Alberta government did not retreat entirely from the campaign. First, the Premier continually urged the Prime Minister to accept the advice of the Alberta electorate when appointing Senators. Second, he did react in no small way against the Senate appointment made in the middle of the campaign. Third, the Premier took the opportunity to invite Alberta's six sitting Senators to resign and contest the election.

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"It's a tremendous disregard for the political process. In fact, it's a slap in the face for democracy...If the Prime Minister is really serious about reform, perhaps he should tell Canadians what that is instead of slapping Albertans in the face...It's not about tinkering..."

**Ralph Klein on the appointment of Doug Roche, CALGARY SUN, Sept 18/98.**

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### 4. THE ALBERTA OPPOSITION

Before the election was called and immediately following the October 1997 Senate vacancy, the media reported that the Official Opposition in the Alberta Legislature was encouraging the Premier to ask the Prime Minister to appoint an elected Alberta Senator. When the PM refused, the Opposition backed off. When the election was called, both minority parties opted not to participate.

a) **Liberals:** In March 1987, the Alberta Liberal Party introduced into the Legislature a resolution supporting the Triple-E Senate. Two years later, the party also enthusiastically participated in Alberta's first Senate election which saw their candidate achieve a respected second place finish. But in 1998, the Liberals argued that the election was flawed because there was no Alberta vacancy. When a seat did become vacant, the Liberal caucus reviewed this position, but ultimately decided against fielding a candidate because the PM had indicated he would not respect the outcome. As a result, the Liberals described the election as a "waste of time", a "waste of tax dollars", "meaningless", and "impotent." The election was further described as a "Reform-driven" initiative. Because of its stance, Alberta's Official Opposition came under the spotlight of the media, which questioned whether the party was taking "marching orders" from Ottawa.

**JUNE 11, 1990:** Stan Waters is appointed to the Senate, but only after Premier Getty agrees not to hold any more Senate elections for at least five years while the nation examines Senate reform. The Prime Minister is quoted as saying "The agreement signed in Ottawa on June 9 is an important step in accelerating the process of Senate reform. The extraordinary procedure by which Mr. Waters was selected was also intended to advance the cause of Senate reform, which is why I believe it is important that this unique appointment be made."

**JUNE 23, 1990:** Meech Lake dies when procedural technicalities prevent a vote in the Manitoba Legislature, and Newfoundland refuses to hold a vote in response to "unacceptable tactics" by Ottawa.

**JULY 27, 1990:** The British Columbia Legislature approves the BC Senatorial Selection Act which provides for the election of provincial Senate nominees.

**AUGUST 30, 1990:** With the Senate threatening to stall the government's GST legislation, Prime Minister Mulroney begins plans to create a Conservative majority in the Senate by filling Senate vacancies for various provinces across Canada. At this time, the PM appoints four PC loyalists.

**SEPTEMBER 7, 1990:** Another two PC Senators are appointed.

**SEPTEMBER 12, 1990:** Another two PC Senators are appointed.

**SEPTEMBER 23, 1990:** Another five PC Senators are appointed.

**SEPTEMBER 27, 1990:** Alberta Senator Martha Bielish announces her retirement, and Walter Twinn is immediately appointed as a replacement. With no vacancies left and the Liberals still in control of the Senate, the PM resorts to Section 26 of the Constitution, which allows the Senate to be expanded from 104 to 112 members. This is the first time in Canadian history that this obscure constitutional power is employed. Eight Conservative Senators are appointed under Section 26.

**SEPTEMBER 25, 1991:** After just one year in office, cancer claims the life of Senator Stan Waters.

**JULY 7, 1992:** An agreement is reached between Ottawa and the nine premiers of the English-speaking provinces on a constitutional offer with which to present Quebec. The agreement includes a reformed Senate.

**AUGUST 28, 1992:** A final agreement – the Charlottetown Accord – is reached between Ottawa, Quebec, and the other nine provinces. The Senate will be elected and have equal representation from each province, but is virtually stripped of its effectiveness.

**OCTOBER 26, 1992:** A referendum on the Charlottetown Accord fails to earn the support of a majority of Canadians. The Accord is rejected by a majority of voters in British Columbia, Alberta, Saskatchewan, Manitoba, Quebec, and Nova Scotia.

**MARCH 25, 1993:** Ron Ghitter, a former Alberta MLA and 1985 Alberta PC leadership hopeful, is appointed to fill the vacancy created by the death of Senator Stan Waters.

**MARCH 7, 1996:** Former Alberta MLA and Liberal leader Nick Taylor is appointed to the Senate. He fills the vacancy created by Senator Bud Olson, who becomes Alberta's new Lieutenant-Governor.

**MAY 15, 1996:** Jean Forest is appointed to fill the Alberta seat vacated by Senator Earl Hastings.

**JANUARY 24, 1997:** Senator Eric Bernston (Saskatchewan) steps down as PC deputy caucus leader after being charged with fraud.

**FEBRUARY 27, 1997:** Hon. Stephane Dion, Federal Intergovernmental Affairs Minister, says the Senate should be "abolished."

**MARCH 20, 1997:** The Federal Conservatives add Senate reform to their election platform. Terms would be held to 10 years and appointments would come from provincial lists.

**MAY 26, 1997:** An appeal to the Supreme Court seeking a new trial for Senator Michel Cogger on charges of influence peddling begins. Senator Cogger was originally acquitted in 1993, a decision that was later upheld by the Quebec

**b) New Democrats:** While the Alberta New Democrats have never argued strenuously for Senate reform, the party's MLAs did vote in favour of the Triple-E idea in two separate resolutions of the Alberta Legislature. But in 1998, the Alberta NDs argued that the election was a sham – electing Senators without addressing the representation issue would simply create a photocopy of the House of Commons. The NDs questioned why resources would be put into a Senate election when there was a democratic deficit in Alberta with unelected regional health authorities and the government's own refusal to hold a province-wide vote on the VLT issue.

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"Real reform of the the Canadian Senate involves three E's - equal, effective and elected. Alberta Liberals are sticking to their support for a Triple-E Senate rather than backing down in order to support a Single-E Senate..."

Liberal leader Nancy Macbeth's News Release, July 9/98.

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## 5. ALBERTA SENATORS

The present Senate has few substantial defenders outside its own walls, and the reaction of Alberta's current Senators was hardly unexpected. Most were in agreement that the Senate should be elected, but they were also quick to point out it should not be done "this way" or at "this time." Many took the opportunity to point out that most Senators are capable and do a good job. Senator Dan Hays argued that the election was simply "showbiz" and did not consider proportional representation or questions of Senate powers and regional balance. Senator Ron Ghitter argued that elections would force Senators to vote the "party line" but later "vowed" to resign if the Prime Minister would commit to appointing the winner. Senator Nick Taylor – whose work as an Alberta MLA helped frame the original *Alberta Senatorial Selection Act* – initially supported the idea but later backed off. In his maiden speech in the Senate, Senator Doug Roche also argued against the election.

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"[The] Senator-in-waiting concept is supported by Alberta Liberal Senator Nick Taylor... [who said]...It could be fairly effective and would certainly put some heat on. It's a pressure step on both the premiers and the Prime Minister."

Senator Nick Taylor in the CALGARY HERALD, Dec 18/97.

"Both Taylor and Ghitter replied Klein's Senators-in-waiting elections are the wrong way to go about reforming the Senate and will have no impact..."

Quotation from an article in the CALGARY HERALD, June 2/98.

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## 6. THE COURTS

The Courts provided an interesting sideshow throughout the campaign. While the judiciary is clearly detached from the Canadian electoral process, they did find themselves drawn into the debate on several different fronts. First, candidate Bert Brown and the *Canadian Committee for a Triple-E Senate* sought a court declaration that the practice of appointing Senators was contrary to the democratic principles of the Constitution. The Alberta Court of Queen's Bench refused, stating that Brown did not have the legal standing to seek such a declaration. Secondly, when a Senate seat opened in the middle of the campaign, the Reform Party sought an injunction in Federal Court against the Prime Minister appointing a replacement before the vote could be held. Again, the Court refused the injunction, arguing that the matter was a political decision and not a legal one. In a third instance, the Courts were asked by independent candidate Guy Desrosiers to issue an injunction against independent candidate Vance Gough. Desrosiers argued that Gough was not a "real" independent and should be disqualified since he had contested the Reform Party nomination. The Court refused to issue the injunction.

## 7. THE OTHER PROVINCES

The reaction of Canadians in other provinces varied, ranging from a shrug to modest applause to benign amusement. As with all new and innovative ideas, the meaning and purpose of the election were not readily apparent, so it was no surprise that some viewed it as another "fruit-loop" idea from Alberta. This sentiment was perhaps expressed best by Manitoba Premier Gary Filmon, who was quick to dismiss the election as "foolish." However, there were indications that the election did have sympathizers outside the province. A Marktrend Research poll conducted after the election was called showed that 84% of British Columbians wanted to elect their next Senator. A scan of the letters section in major newspapers also demonstrated a cadre of Canadians outside Alberta congratulating the initiative and saying they wish they could do the same.

"If the province of Alberta feels it has been 'slapped' in the face by recent appointments to the Senate, it may be forgiven for harbouring such feelings...I think Alberta is the only province willing to bell the cat that is becoming a symbol of the fat-cat patronage plum. Though Alberta did the right thing by trying to elect Senators, its efforts go nowhere thanks to the lagging behind of political thought in other provinces."

Letter from Ottawa, ON in the GLOBE and MAIL, Sept 23/98.

"Many of us agree that Senate reform is needed, but let us do it through our federally elected representatives. Mr. Klein, contact your MP, give him your views on the matter or see if you can get people to write letters to their MPs. Lead a couple of marches if you can get a group together..."

Letter from Chester Basin, NS in the GLOBE and MAIL, Sept 23/98.

## 8. THE MEDIA

With most political events, the media is never really an uninvolved bystander simply reporting events – it is also a key player helping shape the events through editorial comment and the op-ed pages. From the outset of the Senate election, the media engaged in a vigorous debate over the merits of such a vote. A cursory review of the headlines indicate they were also concerned with gauging the level of voter interest in the campaign. At times, a striking similarity to the 1989 election emerged.

### • 1989 HEADLINES •

- "Little interest in Senate election" LAC LA BICHE POST, Oct 3/89.
- "Senate election a ho-hum issue" EDMONTON SUN, Oct 12/89.
- "Senate election useless" MERIDIAN BOOSTER, Aug 23/89.
- "Senate election a yawner" EDMONTON SUN, Oct 8/89.

### • 1998 HEADLINES •

- "Interest lacking in Senate election" CALGARY SUN, Aug 10/98.
- "The Senate reform that isn't" GLOBE and MAIL, May 25/98.
- "One-horse Senate race ho-hum" CALGARY HERALD, Sept 5/98.
- "Senate vote misses point" GLOBE and MAIL, May 25/98.

If the election failed to capture the imagination of the media in the beginning, the Forest vacancy and Ottawa's decision to appoint a replacement sparked interest and provided grist for the editorial pages. At this point, numerous media commentators and editorial boards came out in favour of the election process and urged the Prime Minister to delay an appointment until the voters of Alberta had taken the opportunity to make their choice. When the appointment was announced, few media commentators felt compelled to defend the decision, although it was widely recognized that disdain over the appointment process must be kept separate from any discussion over the calibre of the individual chosen.

Court of Appeal.

**JULY 10, 1997:** In a unanimous decision, the Supreme Court overturns Senator Cogger's acquittal on influence peddling and orders a new trial.

**SEPTEMBER 22, 1997:** A news story in the Ottawa Citizen about truant Senators sets off a firestorm across the country. About one-fifth of all Senators have attended less than half of the sittings and several Senators rarely attend.

**OCTOBER 20, 1997:** Senator Eric Bernston's preliminary hearing into fraud and breach of trust charges begins in Regina.

**OCTOBER 26, 1997:** Alberta PC Convention votes to renew the province's Senatorial Selection Act, which is destined to lapse on December 31, 1999.

**OCTOBER 30, 1997:** Alberta Senator Walter Twinn passes away after suffering a heart attack.

**NOVEMBER 4, 1997:** Premier Ralph Klein writes to the Prime Minister and expresses Alberta's desire to elect its next Senator.

**NOVEMBER 5, 1997:** Prime Minister Jean Chretien tells the Commons he will not appoint an elected Senator from Alberta.

**NOVEMBER 7, 1997:** Senator Bernston's preliminary hearing results in the decision for a trial on charges of fraud and breach of trust.

**NOVEMBER 13, 1997:** Financial Post editorial supports the idea of electing Senators.

**NOVEMBER 19, 1997:** Bert Brown, Chairman of the Canadian Committee for a Triple-E Senate, files for a declaration from the Alberta Court of Queen's Bench that appointing Senators is "contrary to the democratic principles of the Constitution."

**NOVEMBER 19, 1997:** One of the Senate's most truant members, Andrew Thompson, is expelled from the Liberal caucus by Prime Minister Chretien.

**NOVEMBER 24, 1997:** A memo leaked to the Ottawa Citizen describes a public relations campaign for Senators to deflect criticism of the Upper House.

**NOVEMBER 26, 1997:** Thelma Chalifoux is appointed to the Senate

as the replacement for Senator Walter Twinn.

**DECEMBER 16, 1997:** In a bid to respond to the truancy scandal, the Senate reprimands Senator Andrew Thompson by removing his office and secretarial support.

**JANUARY 12, 1998:** Prime Minister Jean Chretien writes a letter to Premier Ralph Klein saying why he will not appoint elected Senators.

**FEBRUARY 11, 1998:** The Senate decides Andrew Thompson must show for the sitting starting on February 18 to explain his absences or face further discipline.

**FEBRUARY 14, 1998:** Globe and Mail editorial suggests abolishing the Senate and Canada's ties to the monarchy.

**FEBRUARY 19, 1998:** Andrew Thompson fails to show, and is found in contempt. A Senate with only half of its members in attendance suspends Thompson (52 votes for suspension versus 1 against) for the rest of the sitting without pay. This is the first time in Canadian history a Senator is suspended.

**FEBRUARY 24, 1998:** Senator Ron Ghitter says he will resign his seat in the Senate to create an opening for an elected Senator from Alberta, but only if the Prime Minister agrees to first appoint an elected Senator.

**MARCH 4, 1998:** Premier Klein takes a plan to the Alberta PC caucus for the election of four Senators in conjunction with the October municipal elections.

**MARCH 5, 1998:** The caucus agrees to the plan but stipulates that only two Senators will be elected. Senator Ron Ghitter reiterates his pledge to resign if the PM agrees to appoint an elected Senator. The Reform Party unveils an Environics poll which shows 91% of Albertans favour electing their next Senator as opposed to having one appointed.

**MARCH 6, 1998:** Prime Minister Chretien appoints three Senators, and comes under fire from the Reform Opposition who say the appointments are "the height of arrogance" and that the PM is trying to "bully Albertans" into not electing their own Senators. The Prime Minister is also attacked by the Opposition who claim one of the appointments – Senator Ross Fitzpatrick of British Columbia – is a friend and business associate of the Prime Minister. A Calgary Herald

While the media was virtually unanimous in refusing to defend the Senate status quo, unanimity ended on that point as comment on the election itself split along three separate and distinct tracks:

- a) **The Abolitionists:** Some argued that the Senate should simply be abolished because of the lack of progress on the issue, a lack of consensus across the country on the shape and degree of reforms needed, and the slim chance for any meaningful reform given the vested interests attached to the institution. It was also mentioned that an elected and effective Senate would add another regional dimension to national policy-making, causing provinces and the federal parliament to trip over each other. It was better to rely on other checks such as the Charter of Rights and the Supreme Court. For these commentators, the election was denounced as a waste of time and tax dollars.
- b) **The Critics:** A second group of media commentators advocated Senate reform as a policy option, but could not square that goal with the election circle. As such, the process was described as a negative incrementalism that threatened the credibility of Senate reform and the interests of Western Canada. Creating an elected Senate without addressing the representation issue could well marginalize the West's representation in the upper house, not to mention the implications of electing individuals to a position where retirement was mandated at 75 years of age. It was also argued that the Alberta government had no authority to elect Senators, and it was simply "playing politics with tax dollars." As a result, these commentators argued that the government should follow through with Senate reform by initiating the traditional process of a formal constitutional amendment. Others argued that the whole issue should be put on the backburner as Senate reform was not currently a burning issue for Albertans.
- c) **The Advocates:** A third cadre of media commentators came out in favour of both Senate reform and the election as a way to further that reform. For these commentators, reaction to the election ranged from a cautious optimism to unbridled enthusiasm. These individuals argued that in light of recent scandals plaguing the Senate, the election was a credible response from Alberta that should be taken seriously, and the Prime Minister could create goodwill in the province by respecting the vote and promising to seat the winners. While it was realized that the election did have problems, it was seen as a building block for a more comprehensive strategy in the future. These commentators berated political parties who decided to ignore the vote, and argued that holding an election was the only way to move ahead given the current environment.

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• ABOLITIONISTS •

- "Away with the Senate and our ties to the monarchy" GLOBE and MAIL, Feb 14/98.  
"It makes more sense to abolish the Senate" CALGARY HERALD, Aug 3/98.  
"A blueprint for disbanding the Senate" GLOBE and MAIL, June 23/98.

• CRITCS •

- "Alberta plays silly senators-in-waiting game..." CALGARY HERALD, May 2/98.  
"Senator vote filled with dubious assumptions" CALGARY HERALD, Oct 14/98.  
"No short cuts to a new Senate" GLOBE and MAIL, Sept 1/98.

• ADVOCATES •

- "Alberta's elected Senate idea worth a sober second look" FINANCIAL POST, Nov 13/97.  
"Chretien should seat elected Senators" CALGARY HERALD, March 4/98.  
"Let Albertans choose Senators" FINANCIAL POST, Sept 4/98.
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## 9. WHAT DID ALBERTANS THINK?

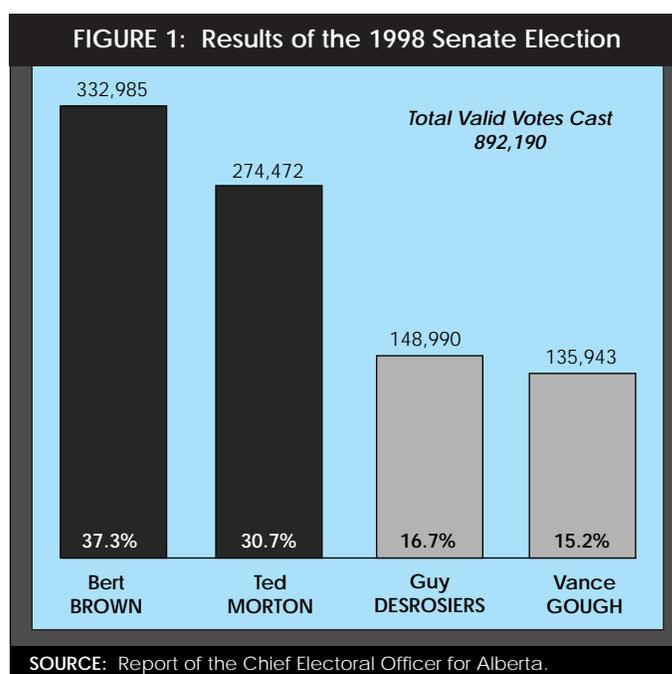
Among Albertans themselves, the response was somewhat mixed – some felt the time was ripe while others felt the election could well be a waste of time. Polling conducted by Canada West Foundation for its research on Senate reform (before the Forest resignation and the Roche appointment) showed that 78% of Albertans supported the idea of an election to send a message on Senate reform, and 83% felt the Prime Minister should respect the outcome by appointing the winners. This support registered deeply throughout the province, and included all types of Albertans regardless of their partisan preferences and other demographic characteristics.

On the other hand, almost half of Albertans polled felt the election could well be a waste of time in the sense that it was not altogether clear whether the Prime Minister would take the advice of the Alberta electorate when making the next appointment. In other words, most Albertans clearly saw the election as “a gamble” that could advance Senate reform but also set it back. In short, Albertans were optimistically cautious about the election, not because they disagreed with its intended purpose, but primarily because of their suspicions about what the Prime Minister would do, a suspicion that became more clear after the appointment of Senator Doug Roche in the middle of the campaign.

## RESULTS OF THE 1998 SENATE ELECTION

Four candidates contested Alberta’s 1998 Senate election. Two of the candidates – Bert Brown of Kathryn and Ted Morton of Calgary – were nominated on September 12 to represent the Reform Party. The other two – Guy Desrosiers of Edmonton and Vance Gough of Airdrie – contested the election as independent candidates. Because no other organized party was fielding candidates, the Reform nomination meeting was opened to all Albertans whether they were a member of the Reform Party, another party, or no party at all. Approximately 1,000 Albertans accepted the invitation to cast ballots for seven individuals contesting the nomination. In the Senate election itself, held October 19, 1998, just under 900,000 votes were cast for the two Senator-Elect positions (**Figure 1**).

- 1) *Bert Brown* emerged as the most popular choice of Albertans, capturing slightly more than one-third (37%) of all the votes cast;
- 2) *Ted Morton* ran second capturing slightly less than one-third of all votes;
- 3) The two independents, *Guy Desrosiers* and *Vance Gough*, collected another one-third of the votes. *Guy Desrosiers* earned almost 17% and *Vance Gough* another 15%.



editorial comes out in favour of the idea of electing Senators.

**MARCH 9, 1998:** In the House of Commons, the Prime Minister says “Albertans blew it” when they voted against the Senate reform package in the Charlottetown Accord.

**MARCH 10, 1998:** Editorial in the *Ottawa Citizen* comes out in favour of electing Senators.

**MARCH 12, 1998:** Canada West Foundation releases a study on how Senators can be elected at the provincial level to advance Senate reform.

**MARCH 14, 1998:** Editorial in the *Edmonton Journal* supports the Alberta Senate vote.

**MARCH 21, 1998:** *Globe and Mail* editorial criticizes Alberta’s plan to elect Senate nominees.

**APRIL 2, 1998:** Alberta Intergovernmental and Aboriginal Affairs Minister Hon. David Hancock introduces Bill 40, a series of amendments to the *Alberta Senatorial Selection Act* to provide for Senate elections with or without a formal Senate vacancy.

**APRIL 20, 1998:** Reform Party leader Preston Manning delivers a two hour speech on Senate reform in the House of Commons.

**APRIL 21, 1998:** An Alberta government Cabinet committee says the election may be postponed due to logistical constraints.

**APRIL 23, 1998:** Alberta Cabinet committee okays a Senate election for October, but says the two Senators should not be paid a salary or be provided with a formal job description.

**APRIL 28, 1998:** The Alberta government invokes closure on Bill 40 to ensure that the amendments are passed in time for an October vote.

**APRIL 29, 1998:** Bill 40 is voted on and approved by the Alberta Legislature.

**APRIL 30, 1998:** Alberta PC Caucus formally approves the idea of holding an election for two Senators in October, and provides \$3 million to

reimburse municipalities for the cost of conducting the election.

**MAY 4, 1998:** The Alberta Justice Minister, Hon. Jon Havelock, invites Alberta's six Senators to retire. A Marktrend Research poll shows 84% of British Columbians want to elect their next Senator.

**MAY 11, 1998:** An Angus Reid poll conducted for the Globe and Mail and CTV shows 43% of Canadians want a reformed Senate, 41% want it abolished, and only 11% support the status quo of appointment.

**MAY 14, 1998:** The Alberta government releases eligibility details and spending restrictions on campaigns for Senator. An editorial in the Edmonton Journal supports the Senate election.

**MAY 25, 1998:** An editorial in the Globe and Mail criticizes Alberta's plan to elect Senators.

**MAY 27, 1998:** University of Calgary Political Science professor Ted Morton announces his intention to seek the candidacy of the Reform Party for the Senate election.

**JUNE 2, 1998:** Senator Michel Cogger is convicted of influence-peddling, and is fined \$3,300, placed on one year probation, and ordered to complete 120 hours of community service.

**JUNE 9, 1998:** The Senate approves increased fines for truant Senators. Reports in the media suggest that the Reform Party may be the only party fielding candidates in the Senate election.

**JUNE 10, 1998:** Prime Minister Chretien appoints five more Senators.

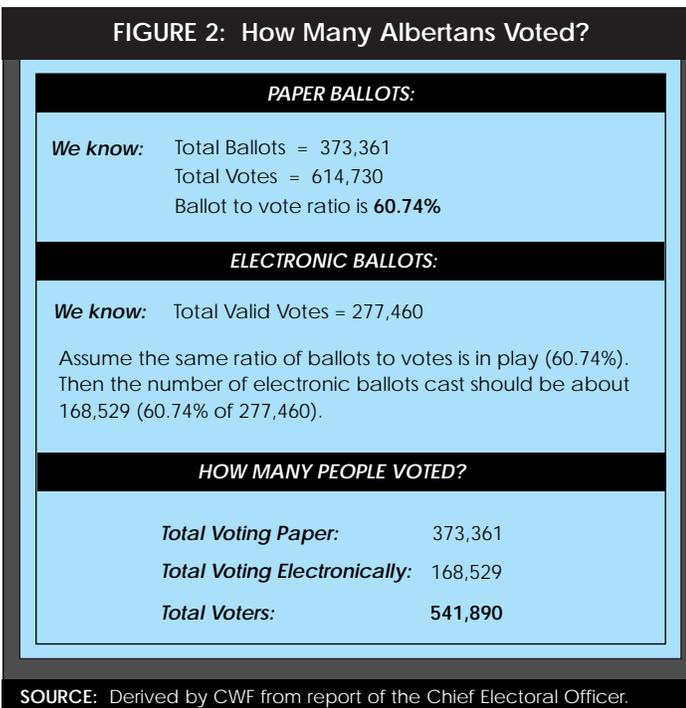
**JUNE 11, 1998:** Liberal and NDP MPs Roger Gallaway and Lorne Nystrom begin a campaign to abolish the Senate by the year 2000.

**JUNE, 18 1998:** On the last day of sitting prior to the Summer recess, the Senate wraps up one of its most scandal-ridden sessions ever by voting for a pay raise that will total \$43,000 per Senator over the next four years.

**JUNE 22, 1998:** Long-time Senate reform advocate Bert Brown announces his intention to seek a

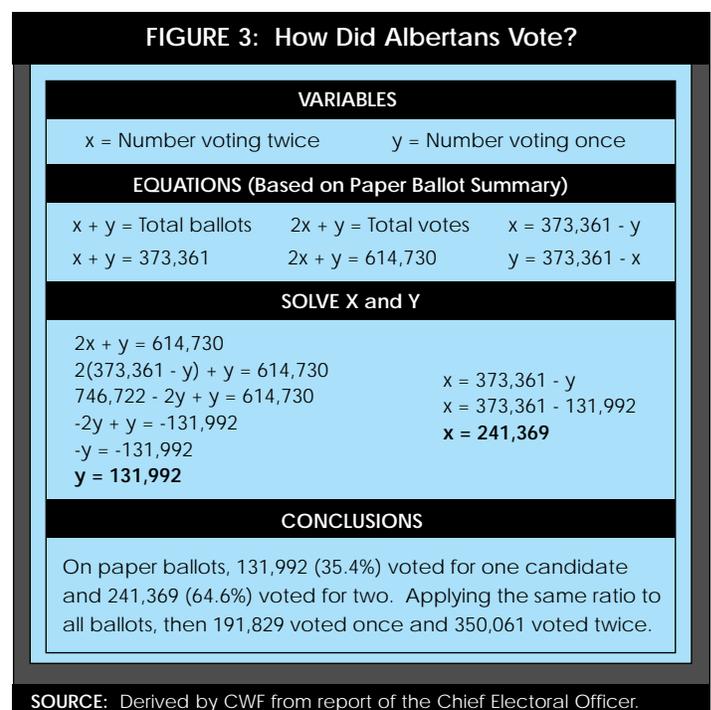
## ESTIMATING THE VOTER TURNOUT

It is generally acknowledged that voter turnout in the 1998 Senate election was lower than the 1989 election, but arriving at a precise figure is difficult. First, people could vote for up to two candidates, so the number of *votes* (900,000) does not equal the number of *voters*. Second, there is no readily available list of eligible voters for the province because municipalities conducted the election. Third, some communities issued only one "electronic" ballot for all the elections (mayor, aldermen, school board, Senate, etc.) as opposed to numerous paper ones, and a separate ballot count for the Senate vote was not made available to the Chief Electoral Office for these ballots. Yet despite these difficulties, we can *approximate* the voter turnout by employing a few assumptions (**Figure 2**).



The report of the Chief Electoral Officer is split into two sections, with the first showing the number of votes produced by "paper" ballots and the second showing the number of votes produced by an unknown number of "electronic" ballots. The report shows 373,361 "paper" ballots produced 614,730 votes, a ratio of about 60.74%. Since there is no reason for this ratio to *significantly* differ with an "electronic" count, the province-wide vote total (892,190) likely came from about 542,000 Albertans.

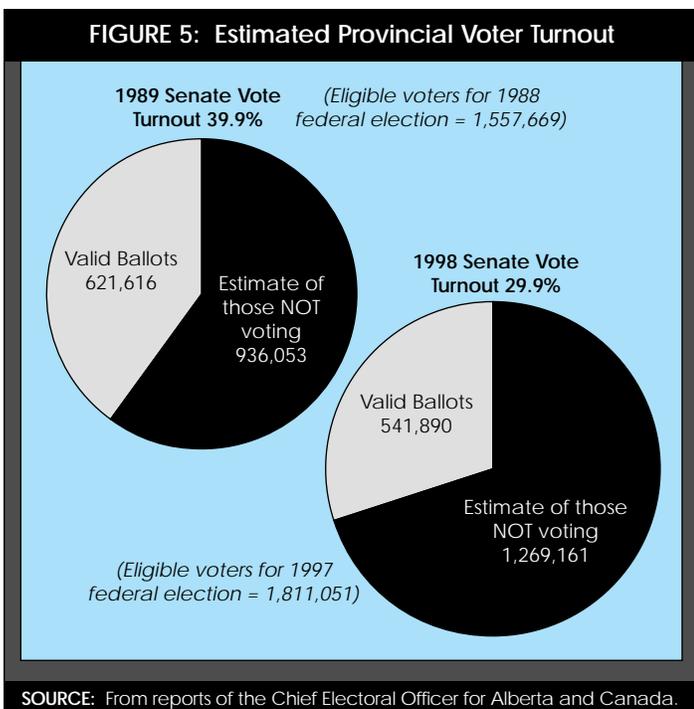
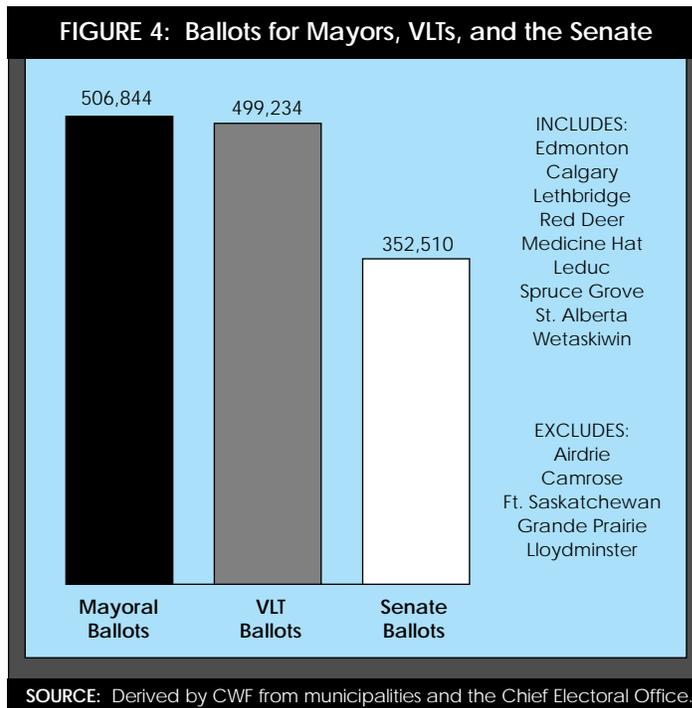
Uncovering how many people voted for one Senator and how many voted for two is a more difficult enterprise, but algebra can help here (**Figure 3**). Since we have both the number of ballots and the votes for the "paper" voting, we can create and then solve several algebraic equations which show that about one-third of Albertans voted once and two-thirds voted twice. By applying this ratio to the "electronic" ballots and the province as a whole, we can estimate that of the 541,890 voters, about 350,000 voted twice and 192,00 voted once.



## IMPLICATIONS OF THE VOTER TURNOUT

With a reasonable estimate of the actual number of voters, we can explore in more detail the voter turnout for the Senate election, and any potential implications. The first level of analysis is to simply compare the number of people voting in the Senate race to the number voting for mayoralty candidates and the VLT question. **Figure 4** shows the results for the nine Alberta cities – out of 14 registered cities in total – which held votes on all three questions. (Airdrie and Grande Prairie did not hold a VLT referendum and Camrose, Ft. Saskatchewan, and Lloydminster did not hold mayoralty votes.)

The mayoralty races were the strongest draw, capturing a ballot count of just under 507,000. The VLT question attracted somewhat fewer voters, a surprise given the media’s focus on the battle over VLTs. The Senate race captured just over 352,500 ballots in the nine cities. Our analysis confirms that the number of Senate ballots cast was lower than the number cast for mayors and VLTs. In sum, about 70% of Albertans who turned out to vote for a mayor or to cast a ballot on the VLT issue, also took the time to vote for a Senator.



**Figure 5** provides an estimate of the voter turnout across Alberta in percentage terms for both the 1989 and the 1998 Senate election. Because there is no provincial electoral list for municipal elections, this percentage is based on the number of ballots cast divided by the number of eligible voters in the 1988 and 1997 federal elections held one year before both Senate votes. The 1989 election had a turnout of just under 40% while the 1998 voter turnout was about 30%.

Reform Party nomination for the Senate election.

**JUNE 23, 1998:** Alberta PC Caucus will not field candidates in the Senate election, saying it is their role to contest provincial elections only and provincial Conservatives have been welcomed to vote in the Reform nomination. They add that the federal PCs should field two candidates.

**JULY 2, 1998:** Barbara Waters, the widow of the late Senator Stan Waters, announces her intentions to seek a Reform Party nomination for the Senate election.

**JULY 4, 1998:** Hon. Stephane Dion (Federal Intergovernmental Affairs Minister) criticizes Alberta’s Senate election saying the absence of Senate reform does not threaten national unity.

**JULY 7, 1998:** Courts reject an appeal by Senator Michel Cogger for a discharge which would erase his criminal conviction.

**JULY 9, 1998:** Editorial in the *Calgary Herald* calls on Senator Michel Cogger to resign.

**JULY 9, 1998:** Nancy Macbeth, leader of the Alberta Liberals, says they will not field a candidate in the Senate election, arguing that it is “meaningless” and “expensive” and will entrench the “status quo.”

**JULY 10, 1998:** Editorial in the *Calgary Sun* calls for Senator Michel Cogger’s resignation.

**JULY 27, 1998:** Maverick Calgary politician Jan Brown suggests she may contest the Senate election as an independent candidate.

**JULY 29, 1998:** The Alberta Court of Queen’s Bench refuses Bert Brown’s request for a declaration that the practice of appointing Senators is against “democratic principles” of the Constitution. Brown vows to appeal.

**AUGUST 1, 1998:** Pearson International Airport in Toronto announces that Senators will lose free parking privileges.

**AUGUST 5, 1998:** Guy Desrosiers of Edmonton announces he will run in the Senate election as an independent candidate.

**AUGUST 7, 1998:** Senator Michel Cogger launches an appeal of his

conviction and \$3,300 fine in the Quebec Court of Appeal.

**AUGUST 12, 1998:** News reports indicate the federal government is spending \$1.4 million to build a special tunnel linking the East Block on Parliament Hill to the Senate entrance so Senators will not have to walk outside during the winter months.

**AUGUST 20, 1998:** Barbara Waters drops out of the Reform nomination, citing health reasons.

**AUGUST 24, 1998:** A *Calgary Herald* editorial argues that the 1998 Senate election is the “only game in town” and must not be seen as a one-party campaign.

**AUGUST 26, 1998:** Senator Michel Cogger is granted the right to appeal his recent conviction and sentence on influence-peddling charges.

**AUGUST 28, 1998:** Alberta Senate election attracts national attention as Alberta Senator Jean Forest announces her retirement effective immediately.

**AUGUST 28, 1998:** Premier Ralph Klein writes to Prime Minister Jean Chretien and urges him to “hold off on filling the Alberta Senate vacancy until Albertans have had the opportunity to voice their democratic choice in the upcoming Senate nominee election.”

**AUGUST 28, 1998:** The Reform Party goes to federal Court seeking an injunction preventing the Prime Minister from appointing a Senator for Alberta.

**SEPTEMBER 1, 1998:** The Federal Court refuses to issue an injunction, saying it is a “political” matter not a “legal” one. An editorial in the *Globe and Mail* again criticizes Alberta’s Senate election.

**SEPTEMBER 2, 1998:** Reform party files an appeal to the Federal Court decision. As well, the Canada West Foundation releases the results of a poll showing 83% of Albertans believe the Prime Minister should appoint the winners of Alberta’s upcoming Senate election.

**SEPTEMBER 3, 1998:** The Alberta Liberal Caucus announces it had reconsidered running a candidate given the retirement of Senator

**Figure 6** provides a regional break-out of voter turnout for the mayoralty races, the VLT question, and the Senate vote in Alberta’s five largest cities, and the turnout for the Senate vote in the rest of Alberta. The mayoralty races drew the largest group of voters in each city, but voter turnout did vary. For example, about 35% of eligible voters turned out to vote for the mayor in Edmonton, while 66% turned out in Medicine Hat.

**FIGURE 6: Estimated Provincial Voter Turnout by Region**

	Mayoral Ballots	VLT Ballots	Senate Ballots
Calgary	45.6%	45.3%	35.1%
Edmonton	34.6%	33.6%	21.3%
Lethbridge	46.1%	45.1%	31.3%
Red Deer	35.8%	35.7%	26.1%
Medicine Hat	65.5%	64.2%	37.5%
Rural Alberta	N/A	N/A	31.7%

NOTE: Figures are estimates only since the precise number of eligible voters in each community is not readily available.

Figures for the five cities are based on voting results and an estimate of eligible voters provided by each city. Results for rural Alberta are based on the Senate results as reported by the Chief Electoral Office and an estimate of eligible voters obtained by subtracting the eligible voters in the cities from the total number of eligible voters at the 1997 federal election.

SOURCE: Derived by CWF from municipalities and the Chief Electoral Office.

The voting over VLTs took second place in terms of voter turnout in each of the cities, but again, the range varied. More VLT ballots were cast in cities that also had a relatively high turnout for the mayoralty contest. In terms of the Senate race, voter turnout was highest in southern Alberta (Calgary, Medicine Hat, Lethbridge) and lower in the northern cities of Edmonton and Red Deer. Turnout in rural Alberta was slightly above average, with 32% of voters there casting a ballot in the Senate election.

## UNDERSTANDING THE VOTER TURNOUT

Across Alberta, 70% of those who voted for mayors and VLTs also cast ballots in the Senate election, although this number was higher in some cities than others. There are two ways to interpret this finding. On the one hand, this 70% represents a very large number of votes and a large number of voters – about a million in the first instance and over half a million in the second. On the other hand, the number of Senate ballots is still lower than that for mayors, VLTs, and the 1989 Senate election. To better understand this result, it must be placed in context with the uniqueness of the Senate election and how the campaign itself developed:

- 1) **A Non-Traditional Election:** The notion of holding a vote for a position that is not open now but will open in the future is an idea very different than a traditional election. In many ways, the Senate vote was as much a “means to an end” as an “end in and of itself.” This presented a significant challenge in terms of public understanding and the level of voter participation. Indeed, a vigorous public debate over the merits of the election began before the writ was even dropped, and while this may have served to raise interest for some voters, it likely created some confusion for others.
- 2) **A Senate “By-Election”:** If the vote for mayor is equivalent to choosing a premier or prime minister in a general election, and if the VLT plebiscites were a highly contentious referendum, then the Senate vote was clearly a “by-election” in the sense that neither a government nor literally hundreds of millions of dollars were at stake. Just as by-election turnouts are usually lower than those for a general election, the Senate vote drew less voters than the mayoralty races or VLT question.

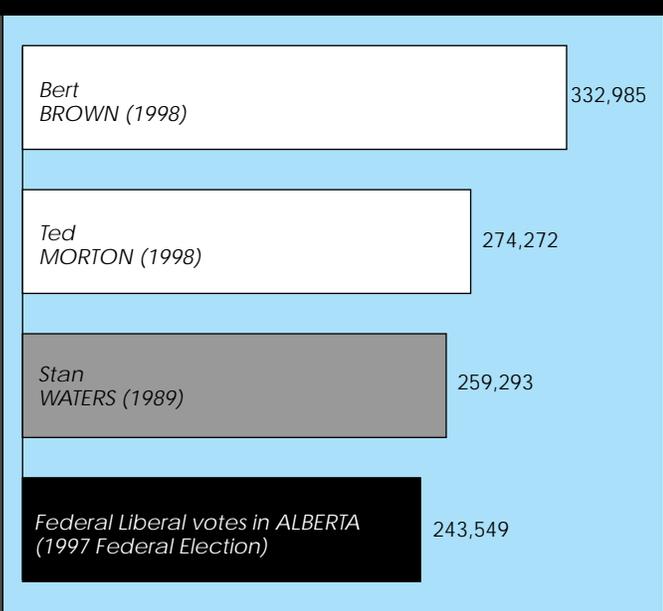
- 3) **Lack of Partisanship:** The Senate campaign lacked the elements of partisanship which produce a highly competitive race and whip up electoral fever. As a result, voters were denied the useful party labels that help when registering a political preference, and the media was denied the opportunity to produce its “horserace” analogies. Earlier polling by Canada West showed enthusiasm for the election, but many Albertans were simply not provided with a candidate whom they could easily cheer and support. The effects of this dynamic are demonstrated by the turnouts in Edmonton and Calgary. If Calgary is arguably more “pro-Reform” and Edmonton less so, it is not surprising that voter turnout was lower in the capital given that only Reform was squaring off against the two independent candidates.
- 4) **A Senate Appointment:** Finally, the appointment of Senator Doug Roche in the middle of the campaign obviously impacted voter turnout. On the one hand, the appointment did raise the ire of many Albertans and likely convinced some to vote, but it also served to confirm the suspicions of others that the vote was a “waste of time.”

"The fact that somewhere around half a million Albertans voted when only one party was running candidates, when there was no hope the winners would make it to Ottawa soon (or ever), and when there was no offensive national-unity package to drive a protest vote, proves Albertans still care about reforming the Rusty Chamber..." **Lorne Gunter, EDMONTON JOURNAL, Oct 23/98.**

## A DEMOCRATIC MANDATE?

A low voter turnout has led some to question whether the two Senators-Elect really possess a strong democratic mandate. There are a number of ways to answer this question, with the most obvious being that the winners clearly have more votes than any existing Senator. In addition, all elections – whether hotly contested or coolly settled by acclamation – are valid. Democracy is not just about winners and losers, it is also about process and choice. Every voter had the chance to vote just as every party had the chance to field candidates. Not voting or not fielding candidates does not invalidate an election – it only ensures that you concede it. What candidate for public office is denied that office because of a lack of challengers or a low voter turnout?

**FIGURE 7: Votes Received in Different Electoral Contests**



SOURCE: Derived from the Chief Electoral Officer for Alberta and Canada.

If a “large” mandate is separated from a “small” one simply by the number of votes received, then the two Senators-Elect do possess a respectable mandate if not a large one (**Figure 7**). In fact, their mandate is larger than that of Stan Waters in 1989 and also larger than that earned by the Liberal Party in Alberta at the 1997 federal election. If 243,000 votes is enough to elect two federal Cabinet ministers from Alberta, then 332,000 and 274,000 votes should be enough to elect a Senator from the province.

Forest, but says the original decision not to field a candidate stands.

**SEPTEMBER 4, 1998:** Editorial in the *Financial Post* supports Alberta’s decision to elect Senate nominees.

**SEPTEMBER 12, 1998:** Ted Morton and Bert Brown win the nomination to run for the Reform Party in the upcoming Senate election.

**SEPTEMBER 16, 1998:** Prime Minister Chretien writes to Premier Klein stating he will appoint a Senator for Alberta. When asked if he thought the Alberta election was a joke, Chretien responded with “of course.”

**SEPTEMBER 17, 1998:** Prime Minister Chretien appoints Doug Roche as Alberta’s new Senator. Premier Klein responds angrily by saying it is a “tremendous disregard for the political process...in fact, it’s a slap in the face for democracy...if the Prime Minister is really serious about that reform, perhaps he should tell Canadians what that is instead of slapping Albertans in the face.” He added that “The Prime Minister of this country is saying that democracy is a joke.” As part of his response, Premier Klein sends a strongly worded letter to the Prime Minister. The letter asks the PM if he really does support Senate reform, and if so, when Canadians can expect to see some meaningful change.

**SEPTEMBER 18, 1998:** Reaction to the Senate appointment continues – the *Calgary Herald* states “We are all Mocked” while the *Calgary Sun* describes it as “Chretien’s Contempt.” Federal PC hopeful Joe Clark describes the appointment as “cynical, provocative, and wrong” while *Calgary Herald* columnist Don Martin prophesies that the “Prime Minister won’t be quickly forgiven in Alberta.”

**SEPTEMBER 20, 1998:** Calgary Mayor Al Duerr and Edmonton counterpart Bill Smith declare support for electing Senators.

**SEPTEMBER 21, 1998:** Federal Parliament resumes sitting after the Summer recess. Senate candidate Guy Desrosiers seeks an injunction in Court of Queen’s Bench preventing Vance Gough from contesting the election. Desrosiers argues Gough should be disqualified

because he is not a “real” independent having lost the Reform Party nomination.

**SEPTEMBER 23, 1998:** In a meeting with Reform leader Preston Manning, Senator Roche outlines a plan to promote Senate reform. Manning rejects the offer, saying Senator Roche should have refused the appointment and sought election in the upcoming Senate vote.

**SEPTEMBER 23, 1998:** Canada West Foundation releases the first comprehensive report ever on public opinion in Canada and Alberta on the issue of Senate reform.

**SEPTEMBER 24, 1998:** Deputy Prime Minister Herb Gray denounces Alberta’s Senate election saying it is “undemocratic.” The Senate moves to restrict public access to its attendance records.

**SEPTEMBER 25, 1998:** Senator Ron Ghitter demands an apology from the Reform Party concerning a letter sent out to 31,000 households to raise money for the party’s Senate election efforts. Mr. Ghitter takes issue with remarks in the letter attributed to him.

**SEPTEMBER 26, 1998:** *Calgary Herald* editorial argues that the Senate status quo is dead and the Prime Minister is out of step with public opinion on the Senate.

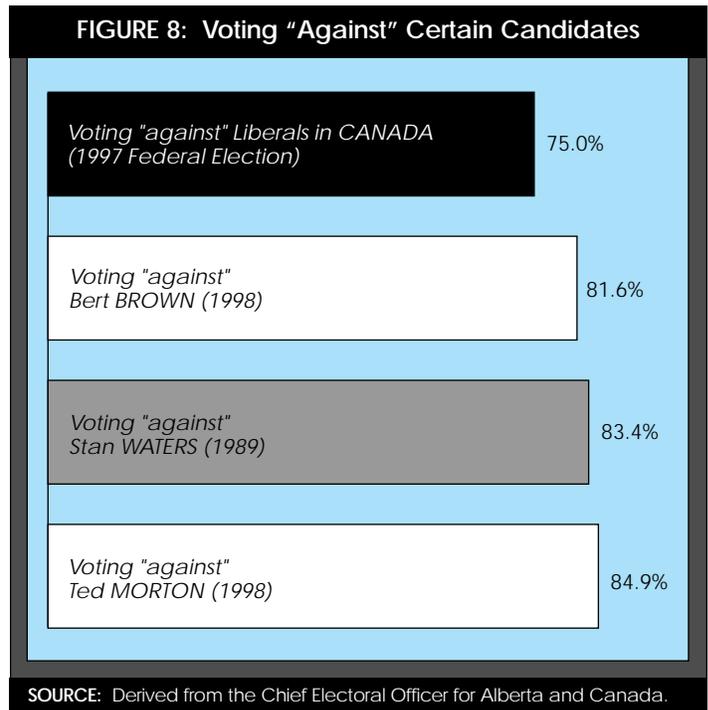
**SEPTEMBER 30, 1998:** Court of Queen’s Bench denies Desrosiers’ injunction and states Vance Gough is free to contest the election.

**OCTOBER 1, 1998:** Reform Leader Preston Manning says there is no need to apologize to Senator Ghitter.

**OCTOBER 1, 1998:** Senator Doug Roche delivers his maiden speech in the Senate, saying Alberta’s election is unconstitutional, that it betrays Alberta’s interests, and that most Albertans oppose the vote.

**OCTOBER 3, 1998:** Premier Ralph Klein sends an angry letter to Senator Roche saying he was “concerned that a Senator from Alberta would use his maiden speech to damage his province’s national reputation with disparaging and inaccurate remarks.” He added that “perhaps if Alberta’s Senators were elected, they could be relied upon to promote Alberta’s interests rather than unfairly damage our reputation on the national stage.”

Those questioning the mandate earned by Alberta’s two Senators-Elect rightly point to the fact that they do not represent a majority of Albertans. In other words, more Albertans stayed home or voted against the winners, than went out and voted for the winners. **Figure 8** helps us examine this logic by comparing the percentage of voters who did **not** endorse the two winners of Alberta’s 1998 Senate vote with the percentage of voters who also failed to endorse certain candidates in other electoral contests.



The surprising reality showed by **Figure 8** is that Canada’s electoral system allows the federal Liberal Party to form a government on the **expressed** approval of only 25% of all Canadian voters. In other words, 75% of voters cast a ballot for someone else or stayed home. The mandate for Alberta’s two Senators-Elect is very similar – about 80% of Albertans did not directly express approval for the first place winner of the 1998 Senate vote. The point is obvious: If an **entire** government can be formed based on the express approval of only 25% of all voters, it is highly illogical – if not hypocritical – to argue against appointing **one lone** Senator because his or her mandate is only marginally smaller.

While voters could register two preferences in the Senate vote and only one in the other contests, this does not invalidate the comparisons. Every electoral contest is impacted by the election system being used, and the fact remains that 332,985 individual Albertans cast a choice for the winner of the election as either a first or second preference. In this unique contest, both first and second votes carry identical weight in calculating the final vote tally – a second preference vote is **not** worth less than a first preference vote. In short, questioning whether the Senators-Elect possess a mandate takes us down a path that is best avoided – such thinking only makes sense in those rare circumstances when democratic sensibilities are clearly undermined, for example, by a breach of the rules.

## **AFTER THE ELECTION: A RECENT POLL**

Following the vote, Canada West commissioned a public opinion survey of 770 Albertans (accurate within 3.5% points 19 times out of 20) to determine the level of interest in the election and to uncover any significant trends in the voting dynamics. The survey was conducted by ACCORD Research of Calgary. A number of things are worth mentioning before we assess the findings of the survey. First, like all post-election surveys, a much higher proportion of respondents (52%) said they had voted than was the case (30%). There are a number of reasons why post-election polls often register this inaccuracy, with one of the most important being that people who vote are more likely to participate in a survey and some people who did not vote tend not to admit this fact. Secondly, only about 40% of all survey respondents could recall the individual candidate for whom they voted. This is not surprising either, given that a number of respondents did not vote when they said they did, and most voters tend to choose a specific “party” as opposed to an individual “candidate.”

Like any election survey, one of the more interesting thought experiments is to build a profile of the person most likely to have participated in the vote (**Figure 9**). With regards to the 1998 Senate election, however, the traditional characteristics by which a voting populace is divided yielded very few clues for a profile. In fact, the data show that levels of income, education, and gender played virtually no role in one's likelihood to cast a vote. The only characteristic that set apart those who voted from those who did not was age – older Albertans were more likely to have voted than younger Albertans. Only 38% of those aged 18-24 said they had voted, while almost 60% of those aged over 65 said they had voted. Length of residency in the province was not a factor.

**FIGURE 9: Voting Likelihood by Various Demographic Characteristics**

Income and Age		Gender and Education		Length of Residency in Alberta	
	% Voting		% Voting		% Voting
Less than \$30,000	54.0%	Male	51.1%	1 Year or Less	50.0%
\$30,000 to \$50,000	51.7%	Female	53.3%	1-3 Years	42.1%
\$50,000 to \$70,000	55.3%	High School or Less High School Some Post Completed Post	58.8% 51.9% 54.9% 48.1%	4-6 Years	30.8%
More than \$70,000	47.6%			7 Years or More	53.2%
18-24 Years Old	37.7%				
25-44 Years Old	50.3%				
45-64 Years Old	55.4%				
65 Years and Up	58.7%				

**NOTE:** These results are based on 402 of 770 individuals (52.2%) who said they had voted in the 1998 Senate election.

**SOURCE:** Derived by CWF from ACCORD Research's 1998 public opinion survey.

Not surprisingly, political partisanship played a much larger role in one's likelihood to participate in the election (**Figure 10**). With regards to federal parties, those respondents who said they favoured the Reform and Progressive Conservative parties were more likely to say they had voted (71% and 58%). Supporters of the Liberal and NDP parties were less likely to have voted (about 30%) Provincially, almost two-thirds of respondents who favoured the Progressive Conservatives said they voted, while this fell to about 30% for supporters of the Alberta Liberal and ND parties.

**FIGURE 10: Level of Voting and Partisanship**

Stated Party Support	% Saying They Voted	Left-Right Spectrum	% Saying They Voted
<b>Federal Parties</b>		<b>Left</b>	
Liberal	31.3%	1	33.3%
Conservative	57.6%	2	16.7%
Reform	71.1%	3	32.7%
NDP	30.0%	<b>Centre</b>	4
All Others	42.5%		
<b>Provincial Parties</b>		5	52.0%
Liberal	31.9%	6	59.9%
Conservative	64.8%	7	69.6%
NDP	26.2%	<b>Right</b>	7
All Others	49.6%		

**SOURCE:** Derived by CWF from ACCORD Research's 1998 public opinion survey.

Another question asked survey respondents to grade themselves on a scale of one to seven where one indicated they were politically "left" and seven indicated they were politically "right." The results show an increase in voting participation as the scale moves from "left" to "right." These findings are interesting, but they must be placed in context. Because an earlier survey conducted by Canada West showed Albertans of all partisan stripes in favour of a Senate vote, the unique way in which the campaign unfolded did impact voter turnout.

**OCTOBER 5, 1998:** Editorial in the *Calgary Herald* criticizes Senator Roche's maiden speech in the Senate.  
**OCTOBER 7, 1998:** Canada West Foundation releases second Senate research report on why Senate reform is necessary for Canadian federalism and national unity. *Globe and Mail* editorial defends the appointment of Doug Roche.

**OCTOBER 8, 1998:** Radio talk show host Dave Rutherford broadcasts live from Parliament Hill to present the Prime Minister with 6,500 names registered with the "Fight Back" campaign against Senate appointments sponsored by the *Calgary Sun*, *Edmonton Sun*, and *QR77 Radio*.

**OCTOBER 9, 1998:** Senate candidates wrap-up a set of week-long forums held across the province.

**OCTOBER 14, 1998:** The Senate proposes to spend \$3.3 million in a public relations campaign to convince Canadians that the Upper House does have its merits.

**OCTOBER 14, 1998:** Senator Doug Roche writes the Prime Minister stating his intention to begin a program exploring Senate reform around the Triple-E model envisioned in the Charlottetown Accord. He commits to organizing a seminar on the issue and to promote the results to provincial and territorial governments.

**OCTOBER 18, 1998:** A televised debate among the four Senate candidates airs across the province.

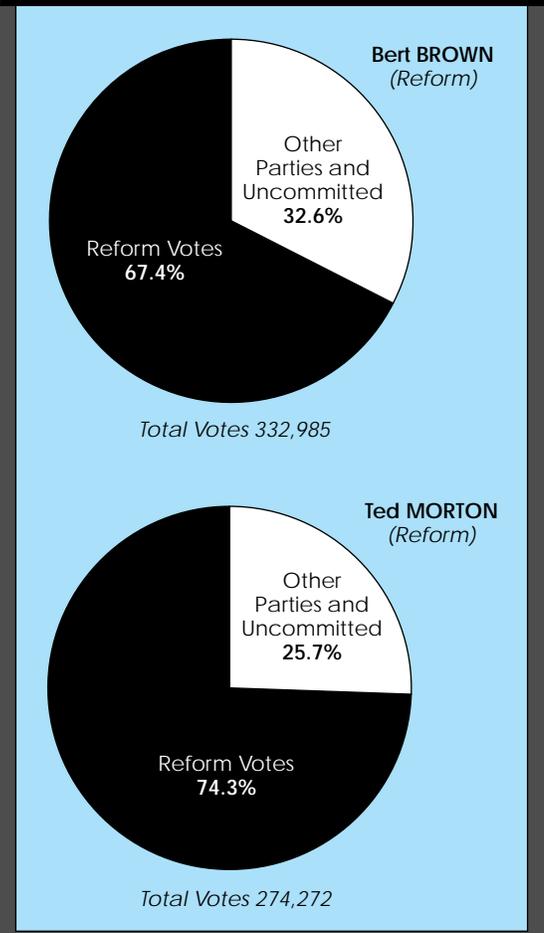
**OCTOBER 19, 1998:** Almost 900,000 votes are cast in Alberta's second Senate election. Reform Party candidates Bert Brown and Ted Morton are declared elected with 332,985 votes and 274,190 votes respectively.

**OCTOBER 20, 1998:** Senator Ron Ghitler files a \$1.5 million lawsuit against a Reform MP and two Reform aides over their Alberta fundraising letter.

**FEBRUARY 25, 1999:** Senator Eric Bernston is found innocent of breach of trust, but is convicted of fraud.

**MARCH 16, 1999:** Senator Eric

FIGURE 11: A Non-Partisan Result?



SOURCE: Derived from ACCORD Research's 1998 survey.

## A NON-PARTISAN OUTCOME?

Finally, it is very interesting to take a closer look at the roughly 40% of respondents who could recall the candidate for whom they voted. By cross-referencing this data with respondents' own answers about their federal partisanship, one can draw a partisan profile of support behind the two winning candidates. The results appear in **Figure 11**.

The first place winner, Bert Brown, won the election with 332,985 votes. By superimposing the results of the survey on Brown's total vote count, it appears that only two-thirds of his votes came from actual Reform Party supporters – the other one-third came from voters who said they support other federal parties. The same dynamic also plays out for the second place winner, Ted Morton. About one-quarter of Morton's total vote count came from voters who said they do not support the Reform Party.

The refusal of the Liberal, Conservative, and ND parties to field candidates in the Senate vote did dampen interest and participation among their own supporters, thus ensuring a Reform Party victory. But the refusal of these parties to field candidates seems to have had an unintended side-effect as well. Because their own supporters (and potential supporters) were denied an opportunity to vote for "their" candidate, some clearly opted to cast a ballot for the two Reformers. In other words, the parties who refused to participate did not simply allow Reform to win by "default" – some of their own supporters helped to ensure the Reform victory. As a result, the two winners of Alberta's Senate election are arguably quite different than the winners of federal and provincial elections – they can make the point that a good portion of their support rests on voters aside from their own namesake.

## CONCLUSION

As the *Senate Election Chronology* shows, Alberta's Senate vote was no dull affair, whether it was Senator Ron Ghitter's conditional vow to resign, Senator Michel Cogger's conviction of influence peddling, a hastily approved pay raise for Senators, the construction of a \$1.4 million tunnel, a \$3.3 million "public relations" campaign, or a hasty Senate appointment. Yet despite all that has occurred, the curtain has not yet fallen on this drama.

Much of the ending rests in the hands of the Prime Minister, who has been placed in a political box. An appointment in the middle of a campaign is one thing, but now the election is a *fait accompli*. The PM's options are few – he can either appoint the winner to the next vacancy or ignore half a million voters. Neither alternative may be attractive, but the two choices were created by the Prime Minister himself whose hostility to the very idea of electing Senators created the crisis in the first place, and is now feeding a drama that could have so easily been downplayed with a simple willingness to seriously consider the idea.

With that said, the election still runs the risk of landing with a dull thud instead of being the bold move that advances Senate reform further up the political beach-head. At any rate, the status quo has been clearly rattled, and the sentiments of a spurned electorate carry some very long-term implications that will continue to bubble under the surface. ■

## THE ROLE OF CANADA WEST FOUNDATION

Throughout Alberta's Senate election process, the Canada West Foundation committed itself to conducting independent research and engaging in public awareness activities to highlight the need for Senate reform and demonstrate how electing Senate nominees at the provincial level can advance renewal of the Upper House.

During the election, Canada West published two informative research reports discussing the rationale for Senate reform and why Senators should be elected at the provincial level. A third report examined the public opinion dynamics surrounding this important issue. The Foundation also produced a special Guide for Voters which was distributed across the province. Canada West then partnered with numerous educational and non-profit organizations across Alberta to sponsor a set of all candidates forums on Senate reform, culminating in a televised all-candidates debate broadcast across Alberta. Following the election, the Foundation is producing two more research reports, of which this is the first.

For 20 years, the Foundation has urged Canadians to consider how an elected, equal, and effective Senate would benefit Canadian federalism and national unity by fully integrating Canada's regions into the national decision-making process in a positive and constructive way.