

September 19, 1978

MEMORANDUM TO THE PRIME MINISTER

FROM: Tom Axworthy
SUBJECT: Prairie precedents for the initiative,
referendum and recall

Background

- 1) During our Winnipeg trip, the point was made that the above three instruments of direct democracy are incompatible with parliamentary democracy. Precedents do, however, exist; all four Western provinces, prior to 1920, passed legislation on the initiative and referendum and Alberta enacted legislation on the recall in 1936. This memo is the result of a quick search of my files and I can do more detailed work if you like.
- 2) South Dakota in 1898 was the first American state to adopt the initiative and recall and by 1911 a total of 19 states had followed suit. These instruments of direct democracy became central to the platforms of the various populist and agrarian reform movements which were sweeping the American mid-West and Canadian prairies in the early years of the 20th century. The Grain growers associations, United Farmers and Non-Partisan Leagues were all active proponents of the idea in the Canadian West and these organizations exerted a substantial influence on the Liberal parties of the day. A Direct Legislative League was even formed in Manitoba in 1911.

The Initiative and Referendum

- 3) Between 1912-1919 Liberal governments in each of the four Western provinces passed initiative and referendum proposals (Scott in Saskatchewan in 1912, Sifton in Alberta in 1913, Norris in Manitoba in 1916, and Oliver in B.C. in 1919). The details of the various schemes

were similar; with the exception of money bills, provincial legislation could be subject to a referendum if the requisite number of electors signed a petition (10% of the provincial voters in Alberta; 5% in Saskatchewan); an initiative required a larger petition (8% of the total votes in Saskatchewan and 20% in Alberta) and such measures had to be certified by the Attorney General as being within the constitutional power of the province; if petitions succeeded in placing an issue on the ballot, voting could take place either during a provincial election or on a special day.

- 4) The results of the experiment were not, however, too hopeful. The Imperial Privy Council ruled the Manitoba legislation ultra vires in 1919; in Alberta the provisions was never utilized by the citizenry; the B.C. legislation was passed but never proclaimed; and the Saskatchewan legislature repealed its own act in 1913. The Saskatchewan story is the most interesting. The Liberal government of Walter Scott soon began to feel uneasy about their own invention. They decided to hold a referendum on their own referendum and initiative bill (using direct democracy on direct democracy). The government decided that in order for the bill to become a permanent part of the Saskatchewan machinery of government, 30% of the eligible voters would have to be in favor. In a special election in 1913 the measure passed by 26,000 to 5,000, but this only represented 16% of the total electorate and the legislature repealed the act.

The Recall

- 5) The United Farmers of Alberta and the Progressive Party favored constituency recall or delegate democracy. If elected, a member had to submit a resignation to his constituency executive, but such traditions were never law. The first recall bill in the British Commonwealth was passed in Alberta in April, 1936 as one of the first acts of the Aberhart government; a member had to resign his seat in a recall petition bearing 66 2/3 of the names of the voters list (in the US the usual percentage was 10% to 30%). The act was repealed in October 1937 just when a petition to recall Aberhart himself was getting near the two-thirds mark (Aberhart's seat was Okotoks-High River, so Joe Clark has not been alone in having difficulty with his High River constituents).