



Protecting Democracy



or

Those boring parts of the charter
no one talks about

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Democratic Rights

What are
Democratic Rights?



Section 3



3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

We the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article 1.

Section 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of thirty Years, and seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and including Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall direct. The Number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative, and each Enumeration shall be made, the first of New England shall be entitled to three, Massachusetts eight, Rhode Island and Provisional Colonies one, Connecticut five, New York six, New Jersey five, Pennsylvania eight, Delaware one, Maryland one, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Electors in that State shall fill the Writs of Election to fill such Vacancies. The House of Representatives shall choose their Speaker and other Officers, and shall have the sole Power of Impeachment.

Section 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for a Term of six Years, and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided into equally as many Classes as there shall be in the Number of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Term of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided. The Senate shall choose their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside. And no Person shall be convicted without the Concurrence of two thirds of the Members present.



The
Parliament
of
Henry
II

VOTES FOR WOMEN



NEWS BULLETIN

INSTANBUL, TURKEY, — FOR THE FIRST TIME IN TURKISH HISTORY WOMEN WILL VOTE AND BE ELIGIBLE FOR ELECTION TO PUBLIC OFFICE IN THE GENERAL ELECTION WHICH TAKES PLACE THIS WEEK.

THE NEW YORK TIMES
PUBLISHED DAILY
NO. 100 NASSAU ST. N.Y. CITY
EST. 1851

S. J. R.



The Bearer, whose photograph and specimen of signature appear hereon, has been duly registered in compliance with the provisions of Order-in-Council P. C. 117.

Vancouver
(Date) March 12 1941.

JAPANESE NATIONAL

Issuing
Officer

W. H. Sibley

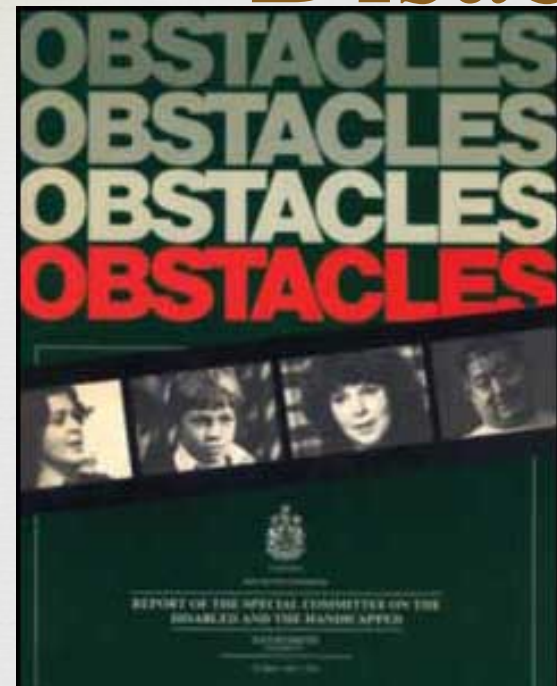
INSPECTOR J. C. M. P.



3. Every *citizen* of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.



Disabilities and the Vote



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Electors with Disabilities

(.asx (ASL))

In provincial elections, you can choose from six different ways to mark your ballot. Please read the following pages to determine which method is best for you:

1. Scent Reduced Marker
2. Braille Controller with Audio
3. Sip and Puff with Audio
4. Paddles with Audio
5. Braille Instruction Sheet
6. With a friend

Other Accommodations

Elections NB will also provide the following Accommodations:

- Level Access Polling Stations
- Voting by Special Ballot
- Pocket Talker
- Magnifying Glasses
- Visual Language Interpreter

Prisoners: *Sauvé v. Canada* (2002)

52 When the facade of rhetoric is stripped away, little is left of the government's claim about punishment other than that **criminals are people who have broken society's norms and may therefore be denounced and punished as the government sees fit, even to the point of removing fundamental constitutional rights.** Yet, the right to punish and to denounce, however important, is constitutionally constrained. It cannot be used to write entire rights out of the Constitution, it cannot be arbitrary, and it must serve the constitutionally recognized goals of sentencing.

Youth voting



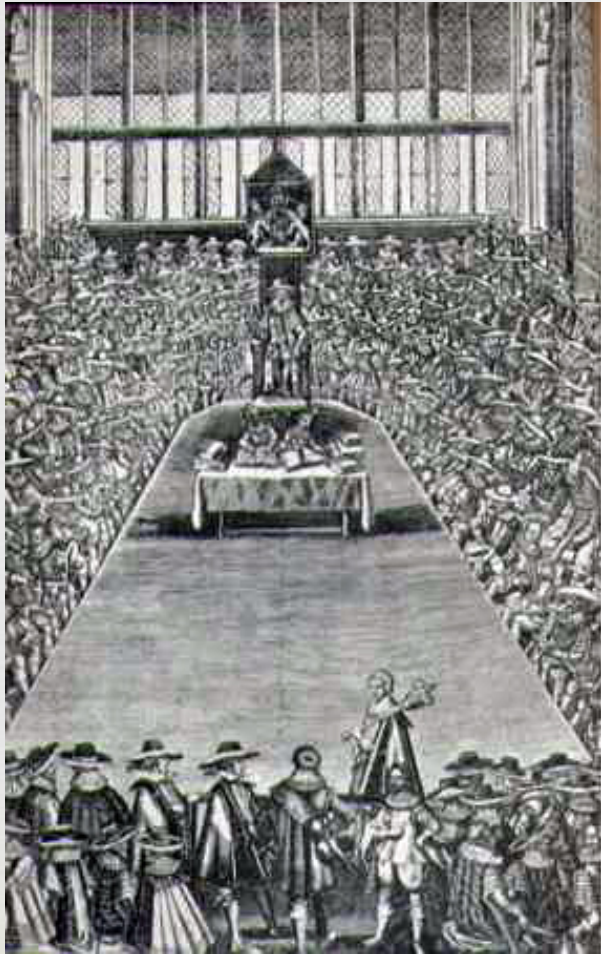
Sections 4 and 5

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

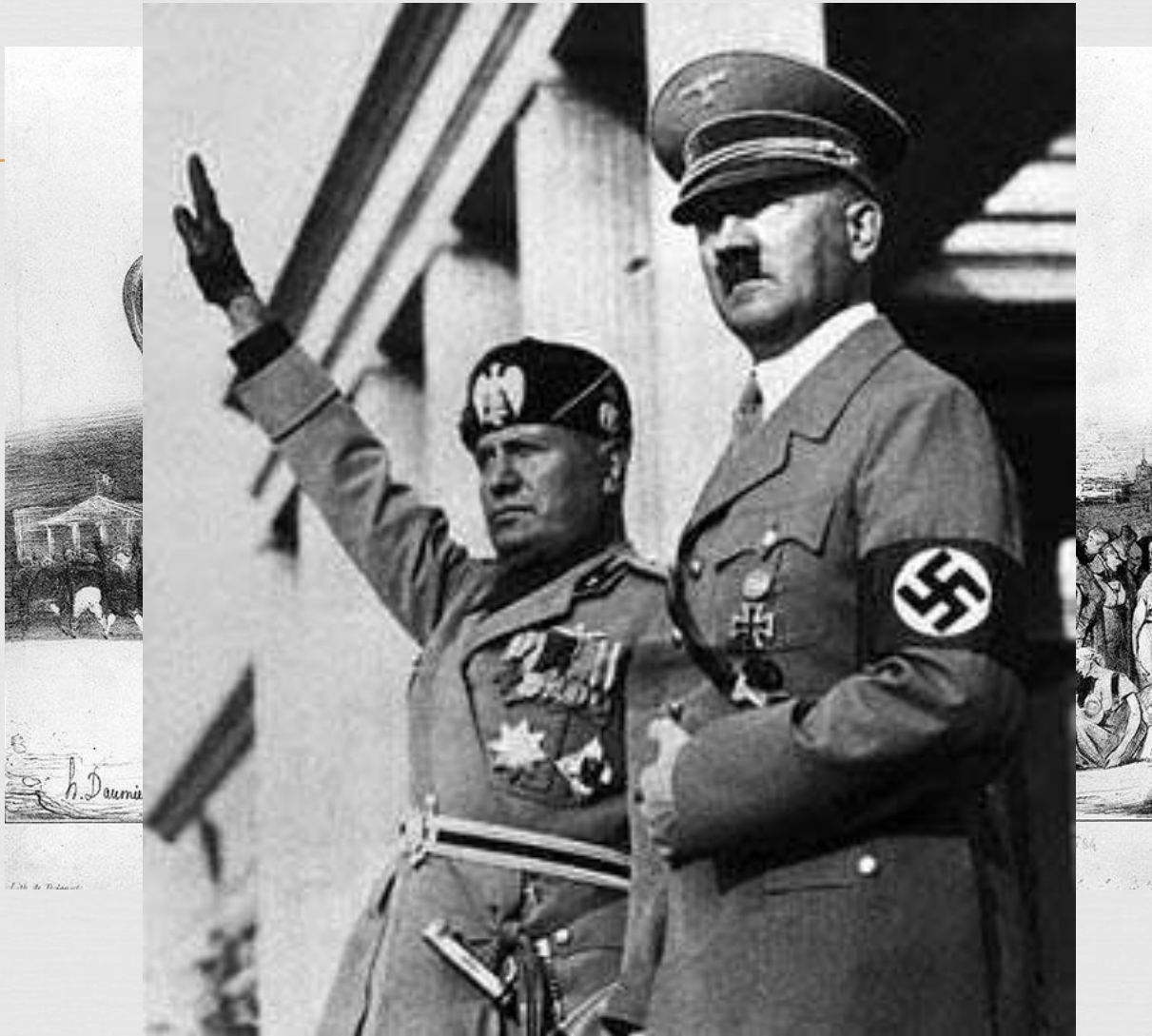
(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

The Scourge of the Long Parliament



The threat of No Parliament



Democracy as Process



- The three rights are limited:
 - We can have a say in who governs us
 - We can have our say regularly
 - We can expect some government in the open

How do you solve a problem like Victor?



With the Communist Party of Canada



*Miguel Figueroa v. Attorney General of
Canada*

At Ontario Superior Court (1999):
Election deposits to be returned and Party
assets not forfeited for less than 15% total
vote

At Ontario Court of Appeal (2001):
Party names on ballots with low minimum
of candidates (12 now)

At the Supreme Court of Canada (2003):

Iacobucci: “the purpose of s. 3 is not to protect the right of each citizen to play an unlimited role in the electoral process, but to protect the right of each citizen to play a meaningful role in the electoral process” (@ para. 36)

The Limitations:

Who enforces the Rights?

Section 3 can be interpreted and enforced by courts.

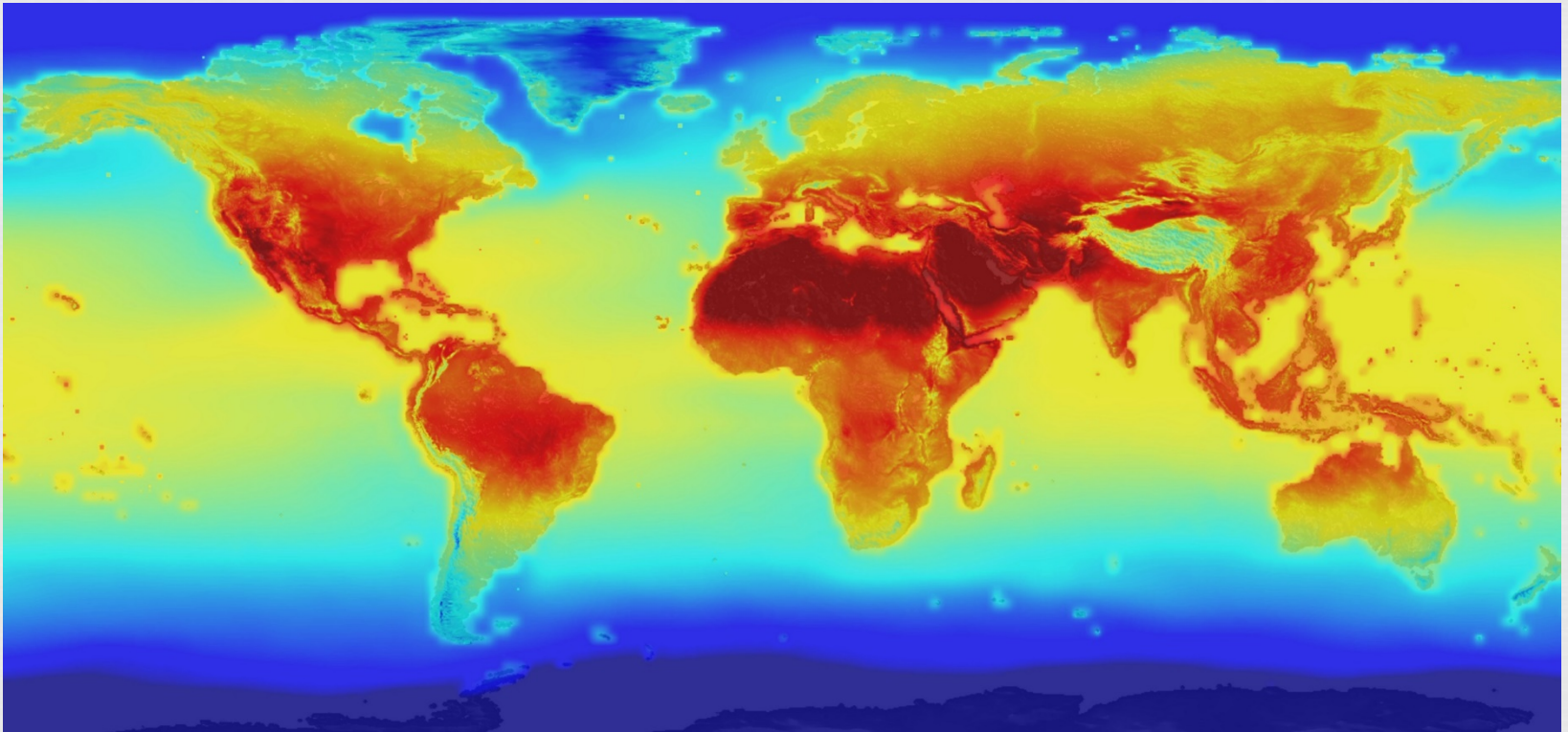
Who can enforce section 4 and section 5?

Can a court do it?

Can anyone else?

Are these anything more than aspirational?

Democracy and Crisis?



Questions?



Some possible questions could include:

- ❑ I've read summaries of the Mueller report. Could that happen here?
- ❑ Really, you think infants should be able to vote?
- ❑ What about voter-ID laws?
- ❑ What about on-line voting?
- ❑ What do you think about the PEI election and referendum today?