
SUMMARY OF SIGNIFICANT LEGISLATIVE CHANGE 1870 TO 2019

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SUMMARY OF SIGNIFICANT LEGISLATIVE CHANGE, 1870 TO 2019

In examining historical election results, it is important to be aware of the legislation that existed at the time the elections were held. What follows is a summary of the evolution of electoral law in Manitoba. Information is organized chronologically by subject area. Many of the dates given are for the year the new procedures were first used. In many cases, however, the legislation was passed in the years preceding the elections. Source information is provided in the end notes.

ELECTION FINANCE

GENERAL

1980

- *The Elections Finances Act* (EFA) is proclaimed. It introduces advertising spending limits for candidates and parties, a tax credit system for contributions to registered political parties and candidates, and provisions for financial disclosure.
- Paid advertising of elections is allowed.

1998

- Candidate and political party accountability is increased.
- Provisions are added to enhance public disclosure of contributions and expenses.
- Voluntarism is excluded as an election expense.
- Definition of election expense is clarified.
- Provisions are added to make advance payments and assign reimbursements for candidates and parties.

1999

- Specific requirements are outlined for auditors of political parties and candidates.

2006

- An interpretation of “reasonable personal or child care expenses” is added to clarify that only the additional and unique child care expenses incurred by a candidate as a result of an election will be eligible for a 100% reimbursement and only the unique additional personal expenses will be considered as an election expense.
- Pre-writ advertising by a candidate or a constituency association must be authorized (previously only writ advertising was required to be authorized).

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- Changes to government advertising provisions specify what advertising is permitted in a general election plus provisions specific to a byelection.
 - The filing deadline for the election financial returns of candidates and political parties is extended to four months after election day.
 - Election financial statements must be accompanied by copies of receipts or other evidence of the disbursements and expenses set out in the statement as well as the details of outstanding liabilities.
 - Advisory opinions (on whether acts or omissions contravene the law) may be requested by the financial agent of a registered political party, constituency association, candidate or leadership contestant.
 - Money received by a candidate or a political party as a reimbursement of election expenses must first be used to reduce or eliminate outstanding liabilities.
 - Candidates who want to issue income tax receipts for cash contributions must register with the chief electoral officer (CEO) by the end of the candidacy period.

2008

- Political parties are now entitled to public funding (referred to as an “annual allowance”) but must file a statement if they wish to receive the allowance.
- Ban on government advertising and publications extended to 90 days before a set date election.
- Advertising rates charged to political entities must not exceed the lowest rate charged to anyone else.

2013

- The EFA is rewritten in plain language. In addition to simpler language, the organization and overviews make the legislation easier to understand.
- Allowance commissioner appointed by government, followed by consultation with registered parties, to determine the amount of annual public funding paid to parties, and how and when to pay the allowances.

2016

- Annual allowance provision removed.

2018

- Reimbursement of allowable election expenses to candidates and parties is reduced from 50% to 25% and eligibility for reimbursement is extended to candidates and parties that receive at least 5% of the valid votes. Previously 10% of votes was the threshold for reimbursement.

COMPLIANCE

1998

- Time limit for prosecutions extended to not later than two years after the alleged offence was committed.
- Penalties for election offences increased.

1999

- Time limit for prosecutions changed to not later than one year after the date on which the CEO has reasonable and probable grounds to believe that an offence has been committed.

2006

- A late filing fee now applies for statements filed after the prescribed deadline. The late filing fee would operate on a daily basis. If the return or information is filed by a certain date and the appropriate fee paid, then there would be no prosecution.

2008

- Reporting requirements clarified for parties and candidates in the event of cancellation of a by-election because a general election has been called.
- CEO may deduct the late filing fees that were incurred under the EFA from any amounts that may be payable to the political entity under the Act.
- CEO may make public the name of the person who is obligated to pay a late filing fee and the amount payable.

2017

- Constituency associations must now file an annual unaudited statement.

CONTRIBUTIONS AND LOANS

2001

- Contributions to political parties, candidates and constituency associations are limited to individuals normally resident in Manitoba.
- An annual contribution limit of \$3,000 per individual is imposed. This is the combined total made to all recipients in the calendar year.
- Individuals must use their own resources when contributing and anonymous contributions must be returned.
- No one may solicit or knowingly accept a prohibited contribution and penalties are imposed for doing so.
- Parties, candidates and constituency associations must disclose details of all contributions to Elections Manitoba.

2002

- An annual contribution limit of \$3,000 per individual to all party leadership contests held by registered political parties is imposed. This is over and above the \$3,000 limit for other political participants.
- Requirements for recording minimal value donation in kind contributions become less onerous.

2006

- The EFA now clarifies who may collect contributions (only individuals normally resident in Manitoba) and how they may be collected.
- The EFA also clarifies that a contribution towards the deficit of a leadership contestant will be part of the annual \$3,000 contribution limit.
- No one shall use force or intimidation to induce or compel an individual to make or to refrain from making a contribution.
- No person or organization can make or refinance a loan to a political party, candidate, leadership contestant or constituency association for a term exceeding 24 months and for an amount exceeding \$3,000 (does not apply to loans made by financial institutions, political parties or constituency associations).
- CEO must publish notice of loan agreement when amount exceeds \$250, unless the loan is made by a financial institution.
- Record of contribution must be signed by contributor when amount exceeds \$100.

2008

- Thresholds are increased on tickets sold for a fundraising event and on items sold for the purposes of fundraising as well as for donations in kind.

2017

- Contribution limits rise to \$5,000 from \$3,000 and are indexed to inflation after each general election.
- Fees paid to attend a conference, convention or leadership convention are contributions.
- The definition of “volunteer services” now includes the services of a self-employed individual and those services are not considered a contribution. Cash contributions are limited to \$25 or less.
- Contribution rules do not apply to fundraising tickets or items sold for \$25 or less, or multiple tickets of item of \$75 or less, if the individual ticket or item is \$25 or less.

SPENDING LIMITS

1985

- Spending limits expanded to include all expenses (not just advertising).
- Partial reimbursement of actual election expenses introduced.

1998

- Advertising spending limits are eliminated.

2001

- After being eliminated in 1998, advertising spending limits are reinstated.

2006

- A minimum spending limit for political parties and candidates will be known at the start of an election.

2008

- Election expense limits and election advertising expense limits for parties and candidates are increased.
- The annual advertising limit for political parties is now only applicable in the year of a set date election. The advertising limit is applicable outside the election period and must not exceed \$250,000; increased to \$268,000 in 2013.
- An annual advertising limit of \$6,000 is imposed for candidates in the year of a set date election; increased to \$6,500 in 2013.
- Advertising definition, with respect to the annual advertising limit, expanded to include posters, leaflets, letters, cards, signs, banners or any print material which is used to support or oppose a party or candidate.
- Base month for CPI calculations with respect to election expense limit and annual advertising limit changed from June 1996 to June 2008 and, in 2013 changed to June 2012.

2017

- A new 90-day pre-election period is introduced for spending limits. This 90-day period replaces the time period outside the election period in the year of a fixed date election, for the purposes of setting advertising spending limits for registered parties and election communication spending limits for third parties.
- Election communication expense limits for third parties are set at \$100,000 for the 90-day pre-election period and \$25,000 for the election period in a general election. For a byelection, the limit is \$5,000.

THIRD PARTIES

2013

- Third party legislation comes into effect for the first time. The legislation imposes a limit of \$5,000 an individual or group (other than a registered party, candidate or constituency association) can spend on election communication to promote or oppose a candidate or registered party during an election. Third parties must register with Elections Manitoba once they spend \$500 on election communication during an election period.

2017

- Third parties must now register with Elections Manitoba when they incur \$2,500 in election communication expenses during the pre-election period or during the election period.
- Election communication expense limits for third parties are set at \$100,000 for the 90-day pre-election period and \$25,000 for the election period in a general election. For a byelection, the limit is \$5,000.
- If a third party incurs election communication expenses with the knowledge and consent of a registered party, those expenses would be considered advertising expenses of the registered party.
- The definition of *election communication* is expanded to include communication on an issue with which a party or candidate is associated.

CONDUCT OF ELECTIONS

ELECTORAL PROCESS

1888

- The secret ballot is used for the first time.

1932

- Advance voting first introduced during the 1932 general election.¹

1962

- Provisions for hospital patients to vote (special blank ballot) first used.

1983

- Election day is always to be a Tuesday.²

1998

- Voters given the option of placing ballot in ballot box themselves.
- Judicial recounts deemed to be solely for the purpose of declaring as elected the candidate with the highest number of votes.

2001

- Tie votes resolved through a byelection rather than having the returning officer cast the deciding ballot.
- The minimum election period is shortened from 36 to 33 days.

2012

- The set election date of October 5, 2015 is to be postponed by six months to eliminate overlap between the timing of provincial and federal elections. If by January 1, 2015 the federal election date had not been changed, the provincial election is postponed to the third Tuesday of April in the next calendar year.

2016

- Byelection must be held within 180 days after a vacancy occurs unless a set date general election is less than one year out. This decreases the maximum vacancy period from one year to six months.
- A standard 28-day election period is established for set date elections, replacing the flexible period of between 28 and 35 days. For a byelection or other election, the election period is reduced from between 32 and 39 days to between 28 and 34 days.

2017

- The CEO may modify the voting process in consultation with the *Elections Act* Advisory Committee and with approval from the Standing Committee on Legislative Affairs. The objectives of any modifications must be to improve the voting process, achieve administrative efficiencies and maintain the integrity of the vote.
- Advance voting moves earlier in the election period, running from Thursday to Thursday instead of Saturday to Saturday.
- Fixed date election days will be an in-service/professional development day at all public schools.

ELECTORAL REFORM

1870

- Voting occurs at public constituency meetings where each voter publicly declares his preference. The electoral officer records the votes, and the simple plurality (or 'first-past-the-post') system is used to elect members for the 24 seats in the Legislative Assembly.

1914

- A new system of representation is introduced: Winnipeg is divided into three constituencies, each represented by two members.³ Voters in each constituency are issued two ballots, one for each seat. No candidate can be listed on both ballots. So, although Winnipeg voters, in effect, vote twice, the ballots are counted and the candidates declared elected as if there were two separate constituencies. The rural constituencies, meanwhile, retain the simple first-past-the-post system.

1920

- A "proportional representation" system of voting is introduced in Winnipeg. The city is consolidated into a single constituency electing 10 members. Voters indicate their preferences by numbering the candidates' names on the ballot paper 1,2,3 etc. A complex method of counting these ballot papers is provided by amendments to *The Elections Act* (EA).

1927

- The rural constituencies abandon the simple plurality system in favour of an "alternative" or "preferential" balloting system which is used until 1958. In constituencies where more than two candidates are nominated, voters indicate their preferences by marking the ballot 1,2,3 etc.
- The practice of members of the Assembly who had been chosen to enter the Cabinet (Executive Council) resigning their seats to face a byelection is abolished.
- The practice of "deferring" elections is becoming increasingly common, especially in northern constituencies where transportation and communication were difficult. The elections in these constituencies are held after the general election when results from the remainder of the province were already known. Deferred elections are last held in 1966.

1949

- The single, 10-member constituency of Winnipeg is replaced by three constituencies, each represented by four members. In addition, the constituency of St. Boniface is given two members.⁵ The preferential balloting system is retained for these multi-member seats.

1958

- Winnipeg is divided into 20 single-member constituencies. The system of preferential or alternative voting is abandoned in favour of the first-past-the-post plurality system in all constituencies, rural and urban.

2006

- The EA is re-written in plain language, resulting in significant changes to terminology.

2008

- Set election date established, with the first election set to take place October 4, 2011 and subsequent elections to take place the first Tuesday of October every four years.

2017

- Province-wide enumeration is replaced by the Manitoba Voter Register, a permanent register of voters, as the method of voter registration for provincial elections. Information for the register to come from the final voters list from the 2016 general election and to be updated using data from provincial and federal sources as well as voters themselves.
- Voters may opt out of the register.
- Voters not on the register can still vote by showing government-issued photo ID or two other pieces of acceptable ID.
- Election calendar adjusted along with introduction of Manitoba Voter Register to add a period of targeted registration before the writ is issued.
- Election day for a set date general election must now be a province-wide school in-service day.
- Urban voting area size increased from 350 to 500 voters and rural voting area size increased from 250 to 350 voters to reflect changing voting patterns.
- Permanent residents and youth can now be election officials.

ELIGIBILITY/ENFRANCHISEMENT

1870

- Only males who are established members of the community, in good financial standing, can vote.⁶

1888

- Requirement to be in good financial standing eliminated.
- The residency requirement for voting increased to six months in Manitoba and one month in the electoral division.⁷

1894

- Residency requirements changed to three months in electoral division and one year in province.⁸

1900

- Persons receiving government salary of \$350 or more could now vote.⁹

1916

- Manitoba is the first Canadian province to extend the vote to women.¹⁰

1932

- First Nations persons in Armed Forces enfranchised.¹¹

1952

- Manitoba's Treaty Indian population enfranchised.¹²

1969

- The voting age lowered from 21 to 18.

1986

- Effective July 1, only Canadian citizens can vote (British subjects and landed immigrants are not eligible).

1988

- Patients in mental health care facilities are eligible to vote for the first time (result of a Court of Queen's Bench decision).
- Inmates in correctional institutions eligible to vote for the first time (result of a Court of Queen's Bench decision). Subsequent decisions in November 1988, August 1990 and August 1999 uphold this eligibility.

1990

- Persons with a mental disability residing in an institution are eligible to vote for the first time (result of a Court of Queen's Bench decision in August 1990)

1998

- Judges allowed to vote

2002

- Residents who are members of the Canadian forces—and the people who live with them— can now vote where they resided immediately before leaving.

2006

- Six-month limit on absence from Manitoba removed for students and government employees who may be on extended work-/study-related absence from the province but intend to return.

IDENTIFICATION REQUIREMENTS AND VOUCHING FOR VOTERS

2017

- All voters must present valid ID to vote. Previously, ID was only required for advance voting and on election day for voters not on the voters list.
- The CEO must prepare and publish a list of acceptable ID each year and for each election.
- For voters on the voters list without ID, another voter from the same electoral division with ID may vouch for the identity of one voter who does not have ID. Vouching can only be done on election day, not for advance voting.

NOMINATIONS

1970

- \$200 fee for nomination abolished and replaced with the requirement of signatures of 50 eligible voters in the electoral division in which the potential candidate wishes to become nominated.

1980

- Nomination papers now require 100 signatures.

2016

- Number of signatures required for nomination reduced from 100 to 50.

2019

- Nomination papers must include a disclosure of any offence to which the prospective candidate has pled guilty or has been found guilty of under the *Criminal Code*, the *Controlled Drugs and Substances Act* or the federal or provincial *Income Tax Act*.

REFERENDUM

2019

- A referendum act is established. In addition to a referendum required under specific provincial legislation, the Act calls for a referendum in the case of significant changes to the Constitution of Canada or Manitoba's voting system. Rules of calling and conducting a referendum are set out.

IMPROVED SERVICE TO VOTERS

1998

- Absentee voting introduced for eligible voters who are unable to vote on election day or advance voting days.
- Reasons for use of advance voting expanded.
- Revision period extended with longer returning office hours.
- Public information mandate introduced to provide the public with information about the electoral process, the democratic right to vote and the right to be a candidate.
- Declined ballot is now a secret ballot.

2006

- Advance voting extended to seven days. Eligible voters can vote at any advance voting station in Manitoba. Identification required.
- Homebound voting extended to persons with any disability and to caregivers, if applicable.
- Separate voting stations permitted in residential complexes with 100 units or more.
- Voting areas reduced to 250 voters in rural Manitoba to reduce travel to voting stations.

2008

- Voting on election day extended by one hour, beginning at 7:00 am.
- An additional day of advance voting added.
- Maximum distance established for advance voting so that residents of population centres with more than 50 eligible voters will not have to travel more than 30 km to vote at an advance voting location.

2015

- A voting station can be set up in a multiple residence containing less than 100 units, where the majority of residents are seniors and/or have a disability.
- Institutional voting station extended to a co-located facility where seniors and/or people with disabilities live.

2017

- Absentee voters may cast a ballot for a registered party rather than for a candidate, allowing absentee voters to vote before nominations close.
- All eligible voters on the preliminary voters list will receive a voter information card in the mail providing them with information on where and when to vote and how to update their information on the voters list.

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- Voter information cards may be used as one piece of acceptable identification to vote.
 - Election day hours revert to 8:00 am to 8:00 pm.

VOTERS LIST

1997

- Eligible voters can have their names omitted or obscured from the voters list under rules of personal security protection.
- Voters list no longer posted for public viewing or available for public use.
- Access to voters lists more than 25 years old allowed for historical or research purposes.
- Misuse of voters list is an election offence.

2008

- List of addresses (address database) to be prepared to assist with enumeration.
- Enumeration may begin outside the election period, up to 75 days in advance of a set date election.
- Revision period extended from six days to 29 days for a set date election, and reduced to four days for other elections.

2012

- The CEO is required to report to the Speaker on whether a permanent voters list should be created for use in Manitoba provincial elections.

2015

- In anticipation of the adoption of a permanent voters list and on the recommendation of the CEO, enumerators and voting officers may request gender and date of birth from voters to facilitate the creation of a permanent voters list for use in future elections. Eligible voters are not required to provide this information in order to be added to the voters list. Gender and date of birth excluded from the voters list.
- The returning officer must provide a copy of the preliminary voters list to each candidate as defined in the EA or the EFA.

2017

- Each February, beginning in 2019, registered parties will receive a list of eligible voters from the Manitoba Voter Register. MLAs will receive a list of eligible voters in their electoral division, on request.

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- Beginning in 2019, information from the Manitoba Voter Register will be used to prepare the preliminary voters lists for an election. The CEO prepares the preliminary voters list within two days of the writ being issued and provides a copy to each returning officer and registered party. Returning officers provide the preliminary list to each candidate and registered party.
 - A targeted registration period may take place allowing for voters to be added to or have their information updated on the voter register. The voters list will be produced from the voter register.
 - Revision period reduced from 29 days to seven days for a fixed date election.

CHIEF ELECTORAL OFFICER

1949

- First mention of chief electoral officer (CEO). Appointed by Lieutenant Governor in council to be Clerk of Executive Council and administer elections.¹³

1980

- The Office of the Chief Electoral Officer is established to serve as an independent office of the Legislative Assembly in order to administer fair elections.¹⁴

1998

- Investigative powers of the CEO strengthened. Obstruction of the CEO is now an election offence.

2001

- CEO can appoint Returning Officers (the position of Returning Officer used to be a political appointment by Cabinet).

2015

- Leave for returning officers and assistant returning officers extended. Instead of ending the day the candidate is declared elected, it ends 14 days after election day.
- Returning officers can appoint people to perform administrative duties at the returning office.
- Returning officers can appoint an interpreter to translate.
- Returning officers can dismiss and replace staff.

COMMISSIONER OF ELECTIONS

2006

- Investigation and prosecution responsibilities of the CEO are separated from the assistance and compliance responsibilities, similar to the Canadian federal model, through the appointment (by the CEO) of a commissioner having the sole responsibility to conduct investigations.

2008

- The Commissioner of Elections must notify the subject that an investigation is taking place and again once a decision has been made.
- The Commissioner may make the outcome of the investigation public if he/she feels it is in the public's interest.
- The Commissioner may apply to the Court of Queen's Bench for an injunction or enter into a compliance agreement if he/she has reasonable grounds to believe that a person or organization has or is likely to commit an act contrary to the EA or the EFA.
- The Commissioner must publish a notice when a formal caution is issued or when entering into a compliance agreement.

ELECTORAL BOUNDARIES

1957

- Electoral Divisions Boundaries Commission formed to independently review boundaries. Manitoba is the first province with an independent boundaries commission. The Commission is made up of the Chief Justice of Manitoba, the chief electoral officer and the president of the University of Manitoba.

2006

- Commission membership increased from three to five; presidents of Brandon University and University College of the North added.
- Report of the Commission no longer enacted by legislature, thereby removing requirement for political approval of boundaries.

LEGISLATIVE ASSEMBLY

1892

- Increased to 40 seats.¹⁵

1914

- Increased to 49 seats.¹⁶

1920

- Increased to 55 seats.¹⁷

1946

- Three members are elected to represent the three branches of the Armed Forces (Army, Navy, and Air Force). These representatives are elected by Manitobans serving in the Armed Forces, many of whom are overseas. The addition of these seats increases the size of the Assembly to 58.

1949

- The three Armed Forces seats in the Assembly are eliminated, while the number of constituencies within Manitoba is increased to 57, as it is today.

1 MB Statutes-MB Elections Act 1931

2 MB Statutes-Elections Act 1982,83,84, Section 4(d), p 303

3 Canadian Parliamentary Guide-Manitoba 1915

4 MB Statutes-MB Legislative Act 1927, Section 2, p 27

5 MB Statutes-MB Legislative Act 1949, Section 2, p 105

6 The British North American Act 1867-1962; The Manitoba Act 1870, Section 14

7 The British North American Act 1867-1962; The Manitoba Act 1870, Section 14

8 MB Statutes-MB Elections

9 Statutes of MB-Manitoba Elections Act 1900, Section 4

10 Celebrating Women's History' MB Statutes of Women Directorate, Spring 2002 13 Statutes of MB - MB Elections Act 1931, Section 16(5), p 97

11 Statutes of MB-MB Elections Act 1931, Section 16(5), p 97

12 Statutes of MB-MB Elections Act 1952, Section 5, p 51

13 MB Statutes-Elections Act 1949

14 MB Statutes-Elections Act 1980, Section 5, p 639

15 MB Statutes-MB Electoral Divisions Act 1892, Section 8, p 27

16 MB Statutes-MB Legislative Act 1914

17 MB Statutes-MB Legislative Act 1920