

## Public Bills Committee

### Bill No. 205: Elections Act (amended) and House of Assembly Act (amended)

#### Submission

Greetings:

I am writing to ask the Honourable Committee to amend this Bill to widen the category of eligible members of the General Assembly [House of Assembly] when it considers Clause 40 of this Bill. Ideally, the elector provisions should also be changed, accordingly.

#### **ALLOW ALL LEGAL INHABITANTS TO RUN FOR ELECTION OR VOTE**

I write to oppose the proposed change in eligibility of the category of people (currently, "British subject") that can run to be elected to the House of Assembly. Instead, I urge that we might consider making that category even more broad by either adding "Canadian citizens and other inhabitants" or by deleting the "British subject" requirement and allowing all people legally living in Nova Scotia for six months and of the appropriate age to run in provincial elections. Indeed, I believe the definition of "electors" in the Elections Act should not be also limited to Canadian citizens (all legal residents who live here for at least six months and have an appropriate age).

Of course, I support the recognition that Canadian citizens are able to run for election and vote in elections in this province, if they have lived here six months and are of the appropriate age. Indeed, Section 3 of the *Canadian Charter of Rights and Freedoms* already stipulates that all Canadian Citizens have the right to vote run for office in provincial elections.

However, because our *House of Assembly Act* still used the word "British subject", it meant that Citizens of Canada and likely any citizens of the Commonwealth and Ireland [per the *Citizenship Act (Canada)*] could sit as members in our Legislature. For example, a person from Jamaica or the United Kingdom could run for office. This change will actually reduce the number of people who are eligible to run for election in our provincial elections, by no longer allowing other British subjects or citizens of other commonwealth countries to be nominated (if they meet the residency and age requirements).

Under the *Citizenship Act (Canada)*, there are really two defined categories of citizens: Canadian Citizens (Section 3 and following) and Citizens of the Commonwealth (including Ireland, Sections 32 and 33). The term "British subject" can mean either of these two categories of citizenship in Canada or both.

I have for a very long time been proud that, in Nova Scotia, we have had a broader category of people that could participate actively and openly in our democracy. British subjects and Commonwealth Citizens could also vote in our provincial elections until roughly 2002. In fact, I was quite saddened when Nova Scotia changed the law to no longer allow Commonwealth Citizens to vote in our provincial elections. I think that was largely encouraged because of the new National List of Electors that was created federally and only included Canadian Citizens, thereby saving money by limiting the need for door-to-door enumeration. This may also have been a move to modernize our law, but I think it was short-sighted.

In fact, when we consider the areas of provincial jurisdiction under Section 92 of the *Constitution Act* and who already pays provincial taxes and fees, why should running or voting for provincial elections be limited to British subjects or Canadian Citizens for that matter? I would suggest that anyone that lives in Nova Scotia for six months legally already pays for government services through income taxes, sales taxes, and other taxes and fees in this province, and they should likely have a say as to how they are governed and how their taxes are used. We are familiar with the principle of “no taxation without representation”. Indeed, most people living in this province support the costs of education, health care, roads, municipal services, policing, justice, and other provincial services. Should they not have a reasonable say, as other residents do, of how their money is spent and of new laws relating to them? It would make sense that all residents could run for office and be represented in our Assembly. After all, our provincial laws do not deal with national matters, such as defence, citizenship, other areas of national significance.

I would also remind the Honourable Committee of the following aspects of our national law and provincial constitution:

1. The Royal Charter creating Nova Scotia in 1621, granted by James I of England to Sir William Alexander, and perhaps of a constitutional character as passed by the Estates of Scotland, says the following: (taken from a translation of the Latin by Colonel Alexander Fraser, *Nova Scotia: The Royal Charter of 1621 to Sir William Alexander* (Toronto: University of Toronto Press, 1922, at Page 45):

Moreover, we, with the advice and consent aforesaid, for ourselves and our successors, declare, decree, and ordain, that all our subjects who shall proceed to the said Nova Scotia, or shall inhabit it, and all their children and posterity who shall chance to be born there, and all others adventuring thither, shall have and possess all liberties, immunities and privileges, of free and natural subjects of our kingdom of Scotland, or of other our dominions, as if they had been born therein

The term “all others adventuring thither” is a broad category that probably includes non-subjects and non-citizens.

2. The various Governor's instructions creating the House of Assembly state words like the following:

And we do hereby give and grant unto you full power & authority, with the advice and consent of our said Council, from time to time as need shall require, to summon and call General Assemblys of the **Freeholders and Planters** within your Government according to the usage of the rest of our Colonies & Plantations in America. (1749)

And whereas by our said commission you are authorised and empowered, with the advice and consent of our said executive council, to summon and call general assemblies of the **freeholders, inhabitants** of the province under your government (Viscount Monck, 1861, Fourteenth Article)

Accordingly, by various royal instructions, the General Assembly is made up of "Freeholders and Planters" or "freeholders, inhabitants", or "Inhabitants and Settlers". An "inhabitant" is quite a wide category!

3. Our Citizenship Act (Canada) includes the definition of "British subject" and "citizen of the Commonwealth" (the latter a Canadian promoted idea of a broader citizenship in across the Commonwealth in earlier years); accordingly, other citizens of the Commonwealth are not technically aliens or people without status in Canada under our laws. Should they not also have the right to vote if they are of age and living here more than temporarily (six months or more)?

Accordingly, it is my representation that all "inhabitants or freeholders" [from the words used in our constitutional documents under various Governor's Instructions] should have the right to run for elected provincial office and to vote in our provincial elections in this province.

#### **ALLOW YOUNGER INHABITANTS TO SIT IN THE GENERAL ASSEMBLY / VOTE (age 16)**

Should we not consider lowering the age of a person who can sit in the House of Assembly and also who can vote to age 16? We let 16-year-olds drive (with parental permission), and they also often begin to work and pay taxes. Again, "no taxation without representation".

They would bring us new perspectives and ideas, and they might challenge us to do better.

Thank you for considering my comments.

Yours very truly,  
Russell Prime