
Was This The Way To Conduct A Referendum?

New Brunswick's Gamble on VLTs

by Stewart Hyson

Compared with most other Canadian political jurisdictions, the province of New Brunswick has not had much experience with referendums and plebiscites, nor with the two related direct democracy mechanisms of initiative and recall. The May 14, 2001 referendum on video lottery terminals (VLTs) was a unique happening in Canada – the first time that any provincial electorate had directly participated in the development of gambling policy. This article uses the VLT referendum experience to suggest what is required in order to have a fair and proper referendum.

Lessons learned from the New Brunswick experience can be especially insightful at this time because there has been greater resort in recent years to the referendum mechanism as a supplement to parliamentary government, with speculation of more referendums to be held in the near future. One of the interesting features of federations is that since provinces have so much in common, a province may easily emulate the structures and practices of other jurisdictions in Canada. So, even though New Brunswick has not had much experience with referendums,¹ it did have the examples of nine other provinces as well as the territories and federal government to observe.² Now, the rest of the country can look to New Brunswick's experience.

For readers unfamiliar with the VLT referendum, it may be surmised at this opening juncture that New Brunswickers were asked in a province-wide referendum if the existing regime of government regulation of VLTs located only in establishments that were licensed to sell alcoholic beverages should be maintained, or if these gambling devices should be banned from the province. The actual wording of the question asked (see Table 1)

will be discussed later, but it may be noted here that citizens could give either a "Yes" or "No" response, and that the final result was very close. Furthermore, according to sections 3 and 4 of the *Video Lottery Scheme Referendum Act*, the government had to treat the vote result as binding and take the necessary steps to implement that result.

The arguments for and against referendums have been thoroughly discussed elsewhere.³ The main focus here will be on the stage following the initial decision to hold a referendum, namely on the actual means by which the VLT referendum was conducted. While the idea of the referendum may be appealing on a conceptual basis because it is consistent with fundamental notions of democracy found in Canadian political culture, the implementation of the concept is a more sobering reality – to use the old saying, the devil is in the details.

In Canada, referendums have evolved to embrace certain expectations or standards intended to guarantee procedural fairness. Matthew Mendelsohn and Andrew Parkin in a recent article have also identified fairness as one of the main criteria for assessing referendums in liberal democracies.⁴ Admittedly, as we will see in the case of New Brunswick, since the fairness expectation is not firmly fixed as part of the constitution, it may be easily over-ridden by other imperatives. Still, the fairness criterion is legally reflected in the structures and procedures that are used in similar voting situations, that of general

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elections. Patrick Boyer, one of the country's leading authorities on the subject of referendums, has used Canada's experience in electoral politics to identify six practical considerations to follow in order to hold a fair referendum:

- the impartial administration of the holding of the referendum vote;
- the nature and validity of the question being voted upon;
- the wording of the question;
- the timing of the vote;
- the provision of information to voters; and,
- the financing of the campaigns.⁵

Impartial Administration

This factor runs the risk of being so obvious that it may be easily overlooked; yet, as students of electoral history can readily testify, the fact that impartial administration is so obvious today is actually indicative of just how far the practice of democracy in Canada has advanced over the decades. Impartiality is of critical importance if the election (or referendum) mandate given by the vote is to be considered legitimate in the eyes of the public. But how is this impartiality achieved in Canada? To a large extent in electoral politics, we rely upon the Office of the Chief Electoral Officer which has evolved throughout Canada based upon the constitutional principle of independence. This is expressed both functionally and symbolically by the description of the Chief Electoral Officer's role as an "officer of the legislative assembly" (rather than a government bureaucrat).

Like an arbitrator or a hockey referee, the Chief Electoral Officer is a key component of the game but is not connected with either partisan side. From enumeration of the electorate, to appointment of minor election officials, to tallying the vote, and every other task in-between, the Chief Electoral Officer is in charge once the writs of election have been issued. This principle of independence was slow in coming to New Brunswick, at least in formal organizational terms, because prior to February 1998 the Office of the Chief Electoral Officer was still located for administrative purposes in a government department (the former Department of Municipalities, Culture and Housing). Although this may have been more a technical oddity than anything more significant, New Brunswick's Office of the Chief Electoral Officer has now attained the same status of independence as that of its counterparts in other Canadian jurisdictions.

Table 1
New Brunswick's VLT Referendum

Referendum Question:

Should the Province of New Brunswick continue to permit the legal and regulated operation of video gaming devices (commonly referred to as video lottery terminals or VLTs)?

Results:

Yes — 118,574 (53.23%)
No — 104,191 (46.77%)

Source: New Brunswick, Office of the Chief Electoral Officer, "Unofficial referendum results." Online. Accessed May 18, 2001. <http://www.gov.nb.ca/elections/results/referendum2001eng.htm>

The Office of the Chief Electoral Officer administers impartially the holding of elections for the legislative assembly, municipal mayors and councils, and school district councils. Errors and problems within the Chief Electoral Officer's scope of responsibility do occasionally occur but these are usually due to administrative or technical rather than partisan reasons. There was no surprise, therefore, that the *Video Lottery Scheme Referendum Act*, mainly through sections 7 to 10, assigned the administrative task of holding the VLT referendum to the Chief Electoral Officer in her related capacity as Municipal Electoral Officer.

And as it turned out, there were no allegations or evidence of partisan interference during or after the referendum period; so, in regard to the issue of impartiality, New Brunswick's VLT referendum was a success. VLT opponents blamed other aspects of the referendum process especially the informational and financial aspects (to be discussed later) for their loss rather than the lack of impartiality on the part of the Chief Electoral Officer.

The Nature and Validity of the Question

It is difficult to generalise about referendums because they have been used in Canada (and elsewhere) to decide a diverse array of issues, including alcohol prohibition, time zones, both territorial division and amalgamation, constitutional reform measures, capital expenditures, and morality issues. For this reason, it is paramount in a case study to first grasp the background context within which a particular referendum issue has arisen in order

to comprehend its nature, dynamics, and, above all, the validity of the referendum mechanism as a means by which to settle the policy problem. Thus, how and why did New Brunswick become the first province to allow its electorate decide directly its VLT policy by means of a referendum?⁶

Following the legalisation of gambling by the federal government in 1969/70, the provincial governments had pursued and finally gained in 1985 jurisdictional authority over lottery schemes including its electronic forms like VLTs. But before the provinces could enact appropriate laws and regulations, VLTs had begun to appear by the late 1980s in effect operating illegally in backrooms. The spectre of these grey machines looming out of control was used by the new Liberal government of Frank McKenna following the 1987 New Brunswick election to justify the government's decision to legalise VLTs. By legalising VLTs, the government was able to replace the illegal machines with legally authorised ones and thereby exercise effective power over the subject, and, at the same time, tap into a new revenue source (VLT gambling profits and taxes).

Two CBC television reports on the province's VLT policy in the summer of 1995, however, revealed that the policy was faulty on administrative, moral, and economic grounds.⁷ The New Brunswick Coin Machine Owners Association (NBCMOA), which was composed mostly of those who had once operated VLTs illegally and had created the grey machines problem in the first place, had been legitimised by being given self-regulatory power to administer the province's VLT industry – to decide who could own VLTs and to allocate site locations to the VLT owners. As reporter Maite Ormaechea succinctly stated in her first report: "what happened was not illegal but was it right?" The second key point of the CBC reports that raised eyebrows concerned the "35-35-30" profit-sharing arrangement by which the government received the smallest portion, with the VLT owners and the owners of site locations each receiving 35%. This government share was considerably less than the 65% share received by the government of neighbouring Nova Scotia; and comparatively if New Brunswick had had the same arrangement, it would have meant approximately fifty million dollars more in revenue during the 1990-95 period.

Perhaps more than anything else, however, public attention was grabbed by the real-life stories in the daily media about individuals addicted to VLT gambling, their resulting marriage breakdown, or criminal conviction for stealing money to feed their addiction. These were isolated stories but they did accumulate over time and made the public more aware of VLT addiction. Concern was also expressed by opposition MLAs and com-

munity leaders about the availability of VLTs in neighbourhood convenience stores which allowed the machines to be used by a much broader spectrum of the public than if they had been restricted to bars and taverns; in addition, there was concern that VLT gambling was being seen by children as a normal adult activity to which to aspire. Still, the existing VLT policy was not substantively changed until interim premier Ray Frenette re-negotiated the existing seven-year contract with the NBCMOA in early 1998, so that convenience stores would be limited to one VLT machine by the end of December 31, 1998, and that one remaining VLT would then have to be removed after September 30, 1999. Later, the new Liberal premier, Camille Thériault, chosen in May 1998 followed through with the phase-out plan, as did Progressive Conservative premier, Bernard Lord, elected in the June 1999 general election, so that VLTs are no longer to be found in convenience stores. In the meantime, the Conservatives had also promised during the election to hold a referendum to decide the fate of the remaining VLTs in the province. What can we conclude about the state of VLT gambling in New Brunswick on the eve of the May 14, 2001 referendum?

New Brunswick has had the longest history with legalised VLTs, but the subject has never topped public opinion surveys as the most important issue facing the province. Yet, when specifically asked their opinion about VLTs, New Brunswickers have never hesitated to voice a strongly negative response. Is this a case where familiarity breeds contempt? Besides its lengthy history with VLTs, New Brunswick has one of the most dense populations of VLT machines: a ratio of one VLT for every 206 adults in fiscal year 1999/2000, compared to an average national ratio of 1 to 293 in other provinces with VLTs.⁸

There appears to be more to this anti-VLT opinion, however, than just the history and density of VLTs in New Brunswick. According to a June 1999 national opinion survey on gambling, Atlantic Canadians were by far the regional grouping most critical of gambling in general, including 62% saying that VLTs should be banned. It would be too tangential to pursue this and related findings here, but the Canada West Foundation has attributed this very strong anti-VLT attitude to the higher profile that VLT problem gambling has received in Atlantic Canada. Just the same, one has to be cautious about this anti-VLT opinion because it seems to be more an expression of opinion in regard to past practices; after all, VLTs at the time of the survey were already being removed from convenience stores. Whatever the case, like other morality policies, VLT gambling had emerged at the turn of the century as a remarkably complex issue in

New Brunswick for which there was no clear-cut solution – a ripe situation for a referendum.

A mixed picture thus emerges as to the validity of the VLT referendum. First, when specifically asked, the public was sharply divided over the moral dimension of the VLT issue – a matter of individual choice vs. the need for protective community standards – which is a situation where resort to a referendum is common. The VLT issue was never a high priority item and most of the problems due to their presence had already been rectified. It seems that the Conservative party, rather than being committed to the idea of public consultation through greater use of referendums, had made the VLT referendum proposal as an election promise to attract support from those few voters for whom the VLT issue was still of importance. There was thus some doubt as to the importance of the VLT issue to necessitate a referendum; nevertheless, once the gears for the referendum project were set in motion, the Lord government remained neutral and allowed the electorate to decide the matter.

The Wording of the Question

Ideally, the wording of a referendum question needs to be as straightforward as possible, devoid of both ambiguous and loaded phrasing, so as to pose a fair choice allowing the electorate to voice clearly its position. If there are problems with wording, then the legitimacy of the vote as well as the whole referendum process will be jeopardised, either because citizens are unclear as to what they are voting upon or they may feel that they are being manipulated to vote in a certain way. Clarity will also remove any doubt on the part of officials when it comes to interpreting and implementing the vote result.

The VLT referendum was specifically authorised through the *Video Lottery Scheme Referendum Act* which had received royal assent on December 20, 2000 – a sunset provision in section 13 (1) states that the statute will expire on May 14, 2002.⁹ The wording of the question was not specified in the enabling statute by the legislative assembly nor through open public discussion; instead, the task of drafting the question was delegated solely to the executive to be decided in camera at a later time (eventually on April 3, 2001). Moreover, the government had no choice but to treat the vote result as legally binding and to take the necessary steps to implement the result whichever way it went (sections 3 and 4). The statute further stipulated that only a simple majority (that is, at least 50% plus one) of the votes cast was required to decide the question. Although this voting majority requirement is not unusual in Canada, it is worth pondering if a higher percentage such as the 60% required in New Brunswick's municipal plebiscites, or if a fixed voter turnout of 50%,

60%, or whatever so as to protect minority interests should also be required before a referendum vote can take effect.

Shown in Table 1, the actual wording of the question was not overly long nor cumbersome in content; thus, it was relatively easy for voters to comprehend the issue and to mark a Yes or No answer. The lone NDP MLA (party leader Elizabeth Weir) who opposed VLTs argued that the question should have been, "Should VLTs be banned?", in order to allow VLT opponents to have the positive Yes answer. The government's position to ask the electorate whether the existing system of regulated VLTs should be maintained, however, seemed to be more logical especially since it was in line with its 1999 election promise. Would a difference in phrasing so that a positive answer would have been associated with banning VLTs instead of maintaining the status quo have produced a different result? It is difficult to say but probably not, because the electorate was generally well aware of the thrust of the two sides of the VLT issue.

The matter of wording thus generated little public discussion in New Brunswick. All in all, the New Brunswick VLT referendum question was succinct and fair in its wording, offering the electorate a relatively clear choice on the issue. A related point in regard to wording was the absence of public involvement in the framing of the question; after all, legislators and citizens in many jurisdictions elsewhere in the world are directly involved in the preparation of the referendum question. But, again, there was no public clamour over the elitist way in which the VLT question was formulated by the executive alone. And there is no telling if wider public involvement would have produced a differently worded question, but at least it would have been more consistent with the democratic spirit embedded in the referendum concept.

The Timing of the Vote

It is not unusual to hold a referendum in conjunction with an election for cost-saving reasons and to increase voter turnout. But then there is the argument that, since a referendum supposedly allows voters to focus completely on a single issue rather than being overwhelmed by dozens of issues or distracted by party politics which happens during an election, a referendum should be held separately. This latter view is often expressed in regard to a major issue such as a proposed constitutional amendment, although what constitutes a major issue is often open to debate. In any case, both options have been commonly used in Canada, such as the combined holding of municipal referendums with municipal elections, and the separate holding in 1992 of the referendum on the Charlottetown constitutional agreement.

Consequently, the New Brunswick government's decision to hold the VLT referendum in conjunction with the regularly scheduled triennial municipal and school district council elections primarily for reasons of convenience did not spark any objection. What with the Office of the Chief Electoral Officer already poised to hold these other elections, including the preparation of voters lists and the appointment of election-day officials, there was little additional cost other than the printing of the separate referendum ballot. As well, there was little likelihood that the electorate would be confused by holding the provincial referendum with local elections and school council elections, because the three campaigns would be (and were) quite distinct. Still, there was one peculiar matter of concern in regard to timing, namely that only approximately 63% of New Brunswick voters live in incorporated communities with local elections, and the other 37% in unincorporated areas with no local elections.¹⁰

Thus, voters in incorporated communities had the opportunity to vote in their local and school elections as well as the provincial referendum, while voters in unincorporated areas had no opportunity to vote for candidates for local government. Did this distinction make a difference? Was voter turnout higher in incorporated communities because voters had more to vote for? Or alternatively, was voter turnout for the referendum higher in unincorporated areas because of the novelty effect of being able to vote on a specific issue? These are fascinating questions in regard to voting behaviour in a referendum but they are beyond the scope of this paper. However, it may be noted that the provincial voter turnout for the referendum was approximately 44.5%,¹¹ and that there was some evidence of variation of turnout rates across the province, but this must await the release of the official results before any conclusive statement can be made. Still, the argument may be made that, in order for a referendum to be seen as being fair, it should be timed so that the situational circumstances are the same for all voters.

The Provision of Information to Voters

While there were no significant problems found with the preceding four considerations, the same cannot be said for the next two – the provision of information and regulation of financing. Much of the rationale in favour of referendums is premised on the idea of the informed voter: by being able to focus on a single issue, voters are supposedly better capable in a rational decision-making sense to weigh the evidence, consider the arguments, and make their decision. But how are voters supposed to become informed, from where will they obtain the infor-

mation upon which to make their decision? Each of the competing sides in a referendum will be expected to present selective information in an effort to persuade the electorate, but will this result in the electorate being fully informed? Does government have a regulatory role to play in order to facilitate public discourse on the referendum question? Or should government restrict itself only to providing objective and balanced information, or, possibly, should government remain completely uninvolved as was the case in New Brunswick?

Canadian practice in this area has been spotty over the years. On the one hand, there is the long-held view that government should prepare an information or publicity pamphlet outlining in neutral language the wording of the question, the background to the referendum issue, and the gist of the pro and con arguments, to be distributed to the public well in advance of voting day. This information pamphlet would be in addition to the official notices in regard to the holding of the referendum that are released by the Chief Electoral Officer for publication in newspapers, and the notices mailed to individual voters as to where to vote. In fact, it is not unusual to find governments statutorily assigned responsibility to disseminate basic information in this fashion, which is the case with municipal governments in New Brunswick when they hold plebiscites (under the *Municipal Elections Act*, s. 46). What with the availability of modern communication technology, the logic behind the idea of a government prepared information pamphlet could be extended to include audio- and video-tapes for broadcasting use and a web-site for access by means of computers. In the absence of an official information pamphlet, the referendum debate will be dominated by the narrow and partisan views presented by the competing sides, which will endanger the referendum being hijacked by the side with the best funding.

However, there is the contrary argument that government should refrain from disseminating information based on the fear that government communications invariably cannot be neutral and balanced, especially when members of the political executive are known or suspected to support one side of the referendum debate. Regardless of intent, so the argument goes, a government information pamphlet would more often than not pose an unfair advantage to one side; therefore, in a liberal democracy in order to allow citizens truly decide the referendum issue, it is better that government refrain from disseminating any information at all. This fear of bias could be alleviated if the Chief Electoral Officer, rather than the premier and cabinet and their advisers, assumed the task of preparing the information pamphlet and other related means of communications, and if she did so

through open consultation with both sides and others interested in the referendum.

Whatever the case, when we turn to the particulars of New Brunswick's referendum, there was no provision in the VLT referendum statute for a government information pamphlet nor similar electronic communications. The Chief Electoral Officer issued the usual official notices printed in newspapers and mailed to individual voters, stating the wording of the referendum question, listing the telephone numbers of municipal returning officers, and indicating where and when to vote. But that was it as far as government-provided information went, because the political executive neither disseminated basic information nor advocated one side or other during the referendum campaign. This absence of balanced and objective information provided by the government was unfortunate because, as reflected in letters to newspaper editors, call-in radio programmes, and other public comments, many if not most New Brunswickers were poorly informed as to the current details of the province's VLT policy.

In this vacuum, the mass media and the competing sides provided most of the information heard during the VLT debate. The media played its expected role of covering the referendum campaign, and offering editorials and commentaries on VLTs; in addition, some of the daily newspapers and the CBC assumed a more activist role by organising public forums, but, since these meetings were restricted to only a few larger communities, they did not foster a truly province-wide debate. The pro-VLT side ran numerous daily advertisements in the print and broadcast media, had its own web-site, and hired a public relations firm, while the opponents were much less organised and more dependent on a word-of-mouth campaign including some clergy who used their church services to speak-out against VLTs.

The New Brunswick case certainly demonstrated what happens when the government refrains from disseminating a balanced and objective set of information, which seems to be a minimal requirement in order to have a fair referendum. But does government also have a regulatory role to facilitate public discourse on the referendum issue? For instance, should the Office of the Chief Electoral Officer be assigned the additional responsibility to arrange a televised public debate on the referendum issue, and co-ordinate public forums in several communities across the province? Or, instead, should Quebec's practice of establishing two umbrella committees to co-ordinate the referendum campaign be emulated?¹² In either case, any effort to regulate public discussion would have to be in line with the freedoms of expression, peaceful assembly, and related fundamental freedoms of the *Charter of Rights and Freedoms*. This would seem to be possible as

long as regulation was used to facilitate rather than limit or curtail public participation and debate; in fact, it would seem to be more of a necessity in order to make the referendum process fairer.

The Financing of the Campaigns

It was the absence of financing regulation that was the focus of much of the criticism as to how the VLT referendum was conducted. After all, like other provinces and the federal government, New Brunswick has had an impressive array of regulations since 1978 governing election and party financing along with public subsidies which are administered through the Office of the Supervisor of Political Financing. Throughout Canada, these regulations are justified on the need to abrogate the undue effect of money in election campaigns, to allow voters to decide on the merits of the competing parties and their candidates and positions, and to provide greater public transparency of money in politics. Even though some of these financing regulations have proven difficult to enforce and others have been successfully challenged on constitutional grounds in the courts of some jurisdictions, the practice of regulating election campaign financing (either contributions or expenditures) has become a fixture in New Brunswick and the rest of Canada. It was thus a great surprise that *New Brunswick's Video Lottery Scheme Referendum Act* was quiet in regard to this matter, by not extending the election campaign financing regulations to cover the referendum campaign.

The VLT referendum campaign was consequently a free-for-all as far as the competing sides were concerned, and an unfair one at that. Furthermore, in the absence of regulation of finances, not only were there no controlling limits but there was neither transparency nor public accountability. How much money was spent by the two sides? What were the sources of their money? How was the money spent? Was the electorate unduly influenced by big money? These are the kinds of critical questions typically raised in voting studies nowadays, but we are not able to answer them because of the absence of regulatory control mechanisms required to ensure public accountability.

With no transparency of the financing of the referendum campaign, the public was only left with suspicion which in turn undermined the legitimacy of the whole referendum process. There is certainly strong reason to assume that the pro-VLT side, with its plethora of daily advertisements in both print and broadcast media, its contracting of a public relations firm, and its web-site, raised and spent considerably more money than its opponents. The pro side's campaign was mainly orchestrated by the Committee for Responsible and Regulated

Gaming which, according to its web-site,¹³ was an industry group sponsored by the New Brunswick Licensees Association, which consisted of many owners of licensed establishments where VLTs were located; Spielo Manufacturing Incorporated, which is a New Brunswick manufacturer of VLTs with world-wide sales; and Hi-Tech Gaming.com, which is another New Brunswick business that provides nation-wide technical support for legalised gaming.

Meanwhile, it is probably a misnomer to refer to the opponents as a side because there was really no organised opposition like that of the pro side, even though VLT opponents dominated the letters-to-the-editor pages of newspapers, open-line radio programmes, and public meetings. For the most part, this opposition was dispersed and its strength varied from community to community. Anti-VLT concerns were articulated mainly by victims of VLT addiction and their family relatives, as well as by a few addiction counselors, members of the clergy, and university professors. These VLT opponents had no apparent funding other than the minuscule amounts from their own pockets to pay for stationery and postage for their letters to editors and for gas mileage to attend public forums.

Given the strong anti-VLT gambling attitude in the province on the eve of the referendum and the final vote in favour of VLTs, it is understandable why many New Brunswickers felt that the pro-VLT side had "bought" the result during the referendum campaign. While it is true, as has been shown in elections and referendums elsewhere, that the biggest spenders do not always win, that is really not the issue at stake. Rather, it is a case where democratic expectations require the referendum process to be and be seen as fair. When it comes to campaign financing, this fairness in electoral politics in New Brunswick and the rest of Canada is achieved through regulation and public subsidies, and there is no reason why the same cannot be extended to referendums. Of course, since political parties usually are not the most dominant participants in referendums, financing regulations and subsidies would have to be adapted within the Charter's context, and possibly applied to the umbrella committees mentioned in the previous section. At least, this is an option that will require consideration if there is greater resort to referendums, especially given the large sums that are now being spent in referendums today and the distortive impact that money can play in campaigns to influence voters.

Conclusion

What is required in order to hold a proper referendum? It is a simple but all-important question that has under-

lined the preceding discussion. After all, since referendums are increasingly being used in Canada with prospects for more in the near future, it is necessary to refine the mechanism to meet democratic expectations. At the same time, since Canada has had a long and evolving history with democracy, it is only natural that the structures and practices established in electoral politics should also serve as our basis for assessing the conduct of referendums. It was thus in this context that the structural and procedural aspects of New Brunswick's VLT referendum have been assessed in terms of fairness.

The case demonstrated the need for impartial administration in the holding of a referendum; the importance of the issue to be perceived as a valid problem that can be solved by way of a referendum vote which the government will accept and implement; the necessity for the referendum question to be formulated in clear language preferably through public consultation; and the requirement of sufficient timing to allow the electorate to focus on the referendum issue without being distracted by other voting variables. In addition, although different points of view were heard in New Brunswick, there was considerable difference between the two major sides in terms of their capacity to be heard effectively. New Brunswick's experience suggests that, when there is further resort to referendums in the province and other jurisdictions in Canada, consideration needs to be devoted to how better to improve public participation and decision-making. Potential reform measures, which are practised in a few jurisdictions in Canada, would include the preparation of a government information pamphlet, appointment of two umbrella campaign committees, and regulation of referendum financing. Such measures would contribute to a more informed vote, facilitate participation and discourse, establish greater transparency, and, in general, provide the essential ingredients for a fair and proper referendum.

Notes

1. New Brunswick had a previous province-wide direct vote in the non-binding plebiscite of 1967 on whether to lower the voting age to 18. The electorate voted by a two-to-one margin against the proposal, but the government eventually decided to lower the voting age anyway.
2. For a useful, up-to-date review of relevant laws in Canada, see Alain Pelletier, ed., *Compendium of Election Administration in Canada* (Ottawa: Elections Canada, 2000). Online. Accessed August 1, 2001. <http://www.elections.ca/loi/com2000/index_e.html>
3. See for example David Butler and Austin Ranney, eds., *Referendums: A Comparative Study of Practice and Theory* (Washington, D.C.: American Enterprise Institute for Public Policy Research, 1978).

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4. Matthew Mendelsohn and Andrew Parkin, "Introducing Direct Democracy in Canada," *Choices*, Vol. 7, No.5 (June 2001), pp. 3-35.
 5. Patrick J. Boyer, *The People's Mandate: Referendums and a More Democratic Canada* (Toronto: Dundurn Press Limited, 1992), p. 57.
 6. For a detailed account of New Brunswick's policy on VLTs, see Stewart Hyson, "Governments on a Gamble in the Canadian Federation: The Case of New Brunswick's Video Gambling Policy," Paper delivered at the Annual Meeting of the Atlantic Provinces Political Studies Association, Dalhousie University, Halifax N. S., October 20-22, 2000.
 7. Maite Ormaechea, "Losers Pay," *NB Now*, CBC Television News for New Brunswick, June 1, 1995; and "Gentlemen's Agreement," *NB Now*, CBC Television News for New Brunswick, July 28, 1995.
 8. The statistical data presented in this section come from Canada West Foundation, *Gambling in Canada Special Report: Video Lottery Terminals in New Brunswick*, April 2001. Online. Accessed May 13, 2001.
<[Http://www.cwf.ca/pubs/200103.cfm?pub_id=200103](http://www.cwf.ca/pubs/200103.cfm?pub_id=200103)>
 9. New Brunswick, Department of Justice, *NB Acts and Regulations*, Consolidated to March 31, 2001. Online. Accessed May 11, 2001.
<<http://www.gov.nb.ca/acts/acts/v-02-2.htm>>
 10. According to communication received by this author on April 24, 2001 from the Office of the Chief Electoral Officer, 500,231 New Brunswickers were on the preliminary lists of eligible voters, and 317,881 (or 63.5%) lived in municipalities with elected councils and mayors. Furthermore, since some of these incorporated communities only had a minimum number of candidates who were acclaimed to office with no local elections being held, the number of voters who actually had the chance to vote in local elections was less than what appeared on the official voters lists.
 11. Author's calculation based on the combined Yes and No votes of 222,765 out of the 500,231 eligible voters on the preliminary voters lists.
 12. For a description of practices in Quebec and other jurisdictions, see Tim Mowrey and Alain Pelletier, "Referendums in Canada: A Comparative Overview," *Electoral Insight*. 3, 1 (January 2001): 18-22. Also see Alain Pelletier, *Compendium of Election Administration in Canada*; and J. Patrick Boyer, *Direct Democracy in Canada: The History and Future of Referendums* (Toronto: Dundurn Press Limited, 1992), especially pp. 190-222.
 13. This web-site is no longer operating but was listed during the referendum campaign as:
<http://www.votemay14.com>.