

Canadian and American Governance: A Comparative Look



DEMOCRACY



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| <ul style="list-style-type: none"> ▪ The United States of America was formed between 1776-1783 during the War of Independence. | <ul style="list-style-type: none"> ▪ Canada was created July 1, 1867 following passage of the <i>British North America Act</i> by the British Parliament. At that time, the new Dominion of Canada had only four provinces: Ontario, Quebec, Nova Scotia, and New Brunswick. ▪ Alberta joined Confederation on September 1, 1905, becoming Canada's ninth province. |
| <ul style="list-style-type: none"> ▪ Federal republic; presidential-congressional ▪ Bicameral, elected legislatures (Nebraska only unicameral legislature) | <ul style="list-style-type: none"> ▪ Federal constitutional monarchy; parliamentary ▪ Bicameral Parliament federally; elected House, appointed Senate ▪ All provinces have unicameral, elected legislatures |
| <ul style="list-style-type: none"> ▪ Comprehensive, written Constitution, with amendments (the first ten of which are known as the Bill of Rights). In addition, the Constitution identifies the powers of, responsibilities of, and relationships between the executive, legislative and judicial branches. Also the Constitution sets out the authority of the federal government and powers reserved to the states. | <ul style="list-style-type: none"> ▪ Written and unwritten Constitution. Custom, usage, practice and convention play an important part in the Canadian Constitution. For example, until 1982, the Constitution did not even make reference to the position of Prime Minister or provincial Premiers. ▪ In 1982, a Charter of Rights and Freedoms was added to the Constitution. |
| <ul style="list-style-type: none"> ▪ The Framers designed a system of checks and balances, in which the executive, legislative and judicial branches are held in check by each other. For example, the President may provide leadership and initiate important legislation, but does not vote on bills in the legislative branch. Instead, once both houses have passed a bill, the President signs it into law. If the President is not in favour of particular legislation, he/she may use the veto power to block parts or all of a bill. The veto can be overcome by a 2/3 majority vote in Congress. | <ul style="list-style-type: none"> ▪ Canada inherited a system of responsible government from the British tradition. In this system the executive sits in the legislative branch and depends on votes of confidence by the House of Commons or legislature. Confidence essentially refers to the legislature's majority support of the executive's mandate. When the legislative branch loses confidence in the executive, the cabinet must resign, call an election or form a new cabinet that can gain confidence. |



FEDERALISM



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| <ul style="list-style-type: none"> ▪ U.S. is composed of 50 states, the District of Columbia and seven significant territories and possessions. | <ul style="list-style-type: none"> ▪ Canada is composed of ten provinces and three territories. |
| <ul style="list-style-type: none"> ▪ In early American history, the federation was highly decentralized – but has become more centralized over time. | <ul style="list-style-type: none"> ▪ In early Canadian history, the federation began as moderately centralized – but has become increasingly decentralized over time. Today, the Canadian federal system is often cited as the most decentralized in the world. |
| <ul style="list-style-type: none"> ▪ Dynamics of the federal systems | |
| <ul style="list-style-type: none"> ▪ The 10th Amendment reserves to the states all powers not given to the federal government. While this amendment has not been fully implemented in practice, evidence suggests that the Supreme Court is currently giving it more weight. ▪ However, over the past 200 years, Congress and the executive branch have asserted an expanding breadth of jurisdiction. There are very few areas where the state has sole authority, such as the structures and functions of state government itself. Yet, there are also many areas where regulation is shared, the specifics of which depend on the subject matter. ▪ Each state has its own constitution, which may not conflict with the U.S. constitution, but may contain provisions, such as an explicit right of privacy, a right to know (about government) and a means for citizens to exercise legislative authority through initiative and referenda. These provisions may reach beyond the parameters of the national constitution. ▪ American states are active in the promotion of their states through trade missions and foreign offices, but play little direct role in federal trade policy and trade negotiations. | <ul style="list-style-type: none"> ▪ The Canadian Constitution specifies in Sections 91 and 92 a division of powers between the provincial and federal orders of government. Beyond the provincial power to tax directly, the primary provincial responsibilities include: natural resources, education, and health. ▪ The territories are responsible for many of the same roles and responsibilities as provinces but these responsibilities are not constitutionally entrenched. All territorial powers are delegated from the federal government. ▪ In practice today, the division of responsibilities has many grey areas. For example, the federal government has used its fiscal powers or the federal spending power to attempt to influence public policy in areas of provincial responsibility. ▪ While foreign relations fall under federal jurisdiction, many provinces have been active internationally. Part of the mandate of the Alberta government's Ministry of Economic Development and Trade is to lead the development of government-wide strategies and policies for Alberta's relations with other governments within Canada, and with national and sub-national governments around the world. Alberta has played an active part in Canadian trade negotiations. |



FEDERALISM



Dispute resolution and intergovernmental relations

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| <ul style="list-style-type: none"> ▪ The structure of American federal-state-local relations are based on legal interpretations and ongoing political negotiations. Disputes are usually played out in the bureaucracy, Congress and the courts. Rarely would the Governors meet with federal officials to secure a mutual agreement. ▪ The U.S. Senate, which can be looked upon as a house of the states, has traditionally been the venue where regional and state interests are presented and debated. U.S. Senators are considered important defenders of the interests of their states. However, members are also expected and empowered to look beyond parochial concerns and articulate the national interest. ▪ American governors meet regularly in the National Governors Association and in regional groups, such as the Western Governors' Association (WGA). The WGA and Western Premiers Council established a formal linkage in 1999 under Alberta's leadership. | <ul style="list-style-type: none"> ▪ Canadian Premiers meet occasionally with the Prime Minister at First Ministers Meetings, which are called at the discretion of the Prime Minister. ▪ In 2003, the Council of the Federation (COF) was established to serve as a forum for provincial and territorial leaders to meet and discuss issues of common interest. This Council meets at least twice a year. In practice, COF works to promote relations between federal, provincial and territorial governments and is very active on a broad range of public policy issues of importance to all Canadians. ▪ These intergovernmental summits are often referred to as executive federalism as they are characterized by significant dispute resolution and deal-making by Canadian first ministers. ▪ Because Canada does not have an effective Senate, Canadian Premiers are considered the preeminent defenders of their province's interests. |
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Funding

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| <ul style="list-style-type: none"> ▪ Typically, U.S. state legislatures receive a significant portion of funding from the federal government, which is allocated and dispersed according to various federal agency guidelines. Such programs include Social Security, veterans benefits, pensions, interstate highways and education. Thus, federal funding in a given state often exceeds 50% of total state government spending. | <ul style="list-style-type: none"> ▪ Federal transfers to the provinces take three forms: <ol style="list-style-type: none"> 1. Equalization transfers. Depending on a province's financial condition, it will receive an equalization transfer from the federal government. Typically, Alberta, Ontario and B.C. contribute to the transfer, while the other seven provinces receive the transfer. 2. Canadian Health and Social Transfer (CHST). The CHST is a transfer of funds from the federal government to the provinces. These funds are used by the provinces for social programs: health, social services and post-secondary education. 3. Specific cost-shared programs. Several cost-shared programs, such as the national infrastructure program and the labour market development agreements, involved a transfer of funds from the federal to provincial governments. ▪ Nationally, federal transfers comprise an average of 20.2% (in 2016-16) of provincial revenue (in Prince Edward Island, federal transfers account for as much as 33.5% of provincial revenue). However, in Alberta this percentage is much lower at only 12.6%. |
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EXECUTIVE



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| <ul style="list-style-type: none"> ▪ The President (nationally), Governors (state-level) and their Cabinets (which head various departments and agencies) form the American executive branch. | <ul style="list-style-type: none"> ▪ At the Canadian federal level, the executive branch is composed of the Queen or her representative the Governor General (Head of State), the Prime Minister and the Cabinet. ▪ Provincially, the executive is comprised of the Lieutenant Governor (representative of the Queen), the Premier and the Cabinet. |
| <h2>Heads of State and Government</h2> | |
| <ul style="list-style-type: none"> ▪ While Governors are directly elected by the people, Presidents win office through the electoral college, a body which reflects the number of Members of Congress in each state. The candidate who receives the most votes in any given state is awarded all the electoral colleges votes in that state. ▪ Candidates for Governor or President receive their party's nomination following an extensive party primary election. However, some states have conventions or caucuses instead of primary elections. ▪ American Governors and Presidents occupy the executive branch and may not concurrently sit in the legislative branch. | <ul style="list-style-type: none"> ▪ Governors General and Lieutenant Governors are appointed by the Prime Minister. ▪ Prime Ministers and Premiers (or First Ministers) must be members of the House. They arrive to the position as the leaders of the majority party. ▪ Leaders of political parties (both the majority and minority parties) are elected by registered members of that party during leadership conventions. Leadership conventions are evolving in Canada, as several parties have adopted a full membership vote system, rather than the traditional delegate-convention system. |
| <h2>Cabinet</h2> | |
| <ul style="list-style-type: none"> ▪ Presidents and Governors appoint an unelected Cabinet, to head various departments and agencies. In Washington, Cabinet members are called Secretaries and at the state level, they are often called Directors or Commissioners. | <ul style="list-style-type: none"> ▪ Cabinet or the government is composed of elected Members of Parliament (federal) or of the Legislative Assemblies (provincial), who are appointed to Cabinet by the Prime Minister or Premier to head specific departments or agencies. ▪ In Canada, the First Ministers lead both the legislative and executive branches of government. |
| <h2>▪ Powers</h2> | |
| <ul style="list-style-type: none"> ▪ Presidents and Governors possess many powers, but are held in check by a balance of power by the legislative and judicial branches. | <ul style="list-style-type: none"> ▪ In Canada, there is a concentration of power in the executive. Based on responsible government, the executive has a strong mandate to govern with the support of a majority in the House. |
| <ul style="list-style-type: none"> ▪ Neither the President or Governors, nor Cabinet members can appear in the House to debate a bill or respond to questions without an invitation from the legislators. While this occurs rarely, it is more common for other administration officials to appear before legislative committees. | <ul style="list-style-type: none"> ▪ As legislators and the executive, the Prime Minister, Premiers and Cabinet members regularly speak in the House and must submit to a daily Question Period. When the House is in session, question period provides the opportunity for the Cabinet to remain accountable and responsible as it responds to the House's questions. |



LEGISLATIVE



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| <ul style="list-style-type: none"> ▪ Congress is composed of 100 Senators and 435 Representatives. ▪ The Senate possesses fundamental powers in the American political system. Among these responsibilities is the confirmation of presidential and gubernatorial appointments, as well as the ratification of international agreements. ▪ State legislatures vary in size from 63 Senators in New York to 400 Representatives in New Hampshire to 20 Senators and 40 Representatives in Alaska. Some states call their lower house other names (e.g. the Assembly or the House of Delegates). ▪ While service in Congress is clearly a full-time pursuit, the time commitment and remuneration for state legislators vary. For example, many states have part-time, citizen legislatures that meet every other year and whose members necessarily maintain occupations outside of politics. | <ul style="list-style-type: none"> ▪ The federal House of Commons is composed of 338 Members of Parliament (MPs), including the Prime Minister and Cabinet. ▪ While the Senate is un-elected, un-equally represented and operates as the lower chamber (although called the upper chamber), it has the power to present legislation and approve House of Commons legislation. ▪ The Legislative Assembly of Alberta is composed of 87 members (MLAs), including the Premier and Cabinet. ▪ Provincial legislatures range in size from 125 members in Quebec to 27 members in Prince Edward Island. ▪ All MPs and MLAs serve publicly in a full-time capacity. |
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Elections

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| <ul style="list-style-type: none"> ▪ Senators and Representatives are accountable to specific districts and are elected by those citizens who reside in their district. The state Governor is elected by all state voters and is thus accountable to all state citizens. Federal House districts average well over half a million people in size. ▪ Elections occur on the first Tuesday of November of the last year of an elected official's term. Terms range from two years for Representatives, two to four years for Governors, four years for Presidents and six years for Senators. | <ul style="list-style-type: none"> ▪ All MPs and MLAs, including the Prime Minister, Premiers and Cabinet Ministers, represent a constituency or riding (the average riding consists of 42,000 people in Alberta and 109,000 people in the federal House of Commons). ▪ Elections can be called at any time, but must be called within five years of the last. |
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Roles and responsibilities

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| <ul style="list-style-type: none"> ▪ American legislators perform a full-range of legislative duties, including representing a voting district, presenting legislation, debating, bargaining with the Executive branch, participating on committees and voting on legislation. | <ul style="list-style-type: none"> ▪ The role of the MP and MLA is to represent the wishes and aspirations of his/her constituency in the party caucus and in the House. ▪ During the 26 weeks per year (on average) that the House of Commons or 12 weeks per year (on average) that the Alberta Legislature sits, MPs and MLAs are responsible for debating and voting on legislation. ▪ MPs and MLAs may be chosen to sit on Committees or perform other government business. When the House is not in session, MPs and MLAs are responsible for meeting with constituents and continuing a representational role. |
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LEGISLATIVE



Passing legislation

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| <ul style="list-style-type: none"> Presidents and Governors may have legislation sponsored by senators and representatives. In Congress and in some states, each house may add or remove items from the bills, or reject them completely, and what emerges may bear little resemblance to the original proposed bill. In other states, there is scarce latitude to alter the original intent of a bill or to add riders that are not integrally related to the main subject of the legislation. Presidents and Governors also possess an important veto power, which can only be overridden by a 2/3 majority vote in both houses. Not all state constitutions may possess the same veto procedure. American legislatures are presented with and pass a large number of bills. For example, in Washington State, three to four thousand bills are often introduced in one 60 day session, 300-400 of which would be passed. As there is great room for individual legislators to vote independently, the American political system involves much bargaining between different groups. Fellow legislators may logroll in exchange for support. Lobbyists play an important part in all facets of American politics. | <ul style="list-style-type: none"> The Prime Minister/Premier and Cabinet advance the vast majority of the legislative agenda, with the confidence of the House. Backbenchers, or non-cabinet MPs or MLAs, may present private-member's or non-cabinet legislation, although most legislation originates from the cabinet. Canada's legislatures tend to deal with much less legislation than their American counterparts. Often, the number presented and passed are the same, due to the consolidated majority party power in the executive and legislature. In Alberta, an average of 60 bills would be passed in one session. Lobbyists have a relatively limited and much more indirect role in Canadian politics. Lobbyists may present their position to legislative committees or to a caucus, but they must ultimately persuade the government as a whole. |
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The Speaker

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| <ul style="list-style-type: none"> The Speaker of the House is the leader of the House majority party, and possesses a variety of important powers regarding the scheduling of bills, procedures, committee membership and decorum. | <ul style="list-style-type: none"> The Speaker of the House, who is also an MP or MLA, impartially oversees the functioning of the Legislative Assembly. The Speaker interprets the rules of conduct in the House, acts as arbitrator during debates and oversees the legislative process. The Speaker may not take part in debate, ask or answer questions during Oral Question Period, or vote except to break a tie. Most Canadian Speakers are elected by the House and also oversee a significant budget for the Legislature and its various services. |
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JUDICIARY



The Supreme Court

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| <ul style="list-style-type: none"> ▪ Supreme Court appointed by President and confirmed by the Senate, with lifetime appointments. ▪ No specific prerequisites, other than a successful confirmation by the Senate. ▪ Through its constitutional interpretations, the Supreme Court has played a pivotal role in American governance. It has had the power to engage in judicial review since 1803. | <ul style="list-style-type: none"> ▪ Supreme Court appointed by Prime Minister, with mandatory retirement age of 75. ▪ Composed of three judges from Quebec, three from Ontario, two from the West and one from Atlantic Canada. ▪ The role of the Supreme Court has changed dramatically since the implementation of the Charter of Rights and Freedoms. The Court is increasingly involved in contentious issues of public policy that were previously the sole domain of elected legislatures. |
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Other courts

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| <ul style="list-style-type: none"> ▪ For the most part, other judges are elected. | <ul style="list-style-type: none"> ▪ No judges in Canada are elected. ▪ The federal cabinet appoints approximately 1,100 judges to the Supreme and Federal Courts of Canada, as well as provincial Superior and Divisional Courts. ▪ Provincial cabinets appoint approximately 1,250 judges to provincial courts. |
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