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**Stabilizing Minority Government: A Review**

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The Canadian Study of Parliament Group (CSPG), as part of its efforts to foster knowledge and understanding of Canadian parliamentary institutions, is sponsoring the annual National Essay Competition. College and university undergraduate and graduate students in any discipline across Canada are invited to submit essays on any subject matter broadly related to Parliament, legislatures or legislators. The winning essays are made available free of charge, in both official languages, on the CSPG Web site. The views and opinions contained in these papers are those of the authors and are not necessarily reflective of those of the CSPG.

## Essay

On March 26<sup>th</sup> 2011, Canadian Prime Minister Stephen Harper met with Governor-General David Johnston at Rideau Hall to request the dissolution of Parliament, effectively igniting Canada's fourth parliamentary election in the last seven years. This event marked another turbulent chapter to what has been perhaps the most unstable era in Canadian parliamentary democracy since Confederation in 1867. With three consecutive minority governments since 2004 and recent polls suggesting a high probability for a fourth this May,<sup>1</sup> Canadians are poised to witness a string of consecutive minority governments unprecedented in the history of their Parliament.<sup>2</sup> With the objective of stabilizing not only Canadian parliament, but more broadly Canadian democracy, eminent political scientist Peter Russell – in his book titled: *Two Cheers for Minority Government: The Evolution of Canadian Parliamentary Democracy*<sup>3</sup> - embarked on an exploration of how Canadians could harness the benefits of minority government while providing stability to what has been an unsteady arrangement.

In order to subdue the infectious fragility of minority governments, Russell focused on three mechanisms that can serve as stabilizers in minority government situations, namely: fixed election dates, the governor general and agreements between parties.<sup>4</sup> This essay aims to evaluate the success, or lack thereof, of the aforementioned solutions highlighted by Russell as we reflect on the past three years since his book was written. It is important to note that a fourth proposed mechanism - electoral reform - will be omitted in our exploration since it has not yet been tested in the Canadian case. Although Russell admirably predicted the fault lines of the political conflicts that would follow the publishing of his book,

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<sup>1</sup> A recent Léger Marketing poll situates the Conservative Party at 37% support among decided voters, within minority government territory. Léger Marketing Poll Federal Election 2011, *Harper Loses Momentum During Week One*, April 4<sup>th</sup>, 2011. Internet: <http://www.legermarketing.com/documents/POL/11441ENG.pdf>. Accessed April 4th, 2011.

<sup>2</sup> With the possibility of a fourth minority government in 2011, Canadians are on the brink of surpassing the three consecutive minority governments elected between 1962 – 1965.

<sup>3</sup> Russell, Peter H., *Two Cheers for Minority Government: The Evolution of Canadian Parliamentary Democracy*, (Toronto: Emond Montgomery, 2008).

<sup>4</sup> Russell, Ch. 6.

recent history has shown that his highlighted mechanisms have not provided adequate stability to minority governments. This essay will attempt to explain why this has been the case. I will argue that the Prime Minister's far-reaching influence over both parliamentary institutions and public discourse – even in a minority setting - severely overpowered the measures championed by Russell. This, coupled with the inability of the Canadian electorate to act as a lucid and reliable check on the government's compliance with complex and ambiguous parliamentary conventions, created a vacuum for government officials to successfully obfuscate and reinterpret certain parliamentary conventions in their favour.

Russell's support for minority governments stems from their purported benefit of affirming parliamentary supremacy over the Prime Minister.<sup>5</sup> The last three years have taught us however, that Canada is still largely – to use Donald Savoie's phrase - "Governed from the center,"<sup>6</sup> even without a majority mandate. Before reviewing the last three years, we must first reflect on Russell's analysis of minority governments.

### *Two Cheers for Minority Government*

To Peter Russell, minority governments have been characterized as both the logical product of an electoral trajectory that has increasingly reflected a more fragmented electorate<sup>7</sup> and also as an opportunity to enable a more democratic parliamentary arrangement by ensuring the supremacy of Parliamentary democracy over Prime-Ministerial democracy. As Russell states, "It is the central submission of this book that the best prospects for evolving our parliamentary system in the direction required to respond to the challenges of our time occur under conditions of minority government."<sup>8</sup> In this case, the "direction required" is the affirmation of parliamentary democracy over a "prime-ministerial,

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<sup>5</sup> Russell, p. 3.

<sup>6</sup> Savoie, Donald, *Governing from the Centre: The Concentration of Power in Canadian Politics* (Toronto: University of Toronto Press, 1999).

<sup>7</sup> For a compelling empirical analysis of the increasing popularity of minority governments in Canada, see Ch. 3 in Russell's text. Simply put, Russell articulates how the advancement of a multi-party system in Canada has increased fragmentation among voters and the likelihood of minority governments.

<sup>8</sup> Russell, p. 122.

CEO-style government ... (that governs) without meaningful parliamentary debate and regardless of popular support in the country.<sup>9</sup> In other words, to Russell, not only are minority governments “Our best bet,”<sup>10</sup> to the enforcement of parliamentary democracy, but they are also an inevitability that we must learn to accept and make work.<sup>11</sup> However, in doing so one must overcome one daunting weakness, instability.

Peter Russell devotes Chapter 6 of his book to finding solutions that would strengthen minority government from the “...Fragility ... and the constant election fever that infects them...”<sup>12</sup> In doing so, we would be addressing what he believes to be the primary problem with minority governments, effectively opening the door to a more democratic and representative stewardship of the Canadian political apparatus. To ensure this, Russell proposes: fixed election dates, a more proactive Governor-General and agreements between parties.

Perhaps the most rigid assurance of a stable framework to a minority government is the notion of fixed election dates for Canadian parliamentarians. Because of the constant state of “electionitis” plaguing parliament and the electorate, Russell – by referring to Bill C-16, Canada’s fixed date election legislation enacted in 2007 - argues that fixed term election dates would serve as a stabilizing force in an inherently unstable political arrangement.<sup>13</sup> Such legislation would mirror policies in a majority of “comparable democracies”<sup>14</sup> and could serve as a remedy to the short-lived nature of minority governments by eliminating opportunistic election calls by political parties and forcing a commitment of collaboration among members of parliament throughout an election term. Simply put, fixed election dates would provide the frame that would hold together the subsequent mechanisms.

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<sup>9</sup> Russell, p. 3.

<sup>10</sup> Russell, p. 128.

<sup>11</sup> Russell, p. 4.

<sup>12</sup> Russell, p. 133.

<sup>13</sup> Russell, p. 134.

<sup>14</sup> Milner, Henry, *Fixing Canada’s Unfixed Election Dates* 6, IRPP Policy Matters, Institute for Research on Public Policy, Montreal, 2005, in Russell, p. 134-135.

Although fixed election dates would be easily applicable to cases of majority government, some confusion arises when pursuing their application to cases of minority governments, where confidence can more easily be lost in the House of Commons without the governing party holding the majority of seats. Although Bill C-16 stipulated that fixed election dates would not affect “The powers of the Governor-General, including the power to dissolve Parliament at the Governor-General’s discretion,”<sup>15</sup> Russell predicts that the existence of the fixed election date law would permit the Governor-General to “not acquiesce so easily to prime ministers who seek an early election.”<sup>16</sup> In other words, Russell assumes that Bill C-16 would influence the Governor-General to try to enforce the four-year fixed election term if the formation of an alternative government seemed possible. This leads us to the second mechanism responsible for stabilizing minority governments, namely a proactive Governor-General acting as a check on the Prime Minister.

Although the Governor-General is not Canada’s head of state (the title belongs to the Queen of England), he or she represents the Queen and exercises discretionary powers on the formation and dissolution of government. In the context of minority governments, Russell argues that the Governor-General would have to become *more involved* in situations where the Prime Minister forms a minority government and is defeated in the house before its four-year expiry date.<sup>17</sup> In cases such as these, Russell suggests following the New Zealand example of allowing the Governor-General to grant governance to opposition parties if they could successfully hold the confidence of the house. Given the particulars of the situation, the Governor-General could “ascertain” where support for the house lies and could either call for a new Prime Minister and government or for an immediate election.<sup>18</sup> As a matter of Canadian precedent, the case of the King-Byng crisis in June 1926 saw Governor-General Byng refuse the

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<sup>15</sup> An Act to amend the Canada Elections Act, section 1, retrieved from Parliament of Canada website: <http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3294668&Language=e&Mode=1&File=24>. Accessed April 4<sup>th</sup>, 2010.

<sup>16</sup> Russell, p. 140.

<sup>17</sup> Russell, p. 148-149.

<sup>18</sup> Russell, p. 150.

dissolution or Parliament as requested by Prime Minister Mackenzie King and called on Progressive Conservative Arthur Meighen to form a government.<sup>19</sup> Therefore there is a historical backing favouring a more involved Governor-General as a legitimate check on the Prime Minister. Coupled with fixed election dates, the Governor-General could assure that governments do not dissolve based solely on the whims or opportunistic political calculations of the Prime Minister.

The third mechanism proposed by Russell is the development of formal agreements between parties meant to provide a measure of stability to a minority parliament. Differing from coalitions in that they do not constitute a sharing of cabinet posts, formal agreements are described as agreements amounting to “a smaller party agreeing to support the government on confidence votes in return for the government’s legislative program satisfying some of the party’s key policy priorities.”<sup>20</sup> Although one may argue that such agreements takes place *de facto* in minority governments on matters of confidence, as seen in the inclusion of NDP priorities on enhance employment insurance benefits in the 2010 Federal budget,<sup>21</sup> they have not in recent years taken the form of a formalized agreement operating on more than an issue by issue basis. In this respect, current agreements do not provide for any long-term stability to minority government arrangements. As Russell argues, such agreements would most likely occur between the Liberals and the NDP, with the Harper Conservatives preferring to operate on an *ad hoc* basis.<sup>22</sup> Although this type of arrangement would likely bring a more stable governing environment, effectively weakening the constant election anxieties that can plague a nation during a minority government, it is an option that is up to the discretion of the political parties to enforce.

As in any democracy, the final stand in holding politicians to account rests with the voters.

Russell warns us that no matter what mechanisms are in place, parliamentary democracy in Canada will

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<sup>19</sup> Russell, p. 9.

<sup>20</sup> Russell, p. 152.

<sup>21</sup> Budget in Brief, in *Budget 2010: Leading the Way on Jobs and Growth*, last modified on March 3<sup>rd</sup>, 2010. Internet: <http://www.budget.gc.ca/2010/glance-apercu/brief-bref-eng.html>. Retrieved April 4th, 2011.

<sup>22</sup> Russell, p. 155-156.

not be easily sustained with an uneducated and indifferent electorate.<sup>23</sup> Furthermore, Russell maintains that “Informal constitutional conventions rely on the political process, not the courts for their interpretation. The weight of effective public opinion is the only sanction for their enforcement.”<sup>24</sup> In other words, the pillar for the respect of Parliamentary conventions rests with the Canadian electorate. To Russell, if the Canadian electorate is sufficiently educated, they can act as a responsible check on ensuring that the Prime Minister of government adhere to parliamentary conventions.

In this next section, I will evaluate the effectiveness of Russell’s mechanisms over the last three years. Furthermore I will explain how in the absence of effective and adequate methods of educating the Canadian public, Prime Minister Harper filled a knowledge vacuum by attempting to *re-educate* the Canadian people himself with partisan interpretations of parliamentary conventions. By governing from the center in both parliament and in the public discourse, the Prime Minister could not only subvert Russell’s mechanisms, but could also convince Canadians that they did not really exist. Hence, the mechanisms of stability were easily compromised.

#### *Governing from the Center: Prime Minister Influence in the Parliamentary Arena*

When testing the effectiveness of Russell’s mechanisms of fixed election dates, a more involved governor-general and agreements between parties, we quickly discover that control over these conventions lead back to the Prime Minister.

Since the inception of Bill C-16 regarding fixed election dates in 2007, Canadians have yet to witness its application. Perhaps the most striking example of a continued Prime Ministerial control over election dates occurred prior to the 2008 general election, when Prime Minister Harper unilaterally requested the dissolution of Parliament by the Governor-General citing “fundamental differences” between his government and opposition parties leading him to doubt whether the subsequent session or

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<sup>23</sup> Russell, p. 162

<sup>24</sup> Russell, p. 164.



Parliament could be productive.<sup>25</sup> In this case, Parliament was dissolved not because of an official loss of confidence in the house on the part of the opposition parties, but because of a unilateral declaration on the part of the Prime Minister. The fixed-date election law was circumvented by the same Prime Minister that championed its enactment. While Harper did not officially breach the bill because of a clause maintaining the Governor-General's powers of dissolution,<sup>26</sup> the fact that the request for dissolution was made unilaterally and without an official loss of confidence in the House of Commons displayed a clear illustration of the dominant power enjoyed by the Prime Minister in Canadian Parliament. At the least, this episode marked the ease in which the Prime Minister could overpower one of Russell's key mechanisms for stabilizing minority governments.

As mentioned earlier, Russell explains that an active Governor-General could also act as a stabilizing agent that could enforce the law on fixed-term election dates by granting the opportunity for opposition parties to form government if they could command the confidence of the House of Commons. However, contrary to Russell's prediction, in the case of the 2008 election the Governor-General did not entertain opposition offers to form the government when Prime Minister Harper requested the house be dissolved.<sup>27</sup> Contrary to Russell, not only was the Prime Minister's request not challenged by the Governor-General, but we received no indication that the request was worthy of deliberation to assess its legitimacy. Even with the new fixed date law enacted, the Governor-General acquiesced and deferred to the powers of the Prime Minister without little doubt.

Perhaps an even more striking example of prime ministerial supremacy over the Governor-General was demonstrated during the Coalition Crisis that ensued following the election of 2008.

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<sup>25</sup> Champion-Smith, Bruce. 2008. "Stephen Harper set to call fall election," *The Toronto Star* (Toronto), August 27<sup>th</sup>, 2008. Internet: <http://www.thestar.com/article/486184>. Accessed April 5th, 2011

<sup>26</sup> Parliament of Canada. *An Act to amend the Canada Elections Act*, section 1, retrieved from Parliament of Canada website:

<http://www2.parl.gc.ca/HousePublications/Publication.aspx?DocId=3294668&Language=e&Mode=1&File=24>.

Accessed April 4<sup>th</sup>, 2010.

<sup>27</sup> See note 16.

Although the Conservatives won a minority government during the 2008 elections, their role as government was quickly challenged by an incipient NDP and Liberal coalition that threatened to bring down the Conservatives on a vote of non-confidence. Days before the vote was called, the Governor-General granted, at Prime Minister's Harper's request, the prorogation of parliament until the following month, providing the Conservative government ample time to rethink their economic policies and unleash an ad campaign demonizing the Liberal/NDP/Separatist Bloc "coalition".<sup>28</sup> Although granting prorogation was a legitimate avenue to manage the parliamentary showdown, it reaffirmed a relationship of deference on the part of the Governor-General, effectively favouring the Prime Minister over the opposition parties (and therefore Parliament).

In both these episodes, we witnessed that at best, the Governor-General could not be counted on as a steady mechanism to assure the stability of minority governments. At worst, the Governor-General continually favoured a Prime-Ministerial oriented concept of government over a Parliamentary one.

The last three years of minority government have also taught us that formal agreements between parties have not been implemented to stabilize minority governments. To repeat, Russell rightly predicted in his book, that the Conservatives have no obvious ally in Parliament, and "Prefer to work on an ad hoc basis, finding the support they need on each issue from different sections of the opposition benches."<sup>29</sup> This was the case with the Liberals supporting the 2009 budget and the NDP supporting the 2010 budget. Although more formal agreements would likely demonstrate a heightened degree of stability to minority governments, there is no requirement for their use nor have they materialized under the Conservative regime. Therefore one would be hard-pressed to consider formal agreements between parties as a reliable mechanism in ensuring stability during federal minority governments in recent times.

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<sup>28</sup> "GG Agrees to suspend Parliament: Harper," *CBC News*, December 4<sup>th</sup>, 2008. Internet: <http://www.cbc.ca/news/canada/story/2008/12/04/harper-jean.html>. Accessed April 5<sup>th</sup>, 2011

<sup>29</sup> Russell, p. 155.

When attempting to analyze why Russell's mechanisms have not successfully acted to stabilize minority government, it is clear that the overwhelming influence of the Prime Minister in Parliamentary institutions can be identified as a leading cause. It is the voters however who vote in the Parliamentarians that determine the Prime Minister. Therefore, we must turn to the relationship between the voter and the government to fully understand why Russell's mechanisms have failed.

*Governing from the Center: Prime Minister Influence in the Public Arena*

As mentioned earlier, the ultimate check on the behaviour of elected members of Parliament are the voters. In a system where many Parliamentary rules are not constitutionalized, it is the electorate who can vote in and vote out Parliamentarians, with the weights of public opinion acting as the only enforcement of Parliamentary conventions.<sup>30</sup> As a result, Russell stresses the need for an educated electorate.<sup>31</sup> This understanding of Canadian Parliamentary life is of crucial importance in order for citizens to fulfill their responsibilities as responsible checks on Parliamentarians and as the guardians of a democratic system of government. However, the experience with minority governments have suggested that Canadians are both polarized and unsure when it comes to understanding Parliamentary conventions during rare and complex events such as the Parliamentary crisis of 2008.

At the height of the post-2008 election Parliamentary crisis, an Angus Reid Poll released on December 2<sup>nd</sup> 2008, reflected that 36% of Canadians were in favour of supporting the opposition motion to topple the Conservative government, 40% were against it and 24% weren't sure.<sup>32</sup> Although this question did not directly relay information regarding Canadian's views on the legitimacy of an

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<sup>30</sup> Russell, p. 164.

<sup>31</sup> Russell, p. Ch. 7.

<sup>32</sup> The question asked was: "As you know, the Conservative minority government faces a confidence motion on Dec. 8 which states: 'This house has lost confidence in this government and is of the opinion that a viable alternative government can be formed within the present House of Commons. How would you like your Member of Parliament to vote on this measure?'" Angus Reid Strategies/CTV Poll. "Canadians Divided on Toppling the Conservative Government." December 2<sup>nd</sup>, 2008. Accessed April 5<sup>th</sup>, 2011. Internet: [http://www.angus-reid.com/wp-content/uploads/archived-pdf/2008\[1\].12.02\\_Coalition\\_1.pdf](http://www.angus-reid.com/wp-content/uploads/archived-pdf/2008[1].12.02_Coalition_1.pdf)

opposition-led government,<sup>33</sup> it did shed light on the high degree of polarization and uncertainty regarding the appropriate course of action in a Parliamentary crisis as such. Although this remains to be tested, it is reasonable to suspect that many Canadians were unsure of the legitimacy of the opposition-led proposal to take over government because of the extreme rarity of such an initiative in Canadian Parliament.<sup>34</sup> In this vacuum of public uncertainty on the conventions of our Parliamentary system, the Harper Conservatives wasted little time filling in the void with partisan interpretations.

As Donald Savoie notes, Canadian Prime Ministers control important levers of power and “Unlike members of Parliament and even Cabinet ministers, he does not need to search out publicity or national media attention, since attention is invariably focused on his office and his residence...”<sup>35</sup> In other words, the Prime Minister’s powers extend past the limits of Parliamentary institutions and reach into the public discourse through the media, a prime source of information and education for citizens.<sup>36</sup> As a result, the whole country was listening when Harper spoke in a five-minute nationally televised address stating that “Canada’s *government* has always been chosen by the people,” and that “The opposition is attempting to impose this deal without your (the Canadian electorate’s) say, without your consent and without your vote.”<sup>37</sup> In the context of an ambiguous Parliamentary crisis, Harper’s speech was a clear and aggressive attempt at *re-educating* the Canadian electorate regarding the functions of Canadian Parliament. Contrary to Harper’s misinterpretation, Peter Russell rightfully explains that at election time Canadians “Don’t elect a government; we elect a representative assembly. The government is formed by

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<sup>33</sup> To the best of my knowledge, no such poll exists. The aforementioned question was the closest found to a direct question regarding views of an opposition-led government during the December Parliamentary Crisis.

<sup>34</sup> The only comparable episode occurred in the King-Byng Crisis of 1926 over eighty-five years earlier. Russell, p. 9-10.

<sup>35</sup> Savoie, p. 72.

<sup>36</sup> Savoie, Donald. *Power: Where is it?* (Montreal & Kingston: McGill-Queen’s University Press, 2010), p. 101.

<sup>37</sup> “Full text of Stephen Harper and Stéphane Dion statements.” *CTV News*. December 3rd, 2008.

Accessed April 5<sup>th</sup>, 2011. Internet:

[http://www.ctv.ca/CTVNews/TopStories/20081203/harper\\_statement\\_081203/](http://www.ctv.ca/CTVNews/TopStories/20081203/harper_statement_081203/)

the leader of the party that has the confidence of the elected branch of the legislature...<sup>38</sup> Canadians listen closely to their Prime Minister when he addresses his country on national television in the heat of a critical Parliamentary crisis. It is in this context that Prime Minister Harper perverted Parliamentary conventions to further a politically partisan objective. An unsure Canadian public listened to their Prime Minister transmit a biased interpretation of our parliamentary democracy, effectively attempting to indoctrinate a country to it. This reinterpretation continued throughout Harper's term as Prime Minister, including his statement that, "Losers don't get to form coalitions. Winners are the ones that get to form government," when discussing the Westminster system with British Prime Minister David Cameron, after a British election resulted in the formation of a coalition government.<sup>39</sup> Unfortunately Harper omitted that the formation of the UK coalition saw the third place Liberal Democrat party hold discussions with both the winning Conservatives and the second place Labour party in the hopes of forming a coalition with either party.<sup>40</sup>

### *Conclusion*

As the ultimate check on Parliamentarians, Canadians must also bare responsibility for the integrity of the Parliamentary system. However in times of uncertainty, the Prime Minister's powers are far-reaching enough to indoctrinate Canadians to his personal interpretation of Parliamentary conventions. When analyzing mechanisms to stabilize minority governments - whether it be fixed election dates, the powers of the governor general or agreements between parties – all may see their effectiveness severely limited if the Canadian public allows them to be trivialized by the Prime Minister. As Russell explains when dealing with fixed election dates, "...A Prime Minister who ignores the will of Parliament and

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<sup>38</sup> Russell, p. 1.

<sup>39</sup> Taber, Jane. " 'Losers don't get to form coalitions,' says Harper," *Globe and Mail*. London. June 3<sup>rd</sup>, 2010. Accessed April 5<sup>th</sup>, 2011. Internet: <http://www.theglobeandmail.com/news/politics/ottawa-notebook/losers-dont-get-to-form-coalitions-says-harper/article1590534/>.

<sup>40</sup> *BBC News*. "Gordon Brown Resigns as UK Prime Minister." May 11<sup>th</sup>, 2010. Accessed April 6<sup>th</sup>, 2011. Internet: [http://news.bbc.co.uk/2/hi/uk\\_news/politics/election\\_2010/8675913.stm](http://news.bbc.co.uk/2/hi/uk_news/politics/election_2010/8675913.stm).

forces an unnecessary election may pay dearly for it politically.”<sup>41</sup> Three years and two prorogations have taught us that ignoring the will of Parliament has not, up to now, had severe and longstanding negative political consequences for the Canadian government. To date, Russell’s optimism for minority government as the supremacy of Parliament over the Prime Minister must surely be shattered.

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<sup>41</sup> Russell, p. 139.

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