

## End of election blackout puts B.C. in 'anomalous situation'

UBC's Richard Johnston explains why bans on reporting Eastern results have ended

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Canadian election results are not blacked out across the country today — meaning voters in B.C. will likely have some idea how Atlantic Canada voted before polling stations on the West Coast close tonight.

This year, in an attempt to ensure most results are available around the same time on election night, [Elections Canada has staggered opening hours for polling stations](#) across the country.

For example, in Quebec and Ontario, polls are open from 9:30 a.m. to 9:30 p.m. local time, compared to Alberta and Saskatchewan, where polls are open from 7:30 a.m. to 7:30 p.m. local time. That means Canadians across that wide swath of the country, with Manitoba in the middle, all vote simultaneously.

The first results from the East Coast are expected to start trickling in around 4:30 p.m. PT, even though polling stations in British Columbia will not close until 7:00 p.m.

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It was not always thus, explains Richard Johnston, a professor of political science at UBC — election blackouts were made law in 1938.

"The concern was that voters in some parts of the country would have information that others wouldn't, basically information about votes already cast," Johnston told CBC's *The Early Edition*.

"The worry was either there'd be an impact on turnout, i.e. discouraging it, or that it might even facilitate strategic voting by some people as an option that wasn't available to others."

## Limited evidence of impacts

Johnston, who is also the Canada research chair in public opinion, elections and representation, says those concerns have not been backed up by any Canadian evidence.

But he says there is evidence out of the U.S., where there are no such blackouts.

Johnston points to the 1980 U.S. presidential election, which threw up "one of the biggest surprise results" — the landslide election of Ronald Reagan over Jimmy Carter.

Based on exit polls, NBC News projected Reagan as the winner before polling stations even closed on the West Coast.

The broadcaster was criticized afterwards, amid claims its early projection not only lowered voter turnout in the West but also adversely impacted close elections in Western states.

Nevertheless, Johnston says, despite its apparent impact on democracy, back in Canada, there was only

"summary justice" for broadcasters who violated blackouts in elections, with some facing fines of only \$500.

## Not first time for B.C. voters

Perhaps the biggest Canadian case of blackout violation erupted during the 2000 federal election, when B.C. software developer Paul Bryan published results from Atlantic Canada online.

Bryan was charged with violating the Elections Act, but argued in B.C. provincial court that the charges were unconstitutional. Initially, he lost the case and was fined \$1,000.

But in 2003, the B.C. Supreme Court overturned the conviction, striking down the gag law section of the Elections Act.

That decision allowed media organizations to tell voters in Western Canada the results of the 2004 federal election while polling stations in B.C. were still open.

However, after three more years of appeals and legal wrangling, the Supreme Court of Canada ruled the Elections Act was constitutional and [Bryan lost his case](#). He was fined \$1,000, says Johnston.

- [Supreme Court upholds blackout on early election night results](#)

## Social media changed everything

By 2008, Johnston says, everything had changed. The advent of social media meant Canadians on the East Coast could now [send early results to voters in Western Canada](#).

- [Blackout broken: Election results available early online](#)
- ['Tweet-in' to flout Elections Canada blackout law](#)

It was a pattern that was [repeated in the 2011 federal election](#). Still, Johnston says he isn't very concerned about the impact on voters in B.C.

"Really you're talking about people who have chosen not yet to vote, or who have not had the opportunity to vote... and voters would have to have a pretty rich body of information to act on this.

"The fact the poll has closed in Newfoundland and Nova Scotia doesn't actually mean that we know the result...it could be another hour or more. There could be additional delay."


## Why not delay vote count?

Nevertheless, Johnston says, there's still an inequity.

"There's no getting around the fact there is this anomalous situation in which we actually could have more information than our cousins to the East."

He says if Elections Canada really wanted to tackle the problem directly, they could delay the start of vote counting across the country until the polls have closed nationwide.

"If you're really serious about that, what you really need to do is not count the result or not report in the first instance...You could basically cut it off at the source. But there seems to be no willingness to do that."

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