



**CANADIAN
STUDY
OF PARLIAMENT
GROUP**

**ELECTORAL REFORM AND ITS
PARLIAMENTARY CONSEQUENCES**

**OTTAWA
FEBRUARY 27, 2004**

CANADIAN STUDY OF PARLIAMENT GROUP

The Canadian Study of Parliament Group was created with the object of bringing together all those with an interest in parliamentary institutions and the legislative process, to promote understanding and to contribute to their reform and improvement.

The constitution of the Canadian Study of Parliament Group makes provision for various activities, including the organization of conferences and seminars in Ottawa and elsewhere in Canada, the preparation of articles and various publications, the establishment of workshops, the promotion and organization of public discussions on parliamentary affairs, participation in public affairs programs on radio and television, and the sponsorship of other educational activities.

Membership is open to all those interested in Canadian legislative institutions.

Applications for membership and additional information concerning the Group should be addressed to the Secretariat, Canadian Study of Parliament Group, Box 660, West Block, Ottawa, Ontario, K1A 0A6. Tel.: (613) 943-1228, Fax: (613) 995-5357, www.studyparliament.ca

INTRODUCTION AND ACKNOWLEDGMENTS

Many analysts of Canadian politics agree that the country is in the midst of some rethinking of its longstanding electoral practices. Prime Minister Paul Martin has raised the issue of the “democratic deficit”, a shorthand phrase to signal the undue concentration of power in the executive. His government has made several proposals designed to counter the situation by including elected representatives – Members of Parliament – in more aspects of the decision-making process. Others have focused attention on the electoral system, making the argument that the current system does not accurately reflect the views of the voters. In several provinces, processes are underway to consider other systems, such as proportional systems, that would serve voters better in representing their preferences.

The CSPG decided that a conference on electoral reform was timely. At the same time, the CSPG also wanted to take up the issue of coalition in connection with electoral reform, since the adoption of a proportional electoral system could well yield the need for coalition government. The result was one of the most well attended conferences that the Group has held.

All good conferences require hard work by many people. The CSPG would like to thank the guest speakers and panelists for their interesting and informed contributions; the participants who generated such interesting discussion and debate; the conference organizers; the executive secretary of the CSPG, JoAnne Cartwright, without whose help there could be no conference at all; and the parliamentary interns, who took notes of the discussions throughout the day.

David Docherty
Conference Chair

Jennifer Smith
Member of the conference committee and
Directors of the Board of Directors of the
Canadian Study of Parliament Group



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Morning address by:**André Blais**Department of Political Science
Université de Montréal***Electoral Reform Option***

Professor André Blais delivered the opening speech of the conference, focusing his remarks on the various models of electoral system reform. [His edited remarks are available in full as a *Parliamentary Perspectives* paper on the CSPG Web site.]

Professor Blais began by highlighting the three basic dimensions of an electoral system: 1) the constituency structure (i.e. how many seats are allocated per district); 2) the ballot structure (i.e. how people vote); and 3) the electoral formula (i.e. how votes and seats are linked). He then elaborated on each of these dimensions.

Constituency Structure

There are three major considerations in determining the constituency structure:

1. If there are districts;
2. If districts will be single-member or multi-member; and
3. The number of seats in multi-member districts (e.g. 5 seats, 10 seats, etc.).

The benefit of multi-member constituencies, which is the normal model under proportional representation systems, is that most voters get a MP from their desired party to represent them in their region.

The Ballot

According to Blais, there are also three main considerations regarding the nature of the ballot options:

1. Whether voters are invited to express their views about the parties, the candidates, or both;
2. Whether voters are invited to rank order the parties/candidates from most to least preferred (such as in a single

- transferable vote model) or simply provide a “yes/no” response; and
3. Whether voters are allowed to cast one vote or many.

Closed list ballots consist of ballots in which voters select a party (and implicitly a list of candidates over whom they have no selection). An open list ballot allows voters to express their separate preferences about the parties as well as the candidates. This could be done, for example, through a single transferable vote or a preferential ballot (where voters express their preferences by rank ordering candidates).

According to Blais, there are several deficiencies in Canada’s current first-past-the-post system: voters have one vote, they cannot rank order the candidates, and they cannot separately express their views about the candidates and the parties. Given that Australia and Ireland have multiple selection ballots, there is little reason to believe that Canadian voters would not be capable of responding to similar “information-rich” ballots.

The Electoral Formula

There are four basic electoral system formulas: plurality (the party/candidate with the most votes wins); majority (the party/candidate with more than 50 percent of the vote wins); proportional representation (where seats are distributed on the basis of votes obtained); and mixed systems (usually a combination of proportional representation and majority or plurality systems).

Since most debate in Canada centers around adopting a PR model, it is important to note that no system in the world is completely proportional. Rather, there are degrees of proportionality.

According to Professor Blais, the key debate about the appropriate electoral system hinges on the virtues and vices of single-party governments versus multi-party (or coalition) governments. PR systems naturally tend to result more in coalition governments.

The main argument in favour of coalition governments is that they tend to produce less centralized governments. Since major decisions require the approval of coalition partners, they weaken the power of the Prime Minister. The main arguments against multi-party governments are that they can be unstable, that voters have no say in the composition of coalition governments (which often occur through backroom negotiations), and that responsibility can be diluted, in particular if voters need to assign blame for errors.

Conclusion

Professor Blais concluded that the most likely reform options for Canada are: 1) an open list PR system (similar to Finland); 2) a single-transferable vote (like Ireland); and 3) a mixed corrective system (akin to Germany). His judgement is based on the assumption that any reform would have to incorporate some degree of proportionality and that Canadians want to have a say about the candidates.

Blais reminded participants that the choice of an electoral system should ultimately be about determining which values and objectives are most important (e.g., clear responsibility of political parties, the importance of candidates versus parties, the importance of representing minority viewpoints, etc.). Since not all objectives are possible of being achieved in a single system, it is critical for governments – and ideally citizens – to determine which considerations receive top priority.

Session 1***Electoral Reform in the Provinces*****Chair****Bernard Colas**

Vice-President
Law Reform Commission

Panelist**Hon. Norman Carruthers**

Commissioner
PEI Commission on Electoral Reform

R. Kenneth Carty

Department of Political Science
University of British Columbia

William Cross

Department of Political Science and Centre for
Canadian Studies, Mount Allison University,
and Research Director of the New Brunswick
Commission on Legislative Democracy

André Fortier

Secrétaire adjoint
Secrétariat à la réforme des institutions
démocratiques
Gouvernement du Québec

Matthew Mendelsohn

Department of Political Studies
Queen's University, and
Deputy Minister, Democratic Renewal Office
Government of Ontario

As **Bernard Colas** pointed out, the Law Reform Commission recently concluded a study of the federal electoral system recommending that the system be reformed to include an element of proportional representation. He then introduced the panelists, each of whom is or was recently involved with efforts in the provinces to explore electoral reform.

Norman Carruthers led the session, explaining that PEI established an electoral reform commission largely because in recent elections the legislative opposition routinely has been reduced to far fewer seats than its share of the popular vote warrants. The commission's

report recommends that the province adopt a system of proportional representation similar to that in New Zealand. He added, however, that the government is not terribly impressed by the idea of PR and concluded that the commission ought to have adopted a process to engage the Island's voters more urgently, possibly a process like the one currently in use in British Columbia, and described by the next panelist, Kenneth Carty.

Ken Carty spoke highly of the process used in BC, the Citizens' Assembly on Electoral Reform. The assembly is comprised of 160 citizens, randomly selected, each of whom has committed himself or herself to a comprehensive examination of electoral systems and electoral reform. Should the assembly produce a recommendation that the existing electoral system be changed in a specified way, then the recommendation will be put to the voters on May 17, 2005. According to Professor Carty, the citizens of the assembly are engaged, dedicated and deeply interested in their work. Additionally, the government has maintained a hands-off attitude and the media are giving the assembly positive coverage

Bill Cross reported on events in New Brunswick, where the government has established a commission on legislative reform with a mandate ranging from electoral reform to democratic reform (the use of referenda) to legislative reform (the role of the MLA). The commission, the nine members of which are appointed by the government, is expected to report to the government within the year.

André Fortier explained that in Quebec, the interest in electoral reform was given a boost in the wake of the 1998 election that gave the Parti Québécois a majority of the seats on the basis of a minority of the popular vote. The opposition Liberals received a majority of the popular vote, while the third party, Action Démocratique du Québec, was grossly underrepresented in the National Assembly. The government is planning to introduce a bill to adopt an electoral system with an element of proportional representation, and to that end is consulting with electoral-system experts. M. Fortier stressed that the government is focused on gaining better

representation of the voters in the National Assembly and is likely to make incremental changes to the electoral system to do so.

Matthew Mendolsohn described Ontario's unique process. Like New Brunswick, Ontario has established a wide-ranging agenda of reform items, from electoral reform to campaign finance reform to fixed election dates and the role of the MPP in the work of the legislature. The immediate vehicle to pursue these issues is a secretariat headed by Mendolsohn himself, which reports to a cabinet minister. According to Mr. Mendolsohn, the government is committed to extensive public consultation on the issues.

In the ensuing discussion, Norman Carruthers made the point that once one province opts for electoral reform, others are bound to follow it, especially since so many provinces are looking at the issue. Ken Carty emphasized the importance of the commitment to a referendum on recommendations for change. Bill Cross emphasized the desirability of all-party support for the process of examining the need for change.

Key Web sites:

Law Commission of Canada:
www.lcc.gc.ca

PEI's Electoral Reform Commission:
www.gov.pe.ca/electoralreform

BC's Citizens' Assembly on Electoral Reform:
www.citizensassembly.bc.ca

New Brunswick's Commission on Legislative Democracy:
www.gnb.ca/0100/index-e.asp

Quebec's Secretariat for the Reform of Democratic Institutions:
www.mce.gouv.qc.ca/srid/index.htm

Luncheon Address by:**The Honourable Bernard Lord**
Premier of New Brunswick

The Premier of New Brunswick, the Honourable Bernard Lord, spoke to conference participants about electoral reform in New Brunswick. Premier Lord began by adopting a broad definition of democracy to encompass the values of tolerance and equality as well as the right to vote. He also stressed the need to review and, if necessary, refurbish democratic institutions from time to time. By way of example, he noted some of the more recent developments in New Brunswick along this line, such as the adoption of legislation to establish the equality of the province's two official language communities – French and English; the use of the referendum on public-policy issues; and the establishment of elected local health and education boards. Then he turned to the government's current initiative, the establishment last year of the Commission on Legislative Democracy.

The broad mandate of the commission is none other than to enhance the province's citizen-centred democracy. The mandate is broken into three issue areas: electoral reform; legislative reform; and democratic reform. On electoral reform, the government has asked the commission to pursue specific electoral issues, beginning with the desirability of establishing a system of proportional representation for New Brunswick; and if so, the model most appropriate for the province. The commission is also instructed to look at the existing number of MLAs and whether the number ought to be changed along with the electoral system; and the establishment of fixed election dates. Finally, the government requests the commission to study the decline in voter turnout in the province, especially among young voters, and to suggest ways in which it might be reversed.

The second area is legislative reform, in particular, the role of the MLA. According to Premier Lord, elected members find that their work has changed. The work load is more time-consuming, and the tasks are varied and complex. At the same time, the public has come

to demand a regime of accountability and transparency. As a result, the government has asked the commission to review the role of the MLA, and to consider ways in which the relevance of that role is enhanced. As part of that review, it expects the commission to examine the process of appointing individuals to agencies, boards and commissions, keeping in mind the desirability of transparency in the process.

Finally, there is the third area of democratic reform. Premier Lord observed the desire of New Brunswickers to participate directly in the public-policy decisions that affect them, an example being the referendum that was held on Video Lottery Terminals. The commission is charged with the task of considering how to extend the use of instruments of direct democracy to cover more decision-making processes.

As the Premier remarked, the commission has a far-ranging mandate indeed. He concluded by pointing out that the commission is pursuing an extensive process of public consultation in order to gauge the attitude of New Brunswickers toward electoral, legislative and democratic reforms. And in the question-and-answer period following his presentation, he stated that the province will hold a referendum on any scheme of electoral reform that the commission chooses to recommend.

The media have not paid much attention to the democratic-reform process now underway in New Brunswick. It is safe to say that Premier Lord's audience was impressed by the comprehensiveness of the mandate of the province's Commission on Legislative Democracy. On behalf of the CSPG and the conference participants, Leslie Seidle thanked Premier Lord for his interesting address.

Session 2

The Consequences of Electoral Reform and Minority Government

Chair

Louis Massicotte

Department of Political Science
Université de Montréal

Panelists

Peter Aucoin

Department of Political Science
Dalhousie University

Cristine de Clercy

Department of Political Studies
University of Saskatchewan

Ailsa Henderson

Department of Political Science
Wilfrid Laurier University

Jennifer Smith

Department of Political Science
Dalhousie University

Peter Aucoin advanced his argument for the need to revise the discretionary power of the head of state on dissolution. According to him, it is a matter of democratic principle that the discretionary power be limited by the adoption of clear rules as opposed to muddy conventions, which is the case now. He stressed that any change in the direction of proportional representation is likely to increase the likelihood of minority governments, in which case the need for the change he recommends is more urgent.

Professor Aucoin stated there are two things wrong with dissolution now. One is the assumption that the prime minister has the right to get a dissolution whenever he asks the Governor General for one. The other is that the Governor General has nothing other than imperial discretion to fall back on in the event that a corrupt prime minister pushes too hard. He suggested that we consider the practice of New Zealand, where the Governor acts on the prime minister's advice of dissolution only when that advice has the support of the legislature, either

through a vote of the legislature or the agreement of the leaders of the political parties.

Cristine de Clercy looked at the NDP's minority coalition government in Saskatchewan with the Liberal party following the 1999 provincial election. She observed that the Liberal party paid a terrible price for its decision in the subsequent election in 2003, in which it was shut out altogether. She also compared the policy records of the last three administrations in Saskatchewan and concluded that they were about the same.

Ailsa Henderson reviewed the experience of Scotland with a mixed proportional system. Assessing the results thus far, she listed several positive ones: fairer representation of the political parties in the legislature; a slight increase in voter turnout; the election of more women and more representatives of minority communities; and the emergence of smaller parties to contest elections. However, she stressed that there are problems rooted in the combination of list MPs and constituency MPs, the combination being a central element of the particular mixed proportional system in use.

One difficulty is the inclination of voters to cast different ballots for the list than for the constituency MP. The political parties, particularly the smaller ones, have responded to this development by maintaining their focus on the list votes and ignoring the constituency campaigns. Further, there is uneasiness over the distinction between the roles of the list MPs and the constituency MPs in the legislature. It boils down to confusion over the role of list MPs. More confusion ensues when a candidate who contests a constituency also gets placed on the party's list; loses the constituency but wins on the list; and then in the legislature acts as if he had won the constituency anyway. Professor Henderson suggested that the way to solve the problem is to prohibit candidates from running in both categories.

Jennifer Smith used the recent example of minority government in Nova Scotia to argue that there exists a political-cultural resistance to coalition governance in Canadian politics that will need to be addressed if the country moves to

some form of proportional representation. She began with reference to the facts, noting that polls indicated a minority government for the ruling Conservative party in the province in the August 2003 election. During the campaign, the premier appealed to voters to return a majority government for the Conservatives, playing on the perceived weaknesses and inefficiencies of minority government. However, the voters returned a Conservative minority. The premier chose not to enter into a formal coalition with either the NDP or the Liberals, instead choosing to work with them on an issue-by-issue basis.

Professor Smith pointed out that the government's legislative record since the election has not been overwhelming. Only eight bills were passed in the first six months, and six of them were simple housekeeping measures, leaving only two that arguably required brokerage and compromise governance. Earlier this year, the premier attributed the difficulties to the realities of minority government.

In conclusion, Professor Smith suggested that the legacy of the single member plurality system has been a tendency in Canadian politics to see minority government as an unfortunate and hopefully temporary circumstance to be weathered rather than as a reliable method of governance. In her estimation, minority governments are more liable to sit on their hands and wait for the opportunity to go back to the polls to obtain a majority than they are to embrace the compromises of coalition governance. It is possible, she stated, that an injection of proportional representation that routinely produces minority governments would compel the political actors to change their practices. But she cautioned that this would mean overcoming more than a century of strategies developed to avoid minority government.

In the animated discussion that followed, participants talked about the various examples throughout Canadian political history of the use of the discretionary power in relation to dissolution; the relationship between proportional representation and the number of political parties; and the relationship between

the type of electoral system in use and the number of women who contest elections.

The conference chair, **David Docherty**, concluded the day's proceedings by thanking the panelists and the participants for an interesting and lively session. He expressed pleasure in seeing such a strong turnout for the subject of electoral reform.