ELECTORAL REFORM IN CANADA

RAPPORTEUR'S REPORT

Roundtable held on June 27, 2016

Centre for the Study of Democratic Institutions

The University of British Columbia

Prepared by:

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August 31, 2016

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Introduction

With electoral reform on the parliamentary agenda, Canadians have an historic opportunity to participate in a civic debate about what, if anything, should replace our current electoral system. Since changing the electoral system means changing the rules of the game—that is, how we elect our representatives—it is important that citizens have the opportunity to be engaged in the reform process.

We have before us the opportunity to experience a civic moment; but for citizens to be able to take part in it, they must be given both the chance to engage and the information necessary to do so responsibly and constructively. Since electoral reform is complex, this requires public education materials that outline and explore such aspects of the issue as: alternative systems, the values and trade offs involved with each, a history of how we got here, and a critical interpretation of where politicians stand on the matter and why. It is for this reason that the Centre for the Study of Democratic Institutions held a national roundtable to kick off discussion on electoral reform in Vancouver on June 27, 2016. The roundtable was funded by a Connection Grant from the Social Sciences and Humanities Research Council of Canada.

We convened experts who study democracy and electoral systems, representatives from a variety of civil society organizations, and practitioners with experience as senior public servants and public opinion pollsters. We asked them to engage in a critical and reflective debate about a number of issues related to electoral reform. These discussions are documented in this report. The roundtable discussion was also documented by a graphic facilitator and these images are included in this report as a colourful, visual summary of the event. We have also asked the participants to respond to this report and provide us with any thoughts on the issue that did not occur to them at the time or which they would like to emphasize in more detail.

The workshop was organized according to three questions: How did we get to this point? What good (or bad) would electoral reform do? What is to be done next? A roundtable discussion was dedicated to each of these questions and this format is reflected in the structure of this report. After the closed-door roundtable discussions, a public event took place that allowed citizens to hear from and question the Parliamentary Secretary on Democratic Reform, Mark Holland.

Our main commitment is to enhancing the quality and performance of our democracy. We hope to build a pluralistic community of ideas around the discussion of electoral reform. In addition to this report, we have also prepared bibliographic materials, cases studies, chronologies of events, questions to think about, and descriptions of alternative voting systems that may be of value to Canadians. Links to these documents can be found on the CSDI website: http://www.democracy.arts.ubc.ca/2016/06/14/electoral-reform/

How did we get to this point?

Electoral reform has been frequently discussed and debated in Canada, advocated by the New Democratic Party, the Green Party, and civil society organizations like Fair Vote Canada. In their 2015 election platform the Liberal Party promised to make 2015 the "last election under first past the post [FPTP]." In the spring of 2016, the Liberals set up the Special Committee on Electoral Reform to hear from experts and Canadians in order to formulate a plan for reforming the electoral system.

The first question participants discussed was "How did we get here?" That is, what events transpired that led to electoral reform becoming

part of the Liberal platform, and a real possibility for Canada?

It was pointed out that, unlike events that led other countries to reform their electoral systems, there has been no easily identifiable "crisis" in Canada that has clearly necessitated electoral reform. Democracy in Canada is generally pretty healthy. However, participants noted that there are certain aspects of Canadian democracy that are disconcerting, or that might be improved.

False majorities are one such problem. Jean-Pierre Kingsley introduced the session and noted that, under FPTP, a party can win 24% of the national vote, and still end up with a majority government. This can be seen to violate a basic tenet of democracy – majority rule – and promote divisive wedge politics by allowing parties that appeal to a narrow base to still form a majority government. Our electoral system creates incentives for parties to microtarget voters and strategically advocate policies that only appeal to one group, while excluding everyone else. It also encourages parties to exaggerate the differences

between themselves in a way that precludes working together and compromising as they would in minority or coalition governments. All this may contribute to a divisive political climate.
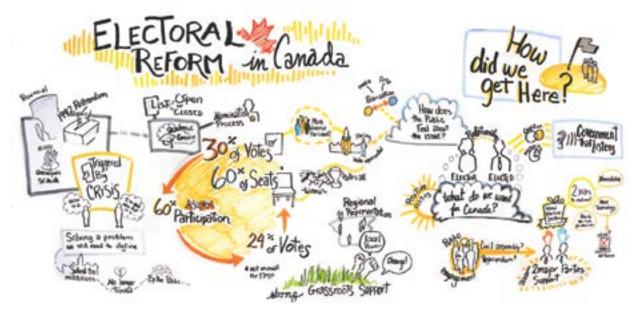
Regional politics and parties were also seen as problems with Canada's political system. Certain parties have come to dominate in various geographic areas, and have virtually no presence in others. As Kingsley pointed out, there were no Conservative MPs elected in Atlantic Canada in 2015, despite the fact there are numerous Conservative voters in that region. This kind of result is seen as problematic as it heightens regional divides and tensions. It was also seen as a result of the FPTP system.

Thus, while there was no large or single "crisis" in Canadian politics, participants highlighted a number of concerns with our current system, although there was debate about whether or not these concerns arose from FPTP or other factors. Several participants argued that the logic of FPTP clearly lent itself to some of these results. David Meslin argued that many of the problems in Canadian politics are

the result of a complex combination of factors such as the media, general political culture, and FPTP. Thus, reforming our electoral system would help, but it would not be a magic-bullet solution.

Participants agreed that the answer to "How did we get here?" is not "the Canadian people want electoral reform." It was widely agreed that many Canadians are not informed about electoral reform, or have no strongly held opinions about it. Participants saw this as a potential problem. For reform to enjoy democratic legitimacy, the Canadian people must be behind it.

Discussion ensued as to why Canadians were not engaged with this issue, and how to engage them. It was noted that past electoral reforms – like the enfranchisement of women or the lowering of the voting age – generated broad public support because they were easy to understand and connected to an idea of values and rights. One participant argued that the best way to engage Canadians with electoral reform is to show them how electoral reform can address the issues they care about – like a more diverse and

How Did We Get Here? by Annalee Kornelsen
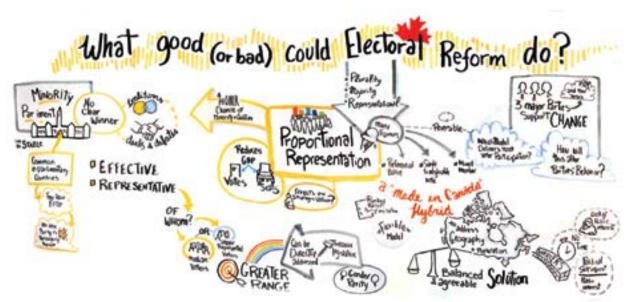
What good (or bad) would electoral reform do?

The questions of whether or not electoral reform might be "good for democracy" or "good for Canada" are controversial, and there are many hotly contested viewpoints (much the same is true of related ideas about fairness, representation, and so forth). Proponents of reform are divided into different camps representing a variety of systems, both proportional (for example, STV and MMP) and majoritarian (largely AV). Those who prefer the status quo, FPTP, make up yet another camp. While each of these groups tend to coalesce around common arguments about the good or bad that electoral reform would bring about, they are also internally divided. Divisions take the form of disagreement over which specific variety of a system is best, and, since research is sometimes inconclusive and we have no direct case-to-case comparative study for Canada, we also see divisions around what the effects of these specific systems will be. This reality makes any summary of the good/bad of electoral re-

form very tricky. Nonetheless, a few themes emerged from the day's discussions.

A number of participants noted that Canada is already among the best electoral democracies in the world. Our institutions and political culture insulate us from the worst outcomes while encouraging stable and broadly acceptable electoral outcomes, policies, and laws. That said, several participants noted that our current electoral system leaves us open to governments that are unaccountable, overly centralized, and vulnerable to over-weening leaders. A number of participants suggested that one good that would emerge from a more proportional system would be to check the power of the prime minister; others, however, claimed that certain varieties of PR would further empower parties – even if they forced a given prime minister to compromise and cooperate with other parliamentary groups.

Next, while proponents of FPTP noted that the system is simple and tends to produce effective, majority governments whom it is easy to "punish" or "reward" at election

time based on their performance in previous years, those in favour of electoral reform noted that in the last election, more than 52% of voters cast a ballot for a candidate who was not elected (or "aligned with their values," as one participant put it) – even though they ended up with a representative with whom they could have a "one-on-one" relationship with. So, reforms could sever that relationship (though AV would not); however, they could also introduce an alternative set of relationships since, under PR, individuals could have several MPs with whom they could communicate.

On the subject of representation as a good, Jean-Pierre Kingsley pointed out that the FPTP system encourages wedge politics, changes the tone of Parliament for the worse, and, in recent years, has allowed voting laws to be passed that threatened to suppress turnout. Proponents of proportional representation argued that PR would encourage greater cooperation in Parliament, would increase voter turnout, and would minimize "wasted votes" -- votes cast for a member (or party) that fail to contribute to electing that voter's preferred representative (or

What Good or Bad Can it Do? by Annalee Kornelsen

party). Moreover, some participants argued that PR would reduce "strategic voting" – casting a ballot for a party other than one's preferred choice in order to prevent another party from winning. Others, however, suggested that evidence from countries that use PR suggests that strategic voting still exists there, but looks different as voters aim to get a party over a threshold or vote to encourage the formation of a particular coalition.

In a related concern, an extended discussion revolved around the question of whether a proportional system would introduce too much instability in government by making coalition or minority governments routine. As it is now, FPTP tends to generate, as noted, stable majority governments (which can be seen as desirable or not). Peter Russell emphasized that minority governments in Canada have a history of notable policy accomplishments -- a point echoed by Mark Pickup, who added that minority governments can also be both effective *and* representative, provided that they are popular. So, if PR were to produce minority governments, it could generate good policy outcomes while also extending the range of interests represented in Parliament beyond those that arise from wedge politics.

Concerns were expressed, however, at what the effect of *coalition*, rather than minority, governments might be. Richard Johnston raised the point that coalition governments in Canada have led to the demise of coalition partners, and that under PR, coalitions would probably be more likely than minority governments. This could generate challenges to the policy agenda, according to Pickup, who argues that coalition management is about post-election bargaining, which means that policy agendas can be seized by small parties. Under FPTP, the median voter is already well represented,

so, according to some participants, it's unclear whether a move to PR would beneficial or not when it comes to this point. Others, however, claimed that under PR, policymaking is more inclusive, since it forces parties to consider a wider range of interests and preferences.

Another concern is whether reform, specifically a change to a proportional system, would encourage a fracturing of the party system, bringing instability to Parliament and even exacerbating regionalism. While some suggest that PR would generate some goods in this regard, for instance, by generating more Conservative Party seats in Atlantic Canada, others were concerned that PR would unleash a growth of regional parties (and/or fringe parties). Carty provocatively suggested that PR might mean the end of national "big tent" parties that serve the national interest. He gave the example of the the conservative split in the late-1990s and early 2000s, suggesting that the Reform Party and Progressive Conservatives wouldn't have reunited under a PR system. Dan Westlake challenged this argument, and noted that it's uncertain whether fractures would develop around regional lines – indeed, he suggested that recent examples suggest that such splits have been exacerbated by FPTP.

Finally, several participants noted that we ought not to make the electoral system any more complicated for fear it would further alienate voters who are already disengaged or uneducated. Kingsley noted that Canadians are already familiar with the current system, though Moscrop added that citizens of other countries have learned about and adapted to new systems (for instance, citizens of New Zealand in the 1990s) without any serious difficulties.

What is to be done next?
Participants divided themselves into two groups: one to discuss public opinion on electoral reform and one to discuss the policy process. After discussing these two issues in their respective groups, participants came together to share their thoughts and discuss the future of electoral reform in Canada.

Policy Process: How to Achieve Electoral Reform?
The group discussing the policy process debated how they should interpret the appointment of several backbench Liberals to the committee. Is this a sign that the Liberals hope the process will die on the vine? Or perhaps a way of ensuring that the Liberal party will be able to easily influence the committee members to pursue their desired outcome?

The group was able to agree that the major fault with the committee is its lack of meaningful public consultation,as the townhall process was scheduled to occur during the summer seemed to lack an effective way of engaging Canadians. Some participants argued that the issue should go to a referendum to allow all citizens the opportunity to provide their input on changing the voting system. Another group of participants would like to see a citizens' assembly convened, in order to encourage a small group of citizens to deliberate, free from political influence, about what system would be best for Canada. A citizens' assembly could occur prior to a referendum or simply prior to a vote in Parliament.

While there was no agreement on the ideal method of consulting the public, participants noted that the government's promised timeline left them with little opportunity to orchestrate a referendum or citizens' assembly. Planning and executing a referendum or citizens'

assembly would not be quick and the design and implementation of a new electoral system, including redistricting of ridings, if necessary, would also be a lengthy endeavour. This encouraged further discussion about whether or not the government should focus on having a new electoral system in place by 2019 or 'getting the process right' even if it takes longer. Others raised concerns that if the government abandoned its deadline, then 'electoral reform's moment' could be lost entirely as other policy concerns move onto the agenda.

Public Opinion on Electoral Reform

Mario Canseco, of Insights West, opened this session with a brief presentation on some recent polling. The polls indicated that younger Canadians were less certain about their opinions on electoral reform, but also appear more open to alternatives to FPTP. Most Canadians are relatively satisfied with the current system and a majority of them would like to see a referendum on the issue and these findings reaffirm previous polls by other companies.

Overall, there appears to be rela-tively little strong appetite for electoral reform, with many citizens unaware of the debate around electoral reform. The perceived complexity of the issue makes it difficult to engage more citizens but as one participant noted, it's necessary to distinguish between the complexity of the ballot that voters use and the complexity of the counting that occurs afterward. This seems to provide one more reason to focus the debate on electoral reform around values or goals rather than on particular details. One participant suggested that many of the values that Canadians hold are not well-served by the current system and that the Citizens' Assembly was particularly effective in helping Canadians to 'connect the dots' between values and the actual electoral system.

The weak public demand for reform puts the Liberal government in a strategic quagmire. They committed to it, perhaps due to a belief that they would not win a majority government, but are unlikely to benefit from any change except for AV. So, the slow start might have been an attempt to formulate a strategy or run out the clock. This point raised a discussion about the self-imposed deadline similar to the debate within the policy process group, although here there was stronger consensus that it was better to ensure the process was seen as legitimate than to meet the deadline.

Roundtable on What to Do

The reconvened participants began by sharing their insights from their two breakout groups and spent much of the session discussing public education campaigns and proposing creative ways to improve public engagement.

A point of contention amongst participants centred around how much citizens need to know about electoral reform. One participant suggested that electoral systems were similar to cars: people can use them without knowing exactly how they work. Other participants rejected the idea that Canadians could not learn enough about electoral systems. This debate seems to have originated in a misunderstanding since citizens are almost certainly capable of learning about electoral systems, as in the BC Citizens' Assembly, but many of them lack the interest or incentive to do so.

The unresolved question facing participants at this point was how to

Unique Canadian Solution by Annalee Kornelsen

engage citizens meaningfully in the process of electoral reform. Several participants argued that people hold conflicting values and so citizens need a way of working those out, noting that deliberation is particularly useful for doing so. Another participant suggested that there ought to be an online tool that allows citizens to learn about the various options on the table. The idea was that this tool could resemble the Vote Compass application used to provide advice to voters during election campaigns.

Others questioned whether citizens even want to participate since this has largely been an elite-driven process. Laura Anthony from Samara raised such concerns as she introduced the discussion by questioning if the negative tone of campaigning (that is, the focus on the unfairness of FPTP) by activists might not encourage citizen engagement. This concern was expanded on in comments that suggested that advocates and opponents of electoral reform are both sources of information and misinformation and that a fact-checking campaign might be useful to restore public interest in the topic. Caro Loutfi, from Apathy is Boring, added that the townhall model and current consultation process does not make an effort to reach young Canadians who are not politically engaged. She argued that young Canadians need to be considered throughout an electoral reform discussion, which should be looked at and assessed with voter turnout in mind.

In the same vein, participants expressed skepticism about the government's current strategy of encouraging MPs to hold townhalls, particularly since they can be difficult to get to in large ridings and meetings chaired by partisan MPs might not attract citizens who support other parties. One participant

suggested that, since the Liberals had committed to electoral reform, that they might build legitimacy for a particular option by holding a referendum that simply asked voters to choose between alternatives to FPTP, possibly using a ranked ballot to ensure that the final decision has majority support.

At the end of the closed-door session, participants were still divided on how the process should unfold. Debates about citizens' assemblies and referendums once again raised the question of whether or not the government should stick to its timeline. The lack of consensus about what the electoral reform process should look like left one participant to conclude that perhaps the government should just carry on with the process that it has initiated.

Public Event

After the closed-door roundtable discussions, the event was opened to the general public. The public event began with a summary of the day's proceedings by activists and academics, which was followed by a keynote speech by Mark Holland, Parliamentary Secretary for Electoral Reform. Holland began by pointing out that few countries use FPTP and that the government was committed to changing it by 2019. He stated that the committee would hear from experts and travel across the country and that MPs would hold town hall meetings over the summer. The Parliamentary Secretary then took questions from the audience for approximately 90 minutes, many of which concerned public education and citizen engagement. Holland argued that there had been many steps taken, such as broadcasting committee meetings on CPAC, preparing educational materials, and a calendar of townhall meetings. He reiterated that the Liberal party had not yet made a decision on what its preferred option

would be and emphasized that the final vote in the house of commons will be a free vote to allow MPs to break with party discipline.

Conclusion

While the participants in the closed-door roundtable discussions debated many aspects of electoral reform, they arrived at few areas of relatively widespread agreement. First, many noted that electoral reform has been put on the agenda by elites, rather than a crisis that sparked public outrage and popular demand for reform. Second, since the general public has largely failed to engage with the question of electoral reform, the process of changing the electoral system needs to be seen as legitimate. Third, if the government's current path to reform (e.g. townhall meetings) fails to produce enough support for change, then some participants suggested that it would be better to push back the 2019 deadline in order to get the process right. Others resisted these claims, suggesting that if electoral reform does not happen soon, it may be a long time before another opportunity for change arises.

The Parliamentary Secretary's keynote and the arrival of a wider audience provided a new perspective on these disagreements. The Parliamentary Secretary reaffirmed that the government would aim to meet its self-imposed deadline and responded to questions and criticisms that the outcome would be predetermined without sufficient input from citizens. While the process began slowly and was initially dominated by elites, the Parliamentary Secretary promised that the government would go ahead with reform and ensure that there were numerous avenues for widespread participation in shaping the final decision.

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