

Public Consultations on Canada's Democratic Institutions and Practices

Participants' Workbook

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**FRONTIER
CENTRE**
FOR PUBLIC POLICY

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1. Introduction¹

Most Canadians are proud that we live in a democracy. Few of us think that it is perfect, or cannot be improved. Critics detect signs of apathy, cynicism and declining respect for politicians. Some worry about fair representation, regional or social inequities, lack of responsiveness or even instances of corruption. While Canadians have expressed concern about our institutions throughout history, many people today believe that the system is subject to unusual pressures in the modern world, and needs re-examination. Others think that, on the whole, the system works well.

One of the advantages of a democracy is that the system is open to discussion and change through the will of the people. While there are experts on democracy who worry about these questions all of the time, it is only right that the owners of the system – the public – should be heard when basics are discussed.

In earlier times when governments were small and simple, these questions were easier to grapple with. Today large governments and a national population of more than thirty million Canadians make arranging a genuine dialogue a challenge.

Our own elected representatives, interest groups and experts all have good contributions to make to this discussion. We very much need the public's voice.

Traditional polling can make a contribution, but it has its limitations. It does not allow respondents the chance to consider a wide range of new information. Nor does it allow an exchange of ideas with a view to developing a potential consensus about what to do or at least a consensus about the differences of opinion leading to division of opinion about what to do.

We are conducting forums in every province and in the North to exchange ideas and explore the potential for consensus on some of the issues. At a minimum, we wish to be able to identify the key values that Canadians would want as guideposts to the future of our civic institutions.

Some would call this project “deliberative democracy.” Others might call it in-depth consultation. The chapters that follow in this handbook are offered to participants in the forum as an introduction to some of the issues.

¹ Authors: Gordon Gibson (Vancouver) and Conrad Winn (COMPAS Inc. and Carleton University).

2. The Role of the Citizen in Canadian Democracy²

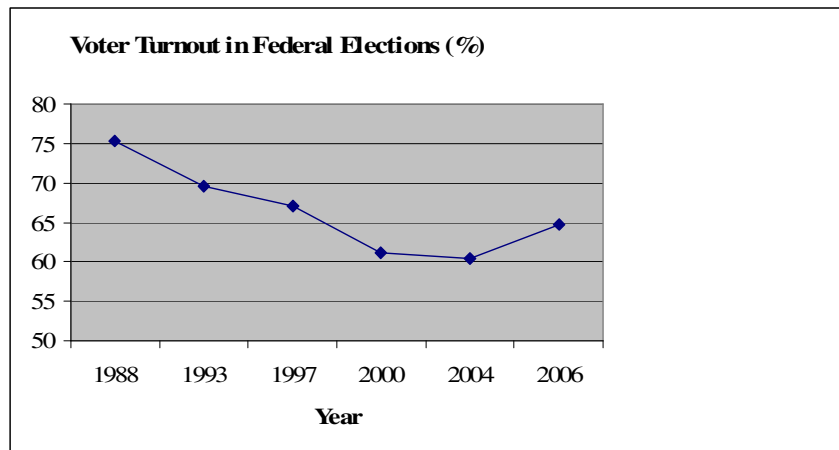
The Electoral Process

Democracy in Canada depends on citizens to play a strong role in choosing their governments, and to have confidence in their democratic institutions.

When Canadians cast their ballots, their votes may be based on many different factors—support for a party's leaders, misgivings about another party's leaders, rewarding a ruling party for a strong economy, punishing it for a poor economy, choosing a party based on its platform, or choosing a party based on its expected behaviour in office. There are other possible drivers of the vote too.

Yet, it matters less why people vote the way they do than that they vote. Adequate voter turnout reinforces the credibility of Parliament and of Canada's parliamentary democracy.

*Fig. 2.1: Voter Turnout in Federal Elections (%)*³



² Authorship: Conrad Winn (COMPAS Inc. and Carleton University) with assistance from Paul Howe (University of New Brunswick), Anne Muxel (Fondation Nationale des Sciences Politiques) and Peter Levine (University of Maryland and CIRCLE).

³ Calculations of Paul Howe based on numbers from "Voter Turnout at Federal Elections and Referendums, 1867-2006" available at www.elections.ca.

In order to thrive, democratic institutions need to operate in an atmosphere of high trust. In Canada, as in other democracies, confidence in politicians and political institutions has been falling. Declining trust is reflected in declining civic interest and declining turnout in elections.

The public is gradually withdrawing from civic involvement. Voter turnout is falling, as shown in fig.2.1. The proportion of citizens who actually vote in federal elections dropped from 75% in 1988 to 61% in 2004, recovering slightly in 2006 to 65%. Voter turnout among young people began to fall about 25 years ago and has now reached historic lows. Only 37% of those aged 18 to 24 cast a ballot in the 2004 election. Many of those citizens who actually vote are leaving their voting decisions until the end of a campaign.⁴

While many observers are concerned about declining turnout and other drops in civic involvement, other observers are unconcerned. They interpret the public's disengagement as an indirect expression of confidence that the system is working well under a kind of automatic pilot.

Members of Parliament

Members of Parliament are a vital link between Parliament and the citizen. Voters send them to Ottawa to represent their views and interests. MPs in turn set up publicly funded constituency offices to help citizens find their way through the government bureaucracy on such matters as Employment Insurance and passports. MPs use their constituency offices, public meetings, polls, newsletters, and other devices for keeping in contact with their constituents and understanding what they are thinking, as discussed in chapter 3 on the House of Commons.

While MPs invest a lot of effort in scrutinizing laws and policies and while they invest a lot of effort in helping citizens navigate the bureaucratic system, MPs tend not to invest a lot of effort in either consulting constituents on policy or providing a civic education.

Parliament as a whole takes somewhat of a leadership role in delivering a civics education. For example, one-week courses are provided to school teachers through the Library of Parliament's Teachers' Institute on Canadian Parliamentary Democracy. An intriguing question is whether Parliament should do more in the field of civics education. A case against Parliament's becoming more involved in civics education is that this is not one of the institution's primary missions. On the other hand, if Parliament does not provide this kind of educational leadership, it is unclear which institution would step in to do so.

⁴ An election-day poll in the 2004 federal campaign showed that 22% of the electorate made their final party choice on election day itself with 5% the previous day, and 14% during the last week (COMPAS poll for Global Television).

One possibility would be for Parliament to create an Office of Parliamentary Education. Its multiple purposes could include:

- ☐ Expansion of current programs for teachers and students;
- ☐ The strengthening of relationships with independent Parliamentary educational bodies;
- ☐ Expansion beyond the page program of opportunities for young people to experience Parliament;
- ☐ Launching of nation-wide lecture series using former Prime Ministers and other prominent retired Parliamentarians;
- ☐ Assistance to model parliament groups; and
- ☐ Working with publishers to encourage research and publication on Parliament and making it easier for researchers to access Parliament for that purpose.

Parliamentary Committees

So much of the most important and most interesting work of Parliament takes place in its committees, often far away from cameras and reporters. Government departments responsible for defence, foreign affairs, agriculture, fisheries, natural resource management, the environment, and immigration each have parliamentary committees dedicated to overseeing their business.

Parliamentary committees invest much effort to reach out to citizens. They hold public hearings, invite witnesses to testify, and travel across the country to speak to and hear back from Canadians. In practice, committees do not always hear back from ordinary Canadians. They are more likely to hear back from key stakeholders.

Given the importance of committees for scrutinizing laws and evaluating policies, an intriguing question is what more they could do to inspire the public's interest in what they do.

Direct Consultations

Both parliamentary committees and government departments routinely launch efforts to consult with Canadians directly. Often there are open hearings or public forums across the country. Sometimes the consultation takes the form of a task force, study group, or Royal Commission.

Committees and departments typically engage in such consultations before launching a new policy or program, or initiating a new regulation or law. The principle guiding consultations is that those people who are most apt to be affected by a law

should be actively consulted. In the case of First Nations, Metis, and Inuit, the obligation to consult is a legal requirement.

Despite the significant effort invested in such consultations, Canadians are sometimes sceptical. They may perceive such consultations as symbolic or even manipulative. The real decisions, some feel, have already been made.

Focus Groups, Polls, and Citizens' Assemblies

Government departments tend to have various ways of consulting Canadians about their preferences. In focus groups, 8-10 citizens are invited to a discussion room to explore a policy or other issue under the direction of a professional focus group moderator for about 90 minutes.

In polls, random samples of citizens are interviewed, typically by phone, to get a sense of what Canadians as a whole think. Such polls are bit like the small blood samples that are drawn from patients to diagnose their health. Polls diagnose Canadians' opinions and preferences.

Citizens' assemblies are the newest form of consultation. A diversity of citizens are brought together for a period of time to explore a policy issue in depth and at great length. This novel form of consultation has been used in British Columbia on electoral reform and is currently being used in Ontario on the same subject.

Volunteer and Civic Organizations

All the many forms of consultation normally improve the quality of policy but they do not necessarily motivate citizens to become more engaged. One reason that governments have not been particularly successful at engaging citizens is that civic engagement may be affected by social and cultural changes in society, over which governments have little influence. Democratic institutions tend to thrive in societies with high levels of voluntary and civic activity. By world standards, Canadians have high rates of voluntary and civic activity but voluntarism appears to be in decline in our country, as it is in other democracies.

These trends have been in the making for almost 50 years. Canadians trusted politicians and political institutions more in the 1960s than today. They expressed their confidence in politicians not only in polls but in their active involvement in political parties and in their commitment to follow the news. In the first half of the twentieth century, the average household subscribed to more than one newspaper. Today, only a minority of Canadians subscribe to a paper, the proportion is falling, and few young people read daily papers.

Paralleling a decline in trust and newspaper reading is a decline in participation in a wide array of voluntary and civic groups. Canadians are less involved than in the past in a wide variety of organizations—from bird watching and other outdoor clubs, to parent teacher groups, religious groups, volunteer charities, chess clubs, fishing clubs,

and volunteer agricultural groups. There are many who believe strongly that the voluntary sector is the foundation upon which democracy rests, and they are concerned. The declining vitality of the voluntary sector is for them a kind *canary in the coal mine*, an early warning sign of trouble in our democracy. An intriguing and important issue is how government might be able to contribute to a reversal in the decline of voluntarism.

The European Experience

Many Europeans are not sure what is happening to their democratic institutions. Some ask if democracy is in crisis. Others wonder if traditional practices such as voting are being replaced by demonstrations and petitions.

For 20 years, voter turnout and party organizations declined. Mistrust of political institutions and street demonstrations have been on the rise. Voting patterns have become more unpredictable with extremist and protest parties gaining some support. Mainstream political leaders and political parties are experiencing massive public disapproval.

The countries immune to the fall in voting are those (Belgium, Luxemburg, Greece, and Italy) that make it compulsory. Elsewhere, non-voting has been rising in local, national, and Europe-wide elections. Abstentions rose from 37% in Europe-wide voting in 1979 to over 50% in 1999, rebounding slightly in 2004. Among those aged 18-24, two-thirds continue to abstain.

Non-voting has increased in all types of elections, and France's experience is typical. From the 1970s to the 1990s, rates of non-voting climbed by 5.5, 7.7, and 13 points respectively in the French Republic's presidential, municipal elections, and legislative elections. The decline of voting in presidential contests is especially shocking because these elections had previously captured the public's imagination. Across the Channel the British experienced a drop in turnout from about 75% to about 60% with a very low turnout among the young.

Growing suspicion of politicians is reflected in polls. In France, the proportion of the public who believe that politicians "care about people like you" has dropped by more than half while the proportion seeing politicians as dishonest has jumped by more than half.

The future of Europe's institutions is uncertain. Optimists look forward to more referenda, petitions, and other non-traditional forms of participation.

The United States Experience

In 1835, Frenchman Alexis de Tocqueville wrote a famous portrait of the United States that highlighted the role of voluntary organizations in American society. Many

Americans have long believed that volunteerism is the bedrock of their democracy. Democratic government is kept honest and alive, according to the American perspective, by thousands of clubs and organizations—parent-teacher associations, bird watching clubs, churches, unions, amateur fire halls, international affairs institutes, book reading clubs, medical societies, college alumni associations, and other voluntary associations.

An alarm sounded in the 1990s. Rates of voluntary activity, voting, and trust in people and institutions fell. The drop in volunteerism was widely acknowledged, for example in *A Nation of Spectators*, a report of the U.S. National commission on Civic Renewal in 1988.⁵ People were troubled by declines in many forms of voluntary activity.⁶

Some Americans realized that their country was not alone in suffering a problem of civic disengagement. But, the U.S. had been founded as a society that prized voluntary activity. Americans were shocked, and were keen to act.

Youth became the focus. Those under 25 years of age were less engaged than older citizens and less engaged than previous generations under 25. Yet, the evidence showed that adults learn habits of trust and engagement in their formative years, between 15 and 25.⁷

Scholars, foundations, and activists got involved. Schools received special attention because of evidence that good school programs strengthened students' civic identities.⁸ Courses on "social studies," political science, and history increased students' interest in politics, especially when such courses debated current issues.

Today, half of high schools in the U.S. offer "service learning," a combination of real community service and academic study. It has been found to raise students' interest and commitment to public issues. Mock trials and Model United Nations have

⁵ National Commission on Civic Renewal, entitled *A Nation of Spectators* (Washington, DC, 1998). See also Robert D. Putnam's best seller, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Shuster, 2000).

⁶ Between 1975 and 2000 in attending club meetings (a decline of 44%), working on community projects (38%), interest in public affairs (31%), and belonging to at least one group (14%). These are proportional changes, not changes in percentage points. Sources: General Social Survey, DDB Needham Life Style Survey, General Social Survey, National Election Study, and General Social Survey.

⁷ For summaries, see Constance Flanagan and Lonnie R. Sherrod, "Youth Political Development: An Introduction," *Journal of Social Issues* (Fall, 1998); David O. Sears and Sheri Levy, "Childhood and Adult Political Development," in the *Oxford Handbook of Political Psychology*, edited by Sears, Leonie Huddy and Robert Jervis, (Oxford: Oxford University Press, 2003), 60-108.

⁸ Evidence collected in Carnegie Corporation of New York and CIRCLE, *The Civic Mission of Schools* (Washington, DC, 2003). See especially Richard G. Niemi and Jane Junn, *Civic Education: What Makes Students Learn* (New Haven: Yale University Press, 1998), p. 16.

similar effects, as do students' councils and other opportunities for students to influence the running of their schools.⁹

Advocates of school-based civic education have organized a national "Campaign for the Civic Mission of Schools." Some state governments responded by strengthening their commitments to civic development. Youth-serving organizations like 4-H and the YMCA launched youth involvement programs. They found that such programs achieved two goals at once—spurring civic engagement among the young while helping them achieve greater personal success. Opportunities for service, activism, youth-led research, and youth organizations have proliferated.

Non-partisan groups have tried to improve the political campaign process. Young people, it is known, are more likely to begin voting if someone asks them to participate. If they vote once, they are likely to continue to do so.¹⁰ And if they become active voters, they are more likely to be recruited for other forms of civic participation.

For years, young voters were largely ignored by politicians because the young couldn't be counted on to actually cast a ballot. Politicians did an about-face in the 1990s when they learned that it was cost-effective to campaign for the youth vote. In some careful experiments, Donald Green, Alan Gerber, and colleagues showed that young people could be mobilized for about \$8-\$12 (US) per extra voter.¹¹ Politicians paid attention. They allocated resources to the youth vote with the result that turnout among younger adult citizens (ages 18-25) jumped by 11 percentage points in 2004.

The problem of civic disengagement and the decline of voluntarism remains a serious challenge in the United States. But there is much light at the end of the tunnel thanks to the growing investments in civic education in the high schools, new civic programs as curricular and extra-curricular activities, and greater efforts by politicians to win over the youth vote.

⁹ Shelley Billig, Sue Root, and Dan Jesse. "The Impact of Participation in Service-Learning on High School Students' Civic Engagement." CIRCLE Working Paper 33 (2005) and Carnegie and CIRCLE, p. 27.

¹⁰ Donald P. Green and Alan S. Gerber, *Get Out the Vote: How to Increase Voter Turnout* (Washington, DC: Brookings Institution Press, 2004).

¹¹ Young Voter Strategies, *Young Voter Mobilization Tactics* (Washington, DC, 2006).

Editors' Questions That Forum Participants Might Think About:

1. Are Canadians active enough as citizens?
2. Do you believe that MPs do a good job of representing your interests?
3. How well does government consult citizens on new policies or laws?
4. How important is civic education? Given that education is a provincial jurisdiction, what, if anything, should the federal government do if you believe there is a problem?
5. How important is voluntary activity? Should governments encourage voluntary activity, and, if so, how?
1. How can it be made easier for citizens to participate and convey their views when issues that matter to them are coming up for review?
2. What needs to be done so that citizens feel that that consultations and engagement are not just window dressing?

3. The House of Commons¹²

Introduction

The *Constitution Act, 1867* established the Parliament of Canada. Parliament was to be a bicameral legislature consisting of two houses or chambers—an elected House of Commons, discussed here, and an appointed Senate, discussed in the chapter that follows.

Voters elect MPs, Parliamentarians who sit in the House of Commons. The party with the most MPs normally forms the Government. Until now, a Prime Minister supported by a majority of MPs could remain in office for up to five years. Parliament is currently considering a proposed law that would establish fixed election dates, as several provinces have done.

The Government is politically and legally accountable and responsible to the elected representatives in Parliament and must maintain their confidence. That is what is meant by *responsible government*—responsible to the public through elected MPs.

General Facts

The House of Commons as a whole, the various Parliamentary parties, and the many individual MPs all have roles to play in Parliament but the roles of each of these three groups are slightly different.

The House of Commons provides an organization or structure in which

- ☐ A Government is elected and held accountable,
- ☐ The Government proposes new laws, including proposals for new taxation and spending, which can only be initiated in the Commons and not the Senate,
- ☐ The Government's MPs, its Parliamentary party, show support for the Government, and
- ☐ The Opposition Parliamentary parties and their individual MPs criticize the Government and hold it to account.

These activities are undertaken within the limits of federal government powers under the Constitution and the Canadian Charter of Rights and Freedoms, as adopted in 1982 and as interpreted by Canadian judges.

¹² Authors: Robert J. Jackson (University of Redlands, Carleton University, and Clare Hall, University of Cambridge) and Conrad Winn (COMPAS Inc. and Carleton University).

To maintain office, Governments must have “the confidence of the House.” A Government retains “the confidence of the House” so long as the House does not pass a motion expressing non-confidence in it and so long as the House does not defeat money bills like the Budget, or other items that the Prime Minister declares to be confidence measures. To remain in power even a minority Government needs to retain support for its rule from a majority of MPs.

Roles of the MP

Four Main Roles

The main roles of MPs are

- ☐ Representative—to represent constituents and to help them as a problem-solver with respect to Government programs and bureaucracy,
- ☐ Legislative—to advance their party’s position on legislation before the House and to propose their own laws through Private Members Bills,
- ☐ Accountability-related—to hold the Government to account, and
- ☐ Spending-related—to authorize Government spending.

Representing Citizens

Precisely how elected politicians should represent their voters has been debated for generations. The two main options have been whether the elected official should reflect the constituency’s opinions or its needs and interests. An MP who sees himself or herself as mainly a *delegate* would focus on finding out the opinions of citizens in his or her constituency so that the MP could convey these opinions in Parliament. An MP who sees himself or herself as mainly a *trustee* would focus on acting for the interests and needs of the constituency as the MP judges these to be.

Both roles are difficult to fulfill. The MP who sees him- or herself as a delegate can use all sorts of devices to estimate constituency opinion—polls, public meetings, constituency newsletters with mailback provisions, telephone calls, conversations, Internet communication, letters-to-the editor, and open-line radio shows. It would take a lot of work to truly know what people are thinking. To make matters more difficult, people can change their minds. They are especially apt to change their minds if their initial opinions were based on incomplete information.

The MP who sees him- or herself as a trustee has an even bigger challenge. The MP as trustee has the task of figuring out what people want, what people need, and the best ways of satisfying both, especially what people need.

Whatever the MP's chosen role, it may be important for democracy that Members as a whole be clear and informed speakers as well as reasonable. Clear, informed, and reasonable speakers elicit public confidence. It is sometimes said that the televising of Parliament and TV crews' thirst for drama accounts for Parliamentarians being seen as less decorous, informed, and reasonable than they may be and than they ought to appear.

According to one point of view, party leaders should come to an agreement to give the Speaker of the House, its referee, more power to discipline indecorous Members including temporary expulsion from the House. According to another point of view, the ability of Members to speak in informed ways would rise if their staff were better able to provide persuasive content for their speeches and other interventions. Stronger staff budgets would be an option.

Still another perspective on strengthening the representative performance of the Commons is to provide the public with a regular cycle of elections. A predictable rhythm of elections, it is felt by many, would make it easier for the electorate to hold their Members of Parliament accountable for their performance. The Commons passed a proposed law calling for regular elections to be normally held every four years in October. It is still under consideration in the Senate.

MPs represent their constituents not only by advocating for them on the major legislative and policy issues of the day but also by helping them to solve practical problems. Often through their constituency offices in the local riding, MPs may help individual citizens solve an Employment Insurance or passport problem. Members may also help individual constituents or local businesses identify and understand the Government programs that might be helpful to them.

Legislating

For many observers of Parliament, MPs are above all legislators. For some observers, almost the only important issue in democratic reform is how to increase the influence of individual MPs on public policy and legislation. According to a common perspective, MPs are elected to make policy and yet exercise limited policy influence.

Members' views on policy do not normally have clout. Most legislation is Government legislation. Members have some time allocated to Private Members' Bills so that they too can propose legislation. But the time is limited and the true opportunity minor. Perhaps laws today are too complicated for Private Members' Bills to be adequate, and MPs' real influence on policy should take place in committee discussions of Government bills. Members can propose amendments to legislation in committee, but such amendments are often rejected.

The inconsistency between Members' role as policy-makers and the reality is probably another straw on the back of the camel of Commons credibility. One way of strengthening Members' roles in policy would be to strengthen their roles in exercising scrutiny and accountability in committees, as discussed below.

Another way of strengthening Members' roles in policy might be to build on the unique knowledge available to them from their constituency offices. From the countless real-life situations to which they are exposed, constituency staff are better positioned than many to understand the strengths and weaknesses of current policies and programs. One possibility would be to increase the resources available to Members for constituency offices so that they could hire some staff with citizen engagement, research and policy skills that could be used to transform local experience into credible policy submissions.

In practice, MPs cannot easily exercise independence from their party in proposing policy or debating legislation. As previously mentioned, the Commons is organized around the principle of a division between Government and Opposition. Furthermore, the reality of electoral campaigns is such that MPs who wish to exercise independence from their party risk weakening the party in the eyes of voters and therefore risk eliciting a backlash from their party's leadership.

Holding Government to Account

A classic duty of the Commons is to hold accountable the Government, which is responsible for the full range of programs and Public Service conduct. MPs could hold Ministers accountable and hence indirectly the Public Service. But Government operations are so much larger and more complex than in past centuries. One consequence is that Members' offices may need to employ far more highly trained professional staff to help MPs be able to truly scrutinize and hold accountable Government for programs and spending.

On the big media and election issues, Opposition MPs will continue to hold the Government accountable in Question Period and in other meetings of the House. Government Members will continue to hold Government accountable largely in the confidential meetings of the caucus of Government Members.

MPs will continue to scrutinize and hold accountable Governments and Government operations through the standing (or permanent) committees of the House. This is where proposed laws, proposed spending, actual spending, and past actions are examined.

Many Members invest considerable effort in detailed consideration of proposed laws in their committee work. But committee work is not much reported and not well known, and not all Members are equally interested. Committee work could nonetheless be made more attractive. Larger budgets and contingents of professional staff would help increase the authority and appeal of committees. Increased television exposure and country-wide travel and consultation would bring Parliament closer to the people while providing committee members with the incentive of greater exposure to the electorate. Cameras could be given free access as well as freedom of action so that committee hearings would be more available, dynamic, and impactful.

Spending

Budgets are considered in the House and also in more detail in committees. MPs exercise scrutiny over budgets (“estimates”) in committees but perhaps less than might be expected. This is because MPs face three *catch-22* type situations:

- ❑ Supported by at most one specialist on his or her staff, the average MP is no match for a Minister backed by a large number of experts in the department;
- ❑ Parliamentary rules allow MPs to propose cuts in spending but not spending increases; only the Government can do that. Yet the political reality is that increases in spending almost always gain more friends in the electorate than decreases; and
- ❑ If the Members of a committee overcome partisan differences to express a shared criticism of the Government, the Government nonetheless has some leeway to ignore what a committee recommends as well as significant influence over the work that is assigned the committee.

Through committees, MPs can nonetheless exercise much scrutiny over spending.

The Work of the MP and the Public Face of the MP

Reflecting centuries of tradition, the activities of the House of Commons are organized to highlight differences between the Government and Opposition parties as a whole. The rules of debate in the main chamber emphasize a contrast between Government and Opposition.

The organization of the House of Commons is designed to produce clarity, accountability, and partisanship. The idea of a conflict between Government and Opposition helps make debate easier for busy people to follow or understand.

The organization of the Commons motivates Parliamentary parties and their individual MPs to behave or at least seem to behave in partisan ways. This may be especially so when caucus leaders and individual MPs in each caucus think of the needs of television journalists for simple, conflictual stories to tell audiences.

During minority Governments, MPs have a special difficulty forgetting that they are partisans because Parliamentary parties or caucuses are in a near-constant state of election readiness. Yet, MPs can be somewhat non-partisan in some of their committee work and in the policy and constituency work they do outside the main chamber and away from TV cameras and reporters.

The aggressive clips from broadcasts of Question Period do not reflect accurately how MPs relate to each other most of the time. These clips may lead the public to overestimate how much raw partisanship actually governs their conduct. The public's

misperception of MPs as more partisan than they are may help explain some of the apparent decline in respect for Parliament that is evident among the public.

To the extent that exaggerated images of partisanship may reduce public respect for the Commons, one may ask what can be done to persuade the Commons to reduce the tone of partisanship or to convince the media not to highlight partisanship more than is justified by the facts.

Reducing the exaggerated image of partisanship in the House would probably help strengthen public respect for the institution. An intriguing question is what the public would want to know about what MPs do, and what are the best ways of transmitting such information to the public. For example, what would the public want to know about the work of committees? Apart from television, what would be the best way of sharing information about committee work?

Editors' Questions That Forum Participants Might Think About:

- 1 Why are politicians often not trusted by the public, and what can be done?
- 2 Is decorum a problem *or* is a lively Question Period valuable for democracy?
- 3 Is party discipline vital so that parties provide voters with clear choices and greater accountability *or* does party discipline weaken the ability of MPs to represent the views of their constituents?
- 4 What is the proper balance between strong for MPs and Commons Committees on the one hand and a proper role of the Government in governing on the other?
- 5 What kind of information about the Commons would Canadians want more of, and what are the best ways of getting it to them?

4. The Senate¹³

Introduction

Canada has a federal system with a bicameral legislature at the national level. The overwhelming majority of federal systems have two legislative houses. Some non-federal (unitary) systems have one house and others do not. In federal systems, second houses like our Senate exist partly to give representation to the constituent or regional parts of the federal system. They also exist as a *chamber of sober second thought* to restrain the House of Commons from rushing to adopt impracticable ideas and as a place where new laws are scrutinized carefully. Second chambers are often intended as a place to protect regional minority interests and sometimes the interests of non-regional minorities as well.

The composition of upper houses varies. In the United States and Australia, the public elects Senators directly. In Germany, members of the upper house are delegates of the state governments or legislatures. Elsewhere, members are appointed as representatives of various economic, occupational or cultural associations. In still other countries the upper house is popularly elected, but is intended to produce a political complexion different from that of the lower house. In the British case, the House of Lords is a mix of those who inherited the position and those who are appointed for life by the Government.

Canada's Senate Today

Selection by Appointment

Senators are formally appointed by the Governor General carrying out the recommendations of the Prime Minister. Critics of the Senate's current situation point out that Canada is among the small minority of democracies with an appointed chamber. They emphasize that most Senators are party faithful rewarded for party service. From the perspective of the critics, the appointment basis of the Senate is a relic of a pre-democratic era that weakens public respect for democratic institutions and damages our political culture by making patronage a centerpiece of Parliament. Critics also see the Senate appointment process as giving an unfair advantage to

¹³ Author: Robert J. Jackson (University of Redlands, Carleton University, and Clare Hall, University of Cambridge).

governing parties, which are able to place their party organizers and campaign strategists in prominent, permanent, publicly-funded positions.

Defenders of the system see an appointed Senate as making Parliament stronger. Senators provide, it is said, a diversity of professional, scientific, and business expertise without equal in the Commons. The Senate is also said to provide a diversity of ethno-racial and Aboriginal representation. The occasional appointment of a Parliamentary expert, with or without previous Commons experience, reinforces the upper house's role in supplying *institutional memory* along with knowledge of legal, Constitutional, and Parliamentary precedents. Finally, advocates of the current system see merit in the Prime Minister's occasional retirement of senior Cabinet Ministers to the Senate, making it possible to replenish Cabinet and strengthen Parliament in a single action.

Regional Representation

From Confederation to the present, the Senate has been intended at least in part to represent the country's regions. In Canada, a Senator nominally represents the province from which he or she was appointed and in which the Senator must own some property. Thus there is a regional or provincial underpinning to the composition of the Senate. The Fathers of Confederation did perceive the second chamber to be a compensating "federal" institution. According to Sir John A. Macdonald,

In order to protect local interests and to prevent sectional jealousies, it was found requisite that the great divisions into which British North America is separated should be represented in the upper house on the principle of equality.

The unique appointment process means that Canadian Senators cannot be held accountable or responsible either to the provinces or to the regions that they were originally intended to represent. Instead, the representation of provincial or regional interests in the federal policy-making process, always manifested in the regional composition of the Cabinet, is increasingly expressed at federal-provincial meetings as well.

Since April 1999, the membership of the Senate has been fixed at one hundred and five, with twenty-four each from four main regions.¹⁴ This pattern also makes us different from most federal systems, which give their constituent states equal representation in the upper house or at least some modified form of representation by population.

¹⁴ Ontario, Québec, the West (six from each of the four provinces west of Ontario) and the Maritimes (ten each from New Brunswick and Nova Scotia, four from Prince Edward Island) — together with six from Newfoundland and Labrador, and one each from Yukon, Nunavut and the Northwest Territories.

Senate Power

With two exceptions, the Canadian Senate has the same formal powers as the House of Commons and therefore has an authority that is virtually unequalled by any other upper house in the world. One key difference between Commons and Senate is that the Senate does not initiate the spending of money. That originates in the Commons. Another key difference is that the Senate is not “a confidence chamber.” An election does not have to be held if the Government loses a key vote in the Senate.

In reality, the Senate does not use its full range of powers. Senators hesitate to block laws adopted by the House of Commons because the Commons is elected while the Senate is not. The Senate normally limits itself to modifying Commons legislation to make it clearer and less ambiguous. Sometimes the Senate will seek to improve technical aspects of a law on which an individual Senator may be an expert. Advocates of the current Senate appointment process emphasize the great value they see in the careful, highly competent, and often non-partisan scrutiny of legislation provided by Senate committees.

Though rare, the Senate has sometimes rejected Government legislation coming from the Commons. This tends to happen when the party that forms the Government is a different party from that which predominates in the Senate.

For the Senate, the core problem is that it is ridiculed if it does not act firmly, but condemned if it does. As the secondary partner in Parliament, it is often considered ineffective or not highly regarded. It has to play with the hand it is given, and this is often overlooked in commentaries about reforming the upper house.

Overview

The three main aspects of the Senate that could hypothetically experience reform are what its powers should be, how Senators should be chosen, and how many Senators each province should have. Powers are the least contentious issue. The consensus has been that it should remain strong but the Commons should retain its primacy.

There is less of a consensus on the selection process. The west, especially Alberta, tends to favour the direct election of Senators. Quebec has tended to favour appointment of Senators by provincial governments

The greatest disagreements involve the distribution of Senatorial positions by region and province. There is much agreement that Western Canada is underrepresented in the Senate. There tends also to be some agreement that MPs should be elected on the basis of representation by population but not Senators. Many have argued that reform of the Senate should reflect an attempt to improve the representation of the regions and provinces.

The Constitution has been a barrier to some types of changes. Some changes can nonetheless be made by Parliament itself. For example, the present Government has

proposed limiting the tenure of Senators to eight years without going outside Parliament.¹⁵ According to the advocates of the proposal a term of eight years would allow Senators to gain the experience necessary to carry out the Senate's role in reviewing legislation while at the same refreshing the Senate new perspectives. More substantial changes to the Senate would require majority support from the provinces.¹⁶ This would be the case for changing how Senators are chosen or how many Senators would represent each province. Many people think that to abolish the Senate outright would require unanimous support.

Proposals for Abolition

There has been persistent but not strong support for Senate abolition but such support has never gone away. Proposals for outright abolition come from many federal politicians and sometimes from provincial Governments. Abolitionists share a common concern that an appointed Senate has no place in a democratic society while an elected Senate would be a duplicate of the Commons.

Proposals to Change Its Selection System

Canadians have never been of one mind on how Senators should be chosen. Even Sir John A. Macdonald was tentative in his views. He favoured the appointed system "at present."

The main proposals have been:

- ☐ A *House of the Provinces*, its representatives being chosen by the provinces;
- ☐ Joint federal-provincial involvement with provincial Governments providing lists of candidates from which the federal Government would make its selection;
- ☐ Direct election of Senators by voters; and
- ☐ A "Triple-E" Senate that would be *elected, effective and equal* for all provinces.

Especially popular in the growing Western provinces, the idea of equal representation of the provinces would help compensate the smaller provinces for the numerical predominance of Ontario and Quebec in the Commons. Equal

¹⁵ Section 44 of the *Constitution Act*, 1982 permits Parliament itself to amend the Constitution of Canada in relation to the executive Government of Canada, the Senate and the House of Commons.

¹⁶ Sections 42(1)(b) and (c) of the *Constitution Act*, 1982 stipulate that seven provinces comprising 50% of the population, as well as Parliament, are required to alter a) the powers of the Senate; b) the method of selection; c) the residential qualifications of senators; and d) how many senators a province is entitled to.

representation by provinces would certainly end what is commonly considered a bias against the west in the number of Senators allotted to the west.

In 1992, all federal and provincial governments agreed upon the constitutional package known as the Charlottetown Accord. It proposed a modified Triple-E Senate that would include sixty-two senators — six from each province and one from each territory.

Senators would have been elected directly or indirectly. For example, in Québec, the intention was to have the National Assembly appoint them. The defeat of the Charlottetown Accord left unchanged the method of appointing senators.

Judging the Reform Proposals

Any proposal for reform should be judged against a yardstick. Four traditional yardsticks or criteria come to mind:

- ❑ *Strong credibility or legitimacy*—from this possible criterion, it follows that modification of the Senate should strengthen its credibility in the public eye because, as an appointed body, it earns less respect from the public than an important democratic institution ought to receive;
- ❑ *Continued investigative and legislative power*—from this possible criterion, it follows that no modification should reduce the Senate's ability to review legislation coming from the Commons because any such reduction would lessen its effectiveness and ultimately its credibility;
- ❑ *Strong regional or provincial representation*—from this possible criterion, it follows that any modification should provide for some form of balanced regional representation so that Parliament as a whole seems less remote to Canada's regions; and
- ❑ *Strong feasibility*—from this possible criterion, any proposal should have a plausible chance of being implemented in order to protect the credibility of Parliamentary institutions. The Constitution makes it difficult to bring about significant change without reasonably widespread provincial government support.

The preceding yardsticks are not the only potential yardsticks. In an era where there is more intense concern about the rights of minorities than in the past, some observers feel that the Senate has and ought to have a special role in protecting minorities. Even if the above four criteria were hypothetically the only yardsticks, reasonable people could disagree about the relative importance of each.

Reasonable people could also disagree about the conclusions that should be drawn from each criterion. For example, from the perspective that the Senate's powers should be protected, some people might conclude that there should be no role at all for provincial governments or legislatures in the appointment process. Provincial involvement in the Senate appointment process would give the provinces an excessive influence at the federal level, in the view of some. But to others, this would simply be a reflection of how the Senate was supposed to work, with strong regional representation.

If there exists one conclusion from any of the four principles that might be difficult to debate, it is that some type of reform of the Senate would strengthen its credibility and legitimacy.

Current Reforms

How to Bring about Senate Reform

The Government has proposed some reforms, using the powers available to it under the Constitution, to have Parliament act on its own without first requiring the consent of the provinces. The Senate is currently considering a proposed law (Bill S-4) to limit the tenure of new Senators to eight years. The actual number of years that would be best for Canada is debatable, but the general concept of limiting terms appears to be acceptable, even to the Senate itself.

The House of Commons is considering a proposed law (Bill C-43) to allow voters to express their preferences among potential Senate appointees. At the time of a general election to the House of Commons, Elections Canada would consult the public in each province about which individuals should be nominated by the Prime Minister for appointment to the Senate. For the first time, people wanting to become Senators would declare themselves as candidates and campaign for a seat. Citizens would express their likes and dislikes using a preferential ballot ("Single Transferable Vote"). Advocates of the preferential ballot like it because it gives lots of choice and encourages non-partisanship, as described in chapter 6, below.

The proposed laws to limit tenure and consult voters would strengthen the legitimacy and credibility of the Senate, according to advocates of the reform. These proposed reforms would not weaken the legislative and investigative powers of the Senate. They would be feasible. But the regional composition of the Senate would not change.

Another concern for some is that a directly or indirectly "elected" Senate would be emboldened to use the broad powers available to it to over-ride the will of the House of Commons. Those who have such a concern believe that all the elements of reform need to be dealt with in a package.

Finally, some are concerned about the proposed legislation because it will be a piece of ordinary legislation and therefore could easily be repealed in the future.

How to Reform the Senate without Weakening the Commons

The main risk of making the Senate an elected upper house is the possibility of reducing the primacy of the Commons in choosing the Government and holding it accountable. The Senate could be given a temporary veto, and this suspensive veto could be very short for money bills in order not to undermine the predominance of the Commons. Some of those who are concerned to protect the primacy of the Commons would want the rules changed to prevent the Senate from defeating Commons' legislation more than once.

In the spirit of maintaining a distinct role for the Senate, Senators could have fixed terms of office so that their periods in office are unrelated to when the Government goes to the people in a general election. The ideal length of term could be debated.

Editors' Questions That Forum Participants Might Think About:

1. What roles should the Senate play (e.g. representing Canada's regions, chamber of sober second thought, careful scrutiny of legislation, check on the power of the Prime Minister, protecting minority interests)?
2. The government has a significant but limited Senate reform agenda. Do you favour *comprehensive* Senate reform (i.e. to achieve fundamental reform through changing the Senate's powers and selection process)? If so, should this be a priority?
3. What values should be reflected by the selection process, roles, and powers of the Canadian Senate in the 21st century?

5. Political Parties¹⁷

Political Parties and Democracy

Political parties first appeared in Canada in the years prior to Confederation. As in Britain, France, the United States, and other countries where democracy would take root, political parties and democratic institutions evolved together.

For most of the history of Parliamentary democracy, political parties were the ultimate form of civic engagement. Without parties, democracy would have had great difficulty taking shape. Political parties backed by sizeable slices of the electorate and delivering sizeable numbers of elected officials were essential for achieving responsible Government (i.e. Cabinet accountable to Parliament).

For most of their history, political parties were the most important channel of civic engagement. During the 18th and 19th century, churches were especially vital institutions in society and therefore offered alternate ways of being engaged in public matters. Broadcasting, the Internet, and single-issue political movements would require at least another century to take form. Today, citizens who wish to have an influence can turn to the media, get engaged on the Internet, and join a single-issue political movement. Joining a political party is not their only option.

For most of their history, parties were informal, private organizations. They were run to some extent by executives of firms that depended greatly on governments as clients. As recently as the 1950s, for example, the Chief Operating Officer of one of Canada's major parties administered both the party and his advertising firm from the same office and desk. This is no longer the case as parties are now fairly tightly regulated under the *Canada Elections Act*.

Political parties came under increasing regulation as the public successfully demanded ever higher standards of ethics and probity in government. Today, parties are among the more tightly regulated of private organizations.

The Six Powerful Roles of Parties and the Reality of Some Weakness

Political parties have played major roles in the political system. They could do so again. Many would say that they ought to be extremely important. Six of the major roles

¹⁷ Authors: Paul Howe (University of New Brunswick) and Conrad Winn (COMPAS Inc. and Carleton University).

potentially played by parties are listed in table 5.1. In practice, the parties are weakening. Party members tend to be older, and memberships appear to be in decline.

Of the six potential roles of parties, parties exercise a strong influence in only one—choosing a leader. Following the unique leadership selection rules in each party, party members most certainly help choose their leader.

Another aspect of the leadership role of political parties is that a party forms a government if it wins a majority of the seats in the House of Commons or a minority of seats but secures the “confidence of the House”.

Parties and their members have limited influence in recommending or scrutinizing policy, especially when a party is in or near power. When parties sense an opportunity to win an election, their leaders control the policy process with one goal in mind—winning. Once in power, parties have little chance of competing with government departments and their large number of policy experts. Even elected MPs, who have small staffs, have difficulty doing so, as discussed in chapter 3.

When a party is in power, both its members and its MPs have much difficulty scrutinizing the conduct of their own leader. In a federal system, the Prime Minister has limitations arising from the strong constitutional roles of the provinces. Under the laws that govern the Public Service, the Prime Minister has limitations in his influence over how departments function. Given the realities of complex modern economies, every Prime Minister has limits on the kinds of changes he or she can bring about in society. But the Prime Minister has great power vis-à-vis the members of his or her own party. After all, the PM affects political careers. The PM selects all Ministers, Deputy Ministers, Senators, the Governor General, and Ambassadors, as well as heads of the Bank of Canada, the national police, and many other bodies.

Formally, parties today tend to have rules for leadership reviews. Leaders get replaced, especially if they fail to meet the electoral expectations of party members and face a serious challenger. Even sitting Prime Ministers can be pressured to leave before they are ready if a challenger willing to commit himself to the effort. But leaders and Prime Ministers normally have the advantage of controlling the executives who

Table 5.1: The Six Roles of Political Parties

1. Leadership—Choosing a leader and potentially forming a Government
2. Policy—Recommending and scrutinizing policy
3. Accountability—Holding party leadership and individual MPs accountable
4. Interests—Representing distinct interests and perspectives *and* also Reconciling distinct interests and perspectives
5. Elections—Organizing, funding, strategizing, and carrying out electoral battle
6. Civics—Providing civic opportunities and an education to citizens

lead the party and of having access to more publicity and more money than any challenger.

Local constituency associations of national parties can hold individual MPs accountable, especially on the occasion when MPs are re-nominated before elections. But much of the policy and non-policy work of the MP is not seen or noticed by local party members. Except in the case of clear misconduct of a sitting MP, local party members may have difficulty having enough information to judge the performance of their Member.

According to democratic principles, parties (i.e., party members) could play an important role in advising MPs about holding Governments accountable. But it is difficult for local party members to have the necessary information to do so.

According to accepted wisdom, one of the roles of parties is to represent distinct interests and perspectives. But government has become so large and policy so complicated that it becomes difficult for parties to give expression to distinct interests or perspectives other than their own interest in winning the next election. Parties do not have armies of experts to diagnose extremely complex taxation or other policies. Even if they did, party leaders might not think that they would have much chance of getting enough time on television to explain their positions.

While parties have difficulty expressing distinct interests, they sometimes find it easy to reconcile such interests. Some would say that one of the very most important roles of politicians is to enable people to live together despite their differences, and that Canadian politicians are exceptionally skilled at papering over differences. The *bafflegab* style of speech-making for which politicians are sometimes condemned is sometimes their attempt, often successful, to pour oil over troubled waters.

The most visible role of parties is in fighting elections. Party members have a potentially important role in door-to-door canvassing and in supplementing funds provided by government to parties. But the speed and complexity of campaigns in the media age have required greater professional control in party and leaders' offices. As advertising, direct mail, voice mail, polling, Internet tactics, and media relations strategies grow in importance, the average party member declines in value to his or her party.

According to the list of party roles in table 5.1, providing civic opportunities and a civic education is their sixth role. In practice, parties provide few such opportunities because, as discussed, parties do not exercise strong roles in providing policy advice or scrutinizing the Government. If education involves instruction and formal opportunities to learn, then parties play almost no role at all. Nor do parties offer much of an opportunity to learn through participation. If education means setting an example, then many Canadian politicians provide a good education by offering an example of how to get along.

The Challenge of Making Parties Both Effective and Dynamic

Parties have come under intense regulation, especially financial regulation, in recent years. The *Elections Act* of 1974 provided government funds to parties and candidates, required the public disclosure of campaign expenses and contributions, and imposed limits on the amount that parties could spend on election campaigns.

In 2004, a new law (Bill C-24) placed limits, for the first time, on donations to national parties and their local chapters. In 2006, the amount was reduced to \$ 1000 (a further \$1000 could be donated in total to individual candidates or constituency associations of a particular party). A public subsidy was introduced. Parties that qualified received \$1.75 for each vote cast for the party at the preceding general election.

In the *Federal Accountability Act*, the current Government has introduced additional restrictions. Only individual Canadians can now give; corporations and unions are banned from contributing. The allowable amount has been reduced to a maximum of \$1000 for all political entities (that is, the national party, the local constituency association, and the candidate).

Party finance reforms have made the parties more effective by contributing to their credibility as honest organizations. There are fewer opportunities for influence to be bought or sold, and any remaining opportunities are strictly illegal. The reforms reduce the potential political influence of companies in sectors that are heavily regulated by Government and thus have the most economic interest in influencing Government.

While contributing to the credibility of parties in some respects, the reforms do not help the parties fulfill more effectively than they currently do most of the roles listed in table 5.1. Some observers recommend that Canada adopt the practice of giving government grants to think tanks or foundations run by each of the parties. These party foundations could play a role in Canada, as they do in parts of Europe, in:

- ☐ Civic outreach and engagement;
- ☐ Education of the young; and
- ☐ Developing and providing policy expertise independent of government departments.

Many people see a lot of appeal in the contributions that party foundations could make. But many are also concerned that the more government does to help existing parties, the less existing parties have to worry about competition from new parties, and the less dynamic existing parties may become.

Citizens keenly interested in policy may continue to turn increasingly to careers in the media, the universities, or think tanks to satisfy their desire to study and influence policy.

By the preceding logic, a big challenge for Canada is how government can regulate and support political parties, the funding of politicians, and the possible funding of party foundations without making parties less dynamic.

Editors' Questions That Forum Participants Might Think About:

4. Are Canadian parties carrying out the roles you would like to see them carry out?
5. What can be done to encourage more participation in parties? What can be done to encourage more participation among youth, women, ethnic minorities, First Nations, Inuit, and Métis?
6. Are there alternative institutions that could fulfill some of the policy or other roles that parties are expected to fulfill in democracy?
7. Should the Government consider funding political party foundations so that they are better able to develop new policies or engage citizens in the policy process? What are the benefits or disadvantages of doing so?

6. Electoral System¹⁸

Introduction

Federal and provincial politicians in Canada are elected according to the same basic rule. In each constituency or riding, voters choose the candidate that they wish to support. The candidate with the most votes gets elected. One candidate wins in each constituency.

This is the way Members of Parliament have been elected for generations. But, not everyone has been happy with the process. An increasing number of critics have complained that our system is not fair. Sometimes the party with the most votes does not actually form the Government. Defenders of our system say that mistakes happen but the system generally works very well and is better than its alternatives.

The various groups of critics and defenders often agree on the facts. But they do not always agree on what is important. Some people value fairness more. Some value accountability more. Some value effective, stable governments more.

The pages that follow summarize the major arguments pro and con. They also talk about the values that are key to the thinking on various sides of the issue.

A Short History of Reform Proposals

Canadians are debating electoral reform. They also debated electoral reform during the 1970s and 1980s and, before that, after World War I.

After World War I, one of the main reform ideas was to allow people to rank order the candidates from voters' first to their last choice. This was a preferential ballot. When a preferential ballot is used in single member ridings, as it was in British Columbia in 1952 and 1953, it is called the "alternative vote." In multi-Member ridings, which elect more than one legislator, the preferential ballot is called a "single transferable vote" or STV. Each voter would have many votes—a first vote and a second (or even a third if necessary) to be counted if the first vote went to a candidate with no chance of winning.

Some of these reform ideas were adopted in provincial elections in Alberta and Manitoba and these experiences lasted a couple of decades. By the 1950s these two provinces once again elected their provincial politicians in the same way as the other provinces.

¹⁸ Authorship: COMPAS staff. We acknowledge with gratitude the contribution of André Blais (Université de Montréal, Canada Research Chair in Electoral Studies).

Another wave of enthusiasm for reform came to the surface in the 1970s and 1980s. Among people interested in politics at the federal level, some were concerned that our electoral system was too kind to regional parties, which could be divisive. A regional party with only a few votes could count on electing several MPs because its votes were concentrated in a small number of ridings where it had a chance of winning. By contrast, a small nation-wide party might elect few or no MPs because its supporters were spread thinly across the country with not enough in any one riding to actually win. And even some of the large parties were unable to get anyone elected in some regions even if they had the support of 20 or 30% of voters.

In 1978, the Pépin-Robarts Task Force on Canadian Unity proposed a mixed system. Some MPs would be elected from single-Member ridings as they are today. Other MPs would be elected by *proportional representation* in large ridings to be represented by several MPs. Large ridings that each elected many MPs would give more of a chance to national parties that attracted some support across the country but not a lot in any one place.

Between 1989 and 1992, the Lortie Royal Commission on Electoral Reform and Party Financing looked at the issue too. It recommended sticking to our present system of electing the one candidate in each riding with the most votes.

In 2004, the Law Commission of Canada returned to the idea of a mixed system. It recommended that two-thirds of MPs be elected in single-member ridings as they are in today's single-member plurality system. In these ridings the candidate with the most votes would win. The remaining one-third of MPs would be elected in large multi-member ridings the size of most provinces.

Today, there is more talk about electoral reform than in most periods in Canadian history. Five provincial Governments¹⁹ have been considering the possibility of changing the electoral system. The Ontario Citizens' Assembly on Electoral Reform will come to a recommendation in May, 2007. The debate is no longer limited to insiders. The creation of Citizens' Assemblies on Electoral Reform in British Columbia and Ontario are intriguing innovations. In each case, a more or less randomly-selected group of ordinary citizens was given the responsibility of deciding whether we should keep the existing system and (if appropriate) of proposing an alternative option. Any recommendation would go directly to a referendum. In Quebec, the *États généraux* on institutional reform convened some 1,000 participants in February 2003. A large majority of voters, in a referendum in Prince Edward Island, rejected a mixed system in November 2005.

Why is there so much talk about electoral reform today? There is a feeling that something needs to be done. Politicians are generally not well respected and voter turnout is in decline. There is a feeling that it may be time to rethink our political institutions, and among them of course our electoral system.

¹⁹ Prince Edward Island, New Brunswick, Quebec, Ontario and British Columbia.

Assessing the Existing System and Reform Options

Both defenders of our present system and advocates of reform have strong, well founded, and well argued beliefs.

Accountability may be the biggest reason given for keeping our current voting system but advocates of the present system favour it for other reasons too. Some believe that it delivers more stable and more effective government. Our current system leads to single-party, majority governments more often than do other systems. The public has an easier task of figuring out whom to credit or blame in our present system. Alternative electoral systems would usually result in a ruling coalition of more than one party. No party would be all-powerful and none could be held fully responsible.

Defenders of our present system believe that it has a greater chance of earning public respect than more complicated alternatives. The system is easy to understand. Constituencies are small enough that voters can get to know their MPs and defeat poor performers at the next election. Our system's ancient roots, believe its defenders, help the system earn respect from voters.

Our present system, say the critics, is biased in favour of large parties and against small ones. In the 2006 Canadian election, for instance, the Conservative party got 40% of the seats with 36% of the vote while the NDP won only 9% of the seats with 18% of the vote and the Green party had no seat despite obtaining 5% of the vote.

Our system can sometimes produce odd results, emphasize its critics. The *second* most popular party can get to form a Government. In the 1996 B.C. and the 1998 Quebec elections, the party that earned the most votes overall, the Liberals, ended up with fewer seats than the next most popular party, the NDP and PQ respectively. Another oddity is that our system has tended to favour small regional parties.

Some critics advocate a mixed system in the spirit of the Law Commission of Canada's recommendation. A mixed system, they say, would preserve local constituencies and local accountability while removing the risk of unfair results. It would allow voters to express their feelings about both local Members and the national parties.

In a mixed system, some Members would continue to be elected in local, single Member ridings though these would be larger than today. Other Members would be chosen from party lists in large multi-Member ridings at the very same time.

A mixed system could be custom-designed. Our 308 MPs would be divided into single Member, constituency MPs and multi-Member, constituency MPs in any ratio that made sense to Canadians. Suppose half the House of Commons seats were reserved for single Member, constituency MPs. Then, half our 308 MPs would be elected in 154 single-member constituencies. The other half would be elected on the basis of voters' second votes, which would be cast for a party in multi-Member ridings. Single-Member constituencies would be the same as today except twice as big.

Each party's share of MPs from multi-Member ridings could be decided in various ways. One method would be to give each party a share of seats directly proportional to its vote in these multi-Member ridings. Another method would be to divide up the seats from multi-Member ridings in such a way that each party's total share of all seats, including seats from single-Member constituencies, would match perfectly its share of both ballots.

While some critics of our present system favour the mixed system advocated by the Law Commission of Canada, other critics strongly favour the use of a preferential ballot in a multi-Member system. Citizens would have many votes with which to express their first, second, third (and so on) preferences. Local constituencies would typically have four MPs. Voters would have the option of prioritizing all candidates irrespective of party affiliation. The preferential ballot is often called the Single Transferable Vote or STV system.

Strong advocates of the preferential ballot believe that it preserves the local affiliation of MPs emphasized in our present system while providing the greater fairness or proportionality of the mixed system. Advocates of the preferential ballot also believe that it makes elections more dynamic. In a system based on the preferential ballot, parties and candidates would compete as they do in the other systems. But, unlike the other systems, candidates of the same party would also compete against each other.

Fairness, government accountability, local accountability, government stability, government effectiveness, simplicity, history, dynamism, and voter choice are some of the criteria used by people in assessing different electoral systems. Our present system is often considered strong with respect to government accountability and effectiveness while weak in terms of fairness. Depending on the details, mixed systems may provide more fairness and less accountability. Depending on one's viewpoint, preferential vote systems may foster voter choice while preserving local accountability. At bottom, the choice of an electoral system hinges on which of these and other potential criteria one wishes to emphasize.

Conclusion

There cannot be democracy without elections. The set of rules that govern how people vote and how their votes are counted to sort out winners and losers determines the set of options that are available to voters and affects how voters make their choice. Different types of electoral systems produce different types of party systems and different forms of government. Electoral systems shape the whole democratic process.

Canadians may wonder whether the existing system is the most appropriate in the present context. The answer, of course, is: it depends...on one's values. Ultimately there is no perfect system because there are tradeoffs between the goals that we seek to achieve in a democracy.

Because of these tradeoffs, there is bound to be disagreement and debate. Conducted with civility, debate is healthy. Among the many objectives that we cherish, debate obliges us to identify those that are most...and least important.

Editors' Questions That Forum Participants Might Think About:

1. What criteria should be used to examine the Canadian electoral system (e.g. stability, accountability, fairness, simplicity, a geographic link between constituents and their representatives, whether it produces single-party Government, whether it favours smaller parties)?
2. What are your principal concerns, if any, with respect to the current federal electoral system?
3. Alternative electoral systems tend to move away from single-party Government. What are the pluses and minuses of moving away from the current system?