
Parliamentary Book Shelf

Voting Counts: Electoral Reform for Canada, Law Commission of Canada, Ottawa, 2004, 209p.

On March 31, 2004, the Law Commission of Canada released its report entitled *Voting Counts: Electoral Reform for Canada*. This report is the culmination of many years of research and consultation.

Discussion about electoral reform in Canada is nothing new. Murmurs over the inadequacy of Canada's first-past-the-post electoral system have existed for years. With concern over the "democratic deficit" at the forefront, it should come as no surprise that electoral reform is being discussed so widely. Distorted election results, under representation of women and minorities and swollen governing majorities in the House of Commons have led many to suggest that the electoral system no longer fits with the democratic values of Canadians. In its report, the Law Commission admits that electoral reform is not the answer to all of Canada's democratic malaise, but that it may be a starting point for "energizing and strengthening Canadian democracy."

The report examines the debate around electoral reform and evaluates how different voting systems could fit in to our Westminster-style parliamentary system. The report concludes by recommending the addition of an element of proportionality into the electoral system. The report is careful to ensure that any changes suggested can be realized without a constitutional amendment.

The report begins by examining the pros and cons of the first-past-the-post system, arguing that an increasing number of Canadians feel that the "drawbacks of our electoral system may outweigh its advantages." The intent is not just to criticize the status quo, but rather to review the validity of the arguments in favour of electoral reform and to examine the possible impacts of electoral reform on Canada's system of governance.

The report seeks to achieve this through five main objectives. The first reflects on the evolution of the debate on electoral reform in Canada in order to understand how the arguments for reform have changed over time and to understand the factors that help characterize the present discussion. Readers are reminded that there was a time in Canada's history, from about the mid-1920s, when the rise of progressive and united farmers' parties encouraged electoral reform at the provincial level.

Talk of electoral reform has resurfaced as a prominent issue only recently when a sharp decline in voter turnout, distorted electoral results, and under representation of women and minorities have led many observers to demand that something be done to address these concerns. The report notes that reforming the electoral system coincides with the responses of a number of countries, including New Zealand, Japan, and Scotland to similar issues.

The second objective explores the concerns around the current electoral system. It does this by determining the most important values that an electoral system must reflect, such as an effective and ac-

countable government, a diversity of ideas, valuing votes, and regional balance. These criteria are extremely useful in understanding the rationale behind the recommendations made by the Commission and in illustrating exactly what the current system lacks. Although the benefits of a stable and accountable government should not be overlooked, neither should they be oversold. The assessment of the first-past-the-post system finds that it performs poorly on many criteria.

These criteria are used to achieve the third objective of making recommendations for electoral reform.

A number of electoral systems were surveyed and the strengths and weaknesses of each evaluated against the selected criteria in order to determine which system would best reflect the values of Canadians. The foundation for the examination of different electoral systems is to balance the benefits of some element of proportionality while maintaining accountable government, which is represented in this report by the relationship between Members of Parliament and their constituents. To achieve this, it is suggested that a mixed member proportional system with a flexible list system be adopted.

Since one of the primary aims of modifying the system is to enhance diversity and representation, the report makes further recommendations to ensure that these values are achieved. For example, upon adoption of a mixed member list system, the report recommends that a parliamentary committee review the

measures parties have taken to promote equal representation of women and minorities in the House of Commons. While it is doubtful that political parties will welcome any parliamentary involvement in their activities, this recommendation makes an important point: electoral reform is not enough to eliminate the under representation of women and minorities. Other modifications must also be made to ensure that the projected benefits of a proportional system are maximized.

Assessing the potential impact of the recommended reforms is the fourth objective of the study. Replacing the first-past-the-post system with a mixed member proportional system would mean that only when a party obtains more than 50 percent of the popular vote would a single-party majority government be most likely to occur. As the report notes, since 1921 such majorities have occurred only five times. As such, it is reasonable to speculate an increase in minority or coalition governments under a mixed system. The report dismisses the idea that coalition governments unavoidably lead to instability, and suggests that countries such as New Zealand and Scotland show the opposite.

The issue of two “classes” of representatives that would result under a mixed member list system is also addressed. The report acknowledges the potential conflict between MPs elected from the list and those elected directly by the constituency. To help eliminate some of the likely difficulties, the report recommends that list MPs should have the same rights and privileges of constituency MPs and that parties develop protocols to ensure the effective co-functioning of all legislators.

The final objective of the report is to discuss how the process of electoral reform could unfold. The discussion stresses the importance of public involvement in the process, but cautions against the use of a referendum to achieve this purpose since referendums can be divisive and run the risk of selling electoral reform as being the only approach to improving Canadian democracy. The report recommends that the federal government prepare draft legislation and direct a parliamentary committee to initiate a public consultation on the proposed system. Furthermore, the report calls for a parliamentary committee to review the new system after three general elections, should the system be modified.

One of the strengths of the Law Commission’s review of electoral reform is the recognition that a change in the electoral system will not guarantee that the concerns facing Canada’s democracy will be eliminated. Although the list of benefits of a proportional system is quite long, the report is careful to reinforce that these are only possible benefits. The report also recognizes that no electoral system is perfect, but argues that a mixed member system would be fairer, more inclusive, and more representative of society.

The report is also successful in noting the possible effects of coalition governments on public policy, explaining that even though the life of a coalition or minority government may be shorter than that of a majority government, this appears to have little effect on public policy. The report also acknowledges the concern over negotiations and agreements that lead to coalition governments, but offers reassurance that voters can still punish parties that they feel stray too far away from electoral promises.

One problem with the examination of electoral reform is that the parliamentary perspective is often overlooked. For example, although the report’s discussion of coalition governments is quite useful, it does not address the way that these types of governments will reconcile parliamentary principles such as cabinet secrecy and solidarity and ministerial responsibility.

In the case of representation, the report properly recognizes some of the issues and conflicts surrounding Members of Parliament who are elected differently but does not really discuss if or how a modified electoral system will affect the role or expectations of Members of Parliament. The report also overlooks a small but significant point: in order to accommodate the mixed member proportional system, it would be necessary to increase the size of electoral districts. Although the report does consider a reasonable riding size important in maintaining the relationship between MPs and constituents and notes that the impact of the expansion could be lessened somewhat by the possibility of an additional MP, it does not provide an adequate discussion of the impact an increased riding size could have on already strained Members. Augmented ridings would not only mean an increase in population but also, in many cases, more territory to cover. Members of the House of Commons repeatedly stress the budgetary and time constraints they face and larger ridings are not likely to be a welcome change.

Overall, the report is a noteworthy addition to the current debate on electoral reform. Whether or not any change takes place remains to be seen.

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