
Round Table on the Process to be Used for Electoral Reform

by Peter Aucoin, David Smith, and Louis Massicotte

In November 2004 the House of Commons adopted an amendment to the Throne Speech requiring the Standing Committee on Procedure and House Affairs to study and recommend a process that engages citizens and parliamentarians in an examination of the electoral system. In pursuit of this mandate the Committee held a number of hearings in February and March 2005. This article is based on the testimony of three expert witnesses who appeared on March 9, 2005.

Peter Aucoin: I want to start by saying that an electoral system should be assessed on two grounds: how well it represents citizens and how well it promotes effective government. I say this because the process you recommend be put in place is not neutral to this issue.

A process of review has to include public education based on sound research, a dialogue with the public and political participants, and a well-informed and impartial assessment of the status quo against practical alternatives. At issue is an electoral process for parliamentary government, not just for electing people to the House of Commons.

Canadian experience demonstrates that a commission of inquiry is best positioned:

- to conduct a credible and respected research program;
- to educate citizens and political participants using various instruments, including interim reports;
- to dialogue with citizens and political participants across Canada in a timely and meaningful fashion.

Commissions have the capacity to exercise a challenge function so that dialogue is not just one-way communication. Commissioners can challenge the objectives and priorities that people put forward. And, of particular relevance to this subject, they challenge the various claims

that are made on behalf of the status quo and reform proposals. One does not have to read very much of the public deliberations about electoral system reform to find facts and errors punctuated all the way through these discussions.

It is also terribly important that a process both be and be seen to be impartial in its assessment and recommendations about the electoral system. The best research programs that we have had on these sorts of matters in Canadian history are clearly those that have been conducted by royal commissions.

Given all of the above, and, in particular, the nature of the issue on electoral reform, which so fundamentally affects both elections and those who are candidates for elections, a commission should be complemented by a parliamentary committee that would do at least the following. First, it would review and assess the commission's interim report. Second, it would dialogue with other MPs and representatives of those parties not represented in the House. Here in particular, the challenge function is terribly important in order that the deliberations are serious and interactive. Third, it would prepare a public report before the close of the commission's dialogue with citizens and political participants in order the reports of both commission and committee be considered by the government, the House, and/or citizens in a referendum, depending on how that final part of the decision-making process is designed.

In conclusion, I recommend against the use of a Citizens' Assembly, such as the one used in British Colum-

Peter Aucoin is Professor of Political Science at Dalhousie University. David Smith is Professor of Political Studies at the University of Saskatchewan. Louis Massicotte is Professor of Political Science at the Université de Montréal.

bia. As has been suggested by previous witnesses before this committee, various mechanisms can be used to conduct a citizens' dialogue without adopting the full citizens' assembly model. I do not think that a citizens' assembly is at all practical nationally if it is to be done properly.

The exclusion of politicians from a citizens' assembly, as was done in BC, would not pass the Charter test if challenged.

Peter Aucoin

David Smith: The topic we are discussing is the voting system. That means the system by which ballots are cast and counted. At issue is changing the voting system. I would not use the word "reform".

I have set up my comments in really three parts: research, consultation, and implementation. With regard to research, Fair Vote Canada, speaks in its literature of "endless discussions" and "redundant studies" with regard to electoral change. I would disagree with this. I think there has actually been very little study in Canada on the national voting system.

The Lortie Commission, the Royal Commission on Electoral Reform and Party Financing, a decade or so ago, specifically decided at the outset to retain the single member district plurality system, or first past the post system, and it did not examine the voting system. There is no history in Canada of formal, institutionalized study of electoral matters as is found in the Hansard Society in England, or comparable electoral bodies in Australia.

Fair Vote Canada says they want "a citizen-driven, citizen-controlled electoral reform process with a specific deadline for a national referendum."

Yet, research is needed on a number of matters on which any change in the voting system, will have far-reaching consequences. These would include: fairness between the political parties, effective representation of minority and special interest groups, effective aboriginal representation, political integration of the nation, effective representation of constituents, effective voter participation, effective government, and effective Parliament, effective political parties, and finally, legitimacy.

These are complicated issues because representation, the product of any voting system is itself complex. As an example, let me note the executive summary of the Law Commission of Canada's report *Voting Counts: Electoral Reform for Canada*. There, several concepts of representation, some of which I believe are mutually exclusive, ap-

pear in close proximity: representation as an activity, that is, the MP does something I ask him or her to do; two, representation as a mirror, the MP looks like me or does not look like me; or three, even absent representation, the MP is not the person I voted for. There are different ways of conceiving of representation and they are not necessarily compatible.

In any study of electoral change in Canada, it is crucially important that balanced research of all options as they affect the issues I mentioned a moment ago be conducted. I do not think this research should be confined to Canadian scholars or to Canadian data. A large, authoritative literature exists in the United Kingdom and in the United States, countries that have used first past the post system for several centuries.

I would also echo the caution noted by Philip Norton, a British scholar, in his brief to the Jenkins Commission, that is the United Kingdom *Independent Commission on Voting System*: "Assessing the weakness of the existing system alongside the strengths of the alternative systems would be intellectually dishonest and potentially disastrous."

With regard to consultation, I think there are really two kinds of models available. One is the Citizens' Assembly, used most recently in British Columbia, which is really a constituent assembly, in this instance, of two persons from each constituency, grouped by gender and age to represent the provincial population.

They used a mixture of seminars creating a statement of progress, public hearings on that statement, submissions, deliberation, and a decision, which will be put to the people of British Columbia in a referendum this May.

The Citizens' Assembly model is not logistically feasible for the whole country. It is too unwieldy, but philosophically to my mind, it is also flawed because it removes the question of change to the voting system from where it should belong, that is to say with Parliament.

The second model is a commission analogous to many commissions one might cite. The Romanow Commission on Health Care most recently. For example, there you have two stages. The first devoted to research and the production of an interim report followed by a second, *A Dialogue with the People*, using the interim report as a basis for discussion. That was followed by a final report to Parliament.

The commission model would have a strong grounding in research and would, taking into account the diversity of Canada, be better able than the constituency assembly model to engage citizens and parliamentarians in the examination of the electoral system. There's no

doubt about the need to engage the public. No contemplated change of the electoral system today can do otherwise.

It would be an abrogation of Parliament's constitutional responsibility to delegate this decision to any other party including the people of Canada.

David Smith

And finally, implementation. Expert research and public engagement are essential ingredients to any proposal to alter the voting system. Nonetheless, implementation should rest with Parliament. It is for Parliament to decide on the electoral system the country is to have, just as over the decades it is Parliament that has decided to extend the franchise to alter the system of electoral redistribution, to introduce an electoral expense regime and more.

Louis Massicotte: Among people keen on electoral reform, two ideas have been making headway over the last few years.

The first idea is that nothing is to be expected of Parliament, because Parliament is run by mean people called politicians, and that politicians, by definition, owe their seats to the existing electoral system. They will therefore maintain the status quo and sabotage any attempt at reform until the end of time.

The second idea is that an issue such as voting methods must be removed completely from the hands of parliamentarians and, in a democracy worthy of its name, be decided only by referendum. In fact, according to this thesis, no electoral reform can be carried out prior to being voted on by referendum.

These two theses are closely linked. If nothing is to be expected of parliamentarians, other than their glorification of the status quo, some will accept it, but many will draw the conclusion that politicians must be more or less completely excluded from the process and there must be more direct involvement by citizens if we want to bring the matter to a successful conclusion. These two ideas come up frequently in public debate, and according to some, are being looked upon as irrefutable evidence. Yet, when confronted with Canadian and world historical facts, both ideas, respectively, show themselves to be rather fragile.

Let us start with the first idea. There are certainly some situations where parliamentarians are opposed to any kind of reform. If on this point they are at odds with the public, the situation is regrettable. But if it were true everywhere and at any time, I would like someone to explain to me why in dozens of countries, for the last century and a half, parliamentarians have amended their electoral system on fundamental points and in some cases, have done so several times.

In Canadian provinces specifically, a good half dozen reforms to the electoral system were made between 1920 and 1960. In certain cases, a majority government imposed its will on the opposition. In other cases, the decision was more consensual. Everywhere, the process was strictly parliamentary. Therefore, it is certainly not true, in my opinion, to start from the premise that no change is possible through parliamentary means. Politicians do not necessarily represent, as some may advance, a compact block of hostile opponents to change. Some have an interest in keeping the status quo, others do not.

Now let us look at the second premise according to which a referendum is absolutely necessary. In principle, I am not opposed to referendums. But are they indispensable? Recently, I went through the world history of referendums with a fine tooth comb to see how many of them were on voting methods. You may have noticed that the same referendums are always cited for the same examples, and for good reason. Literally, one can count on the fingers of one hand countries in which a referendum on electoral reform was held at the national level. In other words, the vast majority of electoral reforms were carried out through the normal parliamentary channel.

In my opinion, one of the problems that arises with referendums on reforming the voting system, is that it is a subject of interest perhaps to professors and MPs, but it is not of interest to the masses.

To win a referendum on this subject, voters have to get excited. In the heat of the action, we have to leave no stone unturned and show the reform as some kind of panacea, a magic wand. We are told that party lines will disappear, that a majority of women will be voted to Parliaments, that voter turnout will skyrocket, and that overnight, politics will become a consensual exercise based on the one single rule of infinite love.

In other words, we run the risk of falling into the trap of a somewhat popularity-seeking rhetoric. If it were to succeed, the public would find out after the fact, that when it comes to empty promises, certain election reformers are not much behind certain politicians.