

ELECTORAL REFORM
IN CANADA AND ITS PROVINCES

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Electoral system reform has been haunting discreetly the Canadian political scenes, both federal and provincial, since the turn of the millennium. This is admittedly not a first in our country's history, as the issue achieved some prominence twice in the past. The purpose of this paper is to analyze this new wave of debates on electoral reform, and to point out to what extent it differs from earlier waves.

In theory, Canada had much potential for innovation, having ten provinces endowed with full autonomy, within the limits set by the Charter, when it comes to determining their own electoral arrangements, plus thousands of municipalities whose electoral systems are decided by their respective provincial legislatures. Actually, when it comes to electing legislators, we have known little else in our history than the plurality system, at times in multi-member constituencies but most often in single-member constituencies.¹ This has not precluded discussions from taking place, and sometimes reforms from being implemented.

FIRST WAVE

The first wave of debates on electoral system reform unfolded during the years that followed the end of World War I (Pilon 1997, 1999). It coincided with the end of the two-party system due to the irruption of the Progressives in the House of Commons, in the legislative assemblies of provinces located West of the Ottawa river, and sometimes in their governments as well. This still is the most important wave so far, because it led to actual changes in two Western provinces and numerous municipalities.

The standard reform package advocated at that time was a combination of the Single Transferable Vote (STV) in urban areas and alternative voting (AV) in rural single-member districts. This kind of hybrid had been proposed in 1917 by the British Speaker's Conference on Electoral Reform. Both formulas had been advocated and introduced separately elsewhere in the British Empire, but rarely outside. In Manitoba, this formula was established in two stages, not necessarily by design. STV was introduced in 1920, under a Liberal administration, for electing Winnipeg MLAs, while AV was adopted in 1924 for rural constituencies by a Progressive (UFM) administration (Jansen 1998, 2004). In Alberta, both STV (in Calgary and Edmonton) and AV (everywhere else) were introduced in 1924 under a Progressive (UFA) government. No consideration appears to have been given at that time either to the two-round majority system, or to the list systems of PR. As many promoters of reform hated the very notion of "party", it would have made little sense to advocate the latter. Dennis Pilon has argued that the

¹ In Ottawa, dual-member constituencies were few in number after Confederation, and the last ones disappeared in 1968. Multi-member constituencies existed but disappeared in Nova Scotia (1933), New Brunswick (1974), British Columbia (1991) and Prince Edward Island (1994)

introduction of STV in Winnipeg was facilitated by the fear of postwar labour unrest among the ruling classes: as in continental Europe at the same time, proportional representation had the advantage of containing anticipated socialist electoral waves, a fear that proved excessive (Pilon 1997). Between 1916 and 1928, 18 municipalities, all located in the Western provinces, adopted STV for municipal elections (Johnston and Koene 2000).²

These were the only successful attempts that were made. Ontario's Progressive-Labour coalition government tried in 1923 in the dying days of its term, to introduce the same formula that later prevailed in Manitoba and Alberta, but failed due to Conservative obstruction in the legislature. In Quebec, voters of the city of Montreal rejected STV for municipal elections in 1921, while the next year an opposition motion calling for the creation of a committee of MLAs to study this topic was debated in the Assembly but rejected. In 1933 a motion in the Saskatchewan Legislative Assembly by a Progressive MLA supporting the use of the single transferable ballot in single-member constituencies where more than two candidates had been nominated, and proportional representation in plural-member constituencies was passed 26 to 21, against the wishes of Premier Anderson.³ Although former Premier Gardiner supported the motion, as did all but one of his fellow Liberals, nothing was heard from it after Gardiner was returned to office two years later.

Well before the end of the 1920s, the wave had abated. On the federal scene, the Progressives were being gently swallowed by the Liberals, though they remained in power in some provinces. During the decades that followed, PR became quite unpopular in leading political and academic circles. In a standard postwar textbook PR, together with occupational representation, the initiative and the referendum, was dismissed as "plans for improving democratic government that time has laid to rest".⁴ They had been advocated and tried in various parts of the world, but "as a result of their failure, faith in them has almost entirely disappeared and thus they need not be discussed in detail".⁵

Indeed, the 1950s saw both Manitoba and Alberta undoing the reforms of the 1920s and reverting to plurality in single-member districts. In the former, only the Communists opposed the move, while in Alberta only the ruling Social Credit supported it. The only attempt made to replace the plurality rule in these days was the introduction in British Columbia of AV province-wide in 1951. This move can be interpreted as a rather crude, maybe Australian-inspired, and ultimately unsuccessful, attempt to preserve the position of both traditional parties against the socialist threat. Passed after the break-up of the Liberal-Conservative coalition in 1951, against the opposition of the CCF, AV purported to allow both parties to field distinct slates of candidates and to incite their respective

² These experiences were short-lived as STV was soon repealed everywhere except in Calgary, Vancouver and St. James, where STV survived until the 1970s.

³ *Journals of the Legislative Assembly of Saskatchewan*, March 9 1933, p. 72-3.

⁴ J.A. Corry and J.E. Hodgetts, *Democratic Government and Politics* (3rd edition), Toronto, University of Toronto Press, 1959, p. 266.

⁵ *Idem, ibid.*

supporters to exchange their second preferences, so as to defeat CCF candidates wherever they failed to secure a majority of the vote. The trick was effective: the CCF was leading in 21 constituencies on first count (seven seats ahead of their main challenger), but was reduced to 18 (one seat behind their main challenger) after ballots had been transferred. Preferences helped the new Social Credit party to reach office in 1952. The defeat of Liberal incumbent Premier Byron Johnson in his own constituency, due to the counting of preferences (he was leading on first count), should stand as a warning for prospective electoral system manipulators. One of the first measures passed by W.A.C. Bennett's Social Credit government after it reached majority status in 1953 was to restore first-past-the-post.

SECOND WAVE

The second period when electoral system reform was widely discussed, at least for the federal Parliament and in Quebec, was the 1970s and 1980s. Not a single change was ever passed, but unusual interest was shown for electoral systems and new remedies were envisaged.

On the federal scene, the perspective that dominated thinking on this issue originated from an influential paper by Alan Cairns, which indicted the plurality system for hampering the working of Canadian federalism. Plurality had the effect of exacerbating regional cleavages, leading federal parties to write-off in advance the regions where they were weaker. It was difficult to find out Ministers from some provinces. PR would not eliminate regionalism, but could soften regional cleavages (Cairns 1968). The PÉpin-Robarts Task Force on Canadian Unity (1979) adopted that view and suggested an alternative: a German-inspired mixed system. Actually, this was a mild proposal, as it envisaged adding 60 seats to the House of Commons, to be distributed among parties on the basis of their popular vote (a parallel or superposition system). As list seats obtained by each party went in priority to the provinces where they were the most under-represented, this had the effect of moderating regional cleavages, but also had the effect of altering the representation from each province, thus generating possible constitutional issues. It is interesting that Pierre Trudeau, during the brief period that elapsed between his resignation and his comeback as Liberal leader in late 1979, expressed sympathy for the idea.

Scores of proposals on these lines were aired at that time (Irvine 1979, 1980-81; Elton and Gibbins 1980, Dobell 1981), and federal electoral politics of 1979-1980 dramatized the issue, with successive Progressive Conservative and Liberal administrations relying on only a handful of elected Members in Quebec or in the West respectively. It came to nothing. Liberal MPs in Ottawa fiercely resisted any attempt first to introduce some PR for elections to the House of Commons (1980) and even for a directly elected Senate (1984). Further, Brian Mulroney's resounding success in 1984, with his party leading in every province and territory, suggested that regional cleavages were less solidly entrenched than most academics had assumed.

Electoral system reform also became an issue in Quebec in 1970, but for entirely different reasons (Massicotte and Bernard 1985). The province was undergoing a major electoral realignment, with the once powerful Union Nationale being weakened decisively (1970), disappearing temporarily (1973) and later definitively (1981) from the Assembly, and two new parties, the Parti Québécois and the Ralliement Créditiste, reaping the spoils. While the Créditistes did well in 1970 thanks to the concentration of their vote, the PQ got only seven seats out of 108 even if 23% of the voters had supported them. Being second in the popular vote, they were downgraded to the fourth and last rank in the Assembly. Defeated party leader René Lévesque was speaking, as he put it, “on behalf of one quarter of the voters, dangerously reduced to one-fifteenth of the MNAs”. A mixed system providing for the election of one-third of Members by PR was advocated as a solution, and the German example was invoked for the first time. The Liberal government chose to focus instead on a new electoral map and eliminated the so-called “protected ridings”, whose boundaries under sec. 80 of the BNA Act could be altered only with the consent of a majority of their Members. At the 1973 election, the PQ lost one seat despite increasing its vote to 30%, but won official opposition status, and from then on the issue lost salience for a while.

When the PQ came to office, PR or some dose of it was aired twice, to no avail. It appears that the driving force was Premier Lévesque’s conviction that his party ought to be true to its commitment. In 1978, Minister Burns was unable to convince his cabinet colleagues to implement the reform envisaged in the party’s permanent program. He was allowed to publish in April 1979 a green paper outlining three options (MMP, a parallel system and list PR) as a basis for a public debate that was never held. In 1982, government officials actively promoted a list PR system, but were rebuffed by the PQ caucus and cabinet. Though this model was endorsed by the Commission de la représentation électorale in 1984 following public hearings, it was decisively rejected in the fall of 1984 by the caucuses of both parties then represented in the Assembly.

In retrospect, support for electoral system reform by the Parti Québécois in their early years had much to do with the fear that their under-representation in the Assembly would demobilize their supporters, thus preventing the PQ from breaking the two-party mould. When it became obvious in the mid-1970s that the mould had been effectively broken and that the PQ was now in a position to win later, and to win big, the rank and file, though not Premier Lévesque, lost interest in the issue. Indeed, analysis has shown since then that the concentration of the Liberal vote biased the working of the plurality system in favour of the Parti Québécois, a feature that became obvious in 1998 when the party was returned to office despite trailing in the popular vote (Massicotte 2002, 2004). Ironically, the party thanks to whom PR had become an issue was no longer interested. In no other province at that time was PR discussed so thoroughly.

In Quebec, the issue of electoral system was intertwined with the problem of electoral malapportionment. Some believed that votes-seats distortions were a by-product of unequal district populations or of gerrymander, and that having electoral boundaries decided by neutral boundary commissions working under criteria emphasizing equality of voting power would generate outcomes fairer to all parties. This was a wrong assessment.

Malapportionment created biases in party representation whenever districts with small populations heavily supported one of the contending parties, as was the case for the Union Nationale in Quebec until the 1970s. This had the effect of increasing distortions at some elections, but also of reducing them whenever the losing party was supported by smaller districts. Huge efforts were devoted during the 1970s and 1980s to reform the process of boundary delimitation, and malapportionment is a much smaller problem today than it was 40 years ago (Blake 2005). Yet, there is no sign that votes-seats distortions have been reduced.

THIRD WAVE

We are now in the middle of what could be called a Third Wave of electoral system debates. What did re-ignite the debate? It is difficult to overlook that this occurred while incumbent politicians and existing institutions were facing a serious crisis of legitimacy. Starting in the 1980s, indicators of trust have plunged for elites, institutions and political parties (Massicotte 1994). This has been followed since the 1990s by decreasing turnouts at all levels. Such developments led scholars and activists to argue that PR would restore public confidence and increase turnout.

Some election outcomes seemed anomalous to many. At the 1997 federal election, the Liberals emerged with a razor-thin parliamentary majority based on 38,5% of the vote, with each of the five contending parties leading in at least one province, which gave more salience to the regional cleavages problem. After it became plain, following the 1997 election, that the Reform Party was unlikely to expand beyond its Western bailiwick, while in Ontario Reformers and Progressive Conservatives would continue to be hanged separately, some suggested that AV would allow these two parties to improve their respective fortunes by exchanging second preferences, though empirical research cast doubts over this (Bilodeau 1999). Until the 1990s, New Democrats had kept hoping that they would one day emulate the British Labour Party and join the major leagues, as they had done in a few provinces, and did not support PR. The decline of NDP support throughout the 1990s led many among them to an agonizing reappraisal from which they emerged, at least on the federal scene, as strong partisans of PR.

Lopsided parliamentary majorities for the ruling party in some provinces also stimulated the debate. In 1993 and 2000, the winning party in Prince Edward Island failed by only 1160 and 157 votes respectively to win *all* seats in the Assembly, and in 2001 British Columbia Liberals won all but two of the 79 seats at stake. In 1987, New Brunswick Liberals had won all 58 seats. A few governments were elected with a smaller number of votes than their main challenger, an outcome that many find perverse. This occurred in Saskatchewan (1986 and 1999), in Newfoundland (1989), in British Columbia (1996), and in Quebec (1998). Such “spurious majorities” or “wrong winner elections” sowed doubts even within established parties as to the virtues of first-past-the-post. In a context of weakened deference for existing institutions, many questioned such outcomes and looked for alternatives.

Lat but not least, new parties have been emerging or are trying to. Some, like the Reform Party or the Bloc Québécois, have been able to break the mould right from the start in their respective regions thanks to the concentration of their vote, and did not press for PR, though some Reformers toyed with AV. For others, like the Greens, Action Démocratique du Québec (ADQ) or Québec Solidaire, the plurality system appears as a formidable obstacle, and a small party-friendly type of PR as the obvious solution. In 2001, BC Greens obtained 12% of the vote but failed to win a single seat. Mario Dumont's ADQ got a single seat both in 1994 and 1998, with 6% and 12% of the vote respectively, and managed to get a disappointing four seats in 2003 with 18% of the vote.

It may also be hypothesized that with a constitutional reform process paralyzed since the 1980s by the complexity of amendment procedures providing each with a veto players with conflicting agendas, political reformers concluded that they had a better chance of achieving something in an area where in theory a simple statute passed by legislators is enough. If this is true, they probably under-estimated the ability of Canadians to kill political reform through the multiplication of procedural requirements based on ever-escalating moral standards.

What will be achieved in the end remains uncertain at this stage, yet it is obvious that this wave sharply differs from previous ones.

A more widespread debate

In contrast with the 1970s, the debate is no longer confined to the federal arena and to Quebec. Unlike the 1920s, it has spread to every region in the country, though not to every jurisdiction. Electoral system reform has become an issue not only in Ottawa and in British Columbia, Ontario and Quebec, but also in New Brunswick and Prince Edward Island.

A different discourse

The grounds for indicting the plurality system and replacing it with some form of PR also tend to differ from the previous wave. The argument that PR would reduce regional cleavages (Weaver 1997, Massicotte 2001) is more rarely heard, and is no longer at the forefront of electoral reform discourses on the federal scene. The plurality system is indicted for producing phoney majorities (all single-party parliamentary majorities relying on less than 50% of the vote are deemed "phoney"), for hindering the entry of women and minorities in parliament, for driving turnout down, and for perpetuating an authoritarian structure of governance where the Prime Minister is all-powerful. Reformers tend to support PR without qualification and are not defensive about it. That PR might weaken the executive and substitute coalition governments for single-party majority governments is not only conceded, but hailed as a major improvement. It is alleged that PR would also bring more women in legislatures, increase turnout, make party lines more flexible, and produce a more consensual mode of governance.

Whether they are firmly grounded in empirical reality or not, such arguments have been made widely. They aim at making PR attractive to new social movements, including women activists. A few notes of scepticism have been struck by some academics (Courtney 2001, 2004; Lovink 2001; Katz 1999).

In Quebec, discussions over PR have in addition been influenced by nationalist considerations.⁶ Ironically, both support for and rejection of PR has often been couched in nationalist language, and both the most vocal supporters and bitterest critics of PR tend to be found among supporters of sovereignty. Whether PR will facilitate sovereignty or hamper its realization has emerged as a prime consideration in much of the discourse on PR.

When the issue was explored for the first time in the early 1970s, most nationalists felt that it was indispensable to have an electoral system that fully reflected the growing support for the Parti Québécois, otherwise they said at a time when the FLQ was active, “social peace” would be at risk. It was argued that plurality was an “English” rule and as such ought to be rejected by a francophone society; that adopting PR in the Canadian context would evidence once more that Quebec is different; or that PR would allow all shades of nationalism, even the most radical, to be represented. Others have argued that first-past-the-post was bad for francophones because it allowed the anglophone minority to play kingmaker in not a few constituencies, and that Liberal Members elected in such conditions were controlled by the minority (Serré 2002). PQ Minister Jean-Pierre Charbonneau’s support for PR was openly premised on the need to broaden support for sovereignty by allowing supporters of sovereignty from the hard left or to be represented in the legislature.

The arguments do not seem to have swayed most supporters of sovereignty. Parti Québécois Members from rural areas (like many of their colleagues from other parties) are genuinely attached to the existing pattern of representation allowing for closer contacts between Members and voters. The existing boundary plan, the most unequal in North America, is also praised for over-representing rural and remote areas. Some have argued that PR is a luxury that a minority nation like Quebecers cannot afford because it would make coalitions or minority government the rule, thus weakening Quebec, or at least its government, surrounded as it is by countless enemies. Relying on unknown soothsayers, they have claimed that PR would entrench Liberals in office for decades. Whenever the electoral system returns a nationalist government with a smaller number of votes than its Liberal challengers, nationalists of all stripes are quick to point out that English-speaking voters supported the Liberals very heavily, but that most francophones have got the government they wanted, though few would dare to repeat Daniel Johnson’s candid post-election comment in 1966, that “true, the Liberals have a plurality of the vote, but their plurality comes from the votes of the English and the Jews”.⁷ More

⁶ Lysiane Gagnon, “Sovereignty colours electoral reform”, *The Globe and Mail*, April 3, 2006, p. A13.

⁷ Pierre Godin, *Daniel Johnson*, tome 2, Montréal, Éditions de l’Homme, 1980, p. 118. Massicotte et Bernard 1985, 104.

soberly, one can say that in its actual working, the plurality system has been helpful to the cause of sovereignty because it allowed the PQ to win a majority of seats while never securing a majority of the vote. Further, the electoral system has been heavily biased against the Liberal party for decades, first due to the over-representation of rural areas (until 1970) and thereafter by wasting thousands of Liberal votes in non-francophone constituencies, with the Liberals being deprived of power despite having a plurality of the province-wide vote, three times in 60 years (1944, 1966 and 1998). Few indeed would agree to be stripped of such an advantage.

The debate in Quebec is original insofar as in addition to the standard scenario of big incumbent parties pitting against small emerging political forces, it has the potential of setting the two big parties against each other.

Process

A major difference with earlier waves of reform is the emphasis put on the reform process itself. The changes made in the 1920s, and the counter-changes of the 1950s, followed the familiar channels (Massicotte 2005). The government of the day came to the conclusion that a change was needed and pushed it through the legislature, with or without the support of the opposition. No attempt was apparently made to broaden the debate beyond the legislature, or to involve citizens in the decision-making process, though legislative committees sometimes conducted public hearings. Whether their motivations were high-minded or crassly partisan, reformers felt no need to go beyond the legislature, to hold a referendum, or even to subordinate the change to the consent of the parliamentary opposition. During the 1970s and 1980s, the public's feeling on electoral system reform was gauged at public hearings held by royal commissions (Pépin-Robarts, Macdonald), electoral bodies (Quebec) or parliamentary committees (Molgat-Cosgrove), yet the right of legislators to decide the issue in the end was not seriously challenged. It may be added that the few who did were sharply rebuffed by the political class, as Chief Electoral Officer Côté experienced in 1984 (Massicotte and Bernard 1985, 214-5).

Contemporary reformers are not of a single mind on this issue, and some governments still claim the right to follow the traditional way. Yet the view has spread among reformers that incumbent MPs or MLAs should be sidelined on the issue, on the assumption that they are sold to existing arrangements and that they are in a position of conflict of interests. The widely accepted view that parliamentarians should not be involved in electoral boundary changes has been extended to the electoral system itself. Parliamentarians may disagree, but in a way they fed this view by rejecting adamantly and repeatedly all earlier attempts at reform. In short, reformers, especially those who belong to small emerging parties, have given up on MPs.

The view that MPs are by nature wedded to the system that led to their election is debatable, as the vast majority of electoral system changes that took place either in Canada or in other democratic countries followed the usual parliamentary channels, with or without an all-party consensus. In very few countries did the public actually prevail

over their representatives on such issues through referendums, either by imposing PR through popular initiatives to reluctant legislators, as in Switzerland (in 1919, after two unsuccessful tries), or by rejecting attempts by incumbent legislators to replace PR with FPTP, as occurred twice in Ireland.⁸ However, during the 1990s, two widely-quoted electoral reforms were imposed on politicians through referendums. In Italy, voters used in 1992 their right to initiate an abrogative referendum and won resoundingly against a thoroughly discredited political class. In New Zealand, the imprudently-made promise by a Prime Minister to organize a referendum he was not legally obliged to call led to two successive referendums that resulted in a victory for MMP. Both processes went into opposite directions, as Italian voters were invited to do away with PR, while New Zealanders were invited to go in that very direction. Ironically, both reforms were driven by contempt for incumbent politicians and by the assumption that the new system proposed would produce a better political class.

The strategy of short-circuiting incumbent legislators through various bodies elaborating reform proposals to be later voted on directly by the voters at referendums may look naïve, as such processes must be established in the first place by the very people they aim at circumventing. Yet it has been tried in some settings. In 2002, Quebec created an organizing committee, chaired by Claude Béland and dominated by political outsiders, mostly on the Left. Regional hearings were held, culminating in February 2003 with “États généraux” which were attended by almost 1,000 participants. In its subsequent report, the organizing committee recommended that a referendum be held on its proposed new electoral system. Also in 2003, Prince Edward Island set up a one-man royal commission that elaborated a proposal. The proposal was later reviewed and fine-tuned following public hearings, and submitted directly to the people at a referendum in November 2005. In New Brunswick, the Lord government created a royal commission styled the Commission on Legislative Democracy. In its report, tabled in January 2005, the Commission also demanded that its proposal be submitted directly to the people at a referendum.

By far, the most elaborate attempt in this vein has been British Columbia’s Citizens’ Assembly. Its 161 members were selected through a complex process that aimed at creating a kind of microcosm of the citizenry that would be free from any partisan bias. There were 158 members, two from each provincial constituency, plus two aboriginal representatives and a Chair. In each constituency, 15,800 prospective members (200 per constituency) were selected at random from among electors on the list, based on gender parity and balanced age groupings. These people were contacted by letter and invited to consider participating in the Assembly. Some 1,715 men and women answered positively.⁹ In selection meetings held throughout the province, they were explained the

⁸ In Ireland, the electoral is entrenched in the constitution, and changing it requires following the constitutional amendment process, which necessitates referendums.

⁹ According to a committee of the Ontario Assembly, “the effect of any self-selection element in constituting the membership of one assembly will be more likely to retain individuals with a predisposition towards reform rather than those with a predisposition to the *status quo*”. Legislative Assembly of Ontario, Select Committee on Electoral

process in greater depth and, after having confirmed their interest, had their names placed in a hat. One man and one woman were selected by draw for each constituency (British Columbia Citizens' Assembly on Electoral Reform, 2004, 31-64).

An important proviso is that some categories of voters were declared ineligible to the Assembly. They included judges, members or officers of the Parliament of Canada or members of the Privy Council, members or officers of the legislature and of the executive council, elected members of local government boards, including school boards or park boards, candidates in the last two federal, provincial, municipal or regional district elections, as well as their official representatives (campaign treasurers), immediate family members of incumbent MLAs, current officers or official representatives of registered provincial political parties, a chief or band councillor or an elected member of a Nisga'a Government. It is interesting to note that many of these categories were added to the list at the request of the BC government.

The Assembly was instructed to get acquainted with the nuts and bolts of electoral systems, to hear from the public throughout the province, to deliberate on whether the electoral system should be changed, and if so to recommend an alternative. Both decisions were to be made by a simple majority. The proposed system, which had to be "consistent with both the Constitution of Canada and the Westminster parliamentary system" was then to be submitted to the people at a referendum. However, should the proposal be accepted by a majority of the people, the Legislature would be bound by the outcome only if the proposal had been supported by 60% of the voters and had secured majority approval in 60% of provincial constituencies.

Ontario recently emulated British Columbia by creating a Citizens' Assembly on Electoral Reform. Elections Ontario is presently in the process of selecting 103 citizens (52 female, 51 male), one from each riding, and a Chair has been appointed by the Cabinet. The meetings of the Ontario Assembly will start in September 2006 and will last for eight months, with two meetings in each month. The report of the Assembly is due by May 15, 2007. If the Assembly recommends a new electoral system, the government will hold a referendum on that alternative within its current mandate. No precision has been given as to whether the outcome of the referendum will be binding on the government, which majority or minimal turnout will be needed for victory. A legislative committee has recommended earlier that the referendum be binding if the alternative had been supported by 50% + 1 of the voters, and by a majority of voters in two-thirds of constituencies, "or any other formula that ensures the result has support from Northern, rural, and urban areas of the Province".

Even in Quebec, where the Charest government opted for a more classical approach by consulting informally political parties and experts on a specific proposal before tabling its

Reform, *Report on Electoral Reform*, November 2005, p. 3. To the same effect, see André Blais, Ken Carty and Patrick Fournier, "Citizens' Choice of an Electoral System: The Decision of the BC Citizens' Assembly", paper presented at the Annual Meeting of the American Political Science Association, Washington DC, September 2005, p. 11.

own preferred model, the need was felt to go beyond the usual channels. In June 2005, a Special Committee of the Assembly was empowered to consult the public. In addition to MNAs from all parties, it included eight citizens acting in an advisory position. These people were selected by draw from among the people (actually some 2,500) who had expressed interest in participating to the work of the Commission by filling out coupons printed in the media.

The Law Commission of Canada became interested in electoral reform in 2001 and, after commissioning academic research and having held public meetings, came up with a detailed report advocating MMP in 2004 (Law Commission of Canada 2004). The NDP took advantage of its pivotal position in the minority Parliament elected the same year to extract from the ruling Liberals, with the support of all other parties, an amendment to the Address empowering the Standing Committee on Procedure and House Affairs “to recommend a process that engages citizens and parliamentarians in an examination of our electoral system with a review of all options”.¹⁰ The committee heard a few expert witnesses and traveled to various countries in order to get acquainted with the STV and MMP systems.

In June 2005 the Committee rejected the Citizens’ Assembly approach, on the ground that it excluded MPs from the decision-making process on electoral system reform. In the words of Ed Broadbent, MP, the CA’s approach amounted to “designing a hospital without consulting the doctors”.¹¹ Instead, a complex process was proposed, involving a special committee of the House and a “Citizens’ Task Force” working in parallel, both later confronting their respective conclusions, with MPs having the last word. The Task Force, whose composition and working methods remained unspecified, would report on the values and principles that Canadians would like to integrate in their democratic and electoral system. The special committee would be empowered to hold hearings throughout Canada. Both bodies were expected to meet later and discuss their respective findings. The Task Force would thereafter report its findings to the special committee, which would submit its recommendations to the House by the end of February 2006.¹²

¹⁰ *Journals of the House of Commons*, October 18, 2004.

¹¹ This drew the answer that hospitals would be better designed by patients. Ontario’s Select Committee on Electoral Reform had this to say: “The Committee agrees that any citizens’ assembly process must be independent of government, and not be dominated by partisan interests. At the same time, the decision to reform or not reform the electoral process is a political decision and the perspectives and experience of political practitioners are as valid as any others, and may offer unique insights that would otherwise be missing. Changing the electoral system has consequences for political parties, and for elected Members, both of which are fundamental to modern representative democracy”. Legislative Assembly of Ontario, Select Committee on Electoral Reform, *Report on Electoral Reform*, November 2005, p. 3.

¹² In separate reports, both the Conservatives and the Bloc Québécois highlighted how slim the consensus among parties was. The former supported a Citizens’ Assembly on the BC model, while the latter expressed concerns about the creation of a Citizens’ Task Force.

The political maelstrom that toppled the Liberal government decided otherwise, but the new Conservative government is committed to deal with the issue. The Speech from the Throne of April 4, 2006, stated: “Building on the work begun in the last Parliament, this Government will seek to involve parliamentarians and citizens in examining the challenges facing Canada's electoral system and democratic institutions.”¹³

Discussions on the process have not focused only on public input. Some have tried to constrain as much as possible the decision-making ability of governments in this area. The Parti Québécois has claimed to enjoy a veto not only over any reform in this area, but over the very holding of a referendum thereon. Quebec's Citizens Committee recently conceded that a referendum on its own model might not be indispensable, but argued that the necessary legislative majority should then be two-thirds of the Assembly, on a free vote, with two-thirds concurring on *both* sides of the House. On such terms, it appears that the secession of Quebec would be easier to accomplish than reforming the electoral system.

The passion for participative democracy, consultation, deliberation and referendums has reached recently unheard of levels in the area of electoral-system reform. Such devices allow reformers to develop and to spread their arguments, to lobby parliamentarians and ultimately to prevail over them. The willingness of incumbent politicians to create such forums may be variously interpreted. From the point of view of politicians opposed to reform, consultations have the advantage of postponing decision. They may lead to the discovery of unsuspected complexities and reveal a fragmented public opinion pushing into different directions, while creating the exciting image of a government that reaches out to ordinary Canadians.

When politicians want to act, they do. When they instead appoint a royal commission or set up more appealing consultation processes, they may be playing for time. And time is very important. Whenever time elapses, sitting Members get absorbed into the system and the recollection of anomalous outcomes quietly fades away. Many assume that only referendums can break the deadlock and force politicians to introduce PR. They should remember that in the constitutional file, referendums were first advocated also as deadlock-breaking mechanisms, and have proved exactly the opposite. Supporters of the status quo may have come to an original understanding of Alf Smith's dictum that the solution to the evils of democracy is more democracy. The dream of some politicians is to see reform buried not by them, but by the will of the electorate. As the case for PR tends to be made by political parties sitting at the margins, referendums have the advantage of allowing supporters of large parties to keep the outsiders out.

Other approaches have been advocated. Since the coming into force of the Canadian Charter of Rights and Freedoms in 1982, electoral legislation has become a prime target

¹³ This came as a surprise, for at its first policy convention in 2005, the new Conservative party had deleted from the party platform the idea of creating a citizens' assembly to adopt proportional representation, as well as the recall of elected Members. See Ross Marowitz, “Conservatives heading to political centre”, Canadian Press, March 19, 2005.

for petitioners. Prison inmates, mentally deficient people and even judges have been enfranchised by the courts. There have been important judicial decisions on the publication of opinion polls, third-party spending, electoral boundaries, and threshold for party registration. A British Columbia court decision of 1989 invalidated a provincial electoral boundary plan by invoking a right to “equality of voting power”. Though this was later qualified by the Supreme Court of Canada, which rather proclaimed a “right to effective representation”, the *Dixon* case led some to believe that the plurality system might one day be declared unconstitutional because it violates equality of voting power (Knight 1999; Beatty 2005). Two court actions are currently on the rolls, one in Ontario and the other in Quebec.

Another possible scenario would be, in a minority Parliament, for a small party to make the adoption of PR a precondition for its own support for the incumbent government. Actually, this was tried only in Ottawa by the NDP following the 2004 election. But the NDP was not in a kingmaker position and, as mentioned above, all it led to was a committee studying ways to involve Canadians in the discussion of the issue. In no other setting has this approach been tried. From the point of view of an incumbent minority government, PR would entrench an uncomfortable situation forever.

A debate no longer confined to the political, media and academic classes

A significant development of recent years is the creation of small organizations dedicated to electoral system reform, on the model of the British Proportional Representation Society. Both Fair Vote Canada (FVC) and Quebec’s Mouvement pour une Démocratie nouvelle (MDN) were created in 2001. These organizations maintain websites, send newsletters, analyze various proposals, lobby parliamentarians and intervene in public forums (Seidle 2002).

Earlier debates on electoral system reform used to take place within legislatures and in media columns, with a few political scientists being invited to testify in front of parliamentary committees. Now the public is invited to vent their feelings, and judging from some comments, experts should hope for little more than being part of the crowd or advising citizens’ assemblies. Already in 1983, when the PR system favoured by Premier Lévesque was rejected by the caucuses of both political parties, Quebec’s Commission de la Représentation électorale was empowered to hold public hearings in all regions on the issue. A total of 462 interventions were received, including 319 from individuals, 132 by associations and 11 from MLAs.¹⁴ The hearings conducted in regions by the Béland Committee in 2002 gathered an average of 75 individuals each, so that in the end about 2,000 people were involved. In order to allow as many people as possible to intervene, participants were granted up to four minutes to make their point. Briefs were received from 146 individuals and 91 associations, including the “Centre d’aide et de lutte contre les agressions à caractère sexuel”, the “Fonds d’Accès Musique Inc.”, the « École nationale d’aéronautique » and “Mères avec projet de vie”, along with the expected

¹⁴ Québec, Commission de la Représentation électorale, *Pour un mode de scrutin équitable. La proportionnelle territoriale*, Québec, 1984, p. 15.

contributions from labour unions and nationalist organizations.¹⁵ The États généraux themselves grouped some 1,000 participants selected by the Béland committee from among participants at regional hearings, on the basis of gender parity. Quebec's standing committee on the Institutions received some 150 briefs during the fall of 2002, but did not find time to hear any of their authors before the legislature was dissolved. Quebec's special committee on election law in 2005-6 received 362 briefs, and 1,080 individuals either emailed comments or filled the questionnaire on their views.

The Law Commission of Canada held public meetings in eight cities and organized or co-sponsored a series of forums jointly with women and youth organizations. New Brunswick's Commission on Legislative Democracy (2005, 6), in its report, acknowledged that general participation at its public hearings was low, but claimed greater success for the specific forums it conducted with young people, women and francophones. The Commission on Prince Edward Island's Electoral Future (2005, 25) held 12 public meetings that attracted a total of 763 people. The most impressive figures come from British Columbia, where approximately 3,000 people attended the 50 public hearings held throughout the province, while 1,603 written submissions were made by 1,430 individuals.

Such processes cost money. The États généraux process cost about \$1,8 million, the NB Commission \$1,2 million, and BC's Citizens' Assembly over \$5 million. In comparison, the preparation of the proposals put forward by the Quebec government in 2004 cost a trifle, though the consultation process that followed is expected to cost about as much as the États généraux..

To focus on the electoral system or not?

Institutional reform can be addressed either globally, with the goal of producing a wide-ranging reform package, or be focused on a single item, in this case the electoral system. A prime example of the former approach is the Charlottetown Accord of 1992, which purported to deal not only with the issues included in the Meech Lake Accord, but also with Senate reform and aboriginal self-government. The inauspicious fate of that reform has apparently convinced most Canadian politicians that such issues were best left dormant, while more focused efforts (for example amending the constitution to eliminate privileges granted to denominational schools) if less exciting and dramatic, at least were successful.

Two reform processes were all-encompassing in nature. Quebec's États généraux were based on a document by Minister Jean-Pierre Charbonneau that addressed the following: a written constitution for Quebec; the US presidential system; regional decentralization, proportional representation, aboriginal government; direct democracy; fixed dates for

¹⁵ Québec, *Prenez votre place. Rapport du Comité directeur sur la réforme des institutions démocratiques*, mars 2003, p. 79-84.

elections; term limits; voting at 16; increasing women representation.¹⁶ As the term of the government that launched this consultation was nearing to its end, it was widely viewed as a preliminary brainstorming exercise on what the constitution of an independent Quebec would look like, and for that reason attracted minimal interest outside supporters of sovereignty. New Brunswick also adopted a broad approach, covering three areas: electoral reform (the electoral system, electoral boundaries, fixed election dates and measures to boost voter turnout); legislative reform (enhancing the role of MLAs and the Legislative Assembly, opening up the appointments process for agencies) and democratic reform (increasing public participation, referendums). This led the leader of the NDP to irreverently compare the report of the Commission to “a kitchen sink full of things”.¹⁷

The other jurisdictions chose to focus on the electoral system. This was the case of the Law Commission of Canada, of British Columbia, Ontario, Prince Edward Island and Quebec under Charest. In the latter, the agenda for the public consultation that took place was enlarged so as to include proposed technical amendments to the Election Act and the reform process.

MMP emerging as the favourite option of most, but not all

There is a wide variety of electoral systems in the world, and the inventiveness of electoral engineers seems boundless. During the 1920s, the range of options advocated was fairly narrow and was limited to alternative voting and the STV, often to apply separately in different parts of the country. While each one still has dedicated partisans (Flanagan 1999, 2001), the range of alternatives has broadened, reflecting in part the fact that it is no longer deemed indispensable as in older days for a credible model to have been tested first in the more familiar confines of Anglo America.

List PR systems like those used in most continental European states were first proposed in Quebec in the 1970s under the labels of “Proportionnelle modérée” or “Proportionnelle régionale”. Professor Vincent Lemieux appears to deserve credit for having first proposed this idea in 1971, and his proposal was later identified as a serious option by the Parti Québécois government in 1979 and in 1982-84. Quebec would have been divided into about 26 districts each electing between four and seven members, with open party lists (panachage). While this would have been a relatively moderate form of PR, it would have done away with single-member districts and for that reason was rejected by many. Reformers did not help their cause with legislators by trying to dismiss constituency work as unimportant. This formula came out of fashion afterwards, though it was resurrected by the Béland committee in 2003, and remains the favourite of the hard left in Quebec, provided that Swedish-style province-wide compensation seats mitigate the majoritarian tendencies fostered by a relatively small district magnitude. Yet, even on this side, MMP with province-wide compensation and two votes was put forward in 2005-06.

¹⁶ Jean-Pierre Charbonneau, *Le pouvoir aux citoyens et aux citoyennes. Document de réflexion populaire*, Québec, June 2002.

¹⁷ Mary Moszynski, “Report touts fixed provincial election dates”, *The Moncton Times and Transcript*, January 20, 2005, p. A4.

Parliamentarians being, like many Canadians, attached to single-member districts, it was widely believed that any proposal for all members to be elected in wider multi-member districts, either list PR or STV, was doomed to fail. Yet British Columbia belied the conventional wisdom, as well as the expectations of many, when the Citizens' Assembly opted for the Single Transferable Vote. The CA did not go through all the nuts and bolts of its proposal. While the model kept the Legislature close to its present size of 79, it provided for existing constituencies to be amalgamated with two to seven members to be returned from each new district. On the ballot paper, candidates would be grouped by party but randomly ordered within each party grouping.

By far, however, MMP has been the preferred reform option among reformers, reflecting the growing popularity of mixed systems since the beginning of the 1990s (Massicotte and Blais 1999; Shugart and Wattenberg 2001). Even in British Columbia, it was advocated by 53% of submissions received by the CA, and by 52.5% of longer submissions. Support for STV was respectively 10.6% and 17.5%. STV in BC was not the outcome of a deep-seated popular pressure, but rather the fruit of the CA's deliberations. Like the MLAs they try to substitute for, CA members (as well as the B eland committee and Quebec's Citizens committee) felt they were more than mere sounding boards for dedicated pressure groups that rushed to the consultations they held.

A mixed system was first proposed by Professor Robert Boily in 1966, and by the Parti Qu eb cois in 1969. For federal elections, the idea was first aired in 1979 by the P epin-Robarts Commission, based on the work of Professor George Irvine (1979). Dozens of variants of this model were proposed during the following years. This was also the approach selected recently by the Law Commission of Canada, the Quebec government under Charest, the New Brunswick Commission on Legislative Democracy and the Carruthers Commission in Prince Edward Island. It must be pointed out that in all the mixed electoral systems proposed recently, list seats were to be distributed in a compensatory way (MMP), so that the ultimate outcome was roughly proportional to the strength of each party.

The details of the four MMP models proposed in recent years are outlined in table 1.¹⁸ All models would keep the legislature pretty much to its existing size, with marginal increases in Canada, Quebec and New Brunswick, and the status quo in PEI. As a consequence, single-member districts would be fewer in number and larger in size. The ratio of single-member district seats to list seats is much the same in each jurisdiction (about 2 to one) though in Quebec it is more in the 3 to 2 range. None has dared to propose the 50:50 ratio that prevails in Germany, and most of its L ander, presumably for fear that the resulting single-member districts would be found too large for voters' and Members' taste.

¹⁸ When there were successive versions of the same model, as in Prince Edward Island and Quebec, the most recent version of the model has been selected.

In single-member districts, Members would continue to be elected by plurality. No proposal envisages using the alternative vote, as the Jenkins Commission recommended for Britain.¹⁹

All MMP models use D'Hondt and avoid overhang seats by adopting the Scottish procedure for allocating seats. In order to gauge to what extent each proposed model would reduce distortions, I computed the average Gallagher (1991) Index for the outcomes of simulations based on the two most recent elections in each jurisdiction. The MMP model that would produce the smallest amount of distortions (2.07, a figure comparable to Sweden) appears to be Prince Edward Island's. This makes sense, as list seats would be distributed province-wide among parties that obtained 5% of the party vote. The highest level of distortions (6.86, about what is found in the PR systems existing in Spain and Greece) would occur in Quebec, despite the absence of an explicit threshold in the proposal and a ratio less favourable to constituency seats. This is slightly less than the comparable index for the Jenkins proposal (7.08). By using D'Hondt within 24 to 27 districts, most having three constituencies and two list seats, the Quebec model would impose an implicit threshold of about 14% of the vote within each district and would provide the leading parties with a modest bonus. The Law Commission of Canada (3.57) and New Brunswick (3.01) models stand in-between, but are much closer to PEI than Quebec's. New Brunswick would impose a 5% threshold province-wide, while the LCC would exclude from the apportionment of list seats parties that did not present candidates in at least one-third of single-member districts within each province or territory. In both cases, the district magnitude is high enough to guarantee fair representation to smaller parties provided they cross the threshold.²⁰

All models but Quebec's provide for the casting by voters, in addition to a vote for a candidate in a single-member district, of a second vote for a party, a feature that allows voters to split their votes between two parties if they wish. In Quebec, list seats would be allocated based on the votes cast for the candidates of each party in single-member districts, because research established that rejected votes tend to be higher wherever two votes are cast, and for fear of a manoeuvre that occurred in Italy in 2001, that eliminated the compensatory element of the system and transformed it into a parallel system.

¹⁹ This was also proposed by the supporters of MMP in British Columbia.

²⁰ No authoritative simulation has been conducted for BC-STV, as no specific boundary plan was proposed, and as it is difficult to gauge how second and subsequent preferences will be distributed. Based on a simulation conducted by Dave Ferguson of the Green Party (website <http://members.shaw.ca/greenparty/gpbc/STV/>), we found the Gallagher Index to be 9.38 for the 2001 election, which would mean that the distortions might be higher than Quebec's. Remember, however, that the huge lead for the Liberal party at that election has the effect of inflating the leading party's bonus, especially with districts electing between 2 and 7 Members. In its report (p. 7), the Citizens' Assembly offered a graph that assumed that each party except the "others" would have won seats in proportion to their respective votes.

All models except one opted for regional party lists, and Quebec, a jurisdiction with one of the largest land areas in North America, opted for the highest number of regional districts. Only tiny Prince Edward Island opted for province-wide party lists. This feature of the PEI model led some voters to fear that the best positions on each party list would go to candidates from the Charlottetown area, and that the representation of rural areas would accordingly be diminished. Party lists would be closed in New Brunswick, Quebec and Prince Edward Island, with candidates being elected on the basis of their ranking on the list of their party (unless they had been elected in a single-member constituency). The LCC was torn between the greater freedom granted to voters by open lists, and the assumption that women representation would be higher with closed lists. In the end, it recommended that voters be allowed to choose between both options.

Dual candidacies, i.e. the possibility for a candidate to stand both in a single-member district and on a party list, provided he or she be deleted from the list in case of success in a district, led to conflicting choices. It was accepted by the LCC and the Quebec government, while in New Brunswick and Prince Edward Island it was rejected because public hearings revealed it was unpopular with the public.²¹

The latter choice illustrates what may happen when populist instincts dominate the discussion of the minutiae of electoral arrangements. Judging from the near-universal practice of countries with MMP systems, dual candidacies are one of the essential features of this system and a precondition for its sound working, because the more successful a party is in constituencies, the fewer its list seats will be. If dual candidacies are prohibited, list candidates come to hope, somewhat perversely, that their constituency colleagues be massively defeated. Further, dual candidacies encourage party list members to engage in some constituency work and reduce the likelihood that the legislature would be composed of two “classes” of members, or that list members remain disconnected from ordinary voters.

Yet such considerations apparently weighed little in face of thundering comments that legislators “rejected by the people” (i.e. defeated in a constituency) would remain in parliament thanks to the “back door” provided by party lists, that electors would be deprived of their “right” to eliminate a given individual. The assumption that a defeated constituency candidate has been rejected by the people as an individual flies in the face of most empirical research that points out that voter’s decisions are motivated essentially by party, not individual, considerations. In plurality systems, party leaders “rejected by the people” simply look for another people, i.e. stand at a by-election in a more auspicious constituency. Such comments reveal that in the minds of many, constituency Members would be the “real” Members, and that list Members would be somewhat less legitimate.

²¹ In New Brunswick, the issue of dual candidacies was framed the following way by the Commission: “Should candidates be able to run both in a constituency and on a list? This is the norm in Germany and is allowed in other MMP systems – it is roundly criticized in some jurisdictions. As discussed earlier, it creates the ‘Zombie’ politicians problem. On the other hand, it allows parties to virtually ensure the election of their leading candidates by placing them high on their list (eg. party leaders who may lose a riding)”.

When it came to filling vacant seats, all four models opted for the solutions adopted in New Zealand, Scotland and Wales: a by-election for vacancies occurring in single-member districts, with list seats being filled by the next unelected candidates of the same party on the list. The German practice of filling both types of vacant seats, including SMD seats, using the next-on-list, was not followed, though it has the advantage of freezing the distribution of seats for the legislative term, thus consolidating incumbent coalitions. No consideration appears to have been given to a third alternative, namely filling constituency seats with specific alternates from the same party, as is done in two German Länder.

These are not the only variants of MMP put forward. In BC, the model put to the CA bore similarity with the Jenkins model, with two votes, alternative voting used in single-member constituencies, list seats apportioned province-wide and being afterwards re-allocated among the provinces' regions, on the basis of open lists. Despite these refinements (or maybe due to them), the model was roundly rejected by the Citizens' Assembly. In Quebec, the model put forward by PR activists from a coalition of small left-wing parties and social movements provided instead for a 60:40 ratio, province-wide compensation, two votes and closed party lists. Quebec's Citizens' Committee (subject to two dissents within its ranks) tried to reconcile the conflicting views they had heard by proposing a 60:40 ratio, two votes, closed party lists, a 5% threshold, province-wide apportionment of list seats followed by the re-allocation to the administrative regions of seats won by each party. It is interesting that the vast majority of proposals made to the Special Committee were variants of MMP.

So far, everybody failing?

Machiavelli's familiar quote that nothing was more difficult than changing a country's constitution has often been found fitting for Canada. On surface, changing the electoral system looks much easier because this can be made by an ordinary statute both in Ottawa and in the provinces, and because the government party normally can do this alone. The main challenge for reformers is to overcome the instinctive preference of MPs for the status quo. Once they have, the deed is done.

Some hoped that the year 2005 would be the year of a great breakthrough. This was not the case, and this year does not look more auspicious either. None of the models described above has been adopted so far. Only Quebec's has been couched in legislative language, but it has not yet reached Bill status.

In Prince Edward Island, the issue was settled for a while by a referendum held on November 28, 2005. Despite last-minute alterations designed to appease opponents, MMP was roundly rejected by 64% to 36%. The formula was opposed by virtually every MLA from both sides of the House, and found support only from the NDP. The Commission on PEI's Electoral Future had ignored the preference of legislators for a BC-type threshold and had recommended not to derogate from the standard 50% plus one rule. However, Premier Binns made it clear during the campaign that he would feel

bound by a positive vote on MMP only if support reached 60% of the vote, and if turnout was high enough. The referendum was not held simultaneously with a general election, but in isolation, shortly before Winter, which helped to drive turnout downwards. Ostensibly for budgetary reasons, the government decided that the number of polling stations would be reduced by 90%, which implied that many more voters would have to queue at each polling station, and that the latter would be more distant from each voter's home. Further, no list of electors was used, which meant that before being allowed to vote, electors had to answer four questions. Turnout was actually in the 30% range, though there is no evidence that a higher turnout would have yielded a different outcome.

The Law Commission of Canada's proposal was dealt with more expeditiously. A parliamentary committee heard the testimony of the members of the commission in January 2005 and MPs made it plain that, with the exception of the NDP, they did not agree. In view of the tone of the debates held on electoral reform in the House of Commons in February 2001 and September 2003, this came as no surprise. A recent study found that most parliamentary candidates at the 2006 election, except among the NDP and the Greens, are opposed to PR (Black and Hicks 2006).

In New Brunswick, at the time of writing, the Lord government had yet to table its answer to the CLD Report, 17 months after it was released. The only action taken by the legislature has been to order an electoral redistribution based on the procedural recommendations of the CLD, but for an Assembly of 55 *single-member* districts. Premier Lord, whose hold on the Assembly is quite precarious, has not yet promised to hold a referendum on MMP. He is on record as having said that a referendum, if held, would take place simultaneously with the 2008 municipal elections, and that a threshold higher than 50% would not be imposed.²²

The prospects seemed better in British Columbia, as the legislature had agreed in advance that the system proposed by the AC would be submitted to a referendum held simultaneously for the May 2006 election. That the AC was able to select a model, and did so by an overwhelming vote, was very auspicious. The report of the CA, an attractive brochure full of effective arguments, was distributed to all homes in the province ((British Columbia Citizens' Assembly on Electoral Reform, 2004b). The trump card of reformers was the process that had led the CA to support STV. The report artfully played on anti party feelings in the province, suggesting that MLAs would henceforth be freer from party lines and that safe seats for incumbents would be a thing of the past. Few incumbent politicians, if any, dared to criticize openly the CA's proposal. In the end, STV won 58% approval and led in 77 of the province's 79 electoral districts, a score that anyone would find glorious in normal circumstances. However, the Legislature had set in advance a 60%-threshold, which was missed. Opposition leader Carole James revealed thereafter she had voted no, and that she supported MMP. It was announced a few months later that another referendum would be held simultaneously with the 2008

²² Kathy Kaufield, « Only 50 percent plus one would likely be needed to accept proportional representation, premier says », *The Telegraph-Journal*, December 1, 2005, p. A4.

municipal elections, and that meanwhile a map of proposed electoral districts for STV would be prepared (as well as a new map for 79 single-member districts). Whether a more specific proposal will look more attractive, or less, remains to be seen. In any event, on the advice of the Chief Electoral Officer, the date of the referendum was moved recently to the next general election, scheduled for May 2009.

In Quebec, the adoption by the Charest government of a more traditional process, as well as the heavy disadvantage his party suffers due to the concentration of its vote, also gave hope. Following his election, Premier Charest reiterated his intention to reform the system within two years. Five months later, however, it was announced that the reform would not be in force for the next election. The schedule was for the government proposal to be disclosed in June 2004, but following meetings of the government party caucus, this was postponed to next Fall. In December 2004, the government unveiled a draft bill setting out in detail its preferred model, as well as the working document that contributed to its preparation (Massicotte 2004), but pointedly insisted that this was a mere basis for public debate. During the public consultation that followed, the government refrained from defending its own proposal and rather emphasized the need to consult widely. At the time of writing, members of the Assembly's Special Committee on Election Law are struggling to reconcile their respective views with those expressed at the hearings and with the Citizens' Committee report. It has been announced that no action, if any, would be taken before next fall.

Yukon ordered a report on electoral reform that was tabled in April 2005. It came to the conclusion that no reform was needed.²³ In Saskatchewan, no party beyond the Greens seems to consider electoral reform as a priority.²⁴ Manitoba, Alberta, Nova Scotia and Newfoundland have shown no interest whatsoever.

Obstacles to electoral reform

While it has been discussed more intensely than before, electoral system reform has not become a priority issue in the Canadian public debate and remains by far overshadowed by other issues (Bricker and Redfern 2001). It is difficult to agree with the comment made recently by a dedicated reformer, that electoral reform in Quebec is second only to sovereignty when it comes to catch the public mind.²⁵ One is closer to reality when saying that in Quebec and elsewhere, electoral system reform is discussed intensely, but within relatively small circles, that a deep commitment to PR does hardly extend beyond supporters of small parties, and that electoral reform has failed so far to become a burning

²³ The report can be found at http://www.gov.yk.ca/files/electoral_reform_final_rpt.pdf. See Julia Skikavich, « Politicians, citizens push for electoral reform discussions », White Horse Daily Star, April 21, 2005.

²⁴ James Wood, « Electoral reform stalls in Saskatchewan », *The Leader Post* (Regina), May 19, 2005.

²⁵ Paul Cliche, « Nouvelle tentative du PQ pour que la réforme du scrutin s'enlise ». Website www.pressegauche.org/imprimersans.php3?id_article=97, April 17, 2006, p. 3.

issue. This may explain why province-wide media have paid little attention to the issue so far.

Opinion polls conducted on the issue suggest that the public is somewhat receptive to reform, but not keen on it. Outside the public forums held for that purpose, electoral system reform is rarely discussed. Following the BC referendum campaign, the Director of Fair Voting BC wrote that polls showed 60-70% of the population knew little or nothing about the referendum question. “The campaign, he said, was hampered by the difficulty to engage people in a subject too abstract by far for most”.²⁶ A most troubling finding was made in a poll conducted following the BC referendum. The view that STV should be accepted was shared by only 39%, while 47% agreed that because the YES side failed to reach 60% of support, STV should not be accepted. If this accurately reflects the view of the electorate, one may wonder why so many people are willing to concede that 58% is not enough and that their own vote should be ignored, while 46% was enough on the same day to elect a government.²⁷

Despite the cautious attitude taken by most mainstream politicians during those debates, it is becoming obvious that attitudes among legislators on PR mostly range from lack of enthusiasm to bitter hostility. The emphasis put on public consultations may stem from a laudable concern for having the purest decision-making process imaginable. It can also be read as an astute way for legislators to play for time and to postpone reforms they do not feel comfortable with.

As most sitting Members, except in Ottawa, have been prudent in expressing their feelings, one can only guess how they really feel, but the following may be important considerations.

Any PR formula, be it STV or MMP, would facilitate the entry of new political parties in the Assembly and make the attainment of a legislative majority by a single party much more difficult. Yet, Canadian politicians prefer by far having single-party majorities, and are willing to accept that this rule works for their opponents as well. It guarantees full power, untrammelled by possible blackmail from coalition partners or the necessity of sharing the spoils of office. It is revealing that whenever a minority Parliament is elected, Canadian politicians mostly opt for a single-party minority government rather than for a majority coalition. The former may have a shorter life expectancy, but the “ins” keep full control over the machinery of government. The normal course of things is preserved as much as possible, until electors be provided with an opportunity to repair the “mistake” they made. Forming a coalition means accepting the absence of a single-party majority as a normal situation, to last the full term of the legislature, while opting for a minority government may amount to interpreting it as an unfortunate lapse to be remedied at the earliest opportunity.

²⁶ Nick Loenen, “British Columbia’s Electoral Reform Referendum: Lessons Learned”, email message, June 2005, p. 5.

²⁷ « British Columbia Ponders Electoral Reform Options », Angus Reid website, June 15, 2005.

This author is under the impression that even the most anomalous outcomes produced by first-past-the-post raise less genuine anger among the politicians who suffer them than among the PR activists who quote them repeatedly. In Prince Edward Island, Conservatives and Liberals were each in turn almost shut out from the Assembly in recent years, yet neither did support the model that was put at a referendum in 2005. When PR was examined in 1984 and in 2002, there was a strong likelihood that the Parti Québécois would be wiped out from the Assembly at the ensuing election, yet the party did not seize the opportunity to alter the rules of the game and in 1984, incumbent MNAs were convinced that would survive the wave that, polls predicted, would soon engulf their party (Milner 1994). In Ottawa, Progressive Conservatives were smashed in 1993, yet few on that side made any noise about changing the electoral system. Ultimately, they solved their problem by merging with the Canadian Alliance.

The 1998 “wrong winner election” in Quebec is even more revealing because in the context of Quebec electoral politics, this specific harm can only happen to the Liberal party. Yet a political columnist disclosed a few months later, without being contradicted, that even Liberal MNAs had privately swallowed the outcome and were not willing to insist on electoral reform. During the Address debate that took place a few months after the election, no Liberal MNA, except the party leader and the party’s critic on election law issues, made any mention of this anomaly, and none expressed outright indignation. They did not press the PQ government on this issue during the legislative term (only Mario Dumont did), and the Bouchard government’s decision in 2000 to postpone his party’s commitment to introduce PR until after sovereignty went virtually unnoticed. When three academics were invited to talk about electoral reform at a Liberal General Council meeting barely six months after the election, it was revealed that in the future the PQ was bound to get the same number of seats as the Liberals even if the latter led by as many as 7.5 points in the popular vote. The audience reacted with such equanimity that one academic pointed out that it was up to party militants, not professors, to be infuriated by such outcomes.²⁸ In 2001, when the Standing Committee on Institutions was empowered to examine the issue, the first thing the parties agreed among themselves was that no change should be made before the next election. In the information booklet that was distributed to participants at the hearings of the province’s Special Committee on Election Law, the linguistic gerrymander was not even mentioned, and Liberals pointedly stayed away from the hearings, leaving the floor to other parties and to the social movements.

So smaller parties apparently remain the most committed to PR. But here again, one must look closer. The Parti Québécois was highly vocal on electoral system change in its early years, but becoming a major player led to a reappraisal, and in recent years the party’s repeated calls for consultations and a referendum on the issue hardly dissimulated its

²⁸ For comparison purposes, see the reaction among the party who lost the Malta election (held under STV) in 1981 with over 50% of the vote. Their Members boycotted the meetings of the newly-elected legislature for months until the government had agreed to pass a constitutional amendment preventing such outcomes to occur again in the future.

intention to kill any proposal the Liberals might come up with. The federal NDP, having now lost hope of becoming a major player, supports PR, but intriguingly this sudden zeal for reform has not spread to its British Columbia, Saskatchewan and Manitoba wings, which have reached major party status or are in power.

As discussion focuses on alternative models, parliamentarians have little difficulty finding in any model features they do not like. STV might create tensions within each party because each candidate will be running not only against other parties, but against other candidates from the same party as well. The presence of Members belonging to different parties might generate tensions within districts. MMP means fewer single-member constituencies. Incumbent MLAs are facing the unpleasant prospect to play musical chair to be re-nominated as constituency candidates. Single-member districts will be larger than they now are, and not everybody agrees that list Members will share constituency work with their constituency colleagues. Indeed, many fear that if they do, there will be tensions between both groups of MLAs, especially if they belong to different parties. Even if such tensions are absent in Germany, the country with the longest experience of MMP, many MLAs feel that the tensions that have arisen in Scotland and Wales are inauspicious. Closed party lists are viewed by many as undemocratic, putting MLAs under the yoke of party leaders. The consequences of split-voting are unknown, and might adversely affect some parties.

The late Eugene Forsey once quipped that PR is something you support when you cannot implement it, and that when you can, you no longer support it. There is no doubt that the Third Wave of electoral system reform has so far generated innovating deliberative and consultative processes, attracted greater public interest and stimulated academic research. The jury is still out on what it will achieve in the end.

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TABLE 1

A Comparison of the MMP systems proposed in various jurisdictions

	Law Commission	New Brunswick	Quebec	Prince Edward Island
Size of legislature	304	56	127	27
Number of SMD seats	197	36	77	17
Number of list seats	107	20	50	10
Ratio SMD to list seats	65 to 35	64 to 36	61 to 39	64 to 36
No. of districts for list seats	16	4	24 to 27	One (provincewide)
Effective district magnitude	19	14	4.7 to 5.3	27
Election of Members in SMDs	Plurality	Plurality	Plurality	Plurality
No. of votes cast by voter	2	2	1	2
Formula for allocating seats	Unspecified	D'Hondt	D'Hondt	D'Hondt
Overhang seats	None	None	None	None
Party lists	Voters may endorse party list or select candidates on a list	Closed	Closed	Closed
Threshold	Candidates in 1/3 of SMDs in province	5% provincewide	None	5% provincewide
Dual candidacies	Allowed	Forbidden	Allowed	Forbidden
Filling vacant seats: SMD seats list seats	By-election Next on list	By-election Next on list	By-election Next on list	By-election Next on list
Average level of distortions for two most recent elections (Gallagher Index)	3.57	3.01	6.86	2.07