

**ELECTORAL REFORM INITIATIVES IN
CANADIAN PROVINCES**

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CANADA

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ELECTORAL REFORM INITIATIVES IN CANADIAN PROVINCES

INTRODUCTION

Discussion about electoral reform in Canada is not new. Every time the first-past-the-post (FPTP) system returns a lopsided or distorted result, including the under-representation of women and minorities, there are renewed calls for reform. As a result, five provinces have recently undertaken studies to see whether reform of the electoral system might help to alleviate Canada's "democratic deficit."

BRITISH COLUMBIA

The British Columbia Citizens' Assembly on Electoral Reform was the first of its kind in the world. It was "an independent non-partisan assembly of citizens who will meet to examine the province's electoral system."⁽¹⁾ The Assembly had 160 members: 80 women and 80 men. Two were Aboriginal people and the rest were chosen from each of British Columbia's 79 electoral districts. The members were selected by draw from a list of names that reflected the gender, age and geographical make-up of British Columbians.

The Assembly spent nearly one year (from January 2004 until 10 December 2004, when it submitted its final report) deliberating on whether British Columbia should change its electoral system. In order to help with these deliberations, the work of the Assembly was divided into three phases.

- During the first phase, from January until March, the Assembly examined different electoral systems in use around the world. On 21 March 2004, the Assembly issued *A Preliminary Statement to the People of British Columbia*, which summarized its work to date and provided information on a number of electoral issues.

(1) Citizens' Assembly on Electoral Reform, *Citizens' Assembly in Action*, <http://www.citizensassembly.bc.ca/public/inaction> (accessed 16 April 2004).

- The Assembly conducted public hearings during May and June as the second phase of its work. During this time the Assembly also accepted submissions from the public.
- The final phase of the Assembly's work took place in the fall of 2004, when members chose and recommended an electoral system they felt would be best for the province. Members were instructed to ensure that, when they made their recommendation, any model put forth was "consistent with both the Constitution of Canada and the Westminster parliamentary system."⁽²⁾

On 24 October 2004, the Citizens' Assembly chose the single transferable vote (STV) system for British Columbia. This system was "selected over all competing electoral systems because members felt it best addressed three over-riding values: proportionality, local representation and voter choice."⁽³⁾ Currently, STV is used in Ireland, Malta, Tasmania and the Australian Capital Territory.

The STV proposal was put to the voters of British Columbia as a referendum question at the provincial election held on 17 May 2005. In order for the referendum to pass, it needed to be approved by 60% of the validly cast ballots province-wide, and by a "simple majority" of the validly cast ballots in 60% of the 79 electoral districts. The referendum fell short of the 60% majority, gaining 57% support across British Columbia. The question was approved in 77 out of 79 ridings.

Given the results of the referendum, it is not surprising that the issue of electoral reform remains alive in British Columbia. On 12 September 2005, the Speech to the Throne at the opening of the first session of the 38th Parliament indicated that the government would schedule another referendum on STV, along with the applicable electoral boundaries, at the same time as the November 2008 municipal elections. Equal funding would be provided to support active information campaigns by supporters and detractors, with the same rules and thresholds to apply as in the May 2005 referendum.

(2) <http://www.citizensassembly.bc.ca/public/inaction> (accessed 15 April 2004).

(3) Citizens' Assembly on Electoral Reform, "A made-in-BC PR-STV electoral system," <http://www.citizensassembly.bc.ca/public> (accessed 25 October 2004).

NEW BRUNSWICK

The Commission on Legislative Democracy was established on 19 December 2003 to study democratic reform in New Brunswick. The eight-person Commission was given a broad mandate “to examine and make recommendations on strengthening and modernizing [the] electoral system and democratic institutions and practices in New Brunswick to make them more fair, open, accountable and accessible to New Brunswickers.”⁽⁴⁾

Regarding electoral reform, the Commission examined and made recommendations on implementing a proportional representation (PR) electoral system for New Brunswick. The Commission was instructed to propose the PR model that it considered would best ensure fairer representation, greater equality of votes, an effective legislature and government, and a continued role for directly elected MLAs representing specific geographic areas. In addition, the Commission considered:

- the principles and procedures that should guide future changes to the province’s electoral boundaries;
- the possibility of fixed election dates; and
- ways to increase voter turnout, particularly among young voters.

In order to accomplish this ambitious task, the Commission sought the views of New Brunswickers through public hearings and submissions and conducted research and analysis as required.

On 7 May 2004, the Commission launched its public consultation process. This included public hearings, roundtables with community leaders, and a Web site that allowed for on-line submissions and provided information and fact sheets on democratic reform. Also included was a paper titled *Your Voice. Your Vote. Your Turn!* that set out the main issues and questions of study and incorporated a questionnaire that allowed New Brunswickers to communicate their views on these subjects to the Commission.⁽⁵⁾ On 22 September 2004, the

(4) Commission on Legislative Democracy, *Mandate*, <http://www.gnb.ca/0100/mandate-e.asp> (accessed 14 April 2004).

(5) Commission on Legislative Democracy, *Your Voice. Your Vote. Your Turn!*, http://www.gnb.ca/0100/Doc/voice_vote_turn-e.pdf (accessed 2 May 2005).

Commission released *Options: A progress report to New Brunswickers*.⁽⁶⁾ In the report, the Commission explained that it was considering a regional Mixed Member Proportional (MMP) system as the PR system best suited for the province. This system is based on those found in Scotland and Wales, and is similar to those in place in New Zealand and Germany.⁽⁷⁾

In its final report, released on 19 January 2005, the Commission recommended a regional MMP system that would combine 36 single-member riding seats with 20 list PR seats, elected within four approximately equal-sized, multi-member, regional districts. The Commission proposed that each of the four regions would elect five MLAs from closed party lists, and that parties must receive at least 5% of the list vote on a province-wide basis to be eligible to win any list seats.⁽⁸⁾

In order to implement this change, the Commission advised that the Government of New Brunswick hold a binding referendum no later than the next provincial election so that, should the change be accepted, it could be in place in time for a provincial election in 2011. The Commission also set out detailed instructions as to how the referendum process should be conducted, including approval of the referendum question by the Legislative Assembly. Furthermore, the Commission proposed that the Chief Electoral Officer establish two referendum committees – one in support of the referendum question and the other in opposition to the question.⁽⁹⁾

The Commission also recommended the adoption of fixed election dates, commencing on Monday, 15 October 2007, and continuing on the third Monday in October every four years thereafter. It is suggested that nothing should affect the powers of the Lieutenant-Governor, including the power to dissolve the Legislative Assembly at the Lieutenant-Governor's discretion.⁽¹⁰⁾

(6) Commission on Legislative Democracy, *Options: A progress report to New Brunswickers*, <http://www.gnb.ca/0100/Doc/options-e.pdf> (accessed 2 May 2005).

(7) For more information on the proposed model, see Commission on Legislative Democracy, *A Regional Mixed Member Proportional Representation Electoral System for New Brunswick*, <http://www.gnb.ca/0100/Doc/proportion-e.pdf> (accessed 24 September 2004). For more information on electoral systems generally, see Institute for Democracy and Electoral Assistance, *International IDEA Handbook of Electoral System Design*, <http://www.idea.int/publications/esd/index.cfm> (accessed 2 May 2005); or Law Commission of Canada, *Voting Counts: Electoral Reform for Canada*, Ottawa, 2004, http://www.lcc.gc.ca/en/themes/gr/er/er_report/ER_Report.pdf.

(8) Commission on Legislative Democracy, *Final Report and Recommendations*, <http://www.gnb.ca/0100/FinalReport-e.pdf> (accessed 19 January 2005).

(9) For more information, see *Final Report and Recommendations*, pp. 48-49 and 178-179.

(10) *Ibid.*, pp. 56-59.

ONTARIO

On 23 October 2003, Premier Dalton McGuinty announced the creation of the Democratic Renewal Secretariat, to be located within the Ministry of the Attorney General. The Secretariat intends to strengthen all aspects of democracy by:

- increasing the role of Members of the legislature;
- making government more accountable; and
- examining democratic institutions, in particular, the electoral system.

The Secretariat plans to look at the elements of the electoral system, including Internet voting, transparent and effective limits on money in politics, fixed election dates, and ways to get more young people involved in the democratic process. It intends to hold debates and public consultation on the electoral process.⁽¹¹⁾

On 18 November 2004, Premier McGuinty announced that a citizens' assembly will be created to examine the first-past-the-post electoral system and to recommend possible changes. A referendum will be held if an alternative electoral system is recommended.⁽¹²⁾

The *Election Amendment Act, 2005* received Royal Assent on 13 June 2005. The Act includes provisions that will allow Elections Ontario to select volunteers for a Citizens' Assembly on Electoral Reform and a Citizens' Jury on Political Finance.⁽¹³⁾ The Election Statute Law Amendment Act, 2005, was introduced in the Legislative Assembly on 9 June 2005. The bill provides for fixed election dates in Ontario:⁽¹⁴⁾ if the proposed legislation is passed, Ontario provincial elections will be held on the first Thursday in October every four years, beginning on

(11) Office of the Premier, News Release, "McGuinty Government Creates Two New Ministers, Secretariat," 23 October 2003, http://www.premier.gov.on.ca/english/news/Newteam102303_bd1.asp (accessed 15 April 2004); and Democratic Renewal Secretariat, "Better Elections," <http://www.democraticrenewal.gov.on.ca/english/elections/default.asp> (accessed 2 May 2005).

(12) Office of the Premier, News Release, "Ontarians to Have a Say on Electoral Reform," <http://www.premier.gov.on.ca/english/news/ElectoralReform111804.asp>.

(13) Democratic Renewal Secretariat, Backgrounder, "The Election Statute Law Amendment Act, 2005," 7 March 2005, http://www.democraticrenewal.gov.on.ca/english/news/20050307_bg.asp (accessed 7 March 2005). See also Bill 176 2005, The Election Statute Law Amendment Act, 2005, http://www.ontla.on.ca/documents/Bills/38_Parliament/Session1/b176_e.htm (accessed 21 March 2005).

(14) It should be noted that in June 2004, the government had introduced Bill 86, the Election Statute Law Amendment Act, 2004, to provide for fixed election dates. The Election Statute Law Amendment Act, 2005 incorporates the provisions of that bill.

4 October 2007. Should the government lose the confidence of the Legislative Assembly at any point, the Lieutenant Governor would still have the power to dissolve the legislature and call an election. The next scheduled election would then return to the first Thursday of October in the fourth calendar year following the unscheduled election. Ontario thus becomes the second province to address the issue of fixed election dates.

The Election Statute Law Amendment Act, 2005 would also require real-time disclosure of political contributions to political parties and leadership candidates. Contributions over \$100 would have to be disclosed within five business days of their being deposited in a bank account. The public would then be able to track these transactions over the Internet. Another provision of the bill is to preserve 11 northern ridings and increase the number of southern ridings from 92 to 96 in order to secure strong representation for all Ontarians in the legislature.

PRINCE EDWARD ISLAND

In January 2003, the Government of Prince Edward Island appointed the Hon. Norman H. Carruthers, a retired Chief Justice of the Supreme Court of Prince Edward Island, to examine options for reform of the Island's electoral system. The one-person commission was asked to "engage Islanders on the important issue of electoral reform so that the *Election Act*, associated legislation and the manner in which [the] Legislative Assembly is selected continues to be relevant and effective."⁽¹⁵⁾

The Commissioner looked into a number of major electoral systems, and in April 2003 he released a discussion paper containing four models. Public meetings across the province followed in May and June 2003.

On 18 December 2003, Justice Carruthers presented his report to Premier Pat Binns. It included a discussion of the first-past-the-post electoral system in use in Canada, other electoral systems used around the world, how electoral reform corresponds with the *Canadian Charter of Rights and Freedoms*, and the impact of district boundary changes on rural communities due to population shifts. The report concluded by stating:

(15) Premier's Office, News Release, "Commissioner Appointed to Consider Electoral Reform," 21 January 2003, <http://www.gov.pe.ca/news/getrelease.php3?number=2913> (accessed 14 April 2004).

The 2003 Prince Edward Island Electoral Reform Commission believes that the best two Electoral Systems which might be considered as models for up-dating the present First Past The Post System would be either the Mixed Member Proportional System (MMPS) or the Single Transferable Vote System (STVS).

The Commission is of the further view that the system having the most likely chance of acceptance by the Island electorate as an alternative to the present First Past The Post System (FPTP) would be a Mixed Member Proportional System (MMPS) based on the system now in use in Germany, New Zealand, Scotland and Wales.⁽¹⁶⁾

The Commission felt that MMP was preferable to STV because it would involve less change to the current electoral system, and would preserve the existing relationship between the voters and their Member of the Legislature, while allowing each elector to play a meaningful role in the electoral process. Despite this conclusion, the Commissioner recommended further study of the issue, including more public consultation that would incorporate an educational component to ensure that all citizens are properly informed of the issues. He also urged that representation issues concerning women and Aboriginal people must be carefully considered in the design and implementation of any modifications to the FPTP system.

The Commission advised that any change to the electoral system must be made by the people of Prince Edward Island by referendum. The report proposed that a P.E.I. version of the British Columbia Citizens' Assembly on Electoral Reform be used to formulate a clear and concise question for a referendum.

On 16 December 2004, the Legislative Assembly passed a motion that directed the Standing Committee on Legislative Management to appoint an eight-person commission to be known as the Commission on Prince Edward Island's Electoral Future. The Commission will consist of a chair and one person from each of the four federal ridings, to be selected by the Standing Committee. The final three members of the Commission will be selected by each of the political parties registered with Elections PEI for the 2003 General Election.⁽¹⁷⁾

(16) Prince Edward Island Commissioner of Electoral Reform, *2003 Prince Edward Island Electoral Reform Commission Report*, http://www.gov.pe.ca/photos/original/er_premier2003.pdf?PHPSESSID=39e691d3388c41a312d95cfd75a7a6bf (accessed 14 April 2003), p. 98.

(17) For the 2003 General Election, the three registered political parties were the Liberal Party, the New Democratic Party and the Progressive Conservative Party.

The Commission will be directed by the Standing Committee on Legislative Management to further the work of the Prince Edward Island Electoral Reform Commission by mandating it to develop and conduct a public education program, to increase citizens' awareness of the FPTP and the MMP systems. In addition, the Commission is required to develop a clear and concise plebiscite question and to make a recommendation on when the plebiscite should be held. Regarding the success of the plebiscite, the Commission is to ensure that the definition of a “majority” fully reflects the diversity of Prince Edward Island, with consideration given to the approach taken in British Columbia.”⁽¹⁸⁾

Appointments to the Commission on Prince Edward Island's Electoral Future were announced on 17 February 2005 by the Speaker of the Legislative Assembly and Chair of the Standing Committee on Legislative Management. It should be noted that when considering the matter of possible appointees, the “Committee felt that it was appropriate to place an advertisement in Island newspapers seeking expressions of interest from those Islanders who might be interested in serving on the Commission.”⁽¹⁹⁾ The Commission began meeting on 2 March 2005 and is currently holding public meetings.⁽²⁰⁾

On 27 May 2005, the Commission issued a release detailing the proposed MMP system for Prince Edward Island. A plebiscite on whether to implement MMP or retain the first-past-the-post system will be held on 28 November 2005. The Commission also determined that the plebiscite threshold will be 50% of eligible votes cast plus one.⁽²¹⁾

(18) Legislative Assembly of Prince Edward Island, *Motion No. 32, Prince Edward Island's Electoral Future*, <http://www.assembly.pe.ca/sittings/2004fall/motions/32.pdf> (accessed 21 December 2004).

(19) Legislative Assembly of Prince Edward Island, News Release, “Appointments Announced to the Commission on Prince Edward Island's Electoral Future,” 17 February 2005, <http://www.gov.pe.ca/news/getrelease.php3?number=4026> (accessed 18 February 2005).

(20) “Electoral Commission holds eight meetings,” *The Guardian* [Charlottetown], 3 May 2005, p. A4.

(21) Commission on Prince Edward Island's Electoral Future, News Release, “Proposed Mixed Member Proportional Model for Prince Edward Island,” 27 May 2005, <http://www.electoralfuture.pe.ca/newsreleases/english/7.php> (accessed 30 May 2005).

QUEBEC⁽²²⁾

In March 2003, the Estates General on the Reform of Democratic Institutions (the Béland Commission) presented its report to the Minister responsible for the Reform of Democratic Institutions. In addition to studying the reform of the voting system, the Commission looked at such issues as lowering the voting age and fixed election dates. The Steering Committee for the Estates General had visited 20 towns in Quebec and held 27 public hearings, and in February 2003 some 1,000 people had been brought together to deliberate on these issues. The Commission recommended a change in the voting system to a form of regional proportional representation that would add compensatory measures to correct for proportionality while maintaining the link between citizens and their representatives.

Two days after the report's release, a provincial election was called.⁽²³⁾ Although the new government did not act on the recommendations of the Estates General, in early June 2004 the Minister for the Reform of Democratic Institutions submitted to the Members of the National Assembly a parliamentary reform project containing 140 proposals designed to "bring about sizeable changes in the relationship between citizens and their representatives and in the way the National Assembly conducts its business."⁽²⁴⁾

A draft bill was presented to the National Assembly on 15 December 2004. Among other reforms, the draft bill proposes a new mixed electoral system. The number of seats in the National Assembly would increase from 125 to 127, with 77 members elected by FPTP. The remaining 50 seats would be designated as "district seats." These seats would help to ensure that the number of seats a party wins is proportional to the percentage of votes it receives. The 25 districts would comprise about three constituencies each and would have two seats available

(22) For background information on electoral reform in Quebec, see Henry Milner, "First Past the Post? Progress Report on Electoral Reform Initiatives in Canadian Provinces," *Policy Matters*, Vol. 5, September 2004, <http://www.irpp.org>.

(23) Rapport du Comité directeur sur la réforme des institutions démocratiques, *Prenez Votre Place!*, March 2003, pp. 34-35.

(24) Secrétariat à la réforme des institutions démocratiques, *Summary of Proposals*, http://www.institutions-democratiques.gouv.qc.ca/reforme_parlementaire/reforme_parlementaire.htm (accessed 14 June 2004).

for election. For these 50 seats, candidates would be selected from closed lists established by the party. Should a party be awarded a district seat, the candidate at the top of the list would be declared elected.⁽²⁵⁾

Electors would still cast only one vote.⁽²⁶⁾ The candidate with the most votes in the riding would be elected, as is currently the case. The remaining district seats would be awarded to the parties that obtained the highest quotients per district. This quotient (Q) is calculated by dividing the total number of votes received by a party in the ridings of the district (V) by the total number of seats (S) won by the party in the ridings of the district, plus 1 (S+1).⁽²⁷⁾ Each time a party is awarded a seat, that party's quotient is modified by adding 1 to the divisor, thereby reducing the party's quotient.⁽²⁸⁾

On 15 June 2005 the National Assembly adopted a motion to appoint a nine-member parliamentary committee to study and make recommendations on the draft bill introduced in December 2004. The special committee will be assisted by an eight-member committee of citizens, made up of four men and four women. Consultations will be held across Quebec in the coming months.

(25) Secrétariat à la réforme des institutions démocratiques, *Déclaration ministérielle*, http://www.institutions-democratiques.gouv.qc.ca/discours/srid_dis20041215.htm (accessed 21 December 2004), and *Une plus juste représentation de la volonté des citoyens*, http://www.institutions-democratiques.gouv.qc.ca/communiqués/srid_com20041215.htm (accessed 21 December 2004).

(26) It should be noted that in many mixed member systems, voters cast two votes – one for a party list and one for a candidate.

(27) The formula for this would be:

$$\frac{V}{(S+1)}$$

(28) For further information and examples of how this would be applied, see Secrétariat à la réforme des institutions démocratiques, *So That Each Vote Will Count – Mixed Proportional Representation*, http://www.institutions-democratiques.gouv.qc.ca/publications/fiche_1_chaque_vote_compte_en.pdf (accessed 29 December 2004).

CHRONOLOGY OF PROVINCIAL ACTIVITIES

A. British Columbia

- 30 April 2003 The Attorney General of British Columbia asks the legislature to support the creation of the Citizens' Assembly. The motion is unanimously approved. A special committee of the legislature is set up to review Assembly staff appointments, and to receive interim reports from the Assembly chair on the progress of the Assembly's work.
- 22 December 2003 The final two members of the Assembly are selected.
- January 2004 Assembly begins "learning phase" of its work.
- 21 March 2004 Assembly issues *A Preliminary Statement to the People of British Columbia*.
- May and June 2004 Public hearings held across British Columbia.
- September to November 2004 "Deliberation phase" of the Assembly's work begins.
- 23 and 24 October 2004 Assembly announces that it will recommend a change from the first-past-the-post system to a single transferable vote system.
- 10 December 2004 Final report of the Assembly released.
- 20 December 2004 Technical report of the Assembly released.
- 17 May 2005 Referendum on electoral reform held. The results see 57% of voters support STV in 77 of 79 electoral districts, just short of the 60% required for the referendum results to be binding.
- 12 September 2005 In the Speech from the Throne, the government commits itself to another referendum on STV before the next provincial election.

B. New Brunswick

- 19 December 2003 The Commission on Legislative Democracy is established.
- 7 May 2004 Comprehensive public consultation process begins.
- 18 May 2004 Public hearings begin.
- 22 September 2004 Commission releases *Options: A progress report to New Brunswickers*.
- 19 January 2005 Commission releases final report.

C. Ontario

- 23 October 2003 Premier Dalton McGuinty announces the creation of the Democratic Renewal Secretariat.
- 1 June 2004 Premier McGuinty and Michael Bryant, Minister Responsible for Democratic Renewal, introduce legislation that would set fixed election dates for Ontario.
- 18 November 2004 Premier McGuinty announces that a citizens' assembly will be created to examine the electoral system and recommend possible changes.
- 7 March 2005 Bill 213, The Election Amendment Act, 2005, is introduced to allow Elections Ontario to select volunteers for a Citizens' Assembly on Electoral Reform.
- 9 June 2005 Bill 214, The Election Statute Law Amendment Act, 2005, is introduced in the Ontario Legislative Assembly. Among other things, the bill provides for fixed election dates and real-time disclosure of political contributions.
- 13 June 2005 The *Election Amendment Act, 2005*, S.O. 2005, c. 23 is passed.

D. Prince Edward Island

- 21 January 2003 Premier Pat Binns appoints an independent and accountable one-person Commission on Prince Edward Island's electoral system.
- April 2003 Justice Carruthers releases a discussion paper on electoral reform for Prince Edward Island.
- May and June 2003 Commission holds seven public meetings across the province, inviting public input.
- 18 December 2003 Electoral Reform Commission Report presented to Premier Binns.
- May 2004 Premier Binns announces intention to appoint a commission to come up with a new electoral model and to educate Islanders on this model.
- 16 December 2004 Legislative Assembly passes a motion directing the Committee on Legislative Management to appoint an eight-person commission, to be known as the Commission on Prince Edward Island's Electoral Future.

- 17 February 2005 Appointments to the Commission on Prince Edward Island's Electoral Future are announced.
- 2 March 2005 First meeting of the Commission on Prince Edward Island's Electoral Future is held.
- Fall 2005 Public hearings by the Commission on Prince Edward Island's Electoral Future begin.
- 28 November 2005 Plebiscite to be held.

E. Quebec

- March 2003 Estates General on the Reform of Democratic Institutions presents its report to the then Minister responsible for the Reform of Democratic Institutions, Jean-Pierre Charbonneau.
- June 2004 The Minister for the Reform of Democratic Institutions, Jacques Dupuis, submits a project for parliamentary reform comprising 140 changes, including reform of the electoral system.
- 15 December 2004 The Minister for the Reform of Democratic Institutions introduces a draft bill that proposes a mixed electoral system for Quebec.
- 15 June 2005 The National Assembly adopts a motion to appoint a committee of the National Assembly, which will be assisted by a committee of citizens, to consult with the people of Quebec on the draft bill on reform of the electoral system.

APPENDIX

LINKS

British Columbia – Citizens’ Assembly on Electoral Reform:

<http://www.citizensassembly.bc.ca/public>.

New Brunswick – Commission on Legislative Democracy:

<http://www.gnb.ca/0100/index-e.asp>.

Ontario – Democratic Renewal Secretariat:

<http://www.attorneygeneral.jus.gov.on.ca/english/drs/>.

Prince Edward Island – Electoral Reform Commission:

<http://www.gov.pe.ca/electoralreform/index.php3> and
<http://www.electoralfuture.pe.ca/>.

Quebec – Secrétariat à la réforme des institutions démocratiques:

http://www.institutions-democratiques.gouv.qc.ca/index_en.htm.